

Belfast Local Development Plan
Draft Plan Strategy 2035
EXAMINATION AGENDA
(Version 1)

Opening public hearing sessions to be held during the period Monday 16 November – Friday 27 November 2020

Topics 1 - 10

Notes:

- *This agenda should be read in conjunction with the guidance notes for participants.*
- *Participants' contributions should focus on the questions in this agenda.*
- *The discussion will concern the soundness and legal compliance of the submitted plan. Anything that does not relate to these subjects (for example, that certain parties have chosen not to make representation on specific issues) will not be discussed.*
- *The tests of soundness are set out in Development Plan Practice Note 6 "Soundness".*
- *It is not the Commissioners' role to make the plan more sound.*
- *When referring Commissioners to submitted evidence, legislation, policy or guidance please identify the page, paragraph, section etc as appropriate.*
- *Participants should have regard to the policies in the submitted plan and the Council's suggested modifications which are set out in Section 7 of its "Draft Plan Strategy – Public consultation report August 2019". This is document SD006 Draft Plan Strategy public consultation report & Appendices A,B,C,&D 1-7 (PDF 6.2 MB) ([Link](#))*
- *Participants proposing changes or deletions to policies should provide evidence-based justification and, if possible, suggest appropriate wording.*
- *Topic 1 and the Sustainability Appraisal (SA) issue is concerned with whether the Council's submitted SA meets legislative requirements and those set out in Development Plan Practice Note 4 "Sustainability Appraisal incorporating Strategic Environmental Assessment". The merits of specific policies (such as Policy HOU5 – Affordable Housing) and the capacity of existing infrastructure to cater for the proposed growth strategy will be discussed in the 2021 public hearing sessions.*

**Belfast Local Development Plan
Draft Plan Strategy 2035
EXAMINATION AGENDA
Monday 16th November 2020**

Open Notes (RD & JdeC)

Topic 1 – Legal & Procedural Issues

Timetable (RD)

1. The Council have now published a revision to their timetable. Furthermore in their correspondence dated 31 August 2020 the timeline of key dates relating to the consultation of the dPS have been clearly set out. Is there anything further the parties wish to add in respect of this issue?

Supplementary Planning Guidance (JdeC)

2. Appendix E of the Plan lists over 30 pieces of supplementary planning guidance (SPG) that the Council intends to prepare over the Plan period in order to supplement the relevant identified policies. Will the production of SPG subsequent to IE of the dPS be a potential means for:
 - (a) Circumventing the provisions for public involvement in the development plan process? and/or
 - (b) Making the provisions of policy more onerous, for example but not exclusively, design guidance for individual Areas of Townscape Character?
3. Where Appendix E refers to SPG for listed buildings, conservation areas and areas of townscape character, it refers to the relevant plan policies as HE1, HE2 and HE3. I take it that the Council will correct these references to refer to policies BH1, BH2 and BH3 respectively?

Sustainability Appraisal (JdeC)

4. Did the SA properly consider the implications of the Plan's growth strategy for the future development of other settlements in neighbouring Council areas?

5. Have the likely significant effects on the environment of the use of on-site Waste Water Treatment Works (WWTW) to serve development been the subject of Strategic Environmental Assessment (SEA)?
6. Have the likely significant effects on the environment of the potential production of ammonia been subject of SEA?
7. Have reasonable alternatives to Policy HOU5 - Affordable Housing been considered in terms of:
 - (a) the proposed threshold of sites greater than 0.1 hectares and/or containing more than 5 dwelling units; and
 - (b) the 20% requirement across all site sizes?
8. In respect of Policy DES3 – Tall Buildings the Council appraised three options under this policy during the Preferred Options Paper stage of the Plan (SA Interim Report, Appendix 4: Assessment of Options). Is this approach sufficient for the reasons set out in the SA Interim report and the Preferred Options Paper (Public Consultation Report – July 2017)?
9. In respect of aviation safety were alternatives to Policy ITU 1 – Telecommunications development considered?
10. In respect of Policy CGR1 – Community cohesion and good relations, 3 scenarios were considered as part of the Preferred Options Paper and documented within the interim SA. Is the SA sufficient in this respect?
11. Save for individual issues subject of previous specific questions, has the Plan been subject to satisfactory Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA), with the likely significant effects on the environment of reasonable alternatives identified, described and evaluated within the SA Report?

Any other matters

**Belfast Local Development Plan
Draft Plan Strategy 2035
EXAMINATION AGENDA
Tuesday 17th November 2020**

Topic 2 – Promoting Green and Active Place – Open Space (RD)

Green and Blue Infrastructure & Protection of Open Space

1. Technical Supplement 8 Open Space, Sport and Outdoor Recreation, at paragraph 2.16 states *“that there is a wide range of strategies and documents that are relevant to open space, including those produced by government and agencies, as well as other council documents. These are included in the Topic Paper published at the LDP POP stage and have not been repeated in the technical supplement”*. Can the Council signpost us to this information or provide this information in support of the background assessment that is relevant to the plans proposed strategic policy for Open Space?
2. At paragraph 3.3 (Technical supplement 8) the Council states they are *“finalising the Belfast Open Space Strategy (BOSS) and, once formally adopted by the Council, this will inform the LDP”*. Furthermore the DPS states at paragraph 10.1.13 that the Council’s GBIP and Open Space Strategy (and any further associated strategies and action plans) provide additional information and strategy that, in tandem with the LDP will be used for decision making purposes for development management and investment decisions. Such documents (as the open space strategy) are specified requirement of the SPPS. What now is the current stage of such plans as the GBIP and BOSS? and what weight do such documents have in the context of the Plan Strategy?
3. In correspondence dated 31 July 2020 the Council state that the GBIP is not a planning document, so how does it sit with the policy provisions of the dPS for open space? The dPS states that the documents will be used in tandem with the LDP for decision making purposes for development management and investment decisions?
4. Is it likely that all of the areas of Open Space identified in Technical Supplement 8 for Open Space will be designated as Open Space in the plan?
5. Paragraph 10.1.14 refers to retention and enhancement of important open space, including parks, playing fields, woodlands, allotments, large tracts of countryside, landscape features and many other areas that make up the green and blue infrastructure. Is it likely that a blanket approach could result in restrictions on many sites with limited open space value?
6. Has any evaluation/survey of the quality and contribution of that space been given in its assessment as set out in accordance with paragraph 6.204 of the SPPS?

Protection of Open Space

7. The head note of Policy OS1 states the Council will support the retention and improvement of existing open space throughout the district. On what basis or justification does the plan seek to require the improvement of areas of open space? Is this consistent with the provisions of the SPPS?
8. Does the Council consider that the wording of draft Policy OS1 sufficiently consistent with the Regional Policy as expressed by the SPPS to 'safeguard existing open space'?

Ancillary Open Space

9. The head note of Policy OS3 outlines points (a) to (e). Do these points apply to all development or only to residential developments when specifically stated? Is this a coherent use of policy requirements and does the Council consider the policy wording logically flows?
10. What is meant by 'complimentary and ancillary equipment' at point (d) of Policy OS3?

New Open Space outside Settlements

11. The Council have noted the wording of Policy OS4 in relation to 'appropriate activities' and 'appropriate locations' and have made a suggested minor amendment to clarify this point. The amendment read "planning permission will be granted for the provision of **appropriate** open space facilities....." Does this clarify the concern?

Intensive Sport Facilities

12. The Council have presented a minor modification to the wording of Policy OS5. The wording will read as follows: "Planning permission will be granted for the provision of new or extended intensive sports facilities where these are located at appropriate and accessible locations within settlement limits. **In exceptional cases a stadium may be considered** outside settlement limits **where the following criteria is met...**" Does this mean that this policy now accords more closely with the SPPS (as expressed at paragraph 6.207) wording for sports stadia outside the settlement limits?

Any other matters

Belfast Local Development Plan
Draft Plan Strategy 2035
EXAMINATION AGENDA
Wednesday 18th November 2020

Topic 3 – Promoting a Green and Active Place - Natural Heritage (JdeC)

Protection of Natural Heritage Resources

1. Without including a definition of "*the precautionary principle*" is Policy NH1 coherent and will it provide a clear mechanism for implementation?
2. Given the provisions of paragraphs 6.175 – 6.193 of the SPPS and Appendix D: Natural Heritage Designations of the dPS, does the Plan need to clearly provide a hierarchy of protection for natural heritage resources?
3. Looking at the final sentence of the second paragraph of Policy NH1, is the overall policy coherent when there is no definition of what constitutes "*Important nature conservation....interests*" and "*ecological networks*"?
4.
 - a. With regard to the second paragraph of Policy NH1, second sentence, there is no definition of "*unacceptable effect*". In its absence does the policy provide clear mechanisms for implementation and monitoring?
 - b. Would its amendment to read: "*not have an unacceptable effect (as defined by the relative policy and legislative provisions set out in the SPPS)*" make it clearer for implementation purposes?
5. With regard to the third paragraph, second sentence of Policy NH1, is there ambiguity in the wording that would make its implementation unclear in respect of compliance with requirements of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995, as amended?
6. In opting to not support proposals that would have a "*significant adverse effect*" on a local site, was account taken of paragraph 6.190 and Policy NH4 (Sites of Nature Conservation Importance – Local) of PPS 2 that refer to "*a significant adverse impact*"?
7.
 - a. Looking at the policy's fifth paragraph and second line, is "*the site*" being referred to of European, national or local importance?
 - b. Does the lack of qualification in this respect provide a clear mechanism for its implementation?

8. Staying with the fifth paragraph of Policy NH1 and reference to “adequate mitigation or alternative measures”; was regard had to paragraphs 6.184 and 6.190 of the SPPS that refer to “appropriate mitigation and/or compensatory measures”?
9. With regard to the sixth paragraph of Policy NH1 and the provisions of the final sentence that would require an applicant to demonstrate that “no adverse impact will be caused”; without associated qualification and/or quantification of what this would entail, is there a clear mechanism for implementation of this facet of policy?
10. In respect of international sites, has account been taken of all three bullet points of Policy NH 1 of PPS 2 that apply to exceptional circumstances where a development proposal could adversely affect the integrity of a European or Ramsar site?
11. Has account been taken of the provisions of paragraphs 6.179 – 6.182 of the SPPS as regards protected species and Policy NH2 (Species Protected by Law) of PPS 2?
12. Does inclusion of the word “normally” in the final sentence of Policy NH1 provide flexibility in assessing development proposals within port areas such as wharfs and quays?
13. Is figure 10.1 of the dPS accurate in respect of the extent of Special Protection Areas and the open water lagoon within the Harbour Estate?
14. Would inclusion of the final sentence of paragraph 10.2.8 of the dPS within the text of policy provide clearer mechanisms for implementation and monitoring?

Any other matters

Topic 4 – Promoting a Green and Active Place – Trees (JdeC)

Trees

1. a. Is Policy TRE1 founded on a robust evidence base?
b. Where is this found in the Council’s documents?
2. What alternatives to Policy TRE1 were considered?
3. If trees are considered to be of visual, biodiversity or amenity quality and significance, why doesn’t the Council rely on the statutory powers that it already has to make Tree Preservation Orders rather than impose this blanket policy?
4. Is Policy TRE1 consistent with the first and second bullet points of paragraph 6.172 of the SPPS?

5. There is no associated Monitoring Indicator at Appendix F of the dPS. What mechanisms are there for the implementation and monitoring of Policy TRE1?
6. Would the operation of Policy TRE1, in respect of the retention of trees, frustrate implementation and delivery of the Plan's growth strategy?

Any other matters

Belfast Local Development Plan
Draft Plan Strategy 2035
EXAMINATION AGENDA
Thursday 19th November 2020

Topic 5 – Promoting Green and Active Place - Landscape and Coast (JdeC)

Landscape

1. In respect of the first sentence of Policy LC1, did the Council take account of the requirement within the RDS at RG11 to “*Conserve, protect and, where possible, enhance our....natural environment*”?
2. In accordance with paragraph 5.16 of the SPPS, did the Council take account of DAERA guidance on Landscape Character Assessment (not forwarded to the Commission) and its advice to carry out an up-to-date LCA?
3. In light of the findings of the Council’s review of development pressure analysis (Technical Supplement 7: Natural Heritage, paras 3.52 – 3.60 and Technical Supplement 12: Development in the countryside, paras 3.14 – 3.22):
 - a. Are its strategy and policies relating to the landscape realistic and appropriate?
 - b. Is Policy LC1 coherent and effective pending review of all local landscape designations as part of preparation of the Local Policies Plan?
4. When Policy LP1 is read together with Policies LC1A – AONBs, LC1B – AHSVs and LC1C – LLPAs, do they set out a coherent strategy for management of the landscape despite the “*adverse impact*” specified in the latter 3 policies not being replicated in LP1 itself?
5. Policy ENV4 makes specific reference to the relevant provisions of the SPPS within the body of the policy but Policy LC1A does not. For the sake of consistency, should the first sentence of paragraph 10.4.15 of the dPS be included within the body of the latter rather than its Justification & Amplification text?
6. In response to a representation, the Council suggests a “*minor modification*” to the wording of Policy LC1 so that its second sentence would read: “*The council will adopt the precautionary approach on assessing development proposals....*”. Is this a minor change as envisaged by paragraph 4.5 of DPPN 10?
7. What mechanisms are there for monitoring landscape capacity and change?

Landscape Wedges

8. Taking account of the policy aims set out at paragraph 10.4.8 of the dPS, is Policy LC1D reasonably flexible to enable it to deal with changing circumstances or should it be amended to enable rounding off or existing built form?
9.
 - a. Is deletion of the word “*normally*” from Policy LC1D needed to ensure that it is sound?
 - b. Would doing so mean that it would not be reasonably flexible to enable it to deal with changing circumstances?

Belfast Hills

10. Appendix F: Monitoring Indicators – There is no mention of how implementation of Policy LC1D will be monitored. In its document responding to key issues raised the Council said that its effectiveness will be achieved through the “*normal monitoring of planning decisions in the Belfast Hills designated area*”. What would this exercise entail and does this mechanism need to be included within the dPS?

Coastal areas

11. What was the Council’s evidence base that it used to determine that its strategy for coastal areas and Policy LC4 are realistic and appropriate?
12. Did the Council take account of the provisions of paragraphs 6.37 and 6.38 of the SPPS specifically with regard to consideration of feasible alternative sites within an existing urban area in the locality?
13. Paragraph 10.4.20 of the dPS suggests that Policy LC4 applies only to the undeveloped coastal environment. If this is the Council’s intention, for the sake of coherence, does this need to be included in the body of the policy?
14. Footnote 18 at page 45 of the SPPS defines what constitutes the developed coast yet the second paragraph of Policy LC4 seems to suggest that it applies to all areas outside the settlement limit regardless of the nature of existing sites and uses therein. Was account taken of this definition in defining the physical scope the policy?
15. What account was taken of paragraph 6.38 of the SPPS in deciding that development proposals within the coastal area outside the settlement limit need only satisfy criterion a. or 6. of Policy LC4 and not both?
16. Notwithstanding that the Council said that it does not intend to designate urban waterfronts, was account taken of paragraph 6.40 of the SPPS and the presumption in favour of development that promotes the enhancement and regeneration of urban waterfronts within the developed coast. If so, where is the evidence for this in the dPS?

Any other matters

Belfast Local Development Plan
Draft Plan Strategy 2035
EXAMINATION AGENDA
Monday 23rd November 2020

Topic 6 – Promoting a Green and Active Place - Development in the countryside (JdeC)

All countryside development – general policy principles

1. In response to a representation, the Council suggests a “*minor modification*” to the wording of Policy DC1 so that the final sentence of paragraph 3 would read: “*New development should seek to cluster with and consolidate existing built development*”. Is this a minor change as envisaged by paragraph 4.5 of DPPN 10?

Replacement dwellings

2. The thrust of the SPPS is planning for sustainable development. By including replacement opportunities for dwellings that are not currently occupied or capable of occupation at paragraph 6.73, it must envisage that such development is sustainable. As it applies to replacement dwellings, that paragraph does not include the “*need*” test that Policy DC3 proposes to introduce. Having taken account of this provision of the SPPS and decided to depart from it, what robust evidence base does the Council have for doing so?
3. In the absence of definition as to what would constitute “*a justification of locational need for the applicant*” (policy text) and “*exceptional circumstances of clear and demonstrable essential locational need*” for replacement dwellings, are there clear mechanism for implementation of Policy DC3?
4. The inclusion of “*locational need*” would suggest that any planning permission granted under Policy DC3 might be subject to an occupancy clause. In this respect are there clear mechanisms for implementing the policy in light of the statutory duty to secure the orderly and consistent development of land and the planning of that development?

New dwellings on farms

5. Taking account of paragraph 6.73 of the SPPS as it applies to dwellings on farms, Policy DC10 appears to accommodate only those engaged in the farm business but not other rural dwellers. If, having taken account of this provision of the SPPS and decided to depart from it, what robust evidence base does the Council have for doing so?
6. In the absence of definition as to what would constitute “*a clear justification of locational need*” (policy text) and “*a demonstrable locational need*” for new dwellings on farms, are there clear mechanism for implementation of Policy DC10?

7. The inclusion of *“locational need”* would suggest that any planning permission granted in accordance with Policy DC10 might be subject to an occupancy clause. In this respect are there clear mechanisms for implementing the policy in light of the statutory duty to secure the orderly and consistent development of land and the planning of that development?
8. In response to a representation, the Council suggests a *“minor modification”* to the wording of Policy DC10 so that its final paragraph would read: *“Planning permission granted under this policy will only be forthcoming once every 10 years. A proposal for a dwelling by those involved....”*. Is this a minor change as envisaged by paragraph 4.5 of DPPN 10?

Agriculture

9. In response to a representation, the Council suggests a *“minor modification”* to the wording of Policy DC11 so that its first paragraph would read: *“Planning permission will be granted for development proposals on an active and established (for a minimum of 6 years) agricultural or forestry holding where it is demonstrated that....”*. Is this a minor change as envisaged by paragraph 4.5 of DPPN 10?

Farm diversification

10. In response to a representation, the Council suggests a *“minor modification”* to the wording of Policy DC12 so that criterion a. would read: *“The farm or forestry business is currently active and established (for a minimum of 6 years) and it is....”*. Is this a minor change as envisaged by paragraph 4.5 of DPPN 10?

Any other matters

**Belfast Local Development Plan
Draft Plan Strategy 2035
EXAMINATION AGENDA
Tuesday 24th November 2020**

Topic 7 – Building a smart connected and resilient place – Infrastructure, telecoms and utilities (JdeC)

Telecommunications development

1. Do the provisions of the “*Control of Development in Airport Public Safety Zones*” provide adequate protection for George Best Belfast City Airport by preventing any development that would prejudice its future operations?
2. Has the Council had regard to the two requirements of Paragraph 23 of the “*Control of Development in Airport Public Safety Zones*”? If so, where is the evidence of this?

Electricity and gas infrastructure

3. a. In light of international agreements, legislation and policy relating to climate change, would it be appropriate to re-word Policy ITU 3 to that it applies only to electricity and gas infrastructure that is associated with renewable sources of energy?
- b. The RDS RG5 “*Deliver a sustainable and secure energy supply*” specifically provides for new gas infrastructure and paragraph 3.23 identifies the need for significant investment in upgrading electricity infrastructure and development of the natural gas network. If Policy ITU 3 were amended as mooted above, would it be consistent with the RDS?

Renewable energy development

4. Are the provisions of Policies ITU 4, NH 1 - Protection of natural heritage resources, LC1A – AONBs, LC1B - AHSVs and LC2 - Lagan Valley Regional Park of the dPS, when read in the round as applicable, consistent with the provisions of the SPPS as regards the siting of renewable energy generating facilities within designated landscapes that are of significant value, such as Areas of Outstanding Natural Beauty (AONBs)?
5. Does the Council’s decision not to repeat the “*cautious approach*” of the SPPS to such development in those landscapes render the relevant provisions of the dPS incoherent and unsound?
6. Taking account of the provisions of the SPPS, would a presumption against the siting of renewable energy generating facilities within designated landscapes unless they

individually and cumulatively, caused no harm to landscape character make Policy ITU4 more sound as opposed to it being incoherent and ineffective in its current form?

7. Are the provisions of Policies ITU4 and BH5 - Archaeology (criteria a & b) of the dPS, when taken in the round, consistent with the SPPS objectives for built heritage (including archaeology), renewable energy (paragraph 6.21) and the statutory protection afforded to the setting of listed buildings and Scheduled archaeological sites?
8. Would the suggested “no harm” test be consistent with the provisions of paragraph 6.225 of the SPPS whereby the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted?
9. Irrespective of the first sentence of paragraph 9.1.8 of the Justification & Amplification text to Policy ITU 4, the Council would be required by virtue of Section 45 (1) of the Planning Act to have regard to the material considerations identified by paragraph 6.225 of the SPPS. On this basis, would its approach to renewable energy development be inconsistent, incoherent and ineffective without inclusion of paragraph 6.225 of the SPPS within Policy ITU 4?
10.
 - a. Did the Council take account of the provisions of paragraphs 6.228 and 6.229 of the SPPS?
 - b. If so, why was it considered unnecessary to replicate them in Policy ITU 4 of the dPS?
11. As Policy LC1 of the dPS appears to be concerned with visual amenity and landscape character, when read with Policy ITU4, is the Plan’s provisions consistent with paragraph 6.226 of the SPPS in respect of the identified reasons why active peatland is of particular importance to Northern Ireland?
12. Paragraph 6.217 of the SPPS identifies the main sources of renewable energy and the following paragraph’s aims apply to renewable energy in general. Criterion g of Policy ITU 4 of the dPS applies only to the cumulative impact wind energy development. Notwithstanding the wording of the 3rd paragraph of Policy ITU4, is its scope consistent with the aims of the SPPS in this respect?
13. Notwithstanding the provisions of paragraph 9.1.18 of the dPS, the main body of the policy (paragraph 2) arguably accord lesser weight to the wider environmental, economic and social benefits of proposals for a combined heat and power scheme or a biomass heating scheme than paragraph 6.225 of the SPPS provides for. If this aspect Policy ITU4 consistent with that strategic policy?
14.
 - a. Criterion l. of Policy ITU 4 requires that all applications for wind energy development provide details of de-commissioning and restoration. Paragraph 9.1.24 of the associated justification and amplification text says that proposals for renewable energy development should be accompanied by objective descriptive

material and analysis wherever possible and that it should, where appropriate, include details of site restoration after decommissioning. Regarding wind energy development, the justification and amplification text arguably undermines the body of the policy and dilutes its requirements in respect of criterion I. Given this tension, is the policy coherent and effective in this specific respect?

- b. With regard to wind and solar farms, is this element of discretion consistent with paragraph 6.233 of the SPPS?
15. In response to a representation, the Council suggests a “*minor modification*” to the wording of criterion d. of Policy ITU4 to refer to water quality and quantity so that it replicates the planning considerations listed at paragraph 6.224 of the SPPS. Is this a minor change as envisaged by paragraph 4.5 of DPPN 10?

Any other matters

Belfast Local Development Plan
Draft Plan Strategy 2035
EXAMINATION AGENDA
Wednesday 25th November 2020

Topic 8 – Building a Smart Connected and Resilient Place – Waste infrastructure (JdeC)

Environmental impact of a waste management facility

1. Is it a coherent approach to include criterion b.1 of Policy W2 – Waste collection and treatment facilities as it relates to industrial or port areas but to omit it from Policy W1?

Waste Disposal

2. When Policy W3 is read together with Policies BH1, BH2, BH3 and BH4, as appropriate, of the dPS, are its provisions consistent with those of the SPPS regarding built heritage (notably paragraph 6.321)?

Any other matters

Topic 9 – Building a Smart Connected and Resilient Place – Minerals (JdeC)

Minerals

1. The evidence provided in Section 3 of the Council’s Technical Supplement 11 is noted. However, did the Council engage with neighbouring councils in order to understand the cross-boundary demand and supply of mineral resources in order to facilitate growth within the Belfast City Council area?
2. In light of the provisions of paragraphs 6.8 and 6.9 of the SPPS, does the second paragraph of Policy M1 need to be amended to include reference to “*archaeology and sites of historic interest*”?
3. Taking account of the first bullet point of paragraph 6.172 of the SPPS, does the second sentence of paragraph 9.3.5 of the justification and amplification text of Policy M1 need to be changed to include conservation and enhancement of the environment so that it would read: “*....the need to protect, conserve and enhance the environment*”?
4. In light of the regional strategic objectives for archaeology and built heritage set out at paragraph 6.4 of the SPPS, does the first sentence of the justification and amplification text

at paragraph 9.3.9 of the dPS need to be revised to include impact on archaeology/sites of historic interest?

5. Does the dPS take account of the provisions of the first and second bullet points of paragraph 6.155 of the SPPS?
6. Has the Council's policy approach, specifically at paragraph 2 of Policy M1, taken account of the 3rd bullet point of paragraph 6.155 of the SPPS where it states that LDPs should identify areas (normally referred to as "Areas of Constraint on Minerals Development") where there should be a general presumption against minerals development?
7. Will the wording of Policy M1, in that it requires the demonstration of no adverse environmental effects as opposed to no significant adverse environmental effects, achieve the balance between the need for mineral resources and protection and conservation of the environment as required by paragraph 6.154 of the SPPS?
8. Paragraph 9.3.9 of the dPS does not specifically include the potential for restoration for the benefit of nature conservation interests. In this respect, did the Council take account of the provisions of Chapter 3 of the SPPS as regards furthering sustainable development?

Any other matters

Belfast Local Development Plan
Draft Plan Strategy 2035
EXAMINATION AGENDA
Thursday 26th November 2020

Topic 10 – Building a Smart Connected and Resilient Place - Environmental Resilience (RD)

Environmental Quality

1. Policy ENV1 states that development must not result in an unacceptable adverse impact on the environment and lists five areas of the environment (ground contamination, air quality, water quality, noise and light pollution). What thresholds or series of triggers will result in development being considered to have an unacceptable adverse impact on the environment?
2. Policy ENV1 seeks that new development will maintain, and where possible enhance environmental quality, and protect communities from materially harmful development. Does the requirement to enhance environmental quality go beyond the requirements of the Environmental Noise Directive (END) and accordingly the Noise Action Plan 2013 -2018 which appears to seek to ‘preserve environmental noise quality’?
3. The Council have also suggested dropping the word “positively” from the policy head note. Would this amendment alleviate the concern that the policy goes beyond what is necessary?
4. Paragraph 9.5.20 of the dPS refers to water quality and specifically relates to inland waters. However, the Council have clarified that it was not intentional to limit this policy solely to inland water environments. A suggested minor amendment has been made to include “**coastal and transitional waters**”. Does this minor amendment satisfy this concern?
5. NIEA have raised issue with Part III of the Waste and Contaminated Land (Northern Ireland) Order 1997 (WCLO) which sets out legal provisions for the introduction of a Contaminated Land regime for NI. The Order was introduced in 1997 but Part III has not yet been commenced. Has the Plan taken account of Part III of the Waste and Contaminated Land (Northern Ireland) Order 1997? Should Part III of the Order commence which places an increased responsibility on the Council be taken into account?
6. The Council have also made a minor amendment to Policy ENV3 inserting the wording “Managing **coastal erosion, land instability**, flood risk and promoting SuDs”. Any comments on this suggested change?

Flood Risk

7. DFI have raised concern in that the POP advised that the Council has opted to retain policies in PPS15 with no or minimal alteration. This was a favorable approach considered by DFI Rivers. However, it appears that Council decided to move away from that approach to flood risk management as outline in the POP and use the SPPS as the source of its flood risk management policies. Can the Council explain the reason for this change in approach?
8. Policy ENV4 states that the Council will have regard to guidance publications produced by other authorities. Can the Council clarify what authorities do they consider it appropriate to seek guidance from?
9. DFI Rivers have raised concerns regarding the provisions of the draft plan in respect of policy to address Flood Risk. They have identified 8 areas of weakness. Does the Council wish to add anything to these areas of weakness as identified by DFI Rivers?
10. What weight has the Council given to the DFI Rivers – Guidance on the preparation of LDP polices for flood risk management?
11. Does the Council accept that policy ENV4 Flood Risk represents a coherent approach to the issue of flooding in Belfast Council Area?
12. Can the Council explain what they would envisage to be included in the submission of a Flood Risk Assessment?

Sustainable Drainage Systems (SuDs)

13. Policy ENV5 states that all build development should include, where appropriate, SuDs measures to manage surface water effectively on site. What is meant by 'where appropriate'? How will a developer know it is appropriate or not to submit SuDs measures with their proposal?
14. Policy ENV5 states that a 'two stage SuDs treatment' should be used, where possible'. What is meant by a two stage SuDs treatment?
15. Does the justification and amplification text in paragraph 9.5.46 weaken the first sentence of Policy ENV5 as it places the onus on applicant/developer to demonstrate that SuDs have been considered and appropriate measures have been incorporated into the design of the proposal?

Any other matters

Recurrent Abbreviations

BOSS	Belfast Open Space Strategy
DPPN 10	Development Plan Practice Note 10: <i>Submitting Development Plan Documents for Independent Examination</i>
dPS	Belfast Local Development Plan Draft Plan Strategy 2035
GBIP	Green and Blue Infrastructure Plan
LDP	Local development plan
PPS 2	Planning Policy Statement 2: <i>"Natural Heritage"</i> .
RDS	Regional Development Strategy. RDS 2035: <i>"Building a Better Future"</i> .
SA	Sustainability Appraisal
SEA	Strategic Environmental Assessment
SPPS	Strategic Planning Policy Statement for Northern Ireland (SPPS): <i>"Planning for Sustainable Development"</i> .
SuD	Sustainable Drainage Systems

Commissioners: **Rosemary Daly BSc DipTP MSc MRTPI**
 Julie de-Courcey BSc MSc LLB MRTPI

22 October 2020