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Lisburn & Castlereagh City Council
Local Development Plan Team
Civic Headquarters
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10th January 2020

Re: Lisburn & Castlereagh City Council Local Development Plan 2032, Draft Plan Strategy October 2019

Dear Sir / Madam,

DAERA welcome the opportunity to comment on the Lisburn & Castlereagh City Council Local Development Plan 2032, draft Plan Strategy.

DAERA has considered the consultation document and our opinions are set out below. DAERA wish their representation to be considered in Written Format at examination.

The department would like to remind Lisburn & Castlereagh City Council that under the Wildlife and Natural Environment Act (Northern Ireland) 2011 (WANE Act), the Council has a duty to conserve biodiversity.

DAERA Considerations

DAERA would like to see all policies clearly state the need for all proposals to accord with the other provisions contained within the LDP.

Part 1 – Plan Strategy

Chapter 4 Strategic Policies and Spatial Strategy

Strategic Policy 01 Sustainable Development

DAERA welcomes this strategic policy which support sustainable development including protecting and enhancing the natural environment.

Strategic Policy 06 Protecting and Enhancing the Environment

DAERA is encouraged by the councils aim to respect the natural environment and biodiversity with support of the RDS key aim.



Strategic Policy 11 Economic Development in Settlements

DAERA has noted the inclusion of two Strategic Mixed Use Sites of SMU01 West Lisburn/Blaris and SMU02 Purdysburn/Knockbracken which originated from the Belfast Metropolitan Area Plan 2015 and have progressed to the LDP. As part of any consideration for the Concept Masterplan for these greenfield sites, DAERA would like the retention of natural heritage features, appropriate enhancements and mitigation to any natural heritage or landscape features lost and the use of green and blue infrastructure to connect development with surrounding features.

Section A – A Quality Place

Strategic Policy 08 Housing in Settlements

Development should not create or exacerbate environmental pollution or damage.

Water Framework Directive (WFD) Objectives for waterbodies in the plan area are currently not being met, the Local Development Plan (LDP) should recognise the issues for waterbodies not achieving their objectives and ensure the LDP does not contribute to these issues or create new ones. The LDP should strive to play a role in improving water quality within the plan area.

The need to contribute to the achievement of WFD water quality Objectives in the plan area should be explicitly referred to within the LDP Strategic objectives.

The identification of further development land/housing sites should therefore also acknowledge the need for adequate wastewater treatment infrastructure and treatment capability. Given that such infrastructure in the Plan area is already under pressure combined with WFD Objectives not currently being met for a number of waterbodies in the LDP area, any further development/housing before infrastructure has been put in place or upgraded will exacerbate the difficulties in achieving the WFD Objectives.

The Strategic Policy, and related ones, should therefore take into consideration current wastewater treatment provision and any future capital expenditure plans by Northern Ireland Water as part of their Price Control Programmes for funding wastewater treatment works and sewerage infrastructure. Once this information is known and assessed, suitable mitigation measures should be developed, if required, to ensure the zoning of land and the timing of the release of that land for development is aligned with the availability of suitable waste water networks and treatment infrastructure to service the developments to ensure there is adequate protection for the water environment.

This issue should be linked to Strategic Policy WM2 – Treatment of Wastewater.



Strategic Policy 19 Protecting and Enhancing Natural Heritage

DAERA welcomes the strategy to protect, conserve, enhance and restore natural heritage and landscape within the city council area. Ensure this strategy takes account of adjoining council areas and any transboundary designations.

The strategic policy makes reference in the Justification and Amplification to trees and woodland. It is noted in the operational policies that no specific policy has been developed in regards to the protection of existing trees and woodland. The Northern Ireland countryside and urban areas are significantly lacking in trees and woodland; a policy specifically intended for trees and woodland would be beneficial.

DAERA notes the absence of Local Nature Reserves and Wildlife Refuges within the Council area. This would be an opportunity for the Council to designate local level protected sites as stated within the SPPS and therefore it would also be advantageous to develop policy for the designation and protection of these sites.

Part 2 – Plan Strategy Operational Policies

Section A - A Quality Place

Policy Group 1 - Housing in Settlements

HOU1 – New Residential Development

DAERA welcomes this policy that new residential development will be concentrated within urban areas and areas zoned for housing. However natural heritage worthy of protection may still be found within the urban landscape and also the greenfield sites zoned for housing. Brownfield sites may contain biodiversity in the form of open mosaic habitat.

HOU3 – Site Context and Characteristics of New Residential Development

It is positive that new residential housing will be appropriate to the character/topography. However in criteria B, landscape features will only be protected and suitably integrated into design and layout of a development where appropriate. Instead of *“where appropriate”*, consider the use of *“appropriately protected and integrated”*. This would encourage developers to protect and integrate distinctive landscape features into designs, as opposed to deeming features inappropriate for a design/layout and ultimately destroying the feature.

HOU4 – Design in New Residential Development

It is positive that the Council is specifying that indigenous plant species are to be used within landscaped areas, this would be beneficial to biodiversity throughout the Council area.

Within the Justification & Amplification under Landscaping and Private Open Space it states that the greening of spaces assists in the promotion of



biodiversity. It would be advantageous to increasing biodiversity if an additional criteria point was added to the policy which specifically addressed the need to increase biodiversity within new residential developments.

The Justification & Amplification states the inclusion of Sustainable Drainage (SuDS) are to be favourably considered, DAERA welcomes this approach.

The Strategic Planning Policy Statement (SPPS) states that the planning system should help to mitigate and adapt to climate change by, among other actions, working with natural environmental processes, for example through promoting the development of green infrastructure and also the use of sustainable drainage systems (SuDS) to reduce flood risk and improve water quality.

In managing development, particularly in areas susceptible to surface water flooding, planning authorities should encourage developers to use sustainable drainage systems (SuDS) as the preferred drainage solution. Such systems are widely used in other UK jurisdictions and have been shown to be more effective than traditional piped drainage in reducing surface water flooding as well as providing other environmental, economic and social benefits. Furthermore using permeable materials for hard landscaped surfaces in new developments can reduce soil sealing.

The use of SuDS needs to be widespread across a catchment to enable the cumulative reduction of flood risk and benefits to water quality in the long term. NIEA Water management Unit therefore welcome the use of SuDS in all new developments. This could be achieved proportionally where smaller developments include permeable surfaces, and larger developments include swales, SuDS ponds as well as permeable surfaces for the environmental management of rainfall / surface water drainage.

Temporary SuDS can also be used during the construction phase as pollution prevention measures for silt management and to prevent erosion. Where possible these should be retained or adapted as part of the final permanent site drainage solution.

Surface water should be dealt with as close as possible to where it falls as rain (source control) and the use of two or more SuDS components can be used for the optimal solution to:

(i) Manage rainfall to mimic natural drainage by:

- reducing runoff rates;
- reducing additional runoff volumes and frequencies; and
- encouraging natural groundwater recharge.

(ii) Minimise impacts on quantity and quality of runoff by:

- reducing pollution and protecting the quality of receiving waters;
- preventing direct discharge of spillage; and



- reducing the volume of surface waste runoff to sewers.

(iii) Maximise amenity and biodiversity opportunity by:

- contributing to the amenity and aesthetic value of the development; and
- providing habitat for wildlife and biodiversity.

The use of a number of SuDS components within a development such as swales and settlement ponds may enable the better management of surface water. NIEA therefore supports the Council's promotion of SuDS but would have preferred an intention to bring forward Policy to require the use of Sustainable Drainage Systems (SuDS) in new developments, as has been proposed in other local authority draft plans. SuDS can be beneficial to biodiversity as permeable surfaces can reduce the likelihood of flooding, which can be negative to biodiversity.

Development should not create or exacerbate environmental pollution or damage. New residential development should clearly require that there is reference to 'phasing of housing' to correlate with sufficient WWTW infrastructure capacity availability to meet any projected discharge. Neither Strategic Policy 08 Housing in Settlements (Part 1 LDP) nor Policies HOU1 – HOU12 identify nor explain how lack of capacity at Wastewater Treatment Works within the City Council area will be dealt with.

HOU5 – Public Open Space in New Residential Development

DAERA welcomes the provision of Green Space which are to link with Green and Blue Infrastructure. However DAERA would ideally like a specific criteria within this policy for natural heritage/biodiversity features to be retained and/or incorporated into a design and layout.

Policy Group 3 – Development in the Countryside

COU1 Development in the Countryside

The wording of this policy would suggest that "other non-residential development proposals" are the only development type required to comply with all policy requirements contained in the operational policies. DAERA Development Plan Team would encourage that all development in the countryside residential or non-residential should be subject to all policy requirements contained in the operational policies, and in particular those policies relating to the Natural Environment.

COU11 Farm Diversification

DAERA welcomes that farm diversification criteria states that any proposals are not to have an adverse impact on the natural environment.



COU15 Integration and Design of Buildings in the Countryside
DAERA welcomes criteria points A, C and E to integrate a building sympathetically in to the surrounding landscape.

Section B - A Thriving Place
Policy Group 5 – Mineral Development

MD1 Environmental Protection

DAERA has concerns with this policy with the exception being made for valuable minerals and feel this aspect comes into conflict with the Conservation (Natural Habitats etc.) Regulations (Northern Ireland) 1995 (known as the "Habitats Regulations"). This policy should clearly state within the Justification and Amplification that all Mineral Development must satisfy operational policy NH1, NH2, NH3, NH4 and NH5. There is no mention of procedures to be implemented for the protection of the natural heritage features should valuable minerals occur within a site.

Also stated within the Justification & Amplification is the granting of permission for the extraction of peat. The text states *"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"*. What is meant by consistent with the protection of bogland valuable to nature conservation interests? An area of inactive peatland, does not mean it is not capable of restoration, nor that it has little or no conservation/scientific interest and so therefore can be exploited. The Council has a duty under the WANE Act to further the conservation of Biodiversity. This policy should also specify that all other operational policies will have to be considered.

MD2 Visual Impact

DAERA welcomes policy which will protect landscape quality by attaching conditions designed to avoid or mitigate adverse visual impacts.

MD3 Areas of Mineral Constraint

DAERA welcomes the proposals to limit extraction of minerals in certain areas, however there are concerns with the potential of exceptions for valuable minerals and extraction which are limited to the short term. The exceptions may come into conflict with the Habitats Regulations. At what point does the short term become long term, and could development get around this policy by repeatedly submitting short term application proposals? This policy should also specify that all other operational policies will have to be considered.

MD4 Valuable Minerals

DAERA has concerns with the protection of the natural heritage features should valuable minerals occur within a site and how their protection will be managed. This policy should also specify that all other operational policies will have to be considered.



MD5 Unconventional Hydrocarbon Extraction

This policy would only prevent the exploitation of hydrocarbons until there is sufficient and robust evidence on all environmental impacts. DAERA has concerns how the council intends to monitor for sufficient and robust evidence of environmental impacts and how this will be implemented within a site. This policy should specify that all other operational policies will have to be considered.

Section D – An Attractive Place Policy Group 7 – Tourism

Tourism development is likely to be located within or close to national or international sites designated for their nature conservation. DAERA welcomes that all tourism development will be subject to policy TOU7 which states as part of the criteria that development will not adversely affect features of the natural environment. However DAERA does feel greater emphasis needs placed on this and that this policy cannot contravene the councils Natural Heritage Policies which should be referenced.

Policy Group 8 – Open Space, Sport and Outdoor Recreation

OS5 Floodlighting of Sports and Outdoor Recreational Facilities

DAERA views this as positive in that no adverse impact is to occur on features of the natural environment and nature conservation. Floodlighting can have a significant impact on bats and wider biodiversity.

OS6 Outdoor Recreation in the Countryside

DAERA welcomes that development will only be permitted where there is no adverse impact to the natural environment/nature conservation.

Section E – A Green Place Policy Group 10 – Natural Heritage

DAERA is in support of policies NH1 – NH6.

Although not making policies NH1, NH2 and NH6 unsound, it is felt that it would be good practice to have copied the equivalent policies from PPS2 as verbatim with the inclusion of the word "and" following each requirement in exceptional circumstances. The Habitat Regulations would take precedence over these policies, however this amendment would ensure clarity as to the specific requirements for exceptional circumstances to be granted permission.

As stated in Chapter 4 - Strategic Policy 19 Protecting and Enhancing Natural Heritage; there are no local level designations within the council area. Local Nature Reserves and Wildlife Refuges can be designated by the council as the SPPS states. This would be an opportunity for the council to designate such sites and develop policy for the protection on conservation of such sites.



The Lagan Valley Regional Park (LVRP) should have its own operational policy. It is the only Regional Park in Northern Ireland and although covered by the LVRP Local Plan 2005 its importance within the Council area should be highlighted accordingly. It is a vital passive and active recreation, biodiversity and cultural asset which contributes to the landscape quality of the Council as well as linking as a green corridor with Belfast City Council.

**Section F – A Connected Place
Policy Group 12 – Renewable Energy**

RE1 Renewable Energy Development
DAERA supports in principle Policy RE1.

DAERA is encouraged that development will only be permitted where there is no unacceptable adverse impact to visual amenity and landscape character and to biodiversity or the natural environment. Renewable Energy projects are likely to be subject to an Environmental Impact Assessment.

Under Wind Energy Development in RE1 DAERA feels it would be beneficial to list specific habitats and landforms which wind farms will not be built upon, for example Active Peatland, other priority habitats and Strategic Landscape Policy Areas.

Policy Group 14 – Utilities

UT1 Utilities

DAERA supports policy UT1 in principle. It is in agreement that overhead cables should have regard to designated areas of landscape, minimise visual intrusion and avoid areas of nature conservation. The avoidance of areas of nature conservation in this policy appears to be only subject to overhead cables. It would be beneficial for new underground utilities to avoid areas of natural environment or nature conservation. The excavation/installation required for underground utilities could have a significant impact on these features.

Other comments and observations relating to the document have been included in the appendixes below.

Please contact the DAERA LDP team at DevelopmentPlanTeam@daera-ni.gov.uk should you have any queries or require clarification.

Yours sincerely

[Redacted Signature]
NIEA, DAERA



APPENDIXES

Part 1: Draft Plan Strategy

Chapter 4: Strategic Policies and Spatial Strategy: Objective E: A Green Place

p.122: We would recommend an additional action as follows: 8) Ensure new development that may affect our historic and natural environment respects the surrounding landscape character and takes cognisance of the relevant landscape character assessments.

p.124: **Conservation Areas:** 2nd bullet point: Hillsborough Conservation Area. We would recommend that the wording should be amended from "Hillsborough has been described as one of the most interesting small towns in Ireland..." to "Hillsborough is one of the most historically diverse and important small towns in Ireland..."

Areas of Townscape and Village Character: We would recommend that a brief explanation should be given of what differentiates ATCs/AVCs from Conservation Areas.

p.125: **Listed Buildings/Scheduled sites:** We would recommend that an example or examples should be given (these are given for Historic Parks, Gardens and Demesnes above this para) e.g.: Hilden Mill

Archaeological Remains: Again we would recommend that an example or examples should be given.

p.127: **Strategic Policy 19 Protecting and Enhancing Natural Heritage:** b) should be amended from "maintain landscape quality and the distinctiveness and attractiveness of the area" to "maintain landscape quality and ensure that distinctiveness as outlined in local and regional-scale landscape character assessments is regarded as being fundamental to the decision-making process." The term 'attractiveness' is subjective and its use can lead to confusion and division.

Part 2: Operational Policies

p.13: **HOU3** para 1: We would recommend that the term local character be amended to landscape character (see general points below).

p14: *Justification and Amplification:* It is recommended that the following sentence be added:-

"The use of Tree Preservation Orders or Retention Conditions will be considered in the interests of visual amenity and landscape character."

Site Characteristics: 1st para, line 2: This should be amended to "These include topography, existing buildings, features of the archaeological or historic environment and landscape features such as rivers, streams, trees and



hedgerows, which make an important contribution to the amenity and biodiversity of an area."

An additional line should be added as follows:-

"There will be a presumption in favour of the retention of trees and boundary hedgerows within ATCs/AVCs."

p15: **HOU4**: It is recommended that an additional point is made as follows:-

m) Sufficient amenity distance in terms of proximity of dwellings to existing mature trees should be designed into the layout. This will depend on the nature of the species in question and appropriate advice should be sought.

p16: Landscaping and Private Open Space: 2nd para: line 5: we would recommend amending the term 'generally of indigenous species' to 'of native species'.

p20: 5th bullet point should be amended to:

- landscape and heritage features are retained and adequately protected for the duration of all site works and incorporated into the design and layout.

p21: An additional bullet point should be added as follows:

- an indication of how the landscape features are to be adequately retained and protected e.g.:- all mature trees should be protected in accordance with BS 5837 2012 'Trees in relation to design, demolition and construction'.

p22: Concept Masterplans: last para: The problem with granting outline permission is that some developers may see it as a 'green light' to remove trees and other landscape features. Can this be addressed in this section?

p23: **HOU7 Residential Extensions and Alterations: Justification and Amplification: Para 5: Line 2** should be amended from "In other cases, where proposals impact on local landscape features compensatory planting to mitigate against the loss of local environmental quality and assist in the promotion of biodiversity will be necessary." to "In other cases, where proposals impact on local landscape features, such as existing mature trees and other boundary vegetation, compensatory planting to mitigate against the loss of local environmental quality and assist in the promotion of biodiversity will be necessary." This is suggested in order to reinforce the importance of protecting and retaining mature trees where possible.

p27: **HOU12 Accommodation for the Travelling Community: Point (a)** should be expanded/clarified. We would recommend the following amendment: "(a) landscape proposals are provided in order to visually integrate the proposal."



p31: **COU2 New Dwellings in Existing Clusters: Criteria (e)** this seems a bit convoluted. It may be simpler to state that "development of the site can be visually integrated with its surroundings."

p32: **COU3 Replacement Dwellings: Replacement of Non-Residential Buildings: criteria b)** should be amended by removing the word 'significantly'. This may leave the Council open to debate/question. It may be preferable to state that "the overall size of the new dwelling must not have a visual impact greater than 5% of the existing building".

p41: **General Criteria for all Development: COU15 Integration and Design of Buildings in the Countryside: Integration:** The following additional line should be added "All landscape features to be retained are to be protected prior to the commencement of any other site works including site clearance."
Access and other ancillary works: We would recommend the addition of the following sentence: "Garden ornamentation on entrance pillars or other prominent locations within the defined curtilage of a development site will not be acceptable."

p46: **ED4: Redevelopment of an Established Economic Development Use in the Countryside: Criteria d)** should be amended should be amended by removing the word 'significantly'. This may leave the Council open to debate/question. It may be preferable to state that "the overall visual impact of replacement buildings must not have a visual impact greater than 5% of the building to be replaced".

p53: **MD9 Restoration Proposals: Justification and Amplification: 1st para:** The term "the surrounding landscape" should be amended to "the surrounding landscape character".

p64: **TOU3 Justification and Amplification:** Last para should be amended to "Proposals which are deemed to be acceptable in principle will be required to include sufficient mitigation measures, including landscaping and design and be in keeping with the surrounding landscape character, in order to ameliorate any negative impacts and secure higher quality development."

p74: **HE1: Justification and Amplification:** We would suggest adding the following bullet point:-

- the protection of the setting of the site or monument.

p74: **HE10: Justification and Amplification:** 1st para should be amended to "Designation as a Conservation Area or ATC/AVC puts an onus on prospective developers to produce a very high standard of design, which respects or enhances the particular qualities and landscape/townscape character of the area in question."



p81: Trees: We would recommend that you delete the 2nd word 'often' i.e. First line should read "Trees make an important contribution... etc."

3rd para: This should be amended. It states "All trees within a Conservation Area are automatically protected as though a Tree Preservation Order was in place under Section 127 of the Planning Act (Northern Ireland) 2011." Our understanding is that this isn't the case. Trees are only protected for 6 weeks from an application being made to carry out works or to fell and if no decision is given by then, the applicant can proceed. So there is a level of protection but only if the local authority acts within the time limitation.

Information to accompany all Planning Applications: We would recommend the addition of the following bullet point:-

- Outline planning permission will not be given unless the Council is assured that sufficient information is made available in order to demonstrate that there will be no negative impact on the Conservation Area.

Natural Heritage

p89: NH6 AONBs: Justification and Amplification: 2nd para should include 'recreation' as an attribute in addition to those listed.

Para 3: We would recommend that a link should be included here to DAERAs webpage for Landscape Character Assessments.

<https://www.daera-ni.gov.uk/articles/landscape-character-northern-ireland>

General points in relation to landscape character:-

- The term *landscape character* is used almost universally by the landscape profession and other professional bodies and refers to both urban and rural land. DAERA are the custodians of the Northern Ireland Landscape Character Assessment and the NI Regional LCA and therefore recommend the use of the term. In addition the Council's 'Landscape Character Review' forms a sound basis for the strategic proposals and uses the term throughout.
- The terms 'character' and 'setting' are used throughout the document. These can lead to confusion. 'Setting' is commonly used in the immediate area around a feature whereas landscape character is a broader definition and may include, for example, approach roads and the wider landscape outside the immediate setting of a feature. It would be preferable to use the terms 'landscape character' and/or 'townscape character' where possible when referring to 'character' as it would better focus the attention on the particular aspect e.g.:- townscape character in relation to streetscape within ATCs and landscape character in relation to development in a rural context. There may



be occasions where townscape and landscape character overlap such as within Conservation Areas.

Page 39 and again on Page 132 - The wording says 'Mitigate and adapt to climate change by minimising greenhouse gas emissions'. Minimising greenhouse gases is not 'adapting' to climate change.

The plan refers to/references older publications of Northern Ireland carbon intensity indicators published in 2018. The plan should only refer to the most updated carbon intensity indicators published in 2019 see <https://www.daera-ni.gov.uk/publications/northern-ireland-carbon-intensity-indicators-2019>.

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

Within the plan, the detail on draft PFG is not correct in places, for example there are 12 outcomes of the draft PFG and 6 indicators for PFG Outcome Objective 2 We live and work sustainably – protecting the environment. The detail of plan requires revision to reflect this. The detail within the document should therefore be cross checked with published PFG information and amended see <https://www.executiveoffice-ni.gov.uk/sites/default/files/publications/execoffice/outcomes-delivery-plan-2018-19.pdf>

