



## Local Development Plan 2032

### Draft Plan Strategy

### Representation Form

Please complete this representation form online and email to [LDP@lisburncastlereagh.gov.uk](mailto:LDP@lisburncastlereagh.gov.uk) or alternatively print and post a hardcopy to:-

Local Development Plan Team  
Lisburn & Castlereagh City Council  
Lagan Valley Island  
Lisburn  
BT27 4RL

All representations must be received no later that 5pm on the 10<sup>th</sup> January 2020

#### SECTION A: YOUR DETAILS

Please tick one of the following:-

- Individual     
  Planning Consultant / Agent     
  Public Sector / Body  
 Voluntary / Community Group     
  Other

First Name

Michelle

Last Name

Hill

Details of Organisation / Body

RSPB NI

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### Consent to Publish Response

Under planning legislation we are required to publish responses received in response to the Plan Strategy, however you may opt to have your response published anonymously should you wish.

Even if you opt for your representation to be published anonymously, we still have a legal duty to share your contact details with the Department for Infrastructure and the Independent Examiner appointed to oversee the examination in public into the soundness of the Plan Strategy. This will be done in accordance with the privacy statement detailed in Section C.

- Please publish *without* my identifying information
- Please publish with only my Organisation
- Please publish with my Name and Organisation

### SECTION B: YOUR REPRESENTATION

Please set out your comments in full. This will help the independent examiner understand the issues you raise. ***You will only be permitted to submit further additional information to the Independent Examiner if the Independent Examiner invites you to do so.***

#### What is your view on the Plan Strategy?

- I believe it to be **SOUND**

If you consider the Draft Plan Strategy to be **sound**, and wish to support the Plan Strategy, please set out your comments below:-

*(If submitting a hardcopy & additional space is required, please continue on a separate sheet)*

OR

- I believe it to be **UNSOUND**

## **Lisburn and Castlereagh City Council – Local Development Plan Draft Plan Strategy Representation**

*A response from RSPB Northern Ireland, 10 January 2020*

### **Introduction**

The RSPB is UK's lead organisation in the BirdLife International network of conservation bodies. The RSPB is Europe's largest voluntary nature conservation organisation with a membership over 1 million, around 13,000 of which live in Northern Ireland. Staff in Northern Ireland work on a wide range of issues, from education and public awareness to agriculture and land use planning.

We believe that sustainability should be at the heart of decision-making. The RSPB's policy and advocacy work covers a wide range of issues including planning and regional policy, climate change, energy, marine issues, water, trade and agriculture. As well as commenting on national planning policy issues. The RSPB's professional conservation and planning specialists engage with over 1,000 cases each year throughout the UK, including development plans and individual planning applications and proposals. We thus have considerable planning experience. The RSPB also makes over 100 planning applications a year on its own reserves and estate.

The RSPB firmly believes that planning, especially plan-making should seek to integrate the three pillars of sustainable development rather than balancing, as this could potentially result in environmental trade-offs.

No plan, programme or project should result in a significant direct impact upon important birds or bird habitats. The full suite of Environmental Assessments (SEA, EIA, HRA) should be used as tools to minimise environmental impacts. The Government and planning authorities should ensure that full protection is afforded to both designated and non-designated sites important for wildlife and biodiversity.

RSPB NI welcomes the opportunity to comment on the Lisburn and Castlereagh City Council (LCCC) Local Development Plan (LDP) draft Plan Strategy (dPS).

**This submission comprises a number of responses, and as such they have been numbered for ease of reference.**

**N.B. preference for representation to be dealt with is by way of Oral Hearing – see page 59 of this submission for further details.**

Please also note that there are a number of RSPB NI consultation responses referred to throughout this dPS response. These were included with our POP response and are also included with this response email for convenience, and comprise the following:

- RSPB NI's response to LCCC POP (2017)
- RSPB NI's response to the DOE's call for evidence on Renewable Energy (2016)
- RSPB NI's response to the DfI's call for evidence on Renewable Energy (2017)
- RSPB NI's response to the DOE's Call for Evidence: Strategic planning policy for Development in the Countryside
- RSPB NI's response to the DOE's Revised Draft Consultation on Planning Policy Statement 15 (PPS 15) Planning and Flood Risk
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

These documents should be read in conjunction with the contents of this response.

## General Comments

In preparing LDPs, councils must take account of the Regional Development Strategy 2035 (RDS 2035), the Sustainable Development Strategy for Northern Ireland and any other policies or advice and guidance issued by the Department, such as the NI Biodiversity Strategy 2020. The latter document recognises that *'Development is essential to growing the economy, but it has the potential also to play a part in decreasing biodiversity. It can be a major threat to biodiversity depending upon where it takes place, how it is conducted and the manner in which the site is used following development'*(page 19).

The SPSS requires local plans to:

- take full account of the implications of proposed land use zonings, locations for development and settlement limits on natural heritage features and landscape character within or adjoining the plan area;
- Natural heritage features and designated sites should be identified, and policies brought forward for their protection and / or enhancement;
- identify and promote the design of ecological networks throughout the plan area to help reduce the fragmentation and isolation of natural habitats through a strategic approach;
- protect and integrate certain features of the natural heritage when zoning sites for development through 'key site requirements';
- identify and promote green and blue infrastructure where this will add value to the provision, enhancement and connection of open space and habitats in and around settlements;
- consider the natural and cultural components of the landscape and promote opportunities for the enhancement or restoration of degraded landscapes;
- incorporate biodiversity into plans for regeneration - by planning for nature and green space in our neighbourhoods we can improve our health and quality of life. Including biodiversity features into schemes adds to the attractiveness and appeal of regenerated areas; and,
- ensure that the potential effects on landscape and natural heritage, including the cumulative effect of development are considered.

The SPSS recognises that the planning system plays an important role in conserving, protecting and enhancing the environment whilst ensuring it remains responsive and adaptive to the everyday needs of society (para. 4.38).

While the planning system is an important delivery tool for biodiversity enhancement, its potential is not being realised in current practice. A Defra survey found that the protection of biodiversity through the

prevention or mitigation of potential impacts from development was more common than positive measures to enhance biodiversity.<sup>1</sup>

However, in order to halt the loss of our habitats and species, LCCC (like all other councils in NI) will need to 'work(ing) towards the restoration of and halting the loss of biodiversity' as identified in paragraph 3.33 of the SPPS.

The Defra survey also provided further evidence that investing time and efforts in shaping Local Plans and getting the right policy hooks brings a range of benefits:

- Positive aspects of policy, such as habitat enhancement, are more likely to be achieved where plans are specific and relevant areas are spatially defined.
- When local planning authorities have published more detailed biodiversity-related supplementary guidance, the outcomes of the applications were more fully consistent with planning policy for biodiversity, than those where no such material was submitted.
- Planning authorities are going to be more confident about refusing planning permission for failure to provide biodiversity enhancement if the benefits are clearly required by a specific local policy.

This will add value to the provision, enhancement and connection of open space and habitats in and around settlements.

While RSPB NI welcomes the provisions within the plan to further sustainable development, the commitment to protect and enhance the natural environment, and recognition of the importance of ecosystem services, there are however a number of areas below where the dPS could be revised if it is to truly further sustainable development, (i) as laid down in the Planning Act 2011 and the SPPS), (ii) comply with the statutory duty placed on every public body to further the conservation of biodiversity (as articulated by the WANE Act 2011) Northern Ireland, (iii) the objectives of the NI and EU Biodiversity Strategies, (iv) and other legislative provisions.

Notably, the SPPS at Paragraph 6.171 goes on to state 'all of us share the collective responsibility to preserve and improve the natural environment and halt the loss of biodiversity for the benefits of future generations'. The preparation of the LDP presents the council with a real opportunity to deliver on this responsibility.

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<sup>1</sup> "Effectiveness of the application of current planning policy in the town and country planning system", Project Code CK042, [http://randd.defra.gov.uk/Document.aspx?Document=10054\\_PhaseII\\_FINALREPORTPDF.pdf](http://randd.defra.gov.uk/Document.aspx?Document=10054_PhaseII_FINALREPORTPDF.pdf)

## **PART 1**

### **Response 1**

#### **4. Strategic Policies and Spatial Strategy**

##### **Strategic Policy 01 Sustainable Development**

###### **Page 42**

#### **Unsound**

- P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- C1 Did the council take account of the Regional Development Strategy?
- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Please note that there are a number of elements to our response to Strategic Policy 01 as follows:

#### **Details (i)**

While the presumption in favour of furthering sustainable development is contained within the Strategic Planning Policy Statement (SPPS), the proposed draft Plan Strategy policy wording has failed to include both the demonstrable harms test and precautionary principle as contained within the SPPS.

In this regard, Paragraph 5.72 of the SPPS states 'planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In such cases the planning authority has power to refuse planning permission'.

Furthermore, there is no reference to the precautionary principle within the dPS, as contained within paragraph 3.9 of the SPPS.

### Modifications (i)

It is therefore, requested that Policy SP 01 be amended to replicate the precise wording of Paragraph 5.72 of the SPPS in order to be more effective and comply with the SPPS. (Additional text **bold and underlined**).

**'The council will be guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In such cases the Council has power to refuse planning permission'**

Furthermore, Paragraph 3.9 of the SPPS states 'in formulating policies and plans and in determining planning applications planning authorities will also be guided by the precautionary approach that, where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest'.

It is therefore requested that the exact wording of Paragraph 3.9 of the SPPS is included within the justification and amplification section below Policy SP 01 in order to comply with the SPPS. (Additional text **bold and underlined**).

**'In determining planning applications, the Council will also be guided by the precautionary approach that, where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest'**.

### Details (ii)

This policy has also fallen short of fulfilling the Biodiversity duty set out at Section 1 of the Wildlife and Natural Environment (WANE) Act (') 2011 on public bodies.

The State of Nature 2019<sup>2</sup> report revealed that since 1970, 41% of UK species have decreased. Although the principal driver of change is agricultural intensification, urbanisation was identified as one of the top ten drivers of biodiversity change. The RSPB therefore attaches great importance to ensuring that planning systems and policies across the UK protect the environment and promote development that is truly sustainable – an approach that we know is feasible through our partnership with Barratt Developments to

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<sup>2</sup> <https://nbn.org.uk/stateofnature2019/>



build new communities, providing homes for people and wildlife – as demonstrated through the Kingsbrook case study detailed in our previous response to the Preferred Options Paper.

Against this context, the requirement of biodiversity net gain as part of a development proposal would help to address the fact that NI is failing to meet its targets on halting biodiversity loss in NI (as contained within the NI Biodiversity Strategy, EU Biodiversity Strategy, and Aichi Targets), which are reflected in the regional planning documents of the RDS and SPPS). Such an approach would be consistent with Defra's confirmation<sup>3</sup> that new developments must deliver an overall increase in biodiversity from 13 March 2019) in England.

#### **Modifications (ii)**

In recognition of the failure to halt biodiversity loss in NI, the various biodiversity targets at country, European and international level, the Council's legislative biodiversity duty, the LCCC dPS needs to be more ambitious in this regard, if it is to truly further sustainable development consistent with the RDS and SPPS, and as such include a requirement for biodiversity net gain as part of development proposals.

**Please also refer to the following RSPB NI submissions:**

- RSPB NI's response to LCCC POP (2017)
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

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<sup>3</sup> <https://deframedia.blog.gov.uk/2019/03/13/government-to-mandate-biodiversity-net-gain/>

## Response 2

### 4. Strategic Policies and Spatial Strategy

#### Strategic Policy 08 Housing in Settlements

#### Strategic Housing Allocation

#### Page 57

#### Unsound

- P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- C1 Did the council take account of the Regional Development Strategy?
- C3 Did the council take account of policy and guidance issued by the Department?
- CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?

#### Details

Having reviewed both Part 1 of the dPS in this regard and Technical Supplement 1 – Housing Growth Study, a number of inconsistencies have been identified in the housing figures. In this regard, the housing potential identified within Part 1 of the dPS is significantly less than the figures contained within Technical Supplement 1. Furthermore, the dPS fails to identify the housing allocation to each settlement tier, or how it intends to manage the housing supply during the plan period.

In this regard, the following tables are of relevance (extracts from Part of the dPS and Technical Supplement 1):

**Table 3 of Part 1**

CHAPTER 4 STRATEGIC POLICIES AND SPATIAL STRATEGY

**Table 3 Strategic Housing Allocation over Plan Period**

Settlement	Potential Units Remaining	Potential Units on Urban Capacity Sites	Windfall Potential 1-4 Units Projected over 12 year period	Windfall Potential 5+ Units Projected over 12 year period	Total Potential
Lisburn City	4,079 (38.8%)	607 (5.8%)	97 (1%)	420 (4%)	5,203 (49.6%)
Lisburn Greater Urban Area	188 (1.8%)	0	2 (0.01%)	216 (2%)	406 (3.8%)
Castlereagh Greater Urban Area	1,628 (15.5%)	103 (1%)	43 (0.4%)	248 (2.4%)	2,022 (19.3%)
Carryduff	1,407 (13.4%)	119 (1.1%)	10 (0.09%)	76 (0.8%)	1,612 (15.4%)
Hillsborough & Culcavy	421 (4%)	25 (0.2%)	22 (0.2%)	44 (0.4%)	512 (4.9%)
Molra	545 (5.2%)	21 (0.2%)	0	151 (1.4%)	717 (6.8%)
<b>Urban Settlement Total</b>	<b>8,268 (78.7%)</b>				<b>10,472 (99.8%)</b>
<b>Villages &amp; Small Settlements</b>	<b>1,231 (11.7%)</b>				<b>1,231 (11.7%)</b>
<b>Countryside</b>	<b>729 (6.9%)</b>				<b>729 (6.9%)</b>
<b>Total Units</b>	<b>10,228 (97.4%)</b>	<b>875 (8.3%)</b>	<b>174 (1.7%)</b>	<b>1,155 (11%)</b>	<b>12,432 (118.4%)</b>
<b>Strategic Mixed Use site West Lisburn/Blaris</b>	<b>1,350 (12.9%)</b>				<b>1,350 (12.9%)</b>
<b>Total no of units</b>	<b>11,578</b>	<b>12,453</b>	<b>12,627</b>	<b>13,782</b>	<b>13,782</b>
<b>Total % of HGI</b>	<b>110.3%</b>	<b>118.6%</b>	<b>120.3%</b>	<b>131.3%</b>	<b>131.3%</b>

Figures in brackets taken as percentage of 10,500 HGI figure taken from Housing Growth Study  
 Villages and small settlements based on Housing Policy Areas and committed sites with planning permission  
 Countryside based on building control completion notices over 5 years at an average of 54 Dwellings per year projected (excludes replacement dwellings)  
 All figures have been reduced by 10% to take account of the potential non deliverability during plan period.

## Technical Supplement 1 – Housing Growth Study - Extracts

Table 6: Housing Allocation 2017-2032 Plan Period

Settlement	Potential Units Remaining (Undeveloped Zoned Sites)	Potential Units Remaining (Ongoing Zoned Sites)	Potential Units Remaining (Ongoing Committed Sites with Planning Permission - Not Zoned)	Total Potential Units Remaining (Undeveloped & Ongoing Sites)
Lisburn City	69	3,378	1,086	4,533
Lisburn Greater Urban Area	0	29	180	209
Castlereagh Greater Urban Area-Newtownbreda/ Cairnshill Area	360	386	57	803
Castlereagh Greater Urban Area- Dundonald	0	628	378	1,006
Carryduff	410	888	266	1,564
Hillsborough/Culcavy	0	397	71	468
Moira	269	165	172	606
Villages & Small Settlements				1,368
Countryside				810
<b>Total Units</b>				<b>11,367</b>
Strategic Mixed Use Site West Lisburn/Blaris				1,500
<b>Total</b>				<b>12,867</b>
<b>Total Units in Urban Footprint</b>				<b>3,801</b>

- Potential Units for Lisburn City, the Greater Urban Areas and 3 Towns based on undeveloped sites and ongoing Sites
- Villages & Small Settlements based on Housing Policy Areas and Committed sites with Planning Permission
- Countryside based on (Building Control Completion Notices over 5 years) at an average of 54 dwellings per year projected (excluding Replacement Dwellings).
- Undeveloped sites - Zoned Land with No Planning Permission as of 31st March 2017
- Ongoing Zoned Sites - Zoned Land with Planning Permission as of 31st March 2017
- Ongoing Committed Sites - Sites Not Zoned but Committed with Planning Permission

Table 8: Potential Urban Capacity Sites Identified

Settlement	Potential Units on Urban Capacity Sites	Potential Units on Urban Capacity Sites (Within Urban Footprint)
Lisburn City	675	642
Lisburn Greater Urban Area	0	0
Castlereagh Greater Urban Area	115	13
Carryduff	133	11
Hillsborough/Culcavy	28	15
Moira	24	24
Villages & Small Settlements	N/A	N/A
Countryside	N/A	N/A
<b>Total Units</b>	<b>975</b>	<b>705</b>

**Table 9: Windfall Potential Projected over 15 Year Period**

Settlement	Windfall Potential 1-4 Units Projected over 15 year period (Within Urban Footprint)	Windfall Potential 5+ Units Projected over 15 year period (Within Urban Footprint)
Lisburn City	135	585
Lisburn Greater Urban Area	3	300
Castlereagh Greater Urban Area	60	345
Carryduff	15	105
Hillsborough/Culcavy	30	60
Moira	0	210
<b>Total Units Projected over 15 Year Period</b>	<b>243</b>	<b>1,605</b>

Using the figures above, the following has been identified/ascertained:

- Technical Supplement 1 (TS1) - total potential (excluding West Lisburn) is 14,190, this increases to 15,690 when the TS1 figures for West Lisburn are included

Both these figures are significantly greater than the total potential figures of 12,432 (excl. W. Lisburn) and 13,782 (incl. W. Lisburn), as contained within Table 3 of Part 1 of the dPS. Even acknowledging that these have been discounted by 10% to take account of the potential non deliverability during the plan period, there remains a significant discrepancy between the TS1 figures and the dPS, with the former used to inform preparation of the latter, and no information to justify such a departure.

- The Housing Growth Indicator (HGI) baseline figure of 10,380 was rounded up to 10,500 by the dPS. Irrespective of what housing potential figures are used (Table 3 or Technical Supplement 1) there amounts to a housing potential within the plan area greatly in excess of the HGI. This ranges between 131.3% to 151.2% of the HGI within the plan area depending on the housing potential and HGI figures used. This is set out below for clarity:
  - 131.3 % as per Table 3 figures using rounded up HGI (10,500)
  - 132.8% using Table 3 figures with baseline HGI (10,380)
  - 149.4% using Technical Supplement 1 total potential figures with rounded up HGI
  - 151.2% using Technical Supplement 1 total potential figures with baseline HGI.



This potential must also be set within the context of vacant stock which is also recorded in Technical Supplement 1 at a further 3,500 units. This means that within the plan area there is the potential for :

15,932 units (dPS potential excl. W. Lisburn + vacant stock)

17,282 units (dPS potential incl. W. Lisburn + vacant stock)

17,690 units (TS1 potential excl. W. Lisburn + vacant stock)

19,190 units (TS1 potential incl. W. Lisburn + vacant stock)

Against the requirement of furthering sustainable development, it is difficult to reconcile how such available potential within the plan area can be taken forward unabated, in the absence of any approach to proposed phasing, as being a truly sustainable approach to accommodating housing growth during the plan period.

RSPB NI recognises that the need for more housing, particularly affordable housing, is a pressing social concern which must be addressed by the planning system. However, there is a profound tension between delivering ever-increasing amounts of housing, and safeguarding finite environmental capacity - which is itself, another fundamental responsibility of the planning system. Housing and its associated infrastructure inevitably require a high degree of land-take. Furthermore, increased local populations resulting from new housing development increases pressure on local ecosystem services such as water provision.

It is therefore crucially important that the LDP ensures that new housing development, both individually and cumulatively, does not compromise environmental integrity. This task becomes substantially more difficult if the LDP burdens the environment with more housing than is actually needed. In this regard, housing growth and allocations should therefore be based on a robust evidence base. As mentioned previously, land is a finite resource and we need to ensure that all development is within environmental limits.

In this regard, RG8 of the Regional Development Strategy 2035 (RDS) seeks to manage housing growth to achieve sustainable patterns of residential development, and avoid over-zoning or the premature release of housing land.

As cautioned during our response to the LCCC POP, there continues to be in LCCC's approach to housing growth, a real danger that the LDP could burden the environment with more housing land than is actually required for the plan period. Furthermore, in the absence of any phasing, or by allowing additional sites

to come forward in an ad hoc way serves to undermine the furthering sustainable development principles outlined in both the RDS and SPPS.

In this regard, housing growth and allocations should therefore be based on a robust evidence base. As mentioned previously, land is a finite resource and we need to ensure that all development is within environmental limits. In our response to the POP with regards to extant unimplemented historic land use zoning (i.e. with no extant permission or commenced developments), we recommended that the LDP process should allow for an opportunity for the Housing Land Evaluation Framework approach to be applied to their designation to ensure that all zonings moving forward, met the Council's legislative requirement of furthering sustainable development in the plan making process. A similar approach identified in Stage 1 of the Employment Land Evaluation Framework (within the RDS) should be adopted with regards to existing unimplemented residential zonings, by undertaking an initial assessment of the 'fitness of purpose' including the environmental implications of the existing housing land portfolio. Historically, the carry-over of any unimplemented zonings into a new plan preparation phase was not *fait accompli* – this position should remain in order to ensure that the new plan truly furthers sustainable patterns of development.

#### **Modifications**

The data within Technical Supplement 1 and Part 1 of the dPS needs to be reconciled in order to ensure that housing growth and allocations be based on a robust and consistent evidence base, within environmental limits consistent with regional policy. This includes the re-examination of the need for those housing zonings not yet commenced in order to ensure the delivery of compact sustainable urban forms, and prevent over zoning. Furthermore, LCCC needs to outline its approach to housing delivery over the plan period to ensure sustainable compact urban forms are delivered, including the need for phasing.

**Please also refer to the following RSPB NI submissions:**

- RSPB NI's response to LCCC POP (2017)
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

### Response 3

#### 4. Strategic Policies and Spatial Strategy

##### Strategic Policy 16 Tourism

Page 115

##### Unsound

- P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

##### Details and Modifications

While tourism can often be related to the enjoyment of the natural environment, and this is something we strongly advocate, human activity, can in some instances, have a negative impact on biodiversity. In this context, the LDP should ensure that proposals do not have an adverse impact on biodiversity. Furthermore, regard should be had to the ecosystem services it provides, development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies.

The LCCC area is rich in its wildlife and diversity of habitats. As noted above, biodiversity does not confine itself to protected sites. As such, it is imperative that the LCCC LDP provides strong policy protection for those areas of natural and semi-natural habitat which lack formal designation (e.g. areas of wet grassland, or blanket bog). Issues of potential disturbance to key birds from recreational tourism should also be considered, for example: SPA /Ramsar /ASSI designations at Lough Neagh and Beg including Portmore Lough.

RSPB NI manages its nature reserve at Portmore Lough and a number of other reserves within neighbouring councils. Further details can be supplied to assist with the identification of sensitive areas from a habitat and species perspective.

Within our response to the Mid Ulster dPS, RSPB NI proposed the identification of a buffer zone to the SPA/ASSI designated site of Lough Neagh / Beg. In this regard, an area of 1km has been identified from the edge of the protected area in order to allow nature a space to 'breathe' at the edge of the site designation. Given that the LCCC plan area includes a part of the Lough Neagh shoreline and Portmore Lough, it is recommended that a similar buffer is extended within the LCCC boundary. Species are mobile and do not recognise lines or boundaries identified on a map, as such they do not necessarily confine themselves solely



to the protected area. Habitats, although not mobile like species can be linked to adjacent areas e.g hydrologically. As such, the identification of such a buffer area, will allow for the creation of a zone where nature is not constantly trying to vie for space or be in competition with other land uses 'cheek by jowl'. This is particularly important where areas are coming under/or have the potential to come under increased pressure, through for example: development, pollution, or habitat fragmentation during the plan period.

Given the size and scale of the Lough Neagh / Beg protected area (which includes the water body Portmore Lough), it was considered that the 'on land' part of the designation requires further supplementation through the identification of the 1km buffer area. For example, the area of wet grassland at Lenneymore Bay and woodland around Lough Neagh and Portmore Lough are important areas in this regard.

While RSPB NI appreciates that there is already development in this buffer zone, and extant permissions are still likely to be implemented, and indeed future permissions still likely to be granted where policy criteria is met – the identification of the buffer area serves to highlight the special consideration required to be given to future development in this area to avoid future potential impacts either alone or in combination, while giving nature an opportunity 'to breath' at a landscape scale beyond the precise delineated boundaries of the site designation.

This is a strategic process which could be replicated for other designated sites with the Council boundary which are coming/ or have the potential to come under increasing pressure. A proportionate approach would be necessary with regards to the scale of the buffer zoning in this context.

**Please also refer to the following RSPB NI submissions:**

- RSPB NI's response to LCCC POP (2017)
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

## Response 4

### 4. Strategic Policies and Spatial Strategy

#### Strategic Policy 19 Protecting and Enhancing Natural Heritage

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#### General Comments

This Strategic policy has failed to outline that the Council will be required to ‘apply the precautionary principle when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources’, consistent with paragraph 6.174 of the SPPS.

While it is noted that Operational Policies NH1 and NH 3 make reference to the precautionary principle, it would however be helpful if the same was outlined at strategic Policy 19 for overarching clarity.

#### Modifications

Add additional line to SP 19 as follows **‘The Council will apply the precautionary principle when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources’** (additional text **bold and underlined**).

## **Response 5**

### **4. Strategic Policies and Spatial Strategy**

#### **Strategic Policy 19 Protecting and Enhancing Natural Heritage**

##### **International Designations**

**Page 127**

### **General Comment**

This sections makes reference to the one Special Protection Area (SPA) and Ramsar site at Lough Neagh. This narrative should be amended to include reference to the water body of Portmore Lough which is also included within the designations for a more accurate spatial description.

Furthermore, the reference to 'RAMSAR' in Figure 6 should be amended to read 'Ramsar', as this designation is not an acronym – it is named after the town in which the Convention was adopted in Iran in February 1971.

## Response 6

### 4. Strategic Policies and Spatial Strategy

#### Strategic Policy 19 Protecting and Enhancing Natural Heritage

##### Local Development Plan Designations

Page 128

### General Comment

With regards to Local Development Plan designations please find the extract from our previous LCCC POP response in this regard:

#### **Lisburn and Castlereagh Council Area – Important areas identified by RSPB NI for nature conservation (species and habitats)**

- Belfast Hills
- Begny Lake (J306496)
- Broad Water (J144634)
- Flatfield Swan Fields (J190606)
- Hillsborough Park Lake (J247583)
- Stoneyford Reservoir (J218695)
- Camperdown/Millmount (J4372 and J4272)
- Carryduff Quarry (J359665)
- Castlereagh Hills (J3768 etc.)
- Monlough (J392644).

Other important areas currently include the management of the **Lough Neagh shoreline** within the LCCC area to benefit **Lough Neagh ASSI / SPA features**. The area of wet grassland at **Lenneymore Bay**, and **woodland around Lough Neagh and Portmore Lough**.

The **ASSI at Maghaberry** is also another important area, and provides opportunity for linking important sites for nature conservation interests at a landscape scale. **Also located close to the settlement of Maghaberry are two parcels of land** (totalling approximately 9.95ha (24.58acres) which are currently managed for a range of conservation interests nature by a private individual – see map below for further details. N.B. Part of the western land parcel is already included within the **Ballynalargy Ponds SLNCI**, and could be extended to include the adjacent lands at this location at the Local Policies Plan stage.

It is also worth noting that the southern portion of the LCCC plan area is currently important for Red Kite (an Annex 1 species under the EU Birds Directive<sup>4</sup>).

Further details of the aforementioned sites can be provided upon request for facilitate spatial definition in advance of the draft Local Polices Plan publication.



<sup>4</sup> [The EU Birds Directive 2009 \(codified version\)](#)

## Response 7

### 4 Strategic Policies and Spatial Strategy

#### Strategic Policy 21 Renewable Energy

Page 146

#### Unsound

- P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- C1 Did the council take account of the Regional Development Strategy?
- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Please note that there are a number of elements to our response to Strategic Policy 21 as follows:

#### Details (i)

##### **Absence of a Strategic Spatial Framework for Renewable Energy**

Strategic planning has a key role to play in enabling the renewable energy industry, particularly onshore wind, to grow in a way that minimises conflicts with other objectives, hence avoiding planning disputes. Doing so will involve the collection of a robust evidence base not only of the potential to generate energy, but also of the social and environmental factors that need to be considered.

While RSPB NI supports a strategic and spatial approach to renewable energy development, it is nevertheless of the firm opinion that this is best carried out at the Regional level to be truly coordinated and effective, however in the absence of such, councils have responsibility to define such an approach at their local government level. The scope of potential areas of constraint must include reference to sensitive nature features, as environmental capacity is more than a visual assessment alone, and include habitats and species – many of which are located outwith designated areas. Areas of constraint should also have their nature designations listed.

However, it is also important that areas outside of any area of constraint zoning must not become the 'sink holes' for development, the potential environmental impacts of any development or constraint zoning must be thoroughly assessed in the decision-making process. The dPS has however failed to identify a strategic spatial strategy for renewable energy development (or indeed any form of Special Countryside Area, or Other Areas of Constraint designation) which could assist in directing the most appropriate

development to the most appropriate places within the plan area. For example, as previously outlined in our POP response, the southern portion of the LCCC plan area is currently important for Red Kite (an Annex 1 species under the EU Birds Directive<sup>5</sup>). Please also refer to page 54 of our LCCC POP response which also outlined a number of other important areas for nature conservation (species and habitat).

Please also refer to our Response to the DoE's Call for Evidence: Strategic Planning Policy for Renewable Energy Development, from May 2016 which outlines inter alia our case for a strategic and spatial approach to wind energy development across the whole of Northern Ireland. Please also refer to the more recently published RSPB's 2050 Energy Vision Report<sup>6</sup>.

Achieving the UK's net zero targets will involve significant expansion of low-carbon, renewable energy technologies (including solar). Some of these will require large areas of land or sea for their deployment and may have negative impacts on wildlife. It is therefore important to understand where these technologies can be located with lowest risk for sensitive species and habitats, and to design energy policy so that the UK can meet emissions targets while having minimum impact on biodiversity.

The Energy Futures project was established in order to explore these complex issues and better understand how the UK can meet its climate targets in harmony with nature. See Report and technical appendices for full details<sup>7</sup>.

#### **Modifications (i)**

In this regard, RSPB NI recommends that further consideration be given to the creation of a strategic spatial strategy for renewable energy development, identifying those areas considered to be sensitive to such development (eg. Red Kites in south County Down), with further consideration being given to the protection of such areas through spatial designation within the LDP.

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<sup>5</sup> [The EU Birds Directive 2009 \(codified version\)](#)

<sup>6</sup> <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/350939-the-energy-futures-project>

<sup>7</sup> <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/350939-the-energy-futures-project>

#### Details (ii)

In addition, Strategic Policy 21 has effectively narrowed the application of the 'cautious approach' advocated by Paragraph 6.223 of the SPPS. In this regard, the SPPS states 'a cautious approach for renewable energy development proposals will apply within designated landscapes which are of significant value, such as Areas of Outstanding Natural Beauty, and the Giant's Causeway and Causeway Coast World Heritage Site, **and their wider settings**. In such sensitive landscapes, it may be difficult to accommodate renewable energy proposals, including wind turbines, without detriment to the region's cultural and natural heritage assets'. (Our emphasis).

However, Strategic Policy RE1 states 'a precautionary approach for renewable energy development proposals will apply within designed landscapes which are of significant value, such as Areas of Outstanding Natural Beauty'. The proposed policy wording of Strategic policy 21 has effectively disregarded 'their wider settings' as required by the SPPS and refers only to the designated areas.

#### Modifications (ii)

In the circumstances, it is recommended that the existing policy wording is amended to accord with Paragraph 6.223 of the SPPS as follows (additional text **bold and underlined**).

'a precautionary approach for renewable energy development proposals will apply within designed landscapes which are of significant value, such as Areas of Outstanding Natural Beauty **and their wider settings**'.

Please also refer to the following RSPB NI response documents for further details:

- RSPB NI's response to LCCC POP (2017)
- RSPB NI's response to the DOE's call for evidence on Renewable Energy (2016)
- RSPB NI's response to the DfI's call for evidence on Renewable Energy (2017)
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)



## Response 8

### 4. Strategic Policies and Spatial Strategy

#### Strategic Policy 23 Waste Management

Page 154

#### Unsound

- P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- C1 Did the council take account of the Regional Development Strategy?
- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

#### Details

While it is acknowledged that the final paragraph of this Strategic Policy states 'Proposals for waste management facilities should avoid or minimise any detrimental effects on people, the environment and amenity in accordance with operational policy set out in Part 2 of the Plan Strategy', it does not go far enough in explicitly stating the application of the 'precautionary principle'.

In assessing all proposals for waste management facilities should be guided by the precautionary principle that, where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest. This is because many waste management facilities by reason of their size, nature or location have the potential to cause significant damage to the environment including nature conservation interests (species and habitats) and pollution.

#### Modifications

The application of the precautionary principle with regard to the environment should therefore be added to the amplification and justification section of Strategic Policy 23 on waste management, in order to comply with Paragraph 6.322 of the SPPS ('in assessing all proposals for waste management facilities the planning authority will be guided by the precautionary approach that where there are significant risks of damage to the environment its protection will generally be paramount, unless there are imperative reasons of overriding public interest'), and Paragraph 1.19 of PPS 11 ('protecting the environment and human health are key principles in considering the development of waste management facilities or assessing other development in the vicinity of such facilities. In assessing such proposals, the Department will be guided by the precautionary principle and the polluter pays principle...') (our emphasis).

And is also consistent with the approach adopted by the adjoining Antrim and Newtownabbey Council to all waste management proposals at page 111 of their POP).

**Please also refer to the following RSPB NI response documents for further details:**

- RSPB NI's response to LCCC POP (2017)

## Response 9

### 5. Monitoring and Implementation

#### Appendix E – Monitoring Framework

Page 175

#### Unsound

CE3 Are there clear mechanisms for implementation and monitoring?

Please note that there are a number of elements to our response to the proposed Monitoring and Implementation Framework as follows:

#### Details and Modifications (i)

In general terms, RSPB NI has concerns with the monitoring targets and trigger points as currently proposed as they are not all considered to be SMART (i.e. specific, measurable, achievable, relevant and timebound), and at this time represent no more than unqualified bland statements in the absence of any contextual baseline information, or trigger factor for remedial action. LCCC needs to examine its Monitoring Plan in this regard as a matter of urgency in order to allow an effective assessment of how the Plan Strategy objectives are being achieved. In general, % or numeric triggers can be easier to measure and therefore effectively monitored. For example - even if it is a basic requirement for an increase or decrease over existing.

Furthermore, there are considered to be obvious omissions from the indicators and measures sections which would facilitate an enhanced assessment of the Plan Strategy in meeting its objectives for example:

#### Details (ii)

No details have been provided in respect of the Connected Place Objective of mitigating and adapting to climate change. Our environment is in crisis. The United Nations and other international institutions have issued stark warnings that we have only 12 years to avert a climate catastrophe and species are declining at a rate not previously seen. Northern Ireland is not immune to this. The State of Nature 2016 report revealed that between 1970 and 2013, 56% of UK species declined. Although the principal driver of change is agricultural intensification, urbanisation was identified as one of the top ten drivers of biodiversity change. The RSPB therefore attaches great importance to ensuring that planning systems and policies across the UK protect the environment and promote development that is truly sustainable – an approach that we know is feasible through our partnership with Barratt Developments to build new communities,

providing homes for people and wildlife (refer to Kingsbrook example in our POP response for further details).

Against this background, the LDP monitoring framework should be measuring what contribution the LDP is contributing to climate change and mitigation measures, in order to ascertain whether such is sufficient to address the climate and ecological emergencies faced.

#### **Modifications (ii)**

An Indicator Reference could include for example the restriction of further commercial peat extraction, where the target is no new approvals for peat extraction (either new sites or extension of existing), and the Review Trigger is more than 1 application permitted in any one year.

#### **Details (iii)**

Objective E: A Green Place – Protecting and Enhancing the Historic and Natural Environment – Given the requirement to further sustainable development (as laid down in the Planning Act 2011 and the SPPS), the statutory duty placed on every public body to further the conservation of biodiversity (as articulated by the WANE Act 2011) Northern Ireland, alongside the objectives of the NI and EU Biodiversity Strategies, and other legislative provisions, coupled with LCCC’s acknowledgement that climate change remains high on its agenda<sup>8</sup>, it is considered that there is a real need to provide a fit for purpose monitoring framework in this regard.

#### **Modifications (ii)**

Here the indicator could be ‘furthering sustainable development, where the Target is halting biodiversity loss, and the Review Trigger is more than 1 application permitted in any one year contrary to DAERA advice.

#### **Details and Modifications (iii)**

Similarly, with regard to the indicator for ‘Number of Permissions on International, National, Local sites, designated sites and plan designations: Ramsar, ASSI, national nature reserve, local nature reserve, wildlife refuge, AONBs, Areas of High Scenic Value, Green Wedges and Local Landscape Policy Areas’, a SMART supplementary trigger to that already proposed (i.e loss of designated sites protected or damage to sensitive landscapes and biodiversity through planning approvals) could be, ‘more than 1 application permitted in any one year contrary to DAERA advice’. Such an approach could be equally applied to the Development within Fluvial or Pluvial Zones , with DFI Rivers Agency being the relevant advising authority.

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<sup>8</sup>[https://www.lisburncastlereagh.gov.uk/uploads/minutes/G+A\\_20.03.19\\_Agenda\\_and\\_Reports\\_for\\_Website.pdf](https://www.lisburncastlereagh.gov.uk/uploads/minutes/G+A_20.03.19_Agenda_and_Reports_for_Website.pdf) – page 23

## Response 10

### 5. Monitoring and Implementation

#### Monitoring Indicators and Trigger Points

Page 182

#### Unsound

CE3 Are there clear mechanisms for implementation and monitoring?

#### Details and Modifications

It is unclear how the proposed monitoring framework will allow for the differentiation between the application of the various options outlined i.e how it will actually be implemented? For example, it is not possible to establish how the monitoring framework will allow for the identification of training required (blue) from the need to review policy (amber), this is compounded by the lack of a SMART Monitoring Framework.

Further detail is required to be set out by the Council in order to qualify how the Monitoring Framework can be effectively implemented.

## **Part 2 – Operational Policies**

### **Response 11**

#### **Preamble**

#### **Page 03**

#### **General Comments**

RSPB NI welcomes the following statement within the Preamble section of Part 2:

‘For the purposes of ensuring sustainable development these operational policies must not be read in isolation from one another. Proposals must comply with all policy requirements contained in the operational policies, where relevant to the development’.

However, it would add further clarity if the following text was added to each operational policy, in order to provide additional clarity for all users of the local development plan document. This would be consistent with other Councils’ approaches in this regard, for example Mid and East Antrim.

Additional policy wording for insertion within each operational policy:

**‘Proposals must also accord with all other provisions of the Local Development Plan’.**

## Response 12

### Section A – A Quality Place

#### 1. Housing in Settlements

##### HOU4 Design in New Residential Development

Page 14

#### Unsound

- P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- C1 Did the council take account of the Regional Development Strategy?
- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

#### Details

While the requirements for landscaping and private open space are welcome, they are not however sufficiently ambitious to deliver on the Council's requirement of furthering sustainable development, and are not equally applicable in all contexts. In simple terms, the requirements essentially represent a 'business as usual approach', and from studies like the State of Nature, we know that a 'business as usual' approach is insufficient to address the impacts of development in general on our species and habitats, through for example habitat loss, fragmentation, and pollution etc.

The State of Nature 2016 report highlights that urban biodiversity is declining, with 56% of the species surveyed for this habitat experiencing declines within the last fifty years. The publication's recent update, The State of Nature 2019<sup>9</sup> report revealed that since 1970, 41% of UK species have decreased. Although the principal driver of change is agricultural intensification, urbanisation was identified as one of the top ten drivers of biodiversity change. The RSPB therefore attaches great importance to ensuring that planning systems and policies across the UK protect the environment and promote development that is truly sustainable – an approach that we know is feasible through our partnership with Barratt Developments to build new communities, providing homes for people and wildlife – as demonstrated through the Kingsbrook case study detailed in our previous response to the Preferred Options Paper.

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<sup>9</sup> <https://nbn.org.uk/stateofnature2019/>

RSPB NI believes that the protection and enhancement of both urban and rural biodiversity can be achieved through careful planning and development.

To achieve this, RSPB NI believes that any development/redevelopment proposals should aim to protect and enhance biodiversity on sites and enhance connections between ecological features within and across sites.

In this regard, RSPB NI advocated in its response to the POP the following points:

- RSPB NI believes that the design and layout of new residential developments should aim to protect and enhance biodiversity on sites, and enhance connections between ecological features within and across sites.
- RSPB NI advocates that the Council should adopt the principles outlined within the Exeter residential design code and in The Wildlife Trust's – planning for healthy environment – good practice guidance for green infrastructure and biodiversity.
- These documents highlight key measures in which biodiversity can be protected and enhanced through planning and development.
- Biodiversity features which might be incorporated into the design and layout include:
  1. Nesting and roosting bricks to be built as part of the fabric of the building for building reliant birds such as swifts and bats and birds associated with urban areas such as the common pipit and house sparrow;
  2. Sustainable Urban Drainage Systems linked to adjacent wetland/riparian systems;
  3. Green/living roofs and green walls;
  4. A varied structure of wildlife friendly trees, shrubs and flower rich meadows providing food, shelter and breeding places for wildlife, located so as to maximise linkages with nearby green spaces, habitats and wildlife corridors; and,
  5. Wildlife friendly lighting.

### Modifications

Against this context, an additional criterion '**m**' **requiring biodiversity net gain to be incorporated into the design and layout as part of a development proposal** within Policy HOU4 would help to address the fact that NI is failing to meet its targets on halting biodiversity loss (as contained within the NI Biodiversity Strategy, EU Biodiversity Strategy, and Aichi Targets), which are reflected in the regional planning documents of the RDS and SPPS). Such an approach would also be consistent with Defra's confirmation<sup>10</sup> that new developments must deliver an overall increase in biodiversity from 13 March 2019) in England.

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<sup>10</sup> <https://deframedia.blog.gov.uk/2019/03/13/government-to-mandate-biodiversity-net-gain/>



Within the NI context, such an amendment is considered to further sustainable development, consistent with the aims of the RDS and the SPPS and comply with the Biodiversity duty set out at Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011 on public bodies.

**Please also refer to the following RSPB NI submissions:**

- RSPB NI's response to LCCC POP (2017)
- RSPB NI's response to the DOE's Call for Evidence: Strategic planning policy for Development in the Countryside
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

## Response 13

### Section A – A Quality Place

#### 1. Housing in Settlements

##### HOU 5 Public Open Space in New Residential Development

###### Page 19

### General Comments

In our response to the POP, we provided details of the Kingsbrook development case study in England<sup>11</sup> where the RSPB is working with Barratt Developments and Aylesbury Vale District Council to set a new benchmark for wildlife-friendly housing developments. Here, 2450 homes will be built surrounded by new meadows, pools, hedges and trees. The aim is that wildlife will thrive throughout the development, and people will benefit from living, working and playing close to nature.

In this regard, it is worth noting that one of the project objectives is to have 50% wildlife-friendly greenspace, excluding gardens. This sets a new standard, where the new housing will be surrounded by large areas of ponds, parks, meadows, orchards and nature reserve. It will also have wildlife corridors so that wildlife can move all around and through the greenspace and the residential areas. Whether it be hedges, strips of wildflower grassland or gaps under fences and walls, wildlife won't have the barriers they normally face.

Against the background of climate change and biodiversity decline in urban areas by 56%<sup>12</sup>, LCCC (like all other Councils) need to be more ambitious in setting targets for new public open space provision in new residential developments if it is to truly further sustainable development (as laid down in the Planning Act 2011 and the SPPS), and comply with the statutory duty placed on every public body to further the conservation of biodiversity (as articulated by the WANE Act 2011). Notably, the SPPS at Paragraph 6.171 goes on to state 'all of us share the collective responsibility to preserve and improve the natural environment and halt the loss of biodiversity for the benefits of future generations'. The preparation of the LDP presents the Council with a real opportunity to deliver on this responsibility, and be more ambitious in delivering for biodiversity, building resilience against the effects of climate change, and realising the full potential and value of ecosystems services (natural capital) for the Borough (economic, social and environmental).

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<sup>11</sup> <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/411790-kingsbrook-new-standards-in-wildlifefriendly-housing>

<sup>12</sup> <http://www.rspb.org.uk/our-work/conservation/conservation-projects/details/363867-the-state-of-nature-report>  
[http://www.rspb.org.uk/images/210-2470-15-16\\_StateOfNature2016\\_NorthernIreland\\_7%20Sept%20pages\\_tcm9-425322.pdf](http://www.rspb.org.uk/images/210-2470-15-16_StateOfNature2016_NorthernIreland_7%20Sept%20pages_tcm9-425322.pdf) - this is the NI specific element of the report

**Please also refer to the following RSPB NI submissions:**

- RSPB NI's response to LCCC POP (2017)
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

## Response 14

### Section A – A Quality Place

#### 3. Development in the Countryside

##### COU8 Infill/Ribbon Development

###### Page 36

### General Comments – typo error

The headline text here states ‘planning permission will be refused for a building which extends or adds to a ribbon of development’ (our emphasis). However, the verbs ‘add’ and ‘extend’ within this policy narrative essentially mean the same thing. The original policy wording contained within Policy CTY 8 of PPS 21 actually states ‘Planning permission will be refused for a building which creates or adds to a ribbon of development’ (our emphasis), it is therefore assumed that the text within the dPS is a typo error.

### Modifications

The opening line of Policy COU8 should be amended to read ‘Planning permission will be refused for a building which creates or adds to a ribbon of development’, to be consistent with PPS 21 and the SPPS (paragraph 6.73).

## Response 15

### Section B – A Thriving Place

#### 5. Minerals Development

##### Policy MD1 Environmental Protection

###### Page 51

#### Unsound

- P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- C1 Did the council take account of the Regional Development Strategy?
- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?
- CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?

#### Details

As previously outlined in our response to LCCC's POP, RSPB NI recommended that 'planning permission should not be granted for peat extraction from new or extended sites, or renew extant permissions'. Notably, the English National Planning Policy Framework has clear requirements which do not allow new or extended planning permission for peat extraction.

Peatlands are concentrated stores of carbon, with particularly deep deposits of peat up to 10 metres that have accumulated over thousands of years. As with all peat soils, this is essentially a non-renewable resource as in UK conditions, peat forms extremely slowly - at a rate of around 1mm a year in active peat-forming bogs.

As well as depleting the carbon store and impacting on biodiversity, archaeology and the landscape, extraction activities result in annual greenhouse gas emissions of at least 400,000 tonnes of carbon dioxide (CO<sub>2</sub>) from UK extraction sites. This is equivalent to 100,000 cars on the road each year and does not take account of the peat that is imported from outside the UK, principally from Ireland (which supplies 60% of the UK's horticultural peat). In the context of our climate change commitments, all emission reductions are important.

Within this context, for horticulture, RSPB NI would expect all countries to follow Defra's lead of phasing out peat by 2020 for consumer gardening, and by 2030 for commercial horticulture. These targets are stated in the government's Natural Choice report, 2011.

These positions are strengthened by more recent statements and initiatives to protect peatlands for both biodiversity and, perhaps more resonantly, climate change. During November 2016, the United Nations Environment Programme (UNEP) launched a [Global Peatlands Initiative](#) in Marrakesh at the climate change CoP, with more than a dozen partners, to retain greenhouse gases in peatlands and restore / maintain their other functions.

It is also worth noting that Scottish Natural Heritage (SNH) has a well-articulated peatland plan that, again, should be a template for the other UK countries, including Northern Ireland.

Other Councils like, Mid Ulster, and Mid and East Antrim have introduced a new policy which does not permit commercial peat extraction, and while this is welcomed in principle, these councils have both introduced certain exceptions in the draft policy which in our view could result in the continued extraction of peat throughout the plan period. For example, 'exceptions may be allowed where the peat land is already degraded and not reasonably capable of restoration or where it can be demonstrated that peat extraction is linked to a management and restoration plan which will deliver improved peatlands over the longer term' and 'commercial peat extraction may also be permitted by way of exception, where it is part of a management plan for the conservation or restoration of peatlands over the longer term' (Source: Mid and East Antrim dPS).

RSPB NI has serious concerns about these exceptions and does not recommend their inclusion without modification within any revised policy wording by LCCC for the following reasons:

With regards to the 'not reasonably capable of restoration' element, this wording is vague and undefined and as such it could be easily argued that an area of peatland is not reasonably capable of restoration. In the circumstances, we therefore strongly recommended that further clarification is added to the policy that **any peatland with a layer of peat of 0.5m or more is considered capable of restoration**. This would provide further clarity to the policy wording within the dPS.

Similarly, we were concerned that the second proposed exception which states, 'commercial peat extraction may also be permitted by way of exception, where it is part of a management plan for the conservation or restoration of peatlands over the longer term'. In this regard, RSPB NI recommended that

this be removed from the wording of the dPS Policy MIN 7 and paragraph 7.4.37, as it is contradictory to peatland conservation and it has the potential to be used to justify continued extraction.

If LCCC (and indeed all other councils in Northern Ireland) is to take our climate change commitments seriously, then applications/proposals which increase the release of carbon dioxide in situations where peatland is drained, removed or disturbed should be resisted.

Please refer to our response to the POP for further details in this regard.

RSPB NI would like to draw your attention to RSPB's Sustainable Catchment Management Programme (SCaMP) in Garron Plateau as a model to be utilised to demonstrate and support sustainable management in such areas. For further details please see web links below:

<http://www.rspb.org.uk/our-work/rspb-news/news/361922-giving-nature-a-home-at-garron>

<http://www.rspb.org.uk/our-work/rspb-news/news/340365-peak-district>

#### **Modifications**

Policy MD1 should be reworded as follows:

**'Applications for commercial extraction of peat including new or extended sites, or renewal of extant permissions will not accord with the Plan'.**

Should LCC be minded to include any exceptions to this policy, this should be qualified as follows:  
**Exceptions may be made where the peat land is not reasonably capable of restoration, noting any peatland with a layer of peat of 0.5m or more is considered capable of restoration'.**

To ensure restoration of such sites, an additional line should be included within the policy as follows:  
**'the developer will need to demonstrate that the proposed management structures and finance are in place for the restoration of these sites. In such cases, a planning agreement between relevant parties may be required'. The prospect of site restoration should not be used as a justification for extraction in the first place.**

In addition to ensuring the financial provision for restoration and aftercare, the LDP should also provide the framework to facilitate regular inspection to ensure such plans are followed through to delivery. This is to ensure that any development is furthering sustainable development as required by the RDS and SPPS,

and with comply with the Biodiversity duty set out at Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011 on public bodies.

In the circumstances, it is recommended that an additional line is added to Policy MD1 as follows:

**'Access to the site shall be provided at all reasonable times by the applicant/operator for inspection by LCCC officials (or other appropriate body) to ensure restoration and aftercare plans have been implemented in accordance with the planning permission'.**

The above amendments will be in general conformity with the SPPS to work towards the restoration of and halting the loss of biodiversity, in addition to the statutory duty placed on every public body to further the conservation of biodiversity (as articulated by the WANE Act 2011), while complying with the Habitats Directive, and the NI and EU Biodiversity Strategies.

Notably, the SPPS at Paragraph 6.171 goes on to state 'all of us share the collective responsibility to preserve and improve the natural environment and halt the loss of biodiversity for the benefits of future generations'.

Please also refer to the following RSPB NI submissions:

- RSPB NI's response to LCCC POP (2017)
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)



## Response 16

### Section B – A Thriving Place

#### 5. Minerals Development

##### Policy MD9 Restoration Proposals

Page 53

#### Unsound

- P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- C1 Did the council take account of the Regional Development Strategy?
- C3 Did the council take account of policy and guidance issued by the Department?

Please note that there are a number of elements to our response to Policy MD.9 as follows:

#### Details (i)

In our response to LCCC's POP (see RSPB NI response for full details) we outlined our experience of developing a framework for the restoration of mineral sites for the benefits of biodiversity, habitats and local people. In this regard, we outlined how the RSPB is unusual amongst UK NGOs because we engage with individual applications for minerals development across the UK, advising developers how they can minimise the impact of their developments, as well as working with Government to develop legislation and policy. Between 2012 and 2015, we were the lead partner in the RESTORE project<sup>13</sup> seeking to address the challenge of environmental degradation across north-west Europe by working to develop a framework for the restoration of minerals sites (quarries) to provide benefits for biodiversity, habitats and local people. It was co-financed by the EU's European Regional Development Fund through the INTERREG IVB NWE Programme.

This project aimed to increase the sustainability of northwest Europe by:

- Contributing to reversing biodiversity declines
- Protecting and buffering designated sites
- Enhancing landscapes

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<sup>13</sup><https://www.rspb.org.uk/whatwedo/projects/details/354133-restore-restoring-mineral-sites-for-biodiversity-people-and-the-economy-across-northwest-europe>

- Providing Green Infrastructure
- Improving quality of life

In our previous response we outlined how mineral sites have the potential to enhance biodiversity and to provide a public benefit at the end of their working lives through restoration.

Against this background, RSPB NI is extremely disappointed that dPS Policy MD9 only requires 'satisfactory restoration proposals', the preferred type of reclamation depending on a number of factors including *inter alia* 'the potential for nature conservation and biodiversity on the site'. Our POP response clearly outlined environmental benefits and included reference to the RSPB's publication, *Habitat Creation for the Minerals Industry*. This covers a range of topics in detail and makes an excellent quick reference guide for example:

Restoration plan detail – we believe it is the applicant's responsibility to provide as much detail as possible in restoration plans at the early stages of planning. Submitted plans may lack detail to allow for future flexibility but we believe that a greater level of detail is required to allow necessary conditioning and is essential to help the biodiversity of the site.

Restoration fits with natural landscape – restoration design should tie in with the natural landscape. If there are unnatural features to the landscape such as improved grassland or conifer plantations, we advise against adding into these features.

Phasing - it is best to restore in phases as extraction continues. In addition to this, working quarries can host specialist species that utilise this temporary habitat such as sand martins, peregrines many species of invertebrates.

Management – management should be detailed in any restoration plan so operators are aware of what is involved post habitat creation. Many operators have seeded fields with wildflowers, only for these same fields to succeed into fields of unmanaged scrub within 3-5 years.

Natural regeneration – while initially not looking visibly pleasing, natural regeneration is usually the most beneficial form of restoration when land forming is carried out correctly and the right management is in place.

Soil nutrients – many sites believe they are restoring to best practice by retaining and relaying topsoil. However, soil low in nutrients, particularly phosphorus, is more beneficial to habitats rich in biodiversity. Appropriate treatment and improvement of the substrate need only relate to preparing the site with a thin covering of subsoil.

Topography – the more varied the better. Diverse micro topography is important because it creates ecological niches and variable microclimates for different species. The worst case scenario is a typical 45° slope.

Bare earth – this is a rare habitat that can be beneficial in both hard rock and sand and gravel quarries. To leave areas 3-5% bare ground could really increase its value for biodiversity.

Woodland – many operators have a belief that trees are great for the environment. We believe trees are good for the environment, but only in the right places. We only recommend tree planting when there is no possibility to create more favourable habitats such as heath or species rich grassland. Trees in the wrong area can also host predators such as corvids.

Hedgerows – these should be of local provenance and have a good mixture of species that will benefit invertebrates, birds and mammals. The management of these hedgerows are important for this wildlife and we would suggest a sympathetic cutting regime on a rotation of 3-4 years.

Improving habitat instead of 'giving back' – we would encourage trying to improve habitats as oppose to restoring land to what it was previously. Areas where semi natural habitats have been removed for extraction and restored to less favourable habitats such as improved grassland should not be considered restoration as it is a net loss for wildlife.

Water bodies – while most hard rock quarries will be flooded at the final stages, we suggest at least having some shallow edges to make it more permeable to wildlife. This can be easily achieved by restoration blasting or using inert material. Deep water can also benefit from artificial islands for ground nesting birds. Keeping the periphery free of scrub and trees is also desirable as this overshadows many aquatic plants.

In addition to nature conservation and biodiversity benefits, such restoration measures provide additional benefits for tourism and recreation provision, such as wetland on former peat extraction sites.

#### **Modifications (i)**

Policy MD 9 should be amended to **require enhanced biodiversity in every case of restoration**. Such a requirement is considered to be in general conformity with the SPPS to work towards the restoration of and halting the loss of biodiversity, in addition to the statutory duty placed on every public body to further the conservation of biodiversity (as articulated by the WANE Act 2011), while complying with the Habitats Directive, and the NI and EU Biodiversity Strategies, and international Aichi Targets.

#### **Details (ii)**

While RSPB NI welcomes the requirements of Policy MD9 regarding providing adequate details demonstrating the satisfactory restoration of sites, and the underpinning of such provisions by appropriate conditions attached to any grant of planning permission', this should also be extended to include reference to Section 76 Agreement, if necessary, for robustness. the policy also needs to ensure that financial provision for restoration and aftercare is guaranteed through Legal Agreement, and that a framework to

facilitate regular inspection to ensure such plans are followed through to delivery. This is to ensure that any development is furthering sustainable development as required by the RDS and SPPS and will comply with the Biodiversity duty set out at Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011 on public bodies.

#### **Modifications (ii)**

In the circumstances, it is recommended that an additional line is added to the policy text box as follows:

‘In order to secure sustainable restoration, including the appropriate re-use of mineral sites, planning applications should be required to provide adequate details demonstrating the satisfactory restoration of sites subsequent to the completion of operations. Such provisions must be underpinned by appropriate conditions attached to any grant of planning permission, or if necessary, a Section 76 Planning Agreement. The Council will require a financial guarantee in the form of a bond where there are legitimate concerns over an operator’s financial security, or where the progressive restoration of the site is not being implemented in line with previous planning conditions and/or a planning agreement. Access to the site shall be provided at all reasonable times by the applicant/operator for inspection by LCCC/Departmental officials to ensure restoration and aftercare plans have been implemented in accordance with the planning permission’.

Please also refer to the following RSPB NI submissions:

- RSPB NI’s response to LCCC POP (2017)
- RSPB NI’s response to the DOE’s consultation on the draft Strategic Planning Policy Statement (SPPS)

## Response 17

### Section D – An Attractive Place

#### 8. Open Space, Sport and Outdoor Recreation

##### OS1 Protection of Open Space

Page 68

#### Unsound

- P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- C3 Did the council take account of policy and guidance issued by the Department?

Please note that there are a number of elements to our response to Policy OS1 as follows:

#### Details

While for the most part dPS Policy OS 1 replicates the provisions of PPS 8, Policy OS1, it has failed to copy across two important elements:

#### Details (i)

The dPS Policy OS1 has narrowed the scope of its assessment to just the area of open space in question. However, PPS 8, Policy OS1 requires alternative use of open space to 'be assessed with regard to their effect on the amenity, character and biodiversity of the area and the wider locality and taking into account the needs of future generations' (Our emphasis).

#### Modification (i)

Revised dPS Policy OS1 as follows:

'An exception may also be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on amenity, character or biodiversity of an area and the wider locality and taking into account the needs of future generations in either of the following circumstances....' (additional proposed text **bold and underlined**).

This addition will ensure that the dPS is in compliance with the regional policy provisions of PPS8, Policy OS1, and does not result in any weakening or compromise in same, while furthering sustainable development, consistent with both the RDS and SPPS.

**Details (ii)**

In this regard, Policy OS1, part (b) as currently proposed fails to copy across the requirement within PPS 8 Policy OS 1 part (ii) which permits the exercising of such an exception 'only once' (our emphasis).

The justification for such an exception is set out at paragraph 5.9 of PPS 8 as follows:

'the above exception will be applied only once to guard against the piecemeal erosion of playing fields and sports pitches by a succession of small developments, possibly over a long period of time'.

**Modifications**

It is therefore recommended that dPS Policy OS 1 part (b) be amended to include the following additional text (**bold and underline**) as the final sentence:

**'This exception will be exercised only once'**.

With the following additional text being added to the Justification and Amplification section below, as follows:

**'the above exception will be applied only once to guard against the piecemeal erosion of playing fields and sports pitches by a succession of small developments, possibly over a long period of time'**.

These additions will ensure that the dPS is in compliance with the regional policy provisions of PPS8, Policy OS1, and does not result in any weakening or compromise in same.

## Response 18

### Section D – An Attractive Place

#### 8. Open Space, Sport and Outdoor Recreation

##### OS4 Facilities Ancillary to Water Sports

Page 70

#### Unsound

- P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- C1 Did the council take account of the Regional Development Strategy?
- C3 Did the council take account of policy and guidance issued by the Department?

#### Details

Policy OS4, point (g) within the dPS has effectively weakened its provisions by including the additional text ‘associated with the body of water’. Point (vii) of PPS 8 actually states ‘there is no conflict with the provisions of any local management plan’. This existing policy provision could allow for the consideration of management plans which are associated with the land surrounding the waterbody – for example, management plans for habitat adjacent to the water body (for species which may use the waterbody), in such circumstances, the management plan is not strictly for the waterbody itself, but facilities ancillary to water sports could equally impact/conflict with the provisions of said management plan.

The insertion of this additional text by dPS OS1, has the effect of restricting the scope of important nature conservation considerations in this context, and as such serves to undermine the furthering of sustainable development, which is inconsistent with the aims of the RDS and the SPPS, the Planning Act 2011, and the Biodiversity duty set out at Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011 on public bodies.

#### Modifications

Removal of the following text from point (g) **‘associated with the body of water’** to ensure compliance with the Planning Act, RDS, SPPS and the Council’s biodiversity duty. (text to be deleted **bold and underlined**).

## Response 19

### Section E – A Green Place

#### 9. Historic Environment and Archaeology

**HE6 Change of Use and/or Extensions or Alterations to a Listed Building**

**HE8 Demolition or Partial Demolition of a Listed Building**

**HE12 Demolition or Partial Demolition in a Conservation Area or Area of Townscape Character/Area of Village Character**

**HE13 The Conversion and Reuse of Non Listed Buildings**

**Pages 77, 78, 82 and 83 respectively**

#### Unsound

- P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- C1 Did the council take account of the Regional Development Strategy?
- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

#### Details

Please refer to our original submission to the POP for full details of our comments on urban design and the opportunities for biodiversity and further sustainable development, including examples of best practice elsewhere. For convenience, a copy of our original POP response will be attached to our draft Plan Strategy email response submission.

The State of Nature 2016 report highlights that urban biodiversity is declining, with 56% of the species surveyed for this habitat experiencing declines within the last fifty years.

RSPB NI believes that the protection and enhancement of both urban and rural biodiversity can be achieved through careful planning and development.

As outlined in our response to the POP, there is no regard to protecting and enhancing the biodiversity that such places hold. Old buildings can often provide safe refuges for our wildlife, as such any plans for regeneration/refurbishment proposals should incorporate measures to continue to give nature a home by



retaining the site/building biodiversity in any proposals for their re-development – please see comments within our POP response with regards to Place Making and Good Design for ways in which this can be achieved. This should not only apply to internationally protected species or priority species, but to wildlife in general. Good design can promote biodiversity and encourage wildlife (as stated in PPS 7, paragraph 4.3).

To achieve this, RSPB NI believes that any redevelopment proposals should aim to protect and enhance biodiversity on sites and enhance connections between ecological features within and across sites.

In this regard, RSPB NI advocated in its response to the POP the following points:

- RSPB NI believes that the design and layout of new residential developments should aim to protect and enhance biodiversity on sites, and enhance connections between ecological features within and across sites.
- RSPB NI advocates that the Council should adopt the principles outlined within the Exeter residential design code and in The Wildlife Trust's – planning for healthy environment – good practice guidance for green infrastructure and biodiversity.
- These documents highlight key measures in which biodiversity can be protected and enhanced through planning and development.
- Biodiversity features which might be incorporated into the design and layout include:
  1. Nesting and roosting bricks to be built as part of the fabric of the building for building reliant birds such as swifts and bats and birds associated with urban areas such as the common pipistrelle and house sparrow;
  2. Sustainable Urban Drainage Systems linked to adjacent wetland/riparian systems;
  3. Green/living roofs and green walls;
  4. A varied structure of wildlife friendly trees, shrubs and flower rich meadows providing food, shelter and breeding places for wildlife, located so as to maximise linkages with nearby green spaces, habitats and wildlife corridors; and,
  5. Wildlife friendly lighting.

#### Modifications

To this end, it is recommended that the above mentioned polices be amended to include the following **(additional text in bold and underlined)**

**'Any extensions, alterations or adaptations should not result in a net loss of biodiversity, and where possible enhance thereby contributing to net gain'.**

(It should also include reference to the abovementioned biodiversity features which may be incorporated, where appropriate, into the design and layout).

Such an amendment is considered to further sustainable development, consistent with the aims of the RDS and the SPPS and comply with the Biodiversity duty set out at Section 1 of the Wildlife and Natural Environment (WANE) Act (NI) 2011 on public bodies.

**Please also refer to the following RSPB NI submissions:**

- RSPB NI's response to LCCC POP (2017)
- RSPB NI's response to the DOE's Call for Evidence: Strategic planning policy for Development in the Countryside
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

## **Response 20**

### **Section E – A Green Place**

#### **10. Natural heritage**

##### **NH3 Sites of Nature Conservation Importance – National**

**Page 86**

### **General Comments**

Given the absence of a marine area within the LCCC boundary, reference to a Marine Conservation Zone has been removed from the main policy wording, however, it remains within the Justification and Amplification section below. It is recommended that the reference is either removed from the justification and Amplification section or added to main text wording for consistency.

## Response 21

### Section F – A Connected Place

#### 12. Renewable Energy

##### RE1 Renewable Energy Development

Page 100

#### Unsound

- P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- C3 Did the council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Please note that there are a number of elements to our response to Policy RE1 as follows:

#### Details (i)

Neither Part 1 Strategic Policies and Spatial Strategy, nor Part 2 Operational Policies acknowledge/outline how the LDP proposes to deal with applications for the re-use, refurbishment, repair and repowering of existing renewable energy development in order to prolong the life span of developments. Such policy guidance is particularly important at this time, as we are now witnessing the first wave of such proposals coming through in respect of the first generation of wind farm developments. Currently, policy in this regard is provided at Paragraph 4.17 of PPS 18, which deals with the issue of repowering/re-equipping turbines at the end of its planning permission life (in most cases planning permission will be linked to the expected operational life of the turbine). Paragraph 4.27 of the PPS states 'while there are obvious advantages in utilising established sites, such cases will have to be determined on their individual merit and in the light of the then prevailing policy and other relevant considerations'.

#### Modification (i)

In order therefore for Policy RE1 to be effective and accord with regional policy, the provisions of Paragraph 4.17 of PPS 18 require to be copied across as follows (additional text **bold and underlined**):

**'Applications for the re-use, refurbishment, repair and repowering of existing renewable energy development in order to prolong the life span of developments such as wind farms and solar farms will have to be determined on their individual merit and in the light of the then prevailing policy and other**

**relevant factors including not resulting in unacceptable impacts on the environment or residential / visual amenity**.

**Details (ii)**

Furthermore, the dPS (both in Part 1 and Part 2) is silent on its approach to renewable energy on active peatland. Policy RE 1 of PPS18 in relation to wind energy development states 'any development on active peatland will not be permitted unless there are imperative reasons of overriding public interest', while the more recently published SPPS widens out the scope of such a restriction to all renewable energy developments as follows:

'6.226 Active peatland is of particular importance to Northern Ireland for its biodiversity, water and carbon storage qualities. **Any renewable energy development on active peatland will not be permitted** unless there are imperative reasons of overriding public interest as defined under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended'. (our emphasis).

**Modification (ii)**

Either Strategic Policy 21 or Operation Policy RE1 of the dPS, should be amended with the following text inserted in the general policy wording applicable to all energy development (**additional text bold and underlined**):

**'Any renewable energy development on active peatland will not be permitted unless there are imperative reasons of overriding public interest as defined under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended'**.

**Details (iii)**

In a similar vein, neither Strategic Policy 21 or Operational Policy RE1 of the dPS make reference for the need to consider the cumulative impact of all types of renewable energy development. In this regard, Paragraph 6.229 of the SPPS provides for the cumulative assessment of **all renewable energy developments**, so as to be effective in preventing unacceptable adverse impact and accord with the SPPS.

**Modifications (iii)**

Proposed additional wording to be included within Strategic Policy 21 or Operation Policy RE1 of the dPS as follows (additional text **bold and underlined**):

**'Applications for renewable energy development will be required to demonstrate that the development has taken into consideration the cumulative impact of existing renewable energy developments, those which have permissions and those that are currently the subject of valid but undetermined applications'**

#### **Details (iv)**

Other factors for consideration are included within Paragraphs 6.228 and 6.229 of the SPPS, and importantly Paragraph 6.229 of the SPPS provides for the consideration of the inter-relation between these considerations – this is also absent from dPS Policy RE 1 and needs to be copied across from the SPPS.

#### **Modifications (iv)**

A sentence at the end of general policy wording within the text box as follows would accord with the provisions of Paragraph 6.229 of the SPPS as follows (additional text **bold and underlined**):

**'It will be necessary to consider the inter-relational between both the above-mentioned considerations and other relevant policies within this plan'.**

#### **Details and Modifications (v)**

Furthermore, dPS Policy RE1 makes no reference to 'information requirements' as currently set out at Paragraphs 4.18-4.21 of PPS 18. As a minimum, the Justification and Amplification section of dPS Policy RE1 should set out that certain proposals depending on their scale or location may be subject to the Environmental Impact Assessment Process (under the provisions of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.

Furthermore, dPS Policy RE1 should indicate that where renewable energy development does not fall within the requirements of the EIA Regulations, the Planning Authority will still expect an assessment of the environmental effects of the development to be submitted with any application. The level of detail required should reflect the scale of the technology employed and take account of location'.

The Council should also draw the attention to prospective developers of renewable energy projects to the Conservation (Natural Habitats, etc) Regulations (NI) 1995 (as amended) where the 'competent authority' is required to undertake an Appropriate Assessment of any proposal that has the potential to significantly affect a European Site, either directly or indirectly. In such cases, developers must provide such information as the competent authority may reasonably require.

The inclusion of such text within the Justification and Amplification section within Policy RE1 will provide clarity for developers and stakeholders alike.

**Please also refer to the following RSPB NI response documents for further details:**

- RSPB NI's response to LCCC POP (2017)
- RSPB NI's response to the DOE's call for evidence on Renewable Energy (2016)
- RSPB NI's response to the DfI's call for evidence on Renewable Energy (2017)
- RSPB NI's response to the DOE's consultation on the draft Strategic Planning Policy Statement (SPPS)

## **Response 22**

### **Section F – A Connected Place**

#### **16. Flooding**

##### **FLD1 Development in Fluvial (River) Flood Plains**

###### **Page 111**

### **General Comments**

In the interests of clarity and ease of reading it is recommended that the paragraph below be relocated from its current position of second paragraph on page 111 (after Minor Development) to follow on from the current final paragraph of page 110, in order to facilitate a greater read across with the overarching policy.

‘Where the principle of development is accepted by the Council through meeting any of the above ‘Exceptions Test’, the applicant is required to submit a Flood Risk Assessment (FRA) to demonstrate that all sources of flood risk to and from the proposed development have been identified; and there are adequate measures to manage and mitigate any increase in flood risk arising from the development’.



## Response 23

### Section F – A Connected Place

#### 16. Flooding

##### FLD1 Development in Fluvial (River) Flood Plains

##### Page 112 – Defended Areas

#### Unsound

- P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- C3 Did the council take account of policy and guidance issued by the Department?

Please note that there are a number of elements to our response to Policy FLD1 as follows:

#### Details (i)

While the dPS Policy FLD1 has copied across the majority of the provisions of PPS 15, Policy FLD1, it however has failed to copy across the presumption against development of greenfield sites in defended areas, as set out in Paragraph 6.16 of PPS 15. The PPS goes on to note that ‘as well as exposing more people and property to the residual flood risk, this form of development could remove valuable flood storage should the defences overtop or breach’.

#### Modifications (i)

In order to accord with existing regional policy, the Justification and Amplification section for defended areas should be extended to include the following text, as set out at Paragraph 6.16 of PSS 15 (additional text **bold and underlined**):

**‘There will be a presumption against development of green field sites in defended areas. As well as exposing more people and property to the residual flood risk, this form of development could remove valuable flood storage should the defences overtop or breach’.**

#### Details and Modifications (ii)

Similarly, with regards to the Justification and Amplification text for Undefended Areas, an omission has been made with regard ecological integrity. In this regard, the current wording of Paragraphs 6.18 of PPS 15 states:

‘Any built development will cause piecemeal reduction of the flood plain and potentially remove valuable flood storage area, which may cause or exacerbate flooding elsewhere. Development also has the potential to impair the conveyance function of the flood plain and its ecological integrity. For these reasons, and also the need to limit exposure of people and property to flood risk, built development and infrastructure works, particularly on green field sites, will normally not be permitted’. (Our emphasis).

While the wording within the dPS states:

‘Any built development will cause piecemeal reduction of valuable flood storage area, which may cause or exacerbate flooding elsewhere and impair the conveyance function of the flood plain. For these reasons, and also the need to limit exposure of people and property to flood risk, built development and infrastructure works, particularly on greenfield sites, will normally not be permitted’.

Therefore, in order to fully comply with PPS 15, the dPS wording should be amended to include the additional wording of ecological integrity as set out above.

#### **Details and Modifications (iii)**

Similarly, with regard to the Development Proposals of Overriding Regional or Sub-Regional Economic Importance, the Justification and Amplification text at page 113, has stopped short of including the final paragraph of the equivalent policy wording in PPS 15 (last sentence of Paragraph 6.26) as follows:

‘The development of greenfield sites in the undefended fluvial flood plain will rarely be acceptable as these areas pose the greatest flood risk’.

Therefore, in order to fully comply with PPS 15, the dPS wording should be amended to include the additional wording of ‘the development of greenfield sites in the undefended fluvial flood plain will rarely be acceptable as these areas pose the greatest flood risk’ as set out above.

I wish to attach supporting information with my representation e.g. map

### SECTION C: DEALING WITH YOUR REPRESENTATION

Please indicate how you would like your representation to be dealt with.

Written Representation

Oral Representation

**Please note that the Independent Examiner will be expected to give the same careful consideration to written representations as to those representations dealt with by oral hearing.**

### SECTION D: DATA PROTECTION

In accordance with the Data Protection Act 2018, Lisburn & Castlereagh City Council has a duty to protect any information we hold on you. The personal information you provide on this form will only be used for the purpose of Plan Preparation and will not be shared with any third party unless law or regulation compels such a disclosure.

It should also be noted that in accordance with Regulation 17 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, the Council must make a copy of any representation available for inspection. The Council is also required to submit the representations to the Department for Infrastructure (DfI) as they will be considered as part of the Independent Examination process. For further guidance on how we hold your information please visit the privacy section at [www.lisburncastlereagh.gov.uk/information/privacy](http://www.lisburncastlereagh.gov.uk/information/privacy)

By proceeding and signing this representation you confirm that you have read and understand the privacy notice above and give your consent for Lisburn & Castlereagh City Council to hold your personal data for the purposes outlined.

Please note that when you make a representation (or counter-representation) to the Local Development Plan your personal information (with the exception of personal telephone numbers, signatures, email addresses or sensitive personal data) will be made publicly available on the council's website. Copies of all representations will be provided to DfI and an Independent Examiner (a third party) as part of the submission of the Local Development Plan for Independent Examination. A Programme Officer will also have access to this information during the IE stages of the Plan preparation. DfI, the Programme Officer and the Independent Examiner will, upon receipt, be responsible for the processing of your data in line with prevailing legislation. If you wish to contact the council's Data Protection Officer, please write to:

Data Protection Officer  
Lisburn & Castlereagh City Council,  
Civic Headquarters,  
Lagan Valley Island,  
Lisburn,

BT27 4RL

or send an email to: [data.protection@lisburncastlereagh.gov.uk](mailto:data.protection@lisburncastlereagh.gov.uk) or telephone: 028 9244 7300.

**Signature**

**Date**