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11th December 2019

Dear Sir, Madam

Re: Draft Habitats Regulations Assessment (September 2019) and Sustainability Appraisal for Mid & East Antrim Borough Council Local Development Plan 2030, Draft Plan Strategy September 2019– DAERA Response

DAERA welcome the opportunity to comment on the Mid & East Antrim Borough Council Local Development Plan 2030, Draft Plan Strategy (dPS), Draft Habitats Regulations Assessment (June 2019) and Sustainability Appraisal. The document is well laid out and easy to follow. DAERA has considered both documents and our opinions is set out below.

Sustainability Appraisal

In respect of SGS5 Management of Housing Supply, page 28, there is no reference in the Policy Box to lack of capacity at wastewater treatment works, as highlighted in Technical Supplement 12. With reference to Policy SGS5 page 67 of the Local Development Plan (LDP), whilst the Policy Justification and Amplification refer to issues with Larne in 5.3.25 that “**may**” restrict development. The word ‘may’ has associations of ‘possibility’. Furthermore, in 5.3.27 (LDP) where “account will be taken” of infrastructure capacity/ availability of infrastructure, there is no indication in the Policy Box of what Policy measures shall be triggered when inadequate infrastructure is identified. This neither gives assurance to the developer/ landowner nor as to how negative environmental outcomes can be avoided. To this end, a score of ‘no overall effect’ for Options 1 & 2 against Sustainability Objective 11 should be reviewed.

Appendix 4 Sustainability Appraisal Matrices for SGS3 and SGS5. Whilst Options 1 – 3 inclusive take account of associated wastewater infrastructure to allocate



housing growth, insufficient WWTW capacity does not seem to be addressed by Policy.

Whilst Objective 12, page 153, SGS3 recognises the potential to use brownfield sites and apply mitigation to avoid impacts on biodiversity, this is neither mentioned in 'measures to reduce negative effects and promote positive effects' on page 28 of the Sustainability Appraisal Report nor in the LDP Section 5.3

The option to retain the strategic approach to Tourism in SGS8 Tourism Strategy page 171 is scored as having no overall effect against Sustainability Objective 9 'improve air quality'. NISRA statistics suggest that overnight stays in the Borough are 16% up in 2018 on the previous year at 300,000 and that there were 817,911 visits to visitor attractions including the Antrim Coast Road in 2018. Two new Tourism Opportunity Zones (Policy TOU2) are planned in the LDP. A review of this Objective may be better reflected with a minor negative score.

In respect of CS3 Areas of Constraint on High Structures it is stated on page 37 under Summary, that "Adverse effects were also predicted for delivery of the environmental objective to reduce causes of and adapt to climate change based upon the restriction of wind energy across a substantial area of the Borough". In reaching this conclusion, have effects been quantified? Has the 'carbon release' associated with loss of natural habitat been compared to the carbon gain associated with 'high structures'? What area of the Borough needs to be left available for 'high structures' to ensure no adverse effects for Objective 10? Would an 'uncertain' score be more appropriate in this case?

Policy ECD1 Economic Development in Settlements has identified negative effects for Objective 12, however no mitigation measures have been identified to reduce negative effects and promote positive effects on page 47.

Section 5 Monitoring

The Indicators 1 & 2 to 'Protect natural resources and enhance biodiversity' could be more targeted to reflect the impact of the out-workings of the LDP. For example; Number and extent of developments approved and refused in relation to protected habitats and species and Number and extent of developments approved and refused within or adjacent (given distance 500m?) to designated sites (both marine and terrestrial)

DAERA support the Monitoring indicators chosen for Landscape Character.

Issues affecting the marine environment

DAERA advises that many of the key issues raised on the draft LDP also apply to the draft SA Report and these have not been reiterated below.

It is noted that marine policy documents and marine legislation is acknowledged within the introduction and the approach of the draft SA Report. It is also noted



that the report acknowledges the boundary with the marine area, as well as direct and indirect connectivity and that some of the Sustainability Objectives include reference to marine aspects.

However, overall there is generally limited reference to marine aspects and the effects on the marine area within the appraisal. Whilst effects on the coast (including coastal erosion, coastal flooding and coastal biodiversity) appear to be covered well, and to some extent seascape and marine archaeology, the effects on the wider marine area (including its environmental, social and economic aspects) do not appear to have been given similar consideration. It is concerning that only limited effects on the marine area have been identified, including those in relation to the potential secondary, cumulative and synergistic effects.

Effects on the wider marine area and marine aspects could have been drawn out more, particularly where there are common policy areas. For example, there are very broad references to impacts on water quality, pollution and management but links with the marine area and marine aspects are not clear or explicitly drawn out. Most importantly, consideration should be given to the Marine Strategy Framework Directive as well as the Water Framework Directive. This would assist in ensuring impacts (including indirect effects from spatial growth) on marine, coastal and transitional waters are fully assessed and considered within the appraisal. For instance, it is acknowledged that spatial growth will place pressure on surface water quality but the indirect effects of this pressure on marine, coastal and transitional waters has not been acknowledged. In addition, there is reference to addressing water quality issues in named sea loughs but the effects on the marine area have not been drawn out.

Lastly, there is no reference to the consideration of marine policy documents (the UK MPS or the Draft Marine Plan) as part of the justifications within the policy options or reasonable alternatives or the need to align policies with these marine policy documents. It appears that only terrestrial planning policy documents have been considered.

Draft Habitats Regulations Assessment (dHRA)

DAERA appreciates the effort made to proof the Plan against likely significant effects on designated European sites. The Draft HRA is well laid out and it is easy to follow the steps undertaken through the HRA process.

DAERA is content that the criteria used to screen in European sites for likely significant effects and Test of Likely Significance is sound and that the type of likely potential impacts have been sufficiently covered. DAERA notes the sites screened in for further assessment.

DAERA notes the Conclusions and protective measures identified and that "assuming the recommended mitigation measures are all accepted and the Plan amended accordingly, it is possible to ascertain that the Plan Strategy will have no adverse effect on the integrity of any international sites".



On page 3, the previous/ extant Plans referred to could be listed in an Appendix for clarity.

In the section on Waste Water Treatment, page 7, the report refers to satisfying Policy WWI1 requiring the submission of sufficient information on the means of wastewater treatment and disposal that a development will not create or add to a pollution problem. It is further stated that 'there are sufficient measures to ensure that development that might undermine the conservation objectives cannot proceed'.

However, Policy WWI1 refers only to 'non-mains' wastewater infrastructure. Development should not create or exacerbate environmental pollution or damage. Water Framework Directive (WFD) Objectives for waterbodies in the plan area are currently not being met.

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

The zoning of land and the timing of the release of that land for development should be aligned with the availability of suitable waste water networks and treatment infrastructure to service the developments to ensure there is adequate protection for the water environment and water dependent European sites.

It cannot be assumed that the 'quality checks' imposed on a discharge to ensure a water quality meet the same test for the satisfaction of the integrity of a European site. Additionally, the Housing Allocation Zoning for settlements on page 62, creates a certain presumption that houses will be built within settlements where currently there is not sufficient wastewater infrastructure capacity.

Notwithstanding an onus on government licensing authorities to ensure a standard of discharge, **DAERA would strongly advise that Policy Box SGS5 Management of Housing Supply should clearly require 'phasing of housing' until WWTW infrastructure capacity is sufficient to meet projected discharge**



DAERA also notes the recommended changes to 'Policy' and 'Justification & Amplification' wording highlighted on pages 16 – 20 of the Draft Habitats Regulations Assessment Report and fully support the incorporation of these changes in the Plan prior to adoption to ensure that the Plan is compliant with the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

Please contact the SEA Team at seateam@daera-ni.gov.uk should you have any queries or require clarification.

Yours sincerely



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NIEA, DAERA

