

Section B. Your Details

Q1. Are you responding as individual, as an organisation or as an agent acting on behalf of individual, group or organisation?

Please only tick one (Required)

- ☐ Individual
☒ Organisation
☐ Agent

Q2. What is your name?

Title

First Name (Required)

Last Name (Required)

Email

Section C. Individuals

Address Line 1 (Required)

Line 2

Line 3

Town (Required)

Postcode (Required)

Section D. Organisations

If you have selected that you are responding as an organisation, there are a number of details that we are legally required to obtain from you.

Organisation / Group Name (Required)

Your Job Title / Position (Required)

MEA-DPS-PMC02

Organisation / Group Address (if different from above)

Address Line 1 **(Required)**

Klondyke Building

Line 2

Gasworks Business Park

Line 3

Cromac Avenue, Malone Lower

Town **(Required)**

Belfast

Postcode **(Required)**

BT7 2JA

Section E. Agents

If you have selected that you are responding on behalf of another individual, organisation or group there are a number of details that we are legally required to obtain from you.

Please provide details of the individual, organisation or group that you are representing. **(Required)**

Client Contact Details

Title

First Name **(Required)**

Last Name **(Required)**

Address Line 1 **(Required)**

Line 2

Line 3

Town **(Required)**

Postcode **(Required)**

Q2. Would you like us to contact you, your client or both in relation to this response or future consultations on the LDP?

Please only select one.

☐

Agent

☐

Client

☐

Both

Section F. Soundness

In this section we will be asking you to specify which proposed modification you consider to be unsound. **This consultation is not an opportunity to add to previous representations or to make new comments on parts of the original draft Plan Strategy not subject to change.**

Note: **Complete this section in relation to one proposed modification only.** If you wish to inform us that more than one modification is unsound each additional response should be listed on a separate sheet.

If you consider that the proposed modification is unsound and does not meet one or more of the tests of soundness below, you must indicate which test(s) you consider it does not meet, having regard to Development Plan Practice Note 6 available at:

<https://www.pacni.gov.uk/sites/pacni/files/media-files/LDPexam%20-%20May%202017.pdf>

Please note if you do not identify a test(s) your comments may not be considered by the Independent Examiner.

Which proposed modification are you commenting on?

This response should relate to only one proposed modification. If you wish to inform us that you consider more than one proposed modification is unsound, you can submit further representations by completing and submitting additional copies of this section.

Relevant Proposed Modification Reference Number (Required)

Various

(continued on next page)

Tests of Soundness (Required – please tick all relevant tests of soundness)

Procedural tests

- ☐ P1. Has the plan been prepared in accordance with the Council's timetable and the Statement of Community Involvement?
- ☐ P2. Has the Council prepared its Preferred Options Paper and taken into account any representations made?
- ☐ P3. Has the plan been subject to Sustainability Appraisal including Strategic Environmental Assessment?
- ☐ P4. Did the Council comply with the regulations on the form and content of its plan and on the procedure for preparing the plan?

Consistency tests

- ☐ C1. Did the Council take account of the Regional Development Strategy?
- ☐ C2. Did the Council take account of its Community Plan?
- ☐ 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?

Coherence and effectiveness tests

- ☐ CE1. The plan sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant is it in conflict with the plans of neighbouring Councils.
- ☐ CE2. The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.
- ☐ CE3. There are clear mechanisms for implementation and monitoring.
- ☐ CE4. The plan is reasonably flexible to enable it to deal with changing circumstances.

Please give full details of why you consider the proposed modification to be unsound having regard to the test(s) you have identified above. Please be as clear and concise as possible.

Please see attached response as we were unable to get this into the allocated space and there were formatting issues.

WE draw the council's attention to a number of points.

If you consider the proposed modification to be unsound, please provide details of what change(s) you consider necessary to make the proposed modification sound. Please be as clear and concise as possible.

Please see attached response as we were unable to get this into the allocated space and there were formatting issues.

WE draw the council's attention to a number of points.

Signed:



Date:

05/30/21

Local Development Plan Team
County Hall
182 Galgorm road
Ballymena
BT42 1QF

5th March 2021

**Re: Mid & East Antrim Borough Council Local Development Plan 2030,
proposed modifications to the draft Plan Strategy**

DAERA welcome the opportunity to comment on the Mid & East Antrim Borough Council Local Development Plan 2030, Proposed Modifications to the draft Plan Strategy. We refer the council to our previous response to the draft Plan Strategy and would add the following.

Unfortunately we have been unable to include our complete response on the PDF response form, due to space and formatting issues.

Natural Environment Division Response

DAERA is of the opinion that the Plan is in general conformity with Regional Policy SPPS in respect of Natural Heritage policies.

DAERA welcomes the incorporation of the 'text' changes recommended in Draft Habitats Regulations Assessment Report of the Draft Plan Strategy, September 2019, pages 16 – 20, which achieve conformity and meet the legal requirements of the Conservation (Natural Habitats, etc.) Regulations (NI) 1995 (as amended).

While we welcome the presumption against peat extraction, DAERA is still of the opinion that Policy MIN 7 is unsound in respect of Consistency Test C3 which requires the Council to take account of policy and guidance issued by the Department. However, a minimal change in text, as follows, would ensure that Policy MIN 7 is sound: add the wording "where the hydrology can be repaired and where, with appropriate rehabilitation management, there is a reasonable expectation of re-establishing vegetation with peat forming capability within 30



years” into the Justification and Amplification text to clarify what is meant by the exception “where the peat land is not reasonably capable of restoration”.

Alternatively, completely remove the exception “where the peat land is not reasonably capable of restoration”. Please refer to our previous response for further detail.

DAERA supports in principle amendments to Policies NAT 1 – NAT 5 inclusive, however, notes the absence of a policy for Sites of Local Nature Conservation Importance.

DAERA wish to point out an inaccuracy with regard to wildlife refuges which are designated under the Wildlife (NI) Order 1985 (as amended) by the Department rather than the council. The Department is obliged to consult the council and landowners should a wildlife refuge be proposed.

DAERA’s NED are content with the addendums to the draft HRA and draft SA and their conclusions.

Protected Landscapes Team Response

1. PM -022 MEA –DPS- 010 CS3: We would recommend the addition of “(d) are in-keeping with the landscape character of the area”. There is an important distinction between proposals that can be visually integrated and being in-keeping with landscape character...almost any proposal can be visually integrated with enough mounding, planting and/or levels being adjusted but it may be totally out-of-character with its surroundings.
2. We would recommend using the term ‘landscape character’ consistently throughout the document instead of a mix of ‘landscape setting’ and ‘landscape character’.

Marine Plan Team Response

The Marine Plan Team welcomes the opportunity to provide further comment on the Mid and East Antrim Local Development Plan Proposed Modifications to the draft Plan Strategy and the accompanying Sustainability Appraisal Addendum.

It is disappointing that key advice, provided in January 2020 on the draft Plan Strategy does not appear to have been taken on board as part of the proposed modifications; and as a result has not been considered within the Sustainability Appraisal Addendum.



Proposed Modifications

We are content with the clarifications and/or amendments provided in relation to:

- Policy OSL 5, which has been modified to refer to 'Inland Water Sports'. However, there now appears to be no policy for the development of facilities ancillary to water sports adjacent to or including the marine area.
- Policies TOU 2, TOU 3 and OSL 5, which have been modified to recognise marine ecology and biodiversity, in particular Marine Protected Areas to facilitate compliance with nature conservation legislation and potential for impacts on these sites and supporting habitats from development.
- Policy RE 1 which has been modified to include criteria that does not restrict access to the coast.

However, modifications and/or clarifications have not been provided for in relation to our previous comments on:

- Introduction and Setting the Context;
- District Profile, Vision and Objectives;
- Spatial Growth Strategy and Spatial Countryside Strategy;
- Policies and their referencing to marine policy documents (UK Marine Policy Statement and draft Marine Plan);
- Impacts and Assessments of proposals against marine policy documents, specifically in relation to broad policy criteria and seascape;
- Policy FRD 5, which does not appear to have been modified to include consideration of impacts on marine ecology and species, notably endangered native wild species such as Atlantic Salmon and European Eel;
- Policy CS2 remains unclear in relation as to whether or not it includes consideration of seascape quality and character, particularly given there are two coastal Special Countryside Areas; and Seascape.

As referred in our previous response many of the policies contained within the draft Plan Strategy require development proposals to 'meet the General Policy', yet the advice to make provision to ensure development is in accordance with marine policy documents within this policy has not formed part of your proposed modifications.

To some extent this has been attempted within Policy CS 9 – Development at Risk from Land Instability and Coastal Erosion, with a new paragraph added in an attempt to clarify the relationship with marine policy documents. However, this proposed additional narrative is inaccurate given the Council's obligations with respect to decision making under marine legislation for authorisation and



enforcement decisions. You are strongly advised this provision is applicable to all decisions on development proposals which effect or might affect the whole or any part of the marine area and will include Council decisions on proposals that are not located near the coast, but which might impact on the marine area.

Sustainability Appraisal Addendum

It is noted the points raised in our previous correspondence in relation to the Sustainability Appraisal have not been addressed.

The Council is advised to revisit the Addendum and give consideration to the comments contained within this response to the proposed modifications to ensure it reflects the Council's obligations with respect to marine legislation.

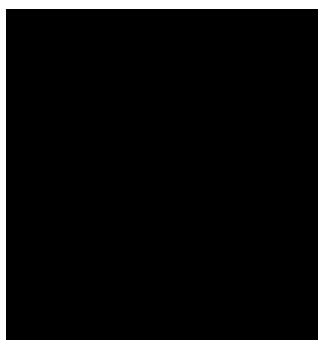
Conclusion

The consistency issues outlined in our responses to date and the modifications to which this response refers demonstrates a limited understanding of the Council's obligations under marine legislation and falls short in terms of the consideration of marine policy documents, given the new plan-led system.

Inland Fisheries Response

Inland Fisheries welcome the opportunity to review the supplied Proposed Schedule of Modifications to the LDP. Inland Fisheries are content with the changes to be made to the LDP as outlined within the schedule provided.

Yours sincerely



Senior Scientific Officer
NIEA, DAERA

