

Strategic Planning Directorate



Department for

Infrastructure

An Roinn

Bonneagair

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05 March 2021

Dear Paul

**MID AND EAST ANTRIM BOROUGH COUNCIL – DRAFT PLAN STRATEGY
PROPOSED MODIFICATIONS**

Mid and East Antrim Borough Council published and consulted on a draft Plan Strategy from 16 October to 11 December 2019. Following consideration of representations received, the Council has consulted on a schedule of Proposed Modifications to the draft Plan Strategy for an 8 week period commencing 8 January.

Please find attached the response from the Department for Infrastructure in respect of the proposed modifications from:-

- DfI Planning
- Transport Planning Modelling Unit;
- Roads; and
- Rivers.

Please note that no further comments have been provided by Water Policy and Drainage Division at this time.

The Department thanks the Council for the opportunity to comment on these proposed modifications.

Yours sincerely

[REDACTED]

Director

Encls

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MEA-DPS-PMC17

Introduction

1. The Department for Infrastructure would like to thank the Council for the opportunity to comment on Proposed Modifications relating to the Mid and East Antrim Local Development Plan 2030 draft Plan Strategy.
2. In addition to our representation on the draft Plan Strategy (PS) in 2019, and in keeping with its oversight role, the Department offers this representation in the interest of good practice and to assist the Council in minimising the risk of submitting an unsound Development Plan Document (DPD). In developing this response, the Department has looked for clear evidence that the tests set out in Development Plan Practice Note (DPPN) 06 **'Soundness'** have been addressed. All comments are offered without prejudice to the Minister's discretion to intervene later in the plan process or to the Independent Examination (IE) of the draft Plan Strategy.
3. We acknowledge the consideration the Council's Local Development Plan team have given to the Department's Development Plan Practice Note (DPPN) 10 **'Submitting Development Plan Documents for Independent Examination'**, which was published in December 2019. This focuses on the key legislative requirements for the submission of a DPD by a council to the Department for it to cause an IE. DPPN 10 was written for councils to consider the period prior to the submission of a DPD to the Department to cause an IE. It provides guidance for councils while they are considering the issues raised in representations or in light of other changes that may have occurred, and provides a process to bring forward focussed changes (and in some cases minor changes), which would then be subject to public consultation prior to submission and IE.
4. If the Council is bringing forward minor changes only, they should be satisfied that these fall within the description provided in DPPN 10. It will be the remit of the Planning Appeals Commission (PAC) to consider if it is appropriate for these to be discussed at IE.
5. Whilst the Council has taken account of DPPN 10, it is noted that the Schedule of Proposed Amendments does not expressly distinguish between changes that might be considered to be minor or focussed changes. However, paragraph 1.13 of the Schedule states 'For ease of reading, Strategic Objectives or Policies with amended wording have been quoted in full at the end of each section. Where the corrections or proposed modifications to other text is considered more minor in nature, that correction or proposed modification is only listed in the table without the entire section of text being requested at the end of that section'.

6. As with the publication of the Council's draft Plan Strategy, the Department would urge the Council to ensure that all the procedural requirements have been met, including Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA), and Habitats Regulation Assessment (HRA). Responsibility for these matters rests with the Council. Furthermore, in undertaking a further consultation regarding changes to the draft PS, the Council should also be satisfied that paragraphs 4.9 and 6.10 of DPPN 10 have been considered in relation to the updating of supporting evidence for the changes.

COVID-19 Recovery and the Climate Emergency

7. In the period following the publication and consultation of the Council's draft PS, local, regional and global circumstances have been impacted by the COVID-19 pandemic. The pandemic has had a profound social and economic impact in Northern Ireland as it has elsewhere. While there remains some uncertainty in relation to the medium and long term implications, the immediate impacts upon the retail, hospitality and tourism sectors of our economy have been significant, and are well documented. Other impacts include a widespread increase in homeworking; greater use of telecommunications technology; a substantial reduction in commuter traffic and a corresponding increase in active travel, including walking and cycling.
8. The planning system has a key role to play in supporting sustainable economic recovery from these effects. The Local Development Plan in particular is an important document that aims to provide certainty for the public and developers, and will play a vital role in guiding investment decisions as part of a longer term recovery. The Chief Planner's Updates of March, May and December 2020 acknowledged this by stressing the importance of continuing to liaise with statutory consultees as well as continuing to undertake any necessary technical work in order to progress plans.
9. As set out above, some of the impacts of the pandemic have also created new ways of working and going about our daily lives. Some of these changes have been positive. For example, the reduction in commuting by private car and the corresponding increase in active travel can, if encouraged and maintained, contribute to tackling the Climate Emergency as part of an accelerated green recovery from the pandemic.
10. Therefore the impacts of the pandemic and the need to secure a green recovery serve to reiterate the importance of appropriate LDP policies and allocations that take account of the Strategic Planning Policy Statement (SPPS) and in particular the 5 Core Planning Principles that are fundamental to the achievement of sustainable development.

DfI Comments in relation to Proposed Amendments

Please see comments set out below in relation to the Consultation on Proposed Amendments issued by the Council for an 8-week period between 8 January 2021 and 5 March 2021.

If the Council has made proposed changes in respect of the Department's original representation, and the proposed change now satisfies the original concerns, then no comment will be provided below. However, if the Department still has an issue in relation to a proposed amendment, additional comment will be provided, and/or reference to the original representation from December 2019 will be included, and therefore should be read in conjunction with it.

Section 4.2: Strategic Objectives (c)

PM-004

The Department welcomes the proposed amendment, comprising a footnote, as this assists in explaining how the housing allocation has been calculated taking account of complete units. It is noted from discussions that the Council is carrying out further work in this regard. The Council is aware that the 2016-based Housing Growth Indicators (HGIs) (published September 2019) supersede the previous 2012-based indicators, and runs until 2030. The Department would highlight the report that accompanied the release of the revised HGI states, 'these estimates are purely for guidance and should not be considered a cap or a target on development, they present a robust starting point which can subsequently be adjusted taking account of the full range of factors that may influence housing requirements over the plan period' (page 3).

<https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/Housing%20Growth%20Indicators%20-%202016%20based%201.pdf>

The Department would also highlight the content of the letter to Heads of Planning dated 25 September 2019, which also accompanied the release of the revised HGI. This letter provides additional advice on the application of the HGI, in particular page 2, paragraph 2.

Section 5.0: Spatial Growth Strategy and Countryside Strategy

PM-005 – SGS3: Strategic Allocation of Housing to Settlements

Please refer to comments made above in relation to PM-004, Section 4.2: Strategic Objectives – Social Objective (c).

SGS5: Management of Housing Supply

PM-006

The Department notes the Council's comment, which confirms that Policy HOU1 applies to all housing development, regardless of whether it is proposed within Phase 1 or Phase 2 lands, or on unzoned land. In this context, the Department welcomes the proposed amendment, which clarifies the policy intent. The Department supports the objective of the Council in promoting a managed release of land so that settlements can expand in a planned way. The approach will depend upon effective monitoring to ensure that it is sufficiently flexible and responsive to development requirements.

PM-007

The Department welcomes the proposed amendment as it provides further clarity within the policy in relation to the criteria that may be used to release or re-designate Phase 2 lands. However, the Council should be satisfied that the Justification and Amplification (J&A) at 5.3.27 is still appropriate in light of the proposed additional wording after point (b). This paragraph appears to indicate that when releasing Phase 2 lands, account will be taken of the latest HGIs, the Strategic Housing Allocation, current land availability, housing building rates, and infrastructure capacity. This may well be consistent with the proposed amendments, but there may also be merit in confirming this.

CS3: Areas of Constraint on High Structures

PM-019, PM-020, PM-021, PM-022 & PM-030

The Department notes that the Council has amended the title of this policy to include 'Obtrusive Development', and has provided a definition. In proposing this additional wording to the title of CS3, it is presumed this is to cover proposals such as larger solar farms. The Department considers that there is tension between the amended wording and Policy RE1: Renewable Energy. RE1 (page 239) states 'Large scale solar farms will not be permitted within the Antrim Coast & Glens AONB and the Areas of Constraint on High Structures'. This creates ambiguity between the two policies and confusion may arise to which policy takes precedence. The Council should also consider what is deemed or defined as a large scale solar farm. It may be feasible that proposals for solar farms could satisfy the 3 criterion (a, b & c) in the Areas of Constraint on High Structures. If it is the Council's intention that large scale solar

farms are restricted in these areas, consideration should be given to repeating the policy provisions of CS3 within RE1.

PM-032

The Department notes the amendments made within TOC1, which the Council now consider to have been dealt with by this amendment to CS3. It is understood that the Council does not propose to cross reference the two policies within the dPS, however, signposting (within the J&A) between CS3 and TOC1 would be of assistance for clarity and consistency, ensuring that no ambiguity is created.

Section 7.0: Sustainable Economic Growth

Policy ECD1: Economic Development in Settlements

PM-042

The proposed amendment provides the clarification sought by the Department in its original representation to the dPS. However, further to this there may be benefit in specifically citing 'Use Classes B2, B3 and B4' to provide a cross reference to legislation.

Policy ECD4: Economic Development in the Countryside

PM-044 & PM-049

The proposed amendment clarifies that the need is associated with the location of the development. For clarity, the Council may wish to consider the language used to ensure the policy wording and J&A are clear in the requirement to demonstrate the economic benefit of a proposal to the rural economy and to the community.

Policy RET3: Retail in Villages, Small Settlements and Local Centres

PM-058

The Department welcomes the amended policy wording which now better reflects para. 6.276 of the SPPS, albeit there is no specific reference to the retention and consolidation of local/district centres. However, there is no reference made to the circumstances whereby an extension to a local centre would be considered acceptable and the Council may wish to consider addressing this in the amended wording

Policy TOU4: Tourist Amenities in the Countryside

PM-064

The Department welcomes the clarification provided by the additional footnote. However, given the purpose of a Tourism Benefit Statement (as referred to in the original/retained wording,) consideration should be given to wording the footnote as follows: *'Prior to the*

*publication of the regional or Council tourism strategy, a tourism benefit statement is still required **to** demonstrate the value of the proposal in terms of tourism revenue and employment opportunity’.*

Policy MIN2: Valuable Minerals

PM-084 and PM-90

The proposed amendment appears to consider the Department’s original representation in relation to the dPS. The Department acknowledges the consideration of Policies MIN2 (in respect of MIN5 regarding valuable minerals and specifically salt reserves), and that the Council considers Policy MIN5 provides the same policy protection for salt as a valuable resource. The Council should ensure they are satisfied with their policy approach, however it may be beneficial to consider the comments made by GSNl in respect of salt being considered a valuable mineral.

Section 8.0: Building Sustainable Communities

Policy HOU1: Quality in New Residential Development in Settlements

PM-100

The Department notes the Council’s comment, which confirms that Policy HOU1 applies to all housing development, regardless of whether it is proposed within Phase 1 or Phase 2 lands, or on unzoned land. (See also comments to PM-006) In this context, the Department welcomes the proposed amendment, which clarifies the policy intent. The Department supports the objective of the Council in promoting a managed release of land so that settlements can expand in a planned way. The approach will depend upon effective monitoring to ensure that it is sufficiently flexible and responsive to development requirements.

Section 9.0: Transportation, Infrastructure and Connectivity

Policy TOC1: Telecommunications Development and Overhead Cables

PM-133

The Department notes the proposed amendment to remove the wording ‘Outside of SCAs’ at the beginning of Policy TOC1. It is also noted that the Council has amended CS3. The Council should be satisfied with the consistency between CS3 and Policy TOC1 as amended.

PM-135

The Department notes the Council’s revised approach to amend this policy by removing paragraphs 4, 5 and 6, and modifying CS3. The Council should be satisfied that there is consistency amongst policies. It may also be beneficial to include signposting to other inter-related policies such as CS3.

**Transport Planning and Modelling Unit
/ Transport Policy Directorate**

Thank you for the opportunity to comment on the modifications to your draft Plan Strategy.

The Transport Planning and Modelling Unit have considered these changes and has concluded that our original comments and concerns within the Department's response dated 12 December 2018 remain. This is with the exception of modification PM-013 where you have taken account of our suggestion.

We note that the Local Development Plan is being produced in the context of the severe impacts related to COVID-19 and the very serious threat posed by the climate crisis. As we look towards the future we will continue to work with your office to promote the integration of transportation and land-use in support of the Minister's vision for a greener, cleaner recovery.

Yours faithfully



Planning Officer

Transport Planning and Modelling Unit

Roads Northern Division

Thank you for the opportunity to comment on the modifications to your draft Plan Strategy.

I have listed our original comments Draft Plan Strategy and below each (in red) I have added our comments on the proposed modifications

1. Transport Assessments (TAs) on pages 114-117.

Commentary is provided upon the need for Transport Assessments under 'Justification and Amplification' within paragraph 6.1.9 on page 117. While this commentary is good, it is suggested that this requirement should be strengthened by inclusion and reference within the Policy GP1 as a criteria under subsection c).

It is noted that Policy GP1 has not been amended as suggested above. DFI Roads would still suggest that the need for a Transport Assessment is included as a criteria within Policy GP1.

2. Advertisements 10.2 on 286 – 287.

Policy AD1 The Control of Advertisements. The assessment criteria listed as a) to f) under All Advertisements should apply to the two following sub-sections; i.e. 'Advertisements and Heritage Assets' and 'Digital Advertising Screens'.

The Department understands that this is the intention but it is felt that this can be presented in a clearer presentation manner within the policy.

DFI Roads is content that the modifications proposed within policy AD1 have addressed this issue.

3. Extant Planning Guidance.

In consideration of the clarification issued by the Chief Planner regarding extant planning guidance, the DPS document should be reviewed e.g. paragraph 6.1.8 page 117.

DFI Roads is content that the council have proposed suitable modification to address this issue of extant planning guidance.

Comments prepared 29 November 2019

Additional comments prepared 15 February 2021

MID AND EAST ANTRIM DISTRICT COUNCIL
LOCAL DEVELOPMENT PLAN 2030 DRAFT PLAN STRATEGY

Additional Comments provided by Department for Infrastructure, Rivers.

12 February 2021

The Department for Infrastructure, Rivers has reviewed the contents of the Mid and East Antrim District Council Draft Plan Strategy response to issues raised in Representations and comment as follows.

Department for Infrastructure, Rivers, notes the comments in relation to our response to proposed policies FRD1, 2, 3, 5 and 6 and the amended wording to paragraph 9.2.50

Council should consider updating any references to *Strategic Flood Maps* to **Flood Maps NI** as they are now known.

Policy FRD 6 Development in Proximity to Controlled Reservoirs

The Department notes that the Council has not proposed a modification in relation to Policy FRD6, however, further to our previous comments in relation to Development in Proximity to Controlled Reservoirs due to evolving Policies and Thinking, the Council should be aware of and should consider the detail in the Technical Guidance Note 25 (TGN 25) Revised, June 2020.

TGN 25 explains the general approach DfI Rivers will follow when providing advice to Planning Authorities on all relevant applications for development within the potential flood inundation areas of controlled reservoirs as shown on Flood Maps (NI). The TGN 25 Revised can be accessed on the Department's website at the web link below:-

<https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/tgn-25-practical-application-strategic-planning-policy-development-in-proximity-to-reservoirs-june20.PDF>

Council may wish to consider the following wording which has a number of minor amendments to that used in Policy FRD 6.

"New development will only be permitted within the potential flood inundation area of a "controlled reservoir", as shown on Flood Maps NI, if:

It is demonstrated that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient assurance regarding reservoir safety, so as to enable the development to proceed; or

Where assurance on the condition, management and maintenance regime of the relevant reservoir/s is not demonstrated, the application is accompanied by a Flood Risk Assessment, or other analysis, which assesses the downstream flood risk in the event of an uncontrolled release of water due to reservoir failure as being acceptable to enable the development to proceed.

There will be a presumption against development within the potential flood inundation area of a controlled reservoir for proposals that include:

- essential infrastructure;
- storage of hazardous substances; and

- bespoke accommodation for vulnerable groups.

Replacement Building(s):- Where assurance on the condition, management and maintenance regime of the relevant reservoir/s is not demonstrated, planning approval will be granted for the replacement of an existing building(s) within a potential flood inundation area of a controlled reservoir provided it is demonstrated that there is no material increase in the flood risk to the development or elsewhere”.

In relation to the number of Controlled Reservoirs in the Mid and East Antrim Council area, at the end of January 2021, Department for Infrastructure, Rivers, Controlled Reservoirs Database indicates there are 23 within the area and this is likely to increase to 24 in the near future. Council may wish to consider wording that reflects the fact that there are a substantial number of controlled reservoirs within the area, however for a number of reasons the precise number may change during the lifetime of the Plan.

Department for Infrastructure, Rivers

Planning Advisory and Modelling Unit

12 February 2021