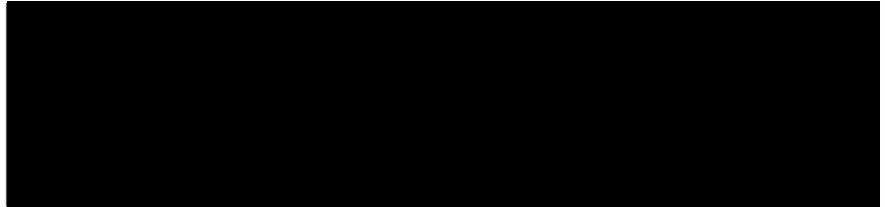




**Whitemountain & District Community Association
Objection to clauses in LCCC Development Plan**



6 January 2019

Development Plan Team,
Civic Headquarters,
Lagan Valley Island,
Lisburn,
BT27 4RL.

Sent by e mail, 6 Jan 2019, to LDP@Lisburncastlereagh.gov.uk

Dear Sirs,

Please confirm receipt of below objection by the above Community group to certain clauses within the Local Development Plan Draft Plan Strategy dated October 2019.

Thanking You,



Summary

Lisburn & Castlereagh City Council (LCCC), Local Development Plan 2032 Draft Plan Strategy, October 2019, raises matters that Whitemountain & District Community Association (WDCA) wish to object to as summarised below considering also the tests of soundness mentioned within Appendix A of the Draft Plan Strategy.

Applicable Soundness Tests

For the purpose of this letter of objection, the text of two particular Soundness Tests applicable to this series of objections are repeated as follows from Appendix A of the Draft Plan Strategy.

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;

Objections to SPO23

Objection 1

SPO23, page 154 of Part 1 of the Draft Plan on Waste Management, states “An additional facility may be required....Plan.” Objection is raised because this text is confusing. The text shall state exactly which type of facility is under discussion i.e. landfill site or recycling centre. Additionally, WM3, page 108 of Part 2 of the Draft Plan, section on Justification comments that “The WMS envisages a progressive reduction and consolidation of landfill capacity and overall number of landfill sites.” If landfill is meant in the above clause on page 154 there is no rationale given the above page 108 clause and consultation with ARC21 indicates there is has no such potential need.

Objection 2

SPO23, page 154 of Part 1 of the Draft Plan states in its last paragraph that “Proposals for waste management facilities should avoid....Strategy.”. Objection is raised as this fails soundness test CE3 by not being clear. Such facilities shall not cause any effects on people or the environment otherwise they would fail basic principles of human rights. Thus, the term “shall” is considered more appropriate or “must” if the policy is meant to be legally binding.

Objections to WM1 and WM3

Objection 3

WM1, page 105 of Part 2 of the draft plan, comments on sites for waste management facilities in sub section (b). Objection is made because (i) there is no justification provided for why any of the sites mentioned would be acceptable sites, (ii) lack of clarity / definition of what is a Waste Management facility. In particular, why would an existing or worked out quarry be suitable. None of the Justification statements give a rationale and thus the conclusion does not pass soundness test CE2 in that no justification of realistic and appropriate is given. Quarries, by their very definition, are not appropriate sites as they are not in a reasonable proximity to the sources of the waste streams, are located in countryside areas served by lower classification of roads and thus cause serious issues due to volumes of traffic into and out of the sites.

As a minimum, item (b) could be removed since items (a) and (c) to (e) provide more than sufficient and appropriate facility definition.

Objection 4

Additionally, since the WM1 criteria is mentioned by WM3 referencing back to WM1, objection is raised that existing or worked out quarries are very much not suitable sites for Waste Disposal. See also objection 1 above. This is amplified by the many issues raised at both Mullaghglass and adjacent Aughrim where both sites were worked out quarries. Mullaghglass, and adjacent landfill sites to Mullaghglass in particular has continued leachate leakage issues being ignored or never yet properly dealt with by LCCC. Objection is that there is more evidence against existing or worked out quarries being considered as suitable sites for Waste Disposal and thus WM3 also fails the soundness test CE2.

Objection 5

Furthermore, LCCC has failed it's residents and tax payers by not dealing effectively with both sites nor two adjacent previous waste disposal / landfill sites where harmful leachate exits both sites continually. It is clear, by past history evidence that elevated quarry locations on the North side of the Belfast Basalt Escarpment are not suitable for landfill or waste management sites. Therefore objection is raised in that the suggestion of quarry sites for landfills and / or waste management facilities fails soundness test CE2 in terms of the policy not being based on robust evidence. Indeed, challenges previously made to ARC21 guidance and through consultation with ARC21 would strengthen the case that quarry sites are not suitable for landfills and / or waste management facilities.

Objection 6

In WM1, mention is made that “the facility will not cause demonstrable harm to human health.... groundwater”. Objection is made to such terms because the words of English mean that LCCC would deem it acceptable for a WM proposal to cause some considerable harm to health, the environment and groundwater! Such a position would not meet any soundness test. Thus, LCCC must amend the text otherwise the public purse could be left considerably vulnerable due to challenges of clarity of policy WM1 potential legal claims for improper provision of protection of health of residents close to the facilities mentioned.

Objection 7

In the opening paragraph of WM1, mention is made of “additional need”. However, the text that follows the WM1 makes no ref to how such additional need is determined. Objection is raised because a lack of guidance fails soundness tests CE2 and CE3 and leads to non relevant applications being made, thus causing a waste on the public purse dealing with such proposals.

Objection 8

On page 106, under Health Considerations of WM1, mention is made of demonstrable impact but yet inside the WM1 itself, additional considerations, mention is made of adverse effect. Objection is raised because the text fails soundness test CE3 in that the policy guidance is not clear and consistent.

General Objection to text of all policys

Objection 9

Given the focus by Whitemountain & District Community Association on Environmental matters, throughout the policys there are conflicting and confusing terms, only a few of which are listed below from within referenced policys are quoted:

NH3: Planning..... an adverse effect on...

NH4, NH5: Planning... significant adverse impact....

WM5(b)unacceptable adverse impacts...

Some policys commence by stating acceptable criteria yet others are by listing unacceptable considerations.

Objection is made that such confusion and ambiguity caused does not pass soundness test CE 3. This inconsistency in regulation already exists and has caused much cost to the public purse for many years due to costs of clarifications. LCCC is asked to get rid of such confusion by creating consistent text at the start of each policy within the Plan.

Clarification Matters

Part 1, page 49 : Reference in Table 1 and Figure 3 should be made to Open Countryside to make the base of such discussion points inclusive of Open Countryside residents as is the case in Appendix D, page 174. LCCC should correct this matter.

Part 1, page 128, identifies local level designations in Figure 6. However, the 2nd paragraph states "There are no local level designations within the Council Area". This is not the case. Areas of Trees with TPO designations, the significance of which is discussed on page 129, must by definition be local designations. LCCC should correct this matter by update of relevant text.

Part 1, Glossary: To be consistent with inclusion of AoHSV, ASSIs, Ramsar Sites, LCCC should add definition of National Nature Reserve.