

## Introduction

1. The Department for Infrastructure would like to thank the Council for the opportunity to comment on Focussed Changes relating to the Lisburn and Castlereagh City Council Local Development Plan 2032 draft Plan Strategy.
2. In addition to our representation on the draft Plan Strategy (PS) in 2020, 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. 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**

6. In the period following the publication and consultation of the Council's dPS, 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.
7. 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.
8. 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.

9. 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.

### **Dfl Comments in relation to Focussed and Minor Changes**

Please see comments set out below in relation to the Consultation on Focussed Changes Addendum including Minor Changes Schedule. This was issued by the Council for an 8-week period between 14 January 2021 and 12 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 change, additional comment will be provided, and/or reference to the original representation from January 2020 will be included, and therefore should be read in conjunction with it.

### **Appendix A Focussed Changes Addendum**

#### **PART ONE: PLAN STRATEGY – FOCUSSED CHANGES**

##### ***A: A QUALITY PLACE – ENABLING SUSTAINABLE COMMUNITIES AND DELIVERY OF NEW HOMES***

##### **FC1B SP08: Housing in Settlements**

This change is proposed to consider the HGI refresh which was published by the Department for Infrastructure in September 2019. As a result a number of amendments are proposed to pages 58 – 64 of the dPS which are set out in the Annex to the Focussed change consultation and this is welcomed by the Department.

It is stated that there is a requirement for the Council to ensure that the identified HGI figure can be met. The Department would reiterate that HGIs should not be considered a cap or target, but they do represent a robust starting point which can be adjusted

taking account of the full range of factors that may influence housing requirements over the plan period. When the refreshed HGI is applied and accounted for, this results in a housing requirement of 12,375 for the plan period and a (working) housing requirement of 10,816 with a total remaining potential of 12,335. In arriving at these figures the Council should be satisfied that it has fully taken into account all relevant factors in arriving at its revised housing requirement for the plan period.

In relation to the application of a 10% over-supply buffer to provide the overall strategic housing allocation, the Department notes the addendum to the Housing Growth Study and would reiterate the comments in the Department original representation to the dPS in that the level of flexibility allowance should be carefully justified by the plan evidence. In addition, the Department's comments from the original representation to the dPS in respect of the decision to apply a discount to the windfall allowance remain relevant.

### ***C: A VIBRANT PLACE – GROWING OUR CITY, TOWN CENTRES, RETAILING AND OTHER USES***

#### **FC2 - SP14: Town Centres, Retailing and Other Uses**

The Department's original representation to the draft Plan Strategy advised that criterion (a) takes account of the town centres first approach set out in the SPPS. However, it was not clear if there was a hierarchy within the policy with preference given to centres over the Sprucefield Regional Shopping Centre. This ambiguity was further exacerbated by the absence of clarification in the retail hierarchy presented on page 97 of the dPS.

The proposed focussed change seeks to remove criterion (b), which is promotive of proposals that *'support Sprucefield Regional Shopping Centre in recognition of its regional status in accordance with key site requirements'*. The Department acknowledges that the proposed amendment removes the ambiguity that was presented within SP14 as originally published, and that it now aligns closer to the provisions of the SPPS, particularly in relation to the town centres first approach for the location of future retailing and other main town centre uses.

It is noted that the penultimate paragraph of the Justification and Amplification (J&A) states that Strategic Policy 14 '*acknowledges the importance of Sprucefield Regional Shopping Centre as a destination (see SMU03 Sprucefield Regional Shopping Centre)*'. As the reference to Sprucefield RSC is now proposed to be removed from the policy wording, Council should consider the deletion of the aforementioned paragraph from the J&A, to ensure the policy and J&A are consistent with each other.

## **PART TWO: OPERATIONAL POLICIES – FOCUSSED CHANGES**

### ***A: A QUALITY PLACE – ENABLING SUSTAINABLE COMMUNITIES AND DELIVERY OF NEW HOMES***

#### **FC5A - HOU4: Design in New Residential development.**

The Department notes the Council's proposed focussed change but this does not deal with the issue raised in the Department's representation. Policy HOU4 provides policy for residential development whereas Policy HOU2 provides for alternative uses on land zoned for housing. It is unclear how the Council's proposed change addresses the point raised in the original representation.

### ***F: A CONNECTED PLACE – SUPPORTING SUSTAINABLE TRANSPORT AND OTHER INFRASTRUCTURE***

#### **FC12 – TRA3: Access to Protected Routes**

The proposed focussed change does not address the issue raised by DfI Roads in the Department's original representation. This policy is not consistent with the SPSS or DfI Guidance on the preparation of LDP policies for transport, nor consistent with PPS21, Annex 1 – Consequential Amendment to Policy AMP3 of PPS3. The Department's comments from original representation remain.

## **PART ONE: PLAN STRATEGY – MINOR CHANGES**

### ***C: A VIBRANT PLACE – GROWING OUR CITY, TOWN CENTRES, RETAILING AND OTHER USES***

#### **MC4 - SP14: Town Centres, Retailing and Other Uses**

The Department notes the proposed minor change and the Council should ensure that this is consistent with FC2 and MC1.

### ***E: A GREEN PLACE – PROTECTING AND ENHANCING THE HISTORIC AND NATURAL ENVIRONMENT***

#### **MC7A - SP19: Protecting and Enhancing Natural Heritage**

The Department notes the change proposed, however considers there may be benefit in inclusion within the policy box itself, as it directs the council to consider the precautionary principle when determining the impacts of a proposed development on international and national designations.

### ***F: A CONNECTED PLACE – SUPPORTING SUSTAINABLE TRANSPORT AND OTHER INFRASTRUCTURE***

#### **MC 9B - SP23: Waste Management**

The Department acknowledges the minor change proposed, however notes there may be benefit to include the remaining text of para. 6.322 of the SPPS setting out the basis of the approach – *‘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’*.

## **PART TWO: OPERATIONAL POLICIES – MINOR CHANGES**

### ***B: A THRIVING PLACE – DRIVING SUSTAINABLE ECONOMIC GROWTH***

#### **MC24C - MD1: Environmental Protection**

The Department welcomes the proposed change to the policy as a result of our original representation. It is considered this addition to the policy would however constitute more than a minor change as envisaged by DPPN10. However it is acknowledged that

the minor changes schedule is part of the public consultation mechanism set out by the process described in DPPN10.

**C: A VIBRANT PLACE – GROWING OUR CITY, TOWN CENTRES, RETAILING AND OTHER USES**

**MC26A - TC1: Town Centres, Retailing and Other Uses**

With regard to criterion (d), the Council proposes to amend the reference to *'out of town centre locations'* to that of *'out of centre locations'*. Whilst this is reflective of para. 6.281 of the SPPS in relation to the sequential approach, Council should ensure the policy intent and implementation are consistent with each other as well as regional policy.

**MC27 - TC3: Town Centres**

The Council proposes to remove the requirement to demonstrate that no suitable sites exist within the town centre and that no adverse impact on the role and function of the town centre will occur as a result of the proposal. This is a significant change to the policy, which would likely alter its direction in terms of implementation. It is considered that this would be contrary to the provisions of the SPPS, and would not constitute a minor change (as described by the Council).

Para. 6.280 of the SPPS states that 'A sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date LDP. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferable site should be refused. The proposed amendment will significantly alter draft Policy TC3, resulting in a weaker policy, which could potentially fail to adequately protect town centres in accordance with the policy provisions of the SPPS.

Council should ensure that any deviation from policy as part of this consultation is supported by a robust evidence base.

## **MC28 - TC4: District and Local Centres**

The Council proposes to incorporate new text within the J&A clarifying the role and function of District and Local Centres, However, whilst the proposed wording identifies district centres' complementary role for retailing and services to existing city and town centres, this is not applied to local centres. Para. 6.276 of the SPPS advises that, in addition to retaining and consolidating existing district **and** local centres, planning authorities should '*ensure their role is complementary to the role and function of the town centre*'. Therefore, the proposed amendment is not fully in accordance with the provisions of the SPPS. Council should also ensure that this is consistent with FC2 and MC1.

There are remaining issues contained within the Department's representation to the dPS with regard to District and Local Centres that have not been addressed by the Council's proposed amendment. Therefore the Department's position in relation to these matters remains the same.

## ***F: A CONNECTED PLACE – SUPPORTING SUSTAINABLE TRANSPORT AND OTHER INFRASTRUCTURE***

### **MC47 – TRA1: Creating an Accessible Environment**

This proposed amendment is welcomed as it ensures accuracy throughout the dPS in relation to the relevance of planning guidance previously prepared by the Department.

However as Creating Places only provides guidance on the design of new residential developments, the Council should review draft Policy TRA1, and the remaining J&A to ensure it provides policy on accessibility to cover all types of development.

### **MC50 – TRA7: Car Parking and Servicing Arrangements in New Developments**

The Department's original representation set out the position regarding extant/retained planning guidance (DfI Planning and Roads: Eastern Division). The Council proposes to amend the J&A, removing references to DCAN 11 and draft DCAN 11.

This proposed amendment is welcomed as it ensures accuracy within the dPS in relation to the relevance of planning guidance previously prepared by the Department.

## **MC54A – WM2: Treatment of Waste Water**

This minor change inserts an additional word into the policy wording in relation to Policy WM2, whereby it is stated, *'Development relying on non mains sewage treatment will only be permitted where it is demonstrated to the Council and its statutory consultees that there is sufficient capacity to discharge treated effluent to a watercourse'*. DfI Planning comments raised within our original representation still remain.