

DEPARTMENT OF THE ENVIRONMENT
FOR NORTHERN IRELAND

Lagan Valley Regional Park Local Plan 2005

Adoption Statement 1995

LAGAN VALLEY REGIONAL PARK LOCAL PLAN 2005

ADOPTION STATEMENT

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LAGAN VALLEY REGIONAL PARK LOCAL PLAN 2005 ADOPTION STATEMENT 1995

1.0 INTRODUCTION

1.0.1 Between 26 May 1993 and 11 June 1993 the Lagan Valley Regional Park Local Plan (the "Plan") was exhibited in different locations throughout the Park area and in the Belfast Divisional Planning Office. There were 30 representations including 14 formal letters of objection to the Plan proposals, 2 of which were withdrawn on the opening day of the Inquiry, leaving 12 to be considered.

1.0.2 To assist the Department in its consideration of these objections a Public Inquiry was held before Mrs Maire Campbell BA MCD MRTPI (the "Commissioner") of the Planning Appeals Commission (the "Commission") under the terms of Article 7 of The Planning (Northern Ireland) Order 1991 in Park House, 87 Great Victoria Street, Belfast. All objectors were invited to attend this Inquiry which opened on 11 January 1994 and continued to 14 January 1994. The Inquiry was reconvened at the request of the Commissioner on 26 April 1994. A pre-Inquiry meeting had been held in Park House, on 22 November 1993.

1.0.3 The Commissioner's Report of the Inquiry and the recommendations of the Commission are published today. The Commission has recommended some changes and expressed some reservations on various aspects of the Plan.

1.0.4 This Adoption Statement sets out the Department's response to the findings and recommendations of the Commission. The Department has decided to adopt the land use policies and proposals contained in the Plan subject to certain amendments made in response to the recommendations of the Commission. The Draft Plan published in 1993 should therefore be read in conjunction with this Adoption Statement. An amended Strategy Map taking account of the Commission's recommendations is included as part of this Adoption Statement.

2.0 PLANNING APPEALS COMMISSION REPORT AND RECOMMENDATIONS OF THE COMMISSION

2.0.1 This part of the Statement sets out the Department's decision on the objections considered by the Commission based on the Report of Inquiry

prepared by the Commissioner. For ease of reference, the Department repeats the headings used in the Commission's Report. References at the end of each heading refer to this Report.

2.0.2 Where the Commission has concluded that matters should not engage the attention of the Commission the Department notes that advice. Detailed responses were provided in writing by the Department to the objectors concerned before the Public Inquiry.

SECTION 2.1 - OBJECTIONS RELATING TO THE LANDSCAPE CONSERVATION STRATEGY

2.1.1 Objection that the wording of Policy L4, the accompanying map and Strategy Map should correspond. (Paras. 3.1 and 3.4)

The Department confirms that the wording in the text is correct and amends the notation on the Maps as follows:—

“Area of Significant Archaeological Interest and Landscape Character”.

2.1.2 Objection that the word “important” be omitted from Policy L3. (Paras. 3.2 and 3.4)

The Department accepted this amendment and the Commission supported the wording of the first paragraph of the text of Policy L3 as amended.

2.1.3 Objection that Article 4 of the Planning (General Development) Order (Northern Ireland) 1993 should be used to withdraw permitted development rights within the Area of Significant Archaeological Interest and Landscape Character designated in Policy L4. (Paras. 3.3 and 3.4)

The Department proposed an additional paragraph to be added to the text of Policy L3. The Commission commended this additional paragraph.

In the interests of clarity the revised Policy L3 is set out in full including the amendments set out in paragraphs 2.1.2 and 2.1.3 above.

“L3 Archaeological sites and monuments and their settings will be protected from harmful development.

Planning permission will not normally be granted for development which would damage or destroy an archaeological site or monument, or result in an inappropriate change in its setting, or which would adversely affect the historic landscape.

There are a number of archaeological sites and monuments within the Park which are individually significant and important elements within its landscape. Planning policy is to protect them to ensure their survival and continued contribution to the character and appearance of the Park.

Additionally there are a number of significant industrial heritage features which are of considerable interest and which it would be unfortunate to lose.

Where an archaeological site or monument or its setting might be prejudiced by development permitted under the Planning (General Development) Order (Northern Ireland) 1993 the permitted development rights may be withdrawn.”

The Department proposed a similar amendment regarding use of Article 4 of the Planning (General Development) Order (Northern Ireland) 1993 to Policy L4. The Commission has commended the additional paragraph.

In the interests of clarity the amended Policy L4 is set out in full.

“L4 An Area of Significant Archaeological Interest and Landscape Character has been designated to ensure the protection of the Giant’s Ring and its immediate landscape setting from inappropriate or damaging change.

The Giant’s Ring, in State Care, is one of the most important monuments in Northern Ireland, and knowledge of the monument has been enhanced by recent studies identifying a complex of related sites in the surrounding area. Its prominent elevated location, surrounded by a combination of open fields and mature woodland is both visually impressive and archaeologically significant.

In consultation with the Historic Monuments Council, therefore, the Department has designated an Area of Significant Archaeological Interest and Landscape Character around the Giant’s Ring.

The advice of the Department's Environment Service as well as the Historic Monuments Council will be a major consideration in deciding on the acceptability or otherwise of any proposals which may affect the Area.

The Department will seek to encourage the positive management and, where possible, the enhancement of this Area in order to promote the appreciation of this significant archaeological resource.

Where the Area might be prejudiced by development permitted under the Planning (General Development) Order (Northern Ireland) 1993 the permitted development rights may be withdrawn."

2.1.4 Objection that the existing natural and man-made artefacts should receive additional protection. (Paras. 3.5 and 3.6)

The Commission noted that the possible threat to the remaining historic and natural elements is recognised by the Department.

It advised that the question of the designation of an Environmentally Sensitive Area is not for the Commission.

The Department notes the advice of the Commission.

SECTION 2.2 - OBJECTIONS RELATING TO THE NATURE CONSERVATION STRATEGY

2.2.1 Objection that in the interests of wildlife wetland sites be developed and access to the islands be prohibited. (Para. 4.1)

The Commission recommended that the Department consider the islands of the Lagan Valley for inclusion within the semi-natural habitats worthy of the particular protection of Policy N1.

The Commission advised that no action need be taken on the issues of indiscriminate fly tipping or the identification and development of further wetland areas.

The Department notes these recommendations. It has further considered the question of including the islands in the River Lagan in Appendix 1, therefore bringing them under the protection of Policy N1.

It is the view of the Department however that the wording of policy N1 is sufficiently broad to include any island habitats which are identified as being of importance to nature conservation. Although the policy rationale refers to a list of sites in Appendix 1 (which includes the River Lagan) it is not considered that the policy refers only to these sites. No amendment to this policy or Appendix 1 is therefore considered necessary.

2.2.2 Objection that the Plan did not satisfactorily consider the issue of water quality of the Lagan. (Para. 4.2)

The Commission was satisfied that the Plan considers the issue of water quality and that the policies of the Plan should control future developments so as to maintain water quality to an acceptable standard.

The Commission drew attention to an apparent discrepancy within Management Guideline MG8 between the Department's stated objective of water quality being Class 1 from source to New Holland and Class 2 downstream and the statement that the Water Quality Management Plan will strive to improve and sustain the water quality to at least Class 2 throughout the Park.

The Commission recommended that the Department should consider and correct this apparent discrepancy. The efficiency of the sewage treatment works at New Holland and the pumping station at Huguenot Drive must be a matter for those directly concerned with this management and for the authorities responsible for monitoring water quality. This was not a matter appropriate for consideration by a land use Plan which sets out policies for the future development of the Park.

The Commission took the view that it need take no action on the question of the efficiency of New Holland sewage treatment works and the pumping station at Huguenot Drive, nor the issue of water quality generally.

The Department notes the Commission's comments on these objections. With regard to the apparent discrepancy it is the policy of the Department's Environment Service generally to manage rivers and estuaries so that water quality is at least Class 2 under national systems of classification with no downward movement between classes and to maintain or improve water quality as required by national policy, EC Directives and international agreements. Within the Lagan catchment Environment Service's objectives are to maintain water quality at Class 1 from source to Lisburn (as monitored

at Union Bridge) and of at least Class 2 from Wolfenden's Bridge to Stranmillis. In order to meet these objectives Environment Service has, amongst other activities, initiated the preparation of a Water Quality Management Plan for the Lagan catchment.

2.2.3 Objection that the Plan did not satisfactorily address the issue of flooding. (Para. 4.3)

The Commission considered that the evidence submitted did not suggest that the incidence of flooding was of such significance as to justify action on the part of the implementing authority.

The Department notes that the Commission agreed that it need take no action on this objection.

SECTION 2.3 - OBJECTIONS RELATING TO THE RECREATION STRATEGY

2.3.1 Objections concerning the provision of interpretative facilities and centres, Policy R3. (Paras. 5.1 and 5.2)

The Commission noted that there was no objection in principle to Policy R3 and it agreed that the matter need not engage its attention.

The Department accepts this recommendation.

SECTION 2.4 - OBJECTIONS RELATING TO THE URBAN USES STRATEGY, POLICIES U1-U10

2.4.1 Objection that the Plan would interfere with any development plans that the owner or his successors in title might have. (Paras. 6.1 and 6.3)

The Commission advised that there be no amendment to the boundary of the Park.

The Department agrees with this recommendation.

2.4.2 Objection regarding Policies U1 and U3 - that there should be an embargo on new building outside development limits. (Paras. 6.2 and 6.3)

The Department notes that the Commission confirmed Policies U1 (subject to agreed amendments) and U3.

With regard to the amendments to Policy U1 these are described in 2.4.3 below.

2.4.3 Objection that the references to Areas of Townscape Character at Drumbeg, Edenderry and Lambeg are ambiguous and could lead to undesirable development in those areas. (Para. 6.4)

The Commission noted the measure of agreement between the Department and the objector. The suggested amendments to Policies U1 and U4 by the Department clarify the situation and these were accepted by the Commission.

The Department accordingly amends Policy U1, which is quoted in full to avoid ambiguities, as follows:-

“U1 Outside the settlement development limits defined in Policy U2 there will be a general presumption against further urban development within the Park unless it is in accordance with the following criteria and policies.

The type of development which might be considered to be acceptable would include that which:-

- **is essential to the operation of farming and must be located in the countryside rather than in an existing settlement; or**
- **is required for the purpose of open space, or recreation and is of an appropriate scale and in a suitable location; or**
- **serves a social or religious need closely linked to the local rural population such as a hall or church, and is acceptably located; or**
- **lies within the limits of development defined in the Upper Malone Area of Townscape Character.**

Land uses which would contribute to a positive use of Park land would include agriculture, appropriate woodland planting, recreation and amenity uses.

All proposals for development or redevelopment will be considered against the need to protect and where possible enhance the character of the Park. This will be the overriding factor where proposals may be acceptable under other policies.

The Belfast Urban Area Plan 2001 recognised the importance of protecting the unique landscape of the Park and it provides adequate opportunities within the Urban Area for developments which would be unacceptable in the Park.”

Consequent to this the Department also amends Policy U4, which is quoted in full, as follows:-

“U4 Areas of Townscape Character are defined for Drumbeg, Edenderry, Lambeg and Upper Malone to protect their particular character.

In accordance with Policies U1 and U2 pressure for development or infill housing within the settlements could threaten the traditional character of these areas unless built with care as to the scale, layout, siting and design. The Department will seek to ensure:-

- that new development is in sympathy with the character of the surroundings;
- that alterations to buildings are sympathetic to their overall character; and
- that provision is made as far as is possible for the protection of trees and groups of trees which are important to the amenity of the area.

Upper Malone has already been designated as such an Area and a development control statement prepared which is due for review.

Those limits of the Areas of Townscape Character which extend outside the boundary of the Park are shown in their entirety for the sake of completeness. Being outside the Park they are not within the boundary of the Plan. They will be subject to further consideration in the review of the Lisburn Area Plan.”

2.4.4 Objection to the delineation of settlement limits at Ballyskeagh. (Para. 6.5)

The Commission found the development of the objection lands to be contrary to the strategy of strict control of the expansion of urban development into the Park and confirmed the Department’s proposed limit of development at Ballyskeagh.

2.4.5 Objection to further development at Edenderry and the loss of trees from road widening. (Para. 6.6)

The Commission was satisfied that the importance of preserving the character of Edenderry Village and its approach roads has been generally recognised in the Plan and that the objectives and the policies of the Urban Uses Strategy should be effective in this respect.

The Department notes the Commission's view that no action need be taken on this objection.

2.4.6 Objection that Edenderry should be a Conservation Area rather than an Area of Townscape Character. (Para. 6.6)

The Commission noted that the designation of Conservation Areas is not a matter for the Plan Inquiry process. However it readily appreciated the concern expressed by the Belfast Civic Trust, and commented that having been made aware of the concerns of the Trust, this is a matter which the Department may wish to consider further outside the Plan Inquiry.

The Commission's comments in this respect are noted and the question of the possible designation of Edenderry as a Conservation Area is being considered further by the Department.

2.4.7 Objections concerning Policy U6 - the control of mineral extraction, waste disposal and infilling within or on the boundary of the Park. (Para. 6.7)

The Department notes that the Commission judged that given the clarity of the objectives and the strength of the policies no further controls are necessary and no action needed to be taken on this objection.

The Commission in its consideration commented that the issue of any existing dumping, whether authorised or not, is one for the Divisional Planning Office to consider within the development control context. It trusted that given the Department's stated objectives for the Park, this situation was being closely monitored.

The Department notes the Commission's comments and confirms that the issues of waste disposal and infilling (whether authorised or not) are under ongoing consideration.

2.4.8 **Objection that account should be taken of the effect of development proposals on roads and bridges. (Para. 6.8)**

2.4.9 **Objection that the policies concerning infrastructure have insufficient strength. (Para. 6.8)**

2.4.10 **Objection that the Southern Approaches Strategy should not be excluded from the Plan. (Para. 6.8)**

The Department proposed an amendment to Policy U8 to clarify it and the Commission accepted the amendment.

Amended Policy U8 (renumbered U7 as indicated below) is printed in full as follows:-

“U7 Whenever possible major infrastructure should avoid the Park. Where this is not possible the alignment and landscaping of any necessary infrastructure such as road schemes and overhead lines will be expected to achieve the greatest degree of integration in the landscape and should be accompanied by an environmental statement.

Any necessary infrastructure such as overhead lines, pipelines, masts, sewage treatment works, roads and car parks should be carefully designed to ensure that they blend into the existing landscape as harmoniously as possible. Landscaping will be expected to assist this process. The need to minimise environmental impact when determining wayleaves for utilities is essential. The possibility of undergrounding services should be considered in order to protect the landscape.”

2.4.11 In general discussion of the policies it was considered that there was insufficient understanding that the Policy was in **bold** type while the descriptive paragraphs below were by way of explanation and interpretation.

In the interests of clarity the Department is including in page 4 of the Plan, after the second paragraph the following additional paragraph:-

“Throughout the body of the text **bold** type is used to emphasise the Plan aims, strategy and objectives, the main elements of the various strategies and to state the planning policies. The accompanying text is by way of clarification and explanation.”

2.4.12 The Commission stated that as the line of the Southern Approaches (the S18 Annadale to Grahamholm Link as referred to in Policy TR9 of the Belfast Urban Area Plan 2001) remains protected it should be referred to in some form on the Strategy Map and the text of the Plan amended accordingly.

Environment Minister, Malcolm Moss MP, recently signalled an important change in emphasis for transportation policy in Northern Ireland and issued a Statement of Transportation Principles for Northern Ireland on 17 January 1995. These guiding principles, in line with those published in England last year, are intended to ensure that transport contributes fully to meeting Government commitments to sustainable development.

In setting out the new principles that will guide future transport policy in Northern Ireland the Minister went on to make specific reference to the Southern Approaches to Belfast. He said:—

“There has been considerable public disquiet about one of the options under consideration—the proposal to run a new road through Belvoir Forest Park. I have now ruled out this option in the light of our new policy direction: not only would it have an unacceptable environmental impact on a unique urban forest, but it would also run counter to the principle of not seeking to meet the demands of commuter traffic through new road building. The options for a solution to the problem need to be determined in the light of the principles which I have set out today and I intend making a fuller statement about the Southern Approaches review in the Spring.”

In the light of the Minister’s Statement the Department has concluded that it is no longer necessary to refer to this specific road proposal in either the Plan or the accompanying Strategy Map. Accordingly the Department deletes the last 2 paragraphs on page 19 of the Plan.

2.4.13 The Commission advised that all references to the proposed Blacks Road/Upper Malone Road link be deleted from the text and Strategy Map.

Recognising that parts of the proposed link lie outside the Plan area, the Department accepts this recommendation and Policy U7 is omitted from the

Plan. Policies U8, U9 and U10 are consequently renumbered U7, U8 and U9 respectively.

However, the Department wishes to continue protecting the line of the proposed road which, if constructed, would relieve pressure on the adjoining local roads, Dunmurry Lane and Finaghy Road South. It is therefore intended to bring forward, in due course, a proposal to incorporate the road link into the Belfast Urban Area Plan 2001 by way of a formal Alteration. This Plan Alteration proposal will be subject to the public consultation processes laid down by statute.

SECTION 2.5 - OBJECTIONS CONCERNING THE STANDARD OF MAPPING AND THE RELATIONSHIP BETWEEN THE PLAN DOCUMENT AND THE TECHNICAL SUPPLEMENT

2.5.1 The Commission recommended that the Strategy Map be amended to omit the indication of the existing roads in red.

The Commission recommended that no further action need be taken on the representation concerning the relationship of the Technical Supplement to the Plan.

The Department accepts these recommendations.

SECTION 2.6 - REPRESENTATIONS CONCERNING THE MANAGEMENT GUIDELINES

2.6.1 **Representations concerning the Advisory Committee.** (Paras. 8.2 and 8.6)

The Department notes that the Commission advised that this is not a matter for the consideration of the Commission.

2.6.2 **Representations concerning the consequences of public access to the Park.** (Paras. 8.3 and 8.6)

The Department notes that the Commission advised that this is not a matter for the consideration of the Commission.

2.6.3 Representations concerning the lack of car parking at the Lisburn end of the Park. (Paras. 8.4 and 8.6)

The Department notes that the Commission advised that this is not a matter for the consideration of the Commission.

2.6.4 Representation that the Plan makes inadequate provision for horse riding within the Park. (Paras. 8.5 and 8.6)

The Department notes that the Commission advised that this is not a matter for the consideration of the Commission.

2.6.5 The Commission, in its covering letter dated 17 June 1994, endorsed the Commissioner's concern that Management Guidelines for the future management of the Park were included within a Statutory Planning Document. It was accepted that these guidelines could be subject to change and the Commission therefore recommended that Management Guidelines be published as a separate document.

The Department notes the Commission's recommendations and will bear this in mind when considering the format of similar plans. However it does not intend in this case to republish separately the non-statutory Management Guidelines. The Plan states that the Department's Environment Service will follow the adoption of the Plan by preparing a detailed management strategy in conjunction with the now established Advisory Committee. The guidelines are intended to lead the way into the management strategy and provide an important link between the Plan and subsequent implementation measures.

3.0 ADOPTION OF THE LAGAN VALLEY REGIONAL PARK LOCAL PLAN 2005

3.0.1 The Department now adopts the Lagan Valley Regional Park Local Plan as amended in this Adoption Statement as a development plan under Article 8 of The Planning (Northern Ireland) Order 1991.

3.0.2 The Department has accordingly made the necessary Order adopting the Plan. The Order is reproduced as Appendix 1 of this Statement.

4.0 CONCLUSION

4.0.1 Finally, the Department wishes to thank all those who contributed to the decision making process. The Department would also like to thank the Commissioner, Mrs Maire Campbell, who conducted the Inquiry. Her comprehensive and detailed Report has greatly assisted the Department in its consideration of the objections.

DEPARTMENT OF THE ENVIRONMENT
FOR NORTHERN IRELAND

March 1995

APPENDIX 1

The Planning (Northern Ireland) Order 1991

The Planning (Development Plans) Regulations (Northern Ireland) 1991

Lagan Valley Regional Park Local Plan 2005 (Adoption) Order (Northern Ireland) 1995

Made 14th March 1995

WHEREAS the Department of the Environment (hereinafter referred to as "the Department") in pursuance of the provisions of Part III of The Planning (Northern Ireland) Order 1991(a) (hereinafter referred to as "the Order") and the Planning (Development Plans) Regulations (Northern Ireland) 1991(b) has, after consultation with Belfast City Council, Castlereagh Borough Council and Lisburn Borough Council, prepared a Development Plan for parts of the said Council areas;

AND WHEREAS the Department has complied with Article 5 of the Order;

AND WHEREAS objections having been duly made within the time stated for making objections, the Department caused a Public Local Inquiry to be held in accordance with Article 7 of the Order by the Planning Appeals Commission for the purpose of considering such objections;

AND WHEREAS the Department has considered the said objections and the Report of the Planning Appeals Commission on the said Inquiry;

NOW THEREFORE the Department in exercise of the powers conferred by Article 8 of the Order and all other powers enabling it in that behalf hereby orders as follows:

1. This Order may be cited as the Lagan Valley Regional Park Local Plan 2005 (Adoption) Order (Northern Ireland) 1995.
2. (1) The Plan is hereby adopted as a Development Plan to the extent approved and endorsed by the Department in the Statement entitled "Lagan Valley Regional Park Local Plan 2005 Adoption Statement 1995".
(2) The Plan together with the said Statement shall be known as the Lagan Valley Regional Park Local Plan 2005 which shall become operative on 31st March 1995.

Sealed with the Official Seal of the Department of the Environment on 14th March 1995.

J McCONNELL
Assistant Secretary



M. CUNNINGHAM
Civil Servant, both of
Clarence Court, Belfast.

(a) S.I. 1991 No. 1220 (N.I. 11)

(b) S.R. 1991 No. 119