Preamble

This Development Plan Practice Note is designed to guide planning officers and relevant users through the key requirements for the preparation of the Plan Strategy and deals primarily with procedures as well as good practice. It forms part of a series of new practice notes stemming from the Planning Act (Northern Ireland) 2011 [the 2011 Act] and any related subordinate legislation. The emphasis is very much on advice but where explicit legislative requirements must be followed these will be made clear.

Where appropriate this practice note will therefore highlight:

- Relevant legislation;
- Procedural guidance;
- Definitions;
- Best practice examples / relevant case law

This guidance is not intended to replace the need for judgement by planning officers in the local development plan making process. Nor is it intended to be a source of definitive legal advice. Reference should be made to the actual legislation referred to in this document and if any discrepancy or conflict exists between the Practice Note and legislation the provisions of the legislation will prevail.
1.0 Introduction

1.1 This note focuses on the requirement for a council to prepare, produce, publicly examine and adopt a plan strategy for its district. The Plan Strategy (PS) is the first stage of the two stage local development plan process. The purpose of the PS is to provide the strategic policy framework for the plan area as a whole across a range of topics whilst taking account of the ‘Regional Development Strategy 2035’ (RDS) and any policy issued by the Department such as ‘A Strategic Planning Policy Statement for Northern Ireland’ (SPPS).\(^1\)

1.2 The PS should establish the strategic direction early in the plan process in order to provide a level of certainty on which to base key development decisions in the area as well as the necessary framework for the preparation of the local policies plan.\(^2\)

1.3 The PS should set out an ambitious but realistic vision for the council area as well as the objectives and strategic policies required to deliver that vision. The PS should be strategic, concise and distinctive to the council area and aim to address the challenges that it faces. It should also ensure that its objectives are integrated with, add value to and assist in the delivery of national, regional and local policies and strategies within Northern Ireland, the council area and other district councils.

2.0 Legislative context

2.1 Part 2 of the Planning Act (Northern Ireland) 2011 (the 2011 Act) sets out the requirements for the preparation of local development plans by councils for their district. The local development plan (LDP) will comprise of two development plan documents;

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\(^1\) The SPPS is subject to clearance by the Executive Committee.
\(^2\) A local policies plan is the second stage of the local development process. Refer to Development Plan Practice Note 8 Local Policies Plan
• The Plan Strategy (PS); and
• The Local Policies Plan (LPP).

2.2 **Section 8 of the 2011 Act (as amended by the Local Government Act (Northern Ireland) 2014)** sets out the requirements for the preparation of the PS which each council must prepare for its district.

2.3 A PS must set out:
• the council’s objectives in relation to the development and use of land in its district;
• its strategic policies for the implementation of those objectives; and
• such other matters as may be prescribed.

2.4 A PS must be prepared in accordance with –
• the timetable set out in **Section 7(1)**;
• the council’s statement of community involvement (SCI).

2.5 In preparing a PS, a council must take account of –
• the regional development strategy;
• its current community plan;
• any policy or advice contained in guidance issued by the Department;
• such other matters as the Department may prescribe or, in a particular case, direct;

and may have regard to such other information and considerations as appear to the council to be relevant.

2.6 The preparation of the PS must also be subject to a number of other statutory requirements such as:
• a Sustainability Appraisal (SA) incorporating the requirements of Strategic Environmental Assessment (SEA);
• an Equality Impact Assessment (EQIA); and
• Habitats Regulations Assessment (HRA).
2.7 The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (LDP Regulations) provides further statutory requirements in relation to the preparation of the plan strategy. Part 4 of the LDP Regulations set out the requirements for the form and content of the plan strategy, and the details of the additional matters to be taken into account in preparing the plan strategy. Part 5 of the LDP Regulations sets out the procedural requirements for the Plan Strategy.

2.8 Part 10 of the Local Government Act 2014 amended Section 8 of the 2011 Act by introducing the additional statutory requirement that a council must take account of its current community plan in preparing its PS. This requirement only applies where a council has published its community plan under Section 68(4) of the 2014 Act. The PS may spatially reflect a council’s community plan and the two should work in tandem towards the same vision for a council area and its communities and set the long term social, economic and environmental objectives for its area.

2.9 Figure 1 sets out the key requirements for the preparation of the PS. It also refers to other stages of the local development plan process and further guidance on these stages can be found in separate development plan practice notes.
Figure 1: Key Requirements for the Preparation of a Plan Strategy

- **Preferred Options Paper (POP) - DP Practice Note 6**
  - Review and update evidence base if necessary;
  - Consider all representations received.

- **Plan Strategy (PS) must:**
  - Set out council objectives;
  - Set out strategic policies;
  - Be prepared in accordance with Timetable and SCI;
  - Take account of RDS, its current community plan, any policy or advice contained in guidance issued by Department;
  - Have regard to other information as a council deems relevant.

- **SA Requirements - DP Practice Note 4**
  - Review and update SA Scoping Report;
  - Undertake a SA of draft PS in accordance with EAPP (NI) Regulations 2004;
  - Prepare SA Report for draft PS.

- **HRA Requirements - DP Practice Note 16**
  - Equality Impact Assessment – DP Practice Note 15

- **Availability & Public Consultation:**
  - Make the PS with supporting documents available to the public for inspection at council offices;
  - Provide a statement indicating where and when representations may be made;
  - Send a copy of the PS with supporting documents to the consultation bodies;
  - Give notice that PS is available for inspection;
  - Publish the PS, supporting documents and notice on the website.

- **Submission & Handling of Representations - DP Practice Note 9**

- **Submission for Independent Examination**

  - **Unsound**
    - **Withdraw PS in accordance with legislative requirements - DP Practice Note 12**
    - **Adoption - Department considers recommendations and issues direction to council adopt PS with or without modifications - DP Practice Note 11**

- **Sound**

  - **Key**
    - Covered by this DP Practice Note

- Publish SA Report and undertake public consultation in accordance with legislative requirements. Invite comments from consultation body – DP Practice Note 4

- Publish EQLA & HRA in accordance with legislative requirements – DP Practice Note 15
3.0 Survey and information gathering

Review and update of evidence base

3.1 **Section 3 of the 2011 Act** sets out the survey and information which a council must keep under review. Following the public consultation on the POP and after taking account of representations received, a council may wish to review and update the evidence base, if considered necessary.

3.2 Furthermore, **Sections 4 and 7 of the 2011 Act** require a council to keep the agreed statement of community involvement and timetable under review, respectively. Following the public consultation on the POP and after taking account of representations received, a council may wish to consider if any changes are required to the agreed timetable and statement of community involvement (SCI). If so, any revision to the timetable or SCI must be undertaken in accordance with the same requirements as they relate to their preparation.

Consideration of representations

3.3 **Regulation 11(4) of the LDP Regulations** requires a council to take account of any representations made on the POP before it prepares a development plan document such as the PS. In doing so, a council should consider if any further issues need to be addressed and if so, the likely implications this may have upon its preferred options and any subsequent objectives and strategic policies to be contained in its PS. Depending upon the issues which need to be considered, a council may wish to undertake further engagement with relevant consultation bodies to inform the preparation of its PS.

3.4 Consultation Requirements and Consultation Bodies

All interested persons should be engaged as early and as fully as possible in the preparation of the Plan Strategy.

3.5 **Section 3 (5) of the 2011 Act** states that councils must consult with neighbouring council areas on all matters set out in Section 3 (2), (3) and (4).
3.6 **Regulation 2 of the LDP Regulations** sets out who the consultation bodies are. Consulting these bodies early in the preparation of the plan strategy may enable potential impediments to the plan strategy to be identified and overcome. Councils may also consult with other bodies depending upon the nature of the information required and the issues that need to be addressed by the plan strategy. Information from consultation bodies and other relevant consultees should enable councils to make informed decisions on their vision, objectives and strategic policies for their district. Councils may wish to ensure that consultation bodies reply to requests for information within their agreed and specified timescales i.e. meet the terms of reference of any official Service Level Agreements (SLA). Councils may wish to consider discussing any outstanding concerns or issues with all consultation bodies which question the vision, objectives, strategic policies and/or other elements of the plan strategy prior to public consultation.

3.7 Consultation bodies may be called upon to give evidence on behalf of the council at the Independent Examination (IE)\(^3\).

4.0 **Policy context for the preparation of the plan strategy**

**Legislative requirements**

4.1 **Section 8 (5) of the 2011 Act** states that a council must take account of:

- the Regional Development Plan Strategy (RDS) 2035;
- its current community plan;
- any policy or advice contained in guidance issued by the Department; and
- such other matters as the Department may prescribe or, in a particular case, direct.

A council may also have regard to any other information and considerations as appears to be relevant.

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\(^3\) Development Plan Practice Note 10 Independent Examination
4.2 **Section 20 of the 2011 Act** requires that when preparing a local development plan a council must have regard to any guidance issued by the Department, the Development of Regional Development and the Office of the First Minister and deputy First Minister.

5.0 **Content of the plan strategy**

**Legislative requirements**

5.1 Section 8 of the 2011 Act sets out the preparation requirements for the plan strategy. Part 4 of the LDP Regulations sets out the requirements for the form and content of a development plan document, proposal map(s) and any other additional matters to be taken into consideration. It is important to highlight that a development plan document must contain a reasoned justification of the policies contained in it. Such reasoned justification of the policies must be clearly distinguishable.

5.2 Section 8 of the 2011 Act states that a council must prepare a plan strategy for its district. It must set out;

- the council’s objectives in relation to the development and use of land in its district;
- its strategic policies for the implementation of those objectives; and
- such other matters as may be prescribed.

**Plan strategy objectives**

5.3 A council should clearly set out its vision for the plan area which may draw upon objectives set out in its current community plan. A council’s objectives should be informed by an analysis of the characteristics of the area and its constituent parts and the key issues and challenges facing them. A council must also take account of the Regional Development Strategy 2035 (RDS 2035) and any policy or advice issued by the Department.

5.4 The objectives of the PS should aim to:
• reflect longer term local aspirations, based on a vision, objectives and strategic policies agreed to by the community and stakeholders;

• provide a plan-led strategy specific to the area covered, to act as a basis for rational and consistent decisions about the use and development of land and identify interdependencies and relationships between places both within and across administrative boundaries;

• provide a settlement hierarchy which identifies settlements and their role within the hierarchy in accordance with the RDS 2035 Spatial Framework Guidance and any policy or advice issued by the Department such as the SPPS and the current community plan;

• allocate land for housing whilst taking account of the strategic objectives and guidelines contained in the RDS and any policy or advice issued by the Department such as the SPPS and the current community plan;

• facilitate economic development and the creation of employment whilst taking account of the RDS 2035 Spatial Framework Guidance and any policy or advice issued by the Department such as the SPPS, and the current community plan;

• facilitate sustainable patterns of growth and regeneration whilst promoting compact urban forms and protecting and maintaining distinctive local character and viability. This may include strategic zonings and/or policy areas where considered necessary;

• identify and define, as appropriate, transportation related proposals, whilst taking account of the RDS and regional transportation proposals contained in Ensuring a Sustainable Transport Future (ESTF);

• conserve, sustain and enhance the area’s environmental qualities, local distinctiveness and sites of environmental importance in terms of
landscape character and diversity, wildlife and habitats, townscape and archaeology;

- promote the development of sustainable tourism, recreational and other community facilities that will positively contribute to the amenity and well being of the population; and

- facilitate the promotion of equality of opportunity and good relations between persons of different religious belief, political opinion or racial group.

5.5 A PS should show how the objectives for a council area may be delivered and by whom, and when. This includes making it clear how infrastructure which is needed to support a PS will be provided and ensuring that it is consistent with other relevant plans and strategies relating to adjoining areas. A council should also aim to ensure that its PS is both realistic and deliverable taking into account the resources available and any potential constraints which may arise during the plan period. Furthermore, in order to allow for unforeseen circumstances e.g. withdrawal of funding or infrastructure proposals, a council should aim to incorporate a degree of flexibility within its PS to ensure that its objectives and strategic policies for its area can still be delivered.

5.6 As the community plan should set out proposals for meeting local needs and services, it may also help a council to ascertain the implementation and delivery of particular proposals in the area and thereby help to justify certain policies and proposals contained in the PS. Furthermore a council must undertake comprehensive and reliable monitoring in order to establish how the objectives of the PS are being achieved and determine whether any changes are required to ensure the continued delivery of the PS. A council’s considerations of its community plan as well as monitoring of the PS form part of the tests of soundness⁴.

⁴ Development Plan Practice Note 6 Soundness
Strategic policies

5.7 A council’s strategic policies should show how the council’s vision and objectives for the area are to be delivered. They should set out the growth strategy for the area and broad locations for delivering housing and other strategic development needs such as employment, retail, leisure, open space, community and public services and transport. They may also draw upon other strategies of a council, particularly those which may have implications upon the development and use of the land e.g. community and regeneration strategies, and seek to provide an integrated approach to the future development of a council area.

5.8 Table 1 below sets out a suggested structure for the content of the PS.

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growth strategy.

| Measures for implementation, monitoring and review. |

6.0 Topic areas

6.1 The formulation of the strategic policies and proposals on topic areas should logically flow from the regional planning framework set by the RDS and SPPS\(^5\) as well as a council’s objectives for the PS whilst taking into account its current community plan. Information such as the evidence base gathered at the preferred options stage, comments from consultation bodies and issues raised through the public consultation process must also be taken into account in the preparation of the PS.

6.2 Furthermore, as the tests of soundness relate to content, conformity and the process by which a PS is produced, it is imperative that a council takes all necessary steps to incorporate soundness throughout the process rather than leaving it to the final stages of preparation. A council should therefore rigorously assess their DPD throughout the course of its preparation to ensure that it meets the tests of soundness. This will help prevent the PS being found unsound as a result of independent examination which will have time and resource implications for all parties involved. Further detail on the tests of soundness is provided in Development Plan Practice Note 6.

6.3 As a council must take account of the RDS, any policy or advice issued by the Department such as the SPPS and its current community plan in the preparation of its PS, the following topic areas must be considered as part of this process. Although all of these topics must be taken into account by a council, some may be more relevant than others e.g. minerals and coastal development. Therefore, whilst a council must consider the following topic areas, it may only decide to include strategic policies and proposals to supplement the requirements of the RDS and SPPS on those topic areas

\(^5\) Subject to clearance by the Executive Committee
which it considers to be relevant and help to achieve its objectives for the local area.

6.4 Furthermore, depending upon a council’s objectives and local circumstances, it may wish to include additional strategic policies and proposals to address issues pertaining to the council area. In addition, depending upon the nature of the issues, a council must consider whether it is more appropriate to address these at the strategic level i.e. in the PS or at more site specific local area, in which case, they should be addressed in the Local Policies Plan (LPP). In all circumstances, a council must incorporate the requirements of SA into the decision making process to help justify and demonstrate the soundness of policies and proposals contained in both the PS and LLP. A council must therefore exercise judgement in relation to the topic areas or issues that need to be addressed, whilst adhering to legislative requirements, in particular Sections 8 and 9 of the Planning Act with regard to the matters to be taken into account in the preparation of the PS and LPP respectively.

7.0 **Archaeology and built heritage**

7.1 **RG11 of the RDS** sets out regional guidance to conserve, protect and where possible, enhance our built heritage and our natural environment. The aim of the SPPS is to manage change in positive ways so as to safeguard that which society regards as important whilst facilitating development that will contribute to the ongoing retention, conservation and enhancement of these assets. The SPPS also sets out regional strategic objectives and policies in relation to archaeology and built heritage which must be taken into account in the preparation of a development plan document such as the PS.

7.2 A council should identify the main built and archaeological features within its plan area in order to enable it to take account of the above RDS and SPPS requirements to inform the preparation of the PS. The majority of this information should already be gathered as part of a council’s evidence base or SA Scoping Report. However a council may wish to ensure it remains accurate and up to date to establish a reliable baseline of information
particularly as it will provide the fundamental evidence base for its policies and proposals in the PS as well as form the basis for undertaking its SA.

7.3 This should help a council to review its existing features of archaeology and built heritage and identify those that require continued or enhance protection as well as new features which need to be protected. In doing so, a council must also take account of any relevant comments received from consultation bodies as well as issues raised as result of the POP consultation process. It must take account of its current community plan and may also have regard to additional information as it considers relevant.

7.4 If a council considers that additional strategic policies are require to secure the delivery of its PS objectives, it must ensure that they are consistent with regional strategic policy requirements set out in the RDS and SPPS to protect, conserve and enhance archaeological and built heritage features and their settings.

8.0 Coastal development

8.1 The RDS recognises that coastal areas need to be protected from coastal squeeze, to safeguard against loss of distinctive habitats, and to help adaptation to climate change, and accordingly states the landscape setting of features should also be conserved. The aim of the SPPS in relation to the coast is to protect the undeveloped coast from inappropriate development, consistent with the RDS; and to support the sensitive enhancement and regeneration of the developed coast largely within coastal settlements. The SPPS also sets out regional strategic objectives for coastal development.

8.2 The UK Marine Policy Statement published in March 2011 provides the high-level policy context within which all marine plans in the UK will be developed, implemented, monitored, amended and/or withdrawn. The MPS is also the key document, until such times as Marine Plans are in place, for making decisions capable of affecting the marine area and is a material consideration. Significantly, this includes terrestrial decision making by public
authorities/councils where decisions have the potential to affect the marine area.

8.3 The Marine Plan for Northern Ireland is being prepared by the DOE under Article 51 of the Marine and Coastal Access Act 2009 and equivalent provisions of the Marine (Northern Ireland) Act (2013). Where applicable, a council should work closely with the Department and neighbouring council(s) to ensure that the PS /LPP and NI Marine Plan are compatible, particularly with regard to the inter-tidal area.

8.4 A council’s strategy towards coastal development should consist of strategic policies which are compatible with other strategic policies in the PS order to minimise any adverse impacts on, for example, nature conservation, archaeological and built heritage, geological and landscape value of the area. Furthermore, a council should also consider the potential implications of coastal development on, for example, tourism and in doing so may wish to have regard to areas under existing or potential development pressure as well as those areas of the coast subject to development constraints such as flood risk and/or coastal erosion.

8.5 As coastal development may affect variety issues dealt with by the PS, it is important that a council refers to its evidence base to ensure that any such issue(s) have been taken into account and use the SA process to justify any policies for coastal development or mitigate against adverse effects where considered necessary.

9.0 Control of outdoor advertisements

9.1 The SPPS sets out regional strategic objectives for the control of advertisements. Where appropriate a council should bring forward policies within its PS or LPP for the control of outdoor advertisements. These should be tailored to local circumstances, in particular to control advertisements which affect listed buildings, conservation areas and areas of townscape or village character. A council should also ensure that advertisements respect the local area, do not prejudice public safety including road safety and do not
detract from the unique qualities and amenity of the countryside.

10.0 Development in the countryside

10.1 The RDS recognises that to sustain rural communities, new development and employment opportunities are required which respect local, social and environmental circumstances. Facilitating development in appropriate locations is considered necessary to ensure proposals are integrated appropriately within rural settlements or in the case of countryside locations, within the rural landscape.

10.2 The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS. The SPPS sets out regional strategic objectives and policies for development in the countryside which relate to managing growth, conserving the landscape and natural resources, facilitating development and promoting high standards of design, siting and landscaping of development. These must be taken into account in the preparation of a development plan document such as the PS.

10.3 A council should undertake an appraisal of the plan area to establish the issues affecting the countryside and to determine the PS policy approach to be undertaken to achieve its objectives for development in the countryside. This may include an appraisal of environmental assets, landscape character, areas of development pressure and settlements including the potential for dispersed rural communities. The majority of this information should already be gathered as part of a council’s evidence base or SA Scoping Report. However a council may wish to ensure it remains accurate and up to date to establish a reliable baseline of information particularly as it will provide the fundamental evidence base for its policies and proposals in the PS as well as form the basis for undertaking its SA incorporating the requirements of strategic environmental appraisal (SEA).
10.4 A council must also take account of any relevant comments received from consultation bodies as well as issues raised as result of the POP consultation process. It must also take account of its current community plan and may have regard to any additional information as it considers relevant. This may include local strategies a council may have for the area, particularly those which may have implications for development in the countryside e.g. housing, biodiversity, tourism and recreation.

11.0 Economic development, industry and commerce

11.1 The RDS 2035 provides a framework for strong sustainable economic growth across the region and recognises that a growing regional economy needs a co-ordinated approach to the provision of services, jobs and infrastructure. It seeks to promote a balanced spread of opportunities across Northern Ireland through a Spatial Framework that enables strategic choices to be made in relation to development and infrastructural investment. RG1 aims to ensure an adequate supply of land to facilitate sustainable economic growth. The RDS also sets out an Employment Land Evaluation Framework to help enable a council to identify robust and defensible portfolio of both strategic and local employment sites in the PS or LPP.

11.2 The SPPS aims to facilitate the economic development needs of Northern Ireland in ways consistent with the protection of the environment and the principles of sustainable development. It sets out regional strategic objectives and policies in relation to economic development, industry and commerce which must be taken into account in the preparation of a development plan document such as the PS.

11.3 The PS should broadly set out allocations for employment land taking account of regional planning requirements and its strategy and objectives for economic development, industry and commerce as well as other policy considerations such as infrastructure and transportation proposals for the council area. The allocation of employment land should also be consistent with the role and
function of settlements as set out in the settlement hierarchy for the council area.

11.4 In order to do so, a council may wish to undertake a survey or review of existing economic development sites to ensure that any baseline information is up to date in order to justify its policy approach towards economic development, industry and commerce for its area. A council must also take account of any relevant comments received from consultation bodies as well as issues raised as result of the POP consultation process. It must also take account of its current community plan, SA requirements/findings, and any additional information as it considers relevant such as an economic development and/or investment strategy for the council area.

12.0 Flood risk

12.1 The RDS recognises the need to avoid, where possible, the selection of flood prone land for employment and housing growth. It urges the planning system to adopt a precautionary approach to development in areas of flood risk and the use of the latest flood risk information that is available in order to properly manage development. The RDS also promotes a more sustainable approach to flood risk management and in particular encourages the greater use of sustainable drainage systems. The SPPS sets out regional strategy policy in relation to flood risk which must be taken into account in the preparation of a development plan document such as the PS. These relate to development on flood plains and in close proximity to reservoirs, flood defence and drainage infrastructure and modification of watercourses.

12.2 A council should undertake an appraisal of the plan area in order to identify the areas of flood risk to inform the PS policy approach to be undertaken for any areas identified. In doing so, a council should engage with relevant government departments and agencies with responsibility for various aspects of flood risk management such as the Rivers Agency. In particular, a council should take account of the Strategic Flood Map which highlights areas throughout Northern Ireland that are prone to flooding. This not only includes
present day predictive flood risk associated with flooding from various sources, but also historical records of floodings and the predictive flood risk in the future, associated with climate change. A council must therefore take this into account, particularly as it may influence the potential growth and expansion of settlements in terms of the proposed settlement hierarchy and economic development strategy set out in the PS.

13.0 Housing in settlements

13.1 The RDS acknowledges that housing is a key driver of physical, economic and social change and emphasises the importance of the relationship between the location of housing, jobs, facilities, services and infrastructure. The RDS recognises that there are significant opportunities for new housing on appropriate vacant and underutilised land, and sets a regional target of 60% of new housing to be located in appropriate ‘brownfield’ sites within the urban footprints of settlements greater than 5,000 population. The SPPS sets out a regional strategic policy to ensure an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. This approach to housing will support the need to maximise the use of existing infrastructure and services, and the creation of more balanced sustainable communities.

13.2 A council should bring forward a housing strategy and adopt a policy approach to meet the requirements of the RDS and SPPS whilst meeting its objectives for the provision of housing in the settlements of the plan area. In terms of the PS, housing provision in settlements should reflect the growth strategy and settlement hierarchy for the plan area as well aim to provide sustainable forms of development and contribute to the achievement of balanced communities and strengthening community cohesion.

13.3 The SPPS sets out a process for allocating housing land which should be informed by the RDS Housing Growth Indicators, the RDS Evaluation
Framework, existing housing commitments, urban capacity studies, application of a sequential approach, Housing Needs Assessment and Transport Assessments. It also sets out a list of measures which should be included in local development plans. In particular, the PS should address strategic housing issues such as the overall housing provision for each settlement to set the framework for more detailed housing requirements such as zonings, key site requirements for specific sites etc in the local policies plan (LPP). A council may also wish to address other issues such as affordable housing, traveller accommodation and supported housing if considered relevant within the council area.

13.4 In order to establish a settlement and housing growth strategy, a council should consider the social and economic characteristics, in particular the demography of the plan area to identify any trends and the housing needs of the local population. A council must also take account of its community plan which may identify particular community needs and future service provision for the local area. SA baseline information as well as the appraisal of the alternatives for housing growth should help a council to determine the most appropriate options whilst taking into account other related policy considerations of the PS to ensure an integrated and sustainable approach towards the provision of housing in settlements within the plan area. In particular, these may include policies and proposals for economic development, infrastructure and transport and the provision of public services.

13.5 A council’s justification and evidence for its housing strategy must be comprehensive and robust in order to withstand the tests of soundness at independent examination (IE), particularly as it is likely that the majority of representations will be seeking the inclusion of additional lands for the development and the expansion of settlements. A council should be able provide evidence in relation to housing need e.g. comments from relevant consultation bodies such as the Northern Ireland Housing Executive and demonstrate that its housing strategy contributes to the sustainability objectives of its PS whilst meeting the requirements of the council’s
community plan and wider regional planning framework set by the RDS and SPPS.

14.0 Minerals

14.1 The SPPS sets out regional strategic objectives and policy to facilitate sustainable minerals development through balancing the need for specific minerals development proposals against the need to safeguard the environment; to minimise the impacts of minerals development on local communities, landscape quality, built and natural heritage, and the water environment; and to secure the sustainable and safe restoration, including the appropriate re-use of mineral sites.

14.2 In order to inform its policy approach towards minerals development in the PS, a council should assess the need for minerals resources and identify resources most suitable for development where exploitation would have the least environmental and amenity impact as well as good accessibility to the strategic transport network. A council should include policies in its PS to ensure that sufficient supplies can be made available to meet future needs over the plan period.

14.3 Furthermore, a council should safeguard minerals resources which are of economic or conservation value and seek to ensure that workable mineral resources are not sterilised. There should be a presumption against minerals development in areas of intrinsic, landscape, amenity, scientific or heritage value (including natural, built and archaeological value).

14.4 The Minerals Resources Map of Northern Ireland\(^6\) should assist a council in the preparation of both the PS and LPP as it identifies the location, extent and nature of the minerals resource in Northern Ireland. A council may wish to undertake further research and survey such as liaising with local minerals

\(^{6}\)http://www.bgs.ac.uk/mineralsuk/planning/resource.html
industries in order to help inform the formulation of mineral policies tailored to the plan area.

14.5 As any minerals development may have likely significant effects upon the environment, it is important that a council undertakes a thorough SA of any mineral policy. This will help to provide the evidence base to demonstrate that any policy and/or proposal for mineral development has been subject to an assessment of need against the need to protect and conserve the environment whilst taking account of the wider sustainability objectives of the PS.

15.0 Natural heritage

15.1 The RDS provides regional guidance to conserve, protect and where possible enhance our natural environment. It recognises that effective care of the environment provides very real benefits in terms of improving health and well-being, promoting economic development and addressing social problems which result from a poor quality environment. The SPPS sets out regional strategic objectives and policy which must be taken into account in the preparation of the PS and LPP. A council should apply the precautionary principle when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources.

15.2 These may include international designations such as European or Ramsar sites, protected species, national designations such as Area of Special Scientific Interest, Nature Reserve or National Nature Reserve or Marine Conservation. A council may also establish local designations such as local nature reserve and wildlife refuges under the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985. It is recommended that these designations are identified in the PS for information.

15.3 In addition, in developing its policy approach to help achieve its PS objectives for natural heritage, a council should also take account of the requirements sets out in The Northern Ireland Biodiversity Strategy and EU Biodiversity
Strategy which seek to halt the loss of biodiversity and ecosystems services by 2020. Furthermore, the **Wildlife and Natural Environment Act (Northern Ireland) 2011** places a statutory duty on every public body to further the conservation of biodiversity.

15.4 The majority of this information should already be gathered as part of a council’s evidence base or SA Scoping Report. However a council may wish to ensure it remains accurate and up to date to establish a reliable baseline of information particularly as it will provide the fundamental evidence base for its policies and proposals in the PS as well as form the basis for undertaking its SA incorporating the requirements of strategic environmental assessment (SEA). A council must also undertake a habitat regulations assessment (HRA) in respect of any Nature 2000 sites (Special Protection Areas (SPAs) and Special Areas of Conservation (SACs)) located within the plan area.

15.5 A council must take account of any relevant comments received from consultation bodies and the Shared Environmental Service. It must also take account of its current community plan and may have regard to any additional information as it considers relevant. A council may also have regard to local strategies, for example, in relation to biodiversity, conservation, tourism and recreation to help ensure an integrated and joined up policy approach towards natural heritage which is balanced against the need for sustainable development within the plan area.

16.0 **Open space, sport and outdoor recreation**

16.1 The RDS highlights the need to provide adequate provision for green and blue infrastructure in cities, towns and neighbourhoods, and new developments. The SPPS sets out regional strategic objectives and regional strategic policy for open space, sport and outdoor recreation which must be taken into account in the preparation of the PS and LPP.

16.2 In terms of the PS, a council should bring forward an open space strategy which takes account of the RDS and SPPS as well as the current community plan. A council may also have regard to other information as it considers...
relevant such as a recreation strategy. In order to do so, a council must undertake an assessment of existing open space provision and the future needs of the council area, whilst taking account of National Playing Fields Association (NPFA) recommended minimum standard.

16.3 A council should also have regard to other factors such as public safety, the impact on conservation, landscape, natural and built heritage as well as the distribution and accessibility of such provision. A council should therefore also consider the implications of any other related policy e.g. local landscape policy areas and historic parks, gardens and demesnes which may also contribute to the provision of areas of open space and recreation. A council’s policy approach towards the provision of open space, sport and outdoor recreation should provide the framework for more detailed proposals contained in the LPP.

17.0 Renewable energy

17.1 The RDS, as well as wider government policy, supports the use of renewable energy sources and emphasises the need to increase the contribution of renewable energy to the overall energy mix. The Strategic Energy Framework 2010 also aims to ensure future access to secure, competitively priced and sustainable energy supplies. It also sets a target of achieving 40% of energy consumption from renewable energy sources by 2020.

17.2 The aim of the SPPS aims to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland’s renewable energy targets and to realise the benefits of renewable energy without compromising other environmental assets of acknowledged importance.

17.3 The SPPS sets out regional strategic objectives and regional strategic policy for renewable energy which must be taken into account in the preparation of the PS and LPP. A council must consider wider environmental, economic and social benefits of renewable energy and tailor its PS objectives and policy
approach to reflect local circumstances and balance this against the need to protect and conserve areas of environmental and landscape value e.g. Areas of Outstanding Natural Beauty, the Giant’s Causeway and Causeway Coast Heritage site.

17.4 The process of SA should help to ensure that a council’s approach towards renewable energy is the most sustainable in light of the reasonable alternatives considered. This should help to justify the policy approach set out in the PS which will set the framework for the more detailed assessment of proposals for renewable energy.

18.0 Telecommunications and other utilities

18.1 The RDS identifies the need for a modern efficient telecommunications infrastructure that will give Northern Ireland a competitive advantage. The aim of the SPPS aims to facilitate the development of telecommunications infrastructure in an efficient and effective manner whilst keeping the environmental impact to a minimum. The SPPS sets out regional strategic objectives and regional strategic policy for telecommunications and other utilities.

18.2 In particular, a council should bring forward policies and proposals to set out the detailed criteria for consideration of new telecommunications development in their local area which should address important planning considerations such as siting, design, and impact upon visual amenity. To inform plan preparation, councils may consult with telecommunications operators, and other relevant stakeholders, in relation to the anticipated extent of the network coverage required over the plan period. A council may also set out requirements on operators, for example, to demonstrate the need for new development and existing network constraints.

18.3 In relation to other public service and utilities, a council should allocate sufficient land to meet the anticipated needs of the community, in terms of health, education and other public services such as water and sewerage,
drainage, electricity and natural gas. A council must take account of the regional planning framework sets out by the RDS and SPPS, its current community plan as well as any comments from consultation bodies in order to help justify its policies and proposals contained in both the PS and LPP.

19.0 Tourism

19.1 The RDS recognises tourism as a key element underpinning sustainable economic growth in Northern Ireland and seeks to promote a sustainable approach to the provision of tourism infrastructure. The aim of the SPPS in relation to tourism development is to manage the provision of sustainable and high quality tourism developments in appropriate locations within the built and natural environment. The SPPS sets out regional strategic objectives and regional strategic policy which must be taken into account by a council in bringing forward tourism strategy tailored to the specific circumstances of the plan area.

19.2 In terms of the PS, a council’s tourism strategy should reflect wider government tourism initiatives and aim to address issues such as the meeting the needs of future tourism demand, safeguarding of key tourism assets, identifying potential tourism growth areas; environmental considerations and contribution of tourism to economic development, conservation and urban regeneration.

19.3 In order to do so, a council may wish to undertake a review of its tourism assets within the plan area to determine those which require further protection and those which have potential for further growth. As a starting point, a council should liaise with the Northern Ireland Tourist Board and Fáilte Ireland as well as relevant consultation bodies. It must also take account of its current community plan, SA requirements /findings, and any additional information as it considers relevant such as any local tourism, economic development and/or investment strategy for the council area. This will help to a council’s to target resources and promote potential areas for growth in a sustainable manner to
protect and avoid over exploitation of the tourism resource within the council area.

20.0 Town centres and retailing

20.1 The RDS recognises the importance of accessible, vibrant city and town centres. It identifies the need to enhance the distinctive role of Belfast City Centre as the primary retail location in Northern Ireland as well as highlights the need to strengthen and secure the role of Derry/Londonderry as the principal city for the North West. The RDS also promotes a precautionary approach in relation to future major retail development proposals based on the likely adverse impact of out of centre shopping development on the city centre area.

20.2 The aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS. The SPPS sets out regional strategic objectives and regional strategy policy which must be taken into account by a council in the preparation of the PS and LPP.

20.3 In particular, a council should adopt a town centre first and sequential approach in preparing its town centre and retail strategy to achieve its PS objectives for the plan area. A council should identify a hierarchy of town, district and local centres whilst acknowledging the role of rural centres and set out policies for the uses permitted in relation to the hierarchy of centres.

20.4 A council must ensure that its town centre and retail strategy is based upon a robust and reliable evidence base to justify its policies and proposals for the plan area. Therefore, a council must undertake an assessment of need or capacity for retail and other main town centre uses across the plan area as well as regular town centre health checks to ensure that any information remains relevant and up to date. A council must also take account of its community plan and may have regard to any additional information as it
considers relevant such as any local economic development and/or investment strategy for the council area. A council should also work collaboratively with neighbouring councils and relevant stakeholders to help ensure that its town centre and retailing strategy supports accessible and vibrant city and town centres within its council area and beyond.

**21.0 Transportation**

21.1 The RDS aims to deliver a balanced approach to transport infrastructure by improving connectivity, maximising the potential of the Regional Strategic Transport Network, using road space and railways more efficiently, improving social inclusion, managing the movement of freight, improving access to cities and towns and improving road safety.

21.2 Ensuring a Sustainable Transport Future (ESTF) – A New Approach to Regional Transportation complements the RDS and contains high level aims and strategic objectives to support the growth of the economy, enhance the quality of life for all and reduce the environmental impact of transport. The document sets out the approach to regional transportation and is used to guide strategic investment decisions beyond 2015.

21.3 The SPPS aims to secure improved integration with land-use planning, consistent with the RDS and the ESTF and to facilitate safe and efficient access, movement and parking. The SPPS sets out regional strategic objectives and regional strategy policy which must be taken into account by a council in the preparation of the PS and LPP.

21.4 A council should assess the transport needs, problems and opportunities within the plan area to ensure that appropriate consideration is given to transportation issues in the allocation of land future development, including appropriate integration between transport modes and land use. A council must consult the Department for Regional Development (DRD) and other consultation bodies as considered relevant or public transport providers such as Translink. It must also take account of its community plan and may have
regard to any additional information such as any local economic development and/or investment strategy to help ensure an integrated approach towards transport and infrastructure development. A council should also work collaboratively with neighbouring councils and relevant stakeholders to help ensure that its transportation strategy also supports the transport needs of both the local and wider community.

21.5 Furthermore, as proposals for transportation may have likely significant effects upon the sustainability objectives for both the PS and LPP, it is important that a council provides a robust evidence base and an accurate record of its SA findings to help justify its policies and proposals, particularly in circumstances where the mitigation of adverse impacts is considered necessary.

22.0 Waste management

22.1 The Northern Ireland Waste Management Strategy “Delivering Resource Efficiency” is set firmly in the context of sustainable development policy and other key government policy documents and initiatives. It is founded on the principles of the EU Waste Framework Directive and sets out the policy framework for the management of waste in Northern Ireland, and contains actions and targets to meet EU Directive requirements and the Department’s Programme for Government commitments.

22.2 The RDS sets out regional guidance in relation to the sustainable management of waste in line with the 5 step waste hierarchy as set out in the Waste Framework Directive. The waste hierarchy aims to encourage the management of waste materials in order to reduce the amount of waste materials produces and to recover the maximum value from the wastes that are produced. In addition, the RDS emphasises the proximity principle to minimise the environmental impacts of waste transport.

22.3 The aim of the SPPS in relation to waste management is to support wider government policy focused on the sustainable management of waste, and a move towards resource efficiency. It sets out regional strategic objectives and
regional strategy policy for waste management which a council must take into account in the preparation of its PS and LPP. In particular a council must assess the likely extent of future management facilities and include appropriate policies and proposals to ensure that the potential impacts of both existing and future waste management are kept to a minimum.

22.4 In addition to the RDS and SPPS, another key aspect of delivery of the Waste Management Strategy is through the local waste management plans prepared by the three District Council Waste Management Groups (Arc 21; North West Region Waste Management Group; and Southern Waste Management Partnership).

22.5 A council should engage with relevant consultation bodies and agencies with responsibility for various aspects of waste management to ensure an integrated approach. A council should be guided by the precautionary approach that where there are significant risks of damage to the environment, its protection will generally be paramount unless there are imperative reasons for overriding public interest.

22.6 Therefore as waste management facilities may cause significant effects upon the environment, it is important that a council provides a robust evidence base and an accurate record of its SA findings to help justify its policies and proposals, particularly in circumstances where the mitigation of adverse impacts is considered necessary. Furthermore, a council may also have regard to other information as it considers relevant such as a waste or recycling strategy for its council area.

23.0 Maps

23.1 Regulation 13 of the LDP Regulations states that a development plan document must contain a map or maps (known as “the proposals map”), describing the policies and proposals set out in the development plan document so far as practicable to illustrate such policies or proposals.
spatially. The proposals map is to be sufficiently detailed so as to enable the location of proposals for the development and use of land to be identified.

23.2 The PS should contain maps which provide clarity on the council’s strategic policies and proposals where the proposals for development of land can be expressed spatially. It is recommended that the PS should contain an Overview Map to show the plan area boundary and strategic proposals as well as any environmental designations to show specific areas of environmental protection which have been designated by DOE. The PS may also contain other maps, diagrams, illustrations or other descriptive matter that the council thinks appropriate.

24.0 Sustainability appraisal and other accompanying assessments

Sustainability Appraisal

24.1 Section 8(6) of the 2011 Act sets out the requirement to carry out a sustainability appraisal (SA) for the PS. Furthermore as the (SA) for the PS incorporates an assessment of environmental effects, it must also comply with the requirements of the European Directive 2001/42/EC on the assessment of effects of certain plans and programmes on the environment (SEA Directive).

24.2 The SEA Directive was transposed into Northern Ireland legislation through the Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004 (the EAPP (NI) Regulations). The EAPP (NI) Regulations set out more detailed requirements for the process and content of the environmental assessment of plans and development.

24.3 The SA should be an integral part of the plan making process and perform a key role in providing a sound evidence base for the PS which will play an important part in demonstrating the soundness\(^7\) of the development plan document. In preparing the PS, a council should undertake an appraisal of

\(^7\) Development Plan Practice Note 6: Soundness
reasonable alternatives and any likely significant effects of the draft PS against SA objectives as agreed with the consultation body i.e. NIEA, DOE. Further detail on these stages of the SA process is provided in Development Plan Practice Note 4: Sustainability Appraisal incorporating Strategic Environmental Assessment.

24.4 Following the appraisal of reasonable alternatives and any likely significant effects of the draft PS, a council must prepare a SA report which incorporates the requirements of Regulation 11 and Schedule 2 of EAPP (NI). The purpose of the SA report is to present the findings of the appraisal and show how reasonable alternatives and any likely significant effects of the implementation the draft plan have been taken into account in the decision making process. The SA Report should aim to provide transparency by documenting the SA and plan preparation process and highlighting any changes to policies and proposals and mitigation measures as a result of the SA of the draft plan. It should provide the audit trail of policy thinking and development.

Other accompanying assessments

24.5 In addition to SA, a council must also undertake a Habitat Regulations Assessment and an Equality Impact Assessment.

Habitats Regulations Assessment (HRA)

(a) The overall aims of the Habitats and Birds Directives are to maintain or restore the favourable conservation status of habitats and species of community interest. Special Areas of Conservation and Special Protection Areas are designated to afford protection to habitats and species are listed in the Habitats and Birds Directives. These designations form a suite of sites which are collectively known as the Natura 2000 network.
(b) HRA is required by The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). It aims to assess possible adverse effects on Natura 2000 sites (Special Areas of Conservation, Special Protection Areas) and Ramsar Sites as a result of the implementation of policies and proposals contained in plans such as a PS and LPP. The process of HRA may be undertaken in parallel with SA however, a council should liaise with Shared Environmental Services to ensure that it meets all the legislative requirements.

*Equality Impact Assessment (EQIA)*

(a) A council is required to ensure that its PS and LPP are prepared in accordance with Section 75 statutory obligations. Consequently, a council must undertake an EQIA to determine the potential impacts upon Section 75 groups as a result of the policies and proposals contained in the development plan document. Further guidance is provided on Section 75 of NI Act 1998 in ‘Section 75 of the Northern Act 1998 - A Guide for Public Authorities, April 2010’ and also ‘Section 75 of the Northern Ireland Act 1998: Public Authorities Outline Guide, February 2012.’

### 25.0 Availability and public consultation on the plan strategy

**Legislative requirements**

25.1 **Regulation 15 of the LDP Regulations** sets out the requirements for the availability of development plan documents. A council must:

(a) make the following documents available for inspection during normal office hours at the places referred to in paragraph (b) namely –

(i) a copy of the development plan document;

(ii) such supporting documents as in the opinion of the council area relevant to the preparation of the local development plan;
(iii) a document containing a statement indicating the period within
which representations on the development plan document may be
made;
(iv) notice of the address to which representations can be sent;

(b) the places referred to in paragraph (a) are –
   (i) the council’s principal office; and
   (ii) such other places within the council district as the council
        considers appropriate;

(c) send to the consultation bodies –
   (i) the information set out in paragraph (a);
   (ii) a copy of the development plan document; and
   (iii) a copy of the sustainability appraisal report under section 8(6) or
         9(7) of the 2011 Act, as the case may be;

(d) give notice in the Belfast Gazette and by local advertisement of the
    following –
   (i) the title of the development plan document; and
   (ii) a statement of the fact that the development plan document is
        available for inspection and the places and times at which it can
        be inspected;

(e) publish on its website –
   (i) the development plan document;
   (ii) such of the supporting documents as in the opinion of the council
        are relevant;
   (iii) the notice mentioned in paragraph (a) (iv)

25.2 Regulation 16 of the LDP Regulations sets out the requirements for public
consultation on a development plan document. It states;

(1) Any person may make representations about a development plan
document.
(2) Any such representations must be –
(a) made within a period of 8 weeks starting on the day the council complies with Regulation 15(d); and
(b) sent to the address specified pursuant to Regulation 15(a)(iv).

25.3 A council must:

- make available for inspection during normal working hours a copy of the draft PS and associated documents at its principal office and such other places as the council considers appropriate;
- make a statement that representations can be made on the draft PS and the address to which the representations can be sent;
- send this information to the consultation bodies which were engaged in the preparation of the draft PS; and
- give notice in the Belfast Gazette and by local advertisement and on its website setting out:

  - that the draft PS has been prepared and the places and times at which it can be inspected,
  - a brief description of the content and purpose of the draft PS,
  - Details of how further information may be obtained.

25.4 In order to help reduce the number of unsubstantiated and speculative representations, a council should set out requirements for the submission of representations in order to facilitate the management and consideration of all representations and counter-representations submitted on the development plan document(s). A council may wish to provide a standard form to assist in this process and help focus on the information required to either object or support the policies and proposals contained in the development plan document.

25.5 In particular, representations should provide evidence to demonstrate why the draft PS is unsound and/or how any proposed changes make the draft PS
more sound. Furthermore representations should demonstrate how any proposed changes meet the sustainability objectives of the draft PS and should be submitted in full within the specified public consultation period. This requirement will help to enhance the quality and efficiency of the decision-making process as it will enable all information to be considered by all parties involved from the outset to help ensure a fairer, more comprehensive and thorough debate of issues at independent examination. Further guidance on the submission and handling of representations is provided by Development Plan Practice Note 9 Submission and Handling of Representations.