Development Plan
Practice Note

The Local Policies Plan

April 2015
**Preamble**

This Development Plan Practice Note is designed to guide planning officers and relevant users through the key requirements for the preparation of the Local Policies Plan 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 practice note focuses on the requirement for council to prepare and produce a local policies plan for their local area. The local policies plan (LPP) is the second part of the two stage local development plan process. The purpose of the LPP is to set out a council’s local policies and site specific proposals in relation to the development and use of land in its district.

1.2 The LPP must be consistent with a council’s plan strategy and take 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)\(^1\).

1.3 The LPP must contain the local policies, including site specific proposals, designations and land use zonings required to deliver the council’s vision, objectives and strategic policies. It should be concise and distinctive to reflect the local circumstances and challenges facing the council area. 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 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;

- The Plan Strategy (PS); and
- The Local Policies Plan (LPP).

2.2 **Section 9 of the 2011 Act** (as amended by the **Local Government Act (Northern Ireland) 2014**) sets out the requirements for the preparation of the

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\(^1\) The SPPS is subject to clearance by the Executive Committee.
LPP. A council must, after the Plan Strategy (PS) for its district has been adopted, prepare a LPP. A council’s LPP must be consistent with its PS.

2.3 A LPP must set out;
• the council’s policies in relation to the development and use of land in its district; and
• such other matters as may be prescribed

2.4 A LPP 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 LPP, the 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 LPP 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 (the LDP Regulations) provide further statutory requirements in relation to the preparation of the local policies plan. Part 4 of the LDP Regulations set out the requirements for the form and content of the local policies plan,
and the details of the additional matters to be taken into account in preparing the local policies plan. **Part 5 of the LDP Regulations** sets out the procedural requirements for the local policies plan.

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 LPP. This requirement only applies where a council has published its community plan under **Section 68(4) of the 2014 Act**. The LPP 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 LPP. 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 Local Policies Plan

Plan Strategy (PS)
- DP Practice Note 7

Survey & information:
- Review and update evidence base if necessary.
- Consider all representations received.

Local Policies Plan (LPP) must:
- Set out council’s policies;
- Be prepared in accordance with Timetable and SCI;
- Be consistent with a council’s PS;
- 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.

Availability & Public Consultation:
- Make the LPP 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 LPP with supporting documents to the consultation bodies;
- Give notice that LPP is available for inspection;
- Publish the LPP, supporting documents and

Submission & Handling of Representations - DP Practice Note 9

Submission for Independent Examination

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

Key
- Covered by this DP Practice Note

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 15

Equality Impact Assessment – DP Practice Note 15

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

Publish EQIA & 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. During the final stages or following the adoption of the PS, 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 adoption of the PS, 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 LPP. 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 local policies and proposals to be contained in its LPP. 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 LPP.

Consultation Requirements and Consultation Bodies

3.4 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). Regulation 2 of the LDP Regulations sets out who the consultation bodies are. Councils should consider undertaking timely, effective and conclusive discussions with key consultation bodies on the local policies, land use allocations, site-specific and/or criteria based proposals of the local policies plan and how they are to be delivered.

3.6 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)².

4.0 Policy context for the preparation of the local policies plan

Legislative requirements

4.1 Section 9 (5) of the 2011 Act states that the council’s local policies plan must be consistent with the council’s plan strategy. Furthermore, Section 9 (6) 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.

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 local policies plan**

**Legislative requirements**

5.1Section 9 of the 2011 Act sets out the preparation requirements for the local policies plan. 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 local policies plan document must contain a reasoned justification of the policies contained in it. Such reasoned justification of the policies must be clearly distinguishable.

5.2Section 9 of the 2011 Act states a council must, after the plan strategy for its district has been adopted by resolution of the council or, as the case may be, approved by the Department prepare a local policies plan for its district. It must set out;

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

5.3 A council’s local policies, including its site specific proposals, designations and land use zonings, should show how the council’s vision, objectives and strategic policy as set out in its PS are to be achieved. They should be tailored to the local area and set out a council’s approach towards the development and use of land in its district.

5.4 In particular, topic based local policies and proposals should reflect the regional strategic objectives and policies contained in the SPPS and logically flow from a council’s objectives and strategic policies set out in its PS. For example, housing in settlements, economic development, natural and built heritage, development in the countryside, town centres and retailing, open space and recreation and transportation. Local policies may draw upon other local strategies and/or plans 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.

5.5 Local policies and site specific proposals e.g. zonings and designations should be founded on a reliable evidence base e.g. sustainability appraisal incorporating strategic environmental assessment, assessment of housing and employment need.

5.6 The LPP should:

- identify and define settlement development limits in accordance with the settlement hierarchy set out in the PS, whilst taking account of the RDS 2035 Spatial Framework Guidance, any policy or advice issued by the Department and the current community plan;

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The SPPS is subject to clearance from the Executive Committee
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• allocate and zone land for housing in accordance with the PS, whilst taking account of the RDS, any policy or advice issued by the Department such as the SPPS and the current community plan;

• allocate and zone land for economic growth and regeneration in accordance with the PS, whilst taking account of the RDS, any policy or advice issued by the Department such as the SPPS and the current community plan;

• 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. For example, by identifying existing areas of protection and designating sites specific policy areas e.g. site of local nature conversation importance, areas of townscape or village character and local landscape policy areas;

• identify and define, as appropriate, local transportation related proposals, in accordance with the Ensuring a Sustainable Transport Future, other local infrastructural and utility needs and identify any new infrastructure required to bring them forward;

• promote the development of sustainable local tourism, open space, recreational and other rural and urban 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.

5.7 A council should also aim to ensure that its LPP 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 LPP to help ensure the delivery and implementation of its policies and proposals.

5.8 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 LPP. Furthermore a council must undertake comprehensive and reliable monitoring in order to establish how the objectives of the LPP are being achieved and determine whether any changes are required to ensure the continued delivery of the LPP. A council’s considerations of its community plan as well as monitoring of the LPP form part of the tests of soundness.

5.9 Table 1 below sets out a suggested structure for the local policies plan.

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<thead>
<tr>
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<th>Table 1: Suggested Structure for Local Policies Plan</th>
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<tbody>
<tr>
<td>1</td>
<td>Local Policies Plan – linked to Community Plan.</td>
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<tr>
<td>2</td>
<td>Policy Context – must be consistent with the PS and take account the RDS and prevailing planning policy, any other advice and guidance issued by the Department or where a council considers relevant.</td>
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<tr>
<td>3</td>
<td>Local topic based policies and proposals including reasoned justification. These should implement a council’s objectives whilst taking account of the requirements set out by the PS, the regional planning framework such as the RDS and SPPS, a council’s current community plan and other issues as considered relevant to the plan area.</td>
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<td>4</td>
<td>Maps – including maps to show local site-specific proposals, zonings, environmental designations, local transportation network including protected routes etc.</td>
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4 Development Plan Practice Note 6 Soundness
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6.0 Topic Areas

6.1 The formulation of the policies and proposals on topic areas should logically flow from the regional planning framework set by the RDS and prevailing planning policy as well as a council’s PS and 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 LPP.

6.2 Furthermore, as the tests of soundness relate to content, conformity and the process by which a LPP 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 LPP being found unsound as a result of independent examination which will have time and resource implications for all parties involved.\footnote{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, its PS and current community plan in the preparation of its LPP, 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 policies and proposals to supplement the requirements of the RDS, SPPS on those topic areas which it considers to be relevant and help to achieve its objectives for the local area. Furthermore, the
policies and proposals contained in the LPP must be consistent with a council’s objectives and strategic policies which have been adopted in its PS.

6.4 In addition, depending upon a council’s objectives and local circumstances, it may wish to include additional policies and proposals to address issues pertaining to the council area. 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 the 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 9 of the 2011 Act with regard to the matters to be taken into account in the preparation of the LPP.

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 LPP.

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 LPP. In addition, the PS should set out a council’s objectives and strategic policies for archaeology and built heritage within the council area which should provide the relevant planning and policy framework tailored specifically to the local area. The main purpose of the LPP is to set out local policies and site specific designations to help implement and deliver the council’s objectives and strategic policies of the PS.
7.3 A review of existing features of archaeology and built heritage and the identification of those which require continued or enhance protection as well as new features which need to be protected may already have been undertaken by a council in the preparation of its PS. Furthermore, 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 LPP as well as form the basis for undertaking its SA.

7.4 In terms of archaeology and built heritage, the LPP may identify the following:
- World heritage sites;
- Archaeological sites and monuments;
- Listed buildings;
- Historic, parks, gardens and demesnes; and
- Conservation areas.

7.5 Following consideration of the above, a council may have already included strategic policies in relation to archaeology and built heritage in its PS. Under these circumstances, a council should designate site specific proposals to deliver its strategic policy objectives to protect, maintain or enhance areas of archaeological interest or heritage value. Designations may include Areas of Significant Archaeological Interest, Areas of Townscape or Village Character or Local Landscape Policy Areas. Furthermore, a council may also introduce a local policy to address issues relating to a particular area, if considered necessary.

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 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.

8.3 Where relevant, a council’s strategy towards coastal development should be set out in its PS. Depending upon the nature of the strategic policies in the PS, the LPP should help to implement these policies through the spatial designation of areas to which these strategic policies will apply. This may include identifying areas where development should be restricted, due to amenity or landscape value, nature conservation interest or historical or archaeological importance. A council may also identify areas of flood risk, coastal erosion or land instability. It may also wish to promote and protect public access to and along the coast where possible.

8.4 As coastal development may affect variety issues dealt with by the LPP, 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 local policies and site specific designations 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. 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.

10.2 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 LPP.

10.3 A council’s policy approach to be undertaken to achieve its objectives for development in the countryside should be set out in its PS. In preparing the LPP, a council may build upon and update the work already undertaken for the preparation of the PS in order to establish more detailed issues affecting
the countryside and bring forward local policies and/or designate site specific policy areas to which the strategic policies of the PS will apply e.g. Special Countryside Areas and Areas of High Scenic Value.

10.4 This information should also be incorporated into the evidence base or relevant parts of the SA to ensure that it remains accurate and up to date particularly as it will provide the fundamental evidence base for its appraisal local policies and site specific proposals in the LPP. A council must also take account of its community plan and any other 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 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 LPP.
11.3 A council’s policy approach towards economic development, industry and commerce as well broad allocations for industrial or employment land should be set out in the PS. In preparing the LPP, a council may build upon and update the work already undertaken for the preparation of the PS in order to determine the most appropriate sites for economic development, industry and commerce. The amount of land and location of sites should be consistent with the policy approach set out in the PS, and in particular reflect a council’s growth strategy and the role and function of settlements as set out in the settlement hierarchy for the council area. The LPP should zone sufficient land for economic development and offer a range and choice of sites to provide for different economic needs. In doing so, a council should also take account of issues such as the connectivity and accessibility to transportation systems and availability of adequate infrastructure.

11.4 Where possible, the LPP should identify previously developed land within settlements for potential economic development use in order to promote sustainable development. The LPP may also identify opportunities for mixed use development as well as specify the type of economic development use which would be acceptable on a specific site. A council should also set out key site requirements to tailor development for a specific site. These may relate to necessary infrastructure such as roads, accessibility, water supply, sewage and drainage as well as design, layout and landscaping requirements.

11.5 In order to do so, a council may wish to undertake survey and research to determine economic and employments needs of the local population. A review or update of information on existing economic development sites should also ensure that any baseline information is accurate and reliable to justify a council’s more detailed 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, 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.
11.6 Furthermore, a review of existing economic development sites as well as information on the development status of proposed sites for economic development should help a council to establish appropriate monitoring arrangements to meet the requirements of the Annual Monitoring Report, in particular Regulation 25(2) (c) of the LDP Regulations in relation to the supply of land for economic development purposes in the council’s district.

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’s policy approach towards flood risk and management should be set out in the PS. In preparing the LPP, a council should take account of the Strategic Flood Map which highlights areas throughout Northern Ireland that are prone to flooding as it may influence the potential growth and expansion of settlements as well the designation and zoning of particular sites for development. A council should therefore take account of comments from relevant government departments and agencies with responsibility for various aspects of flood risk management such as the Rivers Agency. It should also promote sustainable drainage within the plan area by using key site requirements for the development of particular sites which may be affected by flooding.
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 with a population greater than 5,000. 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’s policy approach towards housing in settlements as well broad allocations for housing land should be set out in the PS. In preparing the LPP, a council may build upon and update the work already undertaken for the preparation of the PS in order to determine the most appropriate sites for housing development. The amount of land and location of sites should be consistent with the policy approach set out in the PS, and in particular reflect a council’s growth strategy and the role and function of settlements as set out in the settlement hierarchy for the council area.

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 LPP should help deliver a council’s housing growth strategy for example by zoning land in larger settlements to meet full range of identified needs, use housing policy areas to
indicate areas of housing development in smaller settlements, provide for the
manage release of housing land, specify house types, density, design and
landscaping requirements. Where considered relevant, a council may also
wish to include local policies to address specific housing issues such as
affordable and supported housing, second homes and traveller
accommodation as well as policies to protect the setting and distinctive
character of settlements.

13.4 In order to determine the most appropriate sites for housing development, 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 LPP
policies and proposals for housing growth should help a council to determine
the most appropriate options whilst taking into account other related policy
considerations in the local development plan. This should help to ensure an
integrated and sustainable approach towards the provision of housing in
settlements whilst taking account of the other plan objectives, for example,
economic development, infrastructure and transport and the provision of
public services.

13.5 A council’s justification and evidence for its policies and proposals 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 policies and proposals for housing contribute to the
sustainability objectives of its LPP 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 A council’s policy approach towards minerals development should be set out in the PS. In preparing the LPP, a council may build upon and update the work already undertaken for the preparation of the PS to determine the most appropriate sites suitable for minerals development in order to ensure sufficient supplies can be made available to meet future needs over the plan period. 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. Therefore, a council may also identify areas where there will be presumption against minerals development in order to protect areas of intrinsic, landscape, amenity, scientific or heritage value (including natural, built and archaeological value).

14.3 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 industries in order to help inform the formulation of mineral policies tailored to the plan area.

14.4 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 and/or proposals. This will help to provide the evidence base to

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\(^6\)http://www.bgs.ac.uk/mineralsuk/planning/resource.html
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 LDP.

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 LPP for information.

15.3 In addition, 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 LPP as well as form the basis for undertaking its SA incorporating the requirements of strategic environmental appraisal (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 In preparing the LPP, a council should take full account of the implications of proposed land use zonings, locations for development and settlement limits on natural heritage features and landscape character within and adjoining the plan area. Furthermore, a council should seek to protect and integrate certain features of natural heritage when zoning sites for development through the use of key site requirements. A council should also seek to identify and promote green and blue infrastructure where it is considered to add value to the provision, enhancement and connection of open space and habitats in and around settlements.

15.6 A council must take account of any relevant comments received from consultation bodies and the Councils’ 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 LPP, a council may build upon and update the work already undertaken for the preparation of the PS in order to bring forward policies and proposals to help deliver its open space strategy. These may include zoning land open space, sport and outdoor recreation to meet future needs whilst taking account of factors such as accessibility, impact upon biodiversity, protection of linear open spaces and making adequate provision for both green and blue infrastructure. Where appropriate, key site requirements for both the provision and linkage of areas open space should be included as an integral part of development.

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 policies and proposals 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 any policies and proposals set out in the PS and LPP 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, a council 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 provide information on 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 A council’s policy approach towards tourism should be set out in the PS. In preparing the LPP, a council may build upon and update the work already undertaken for the preparation of the PS in order to bring forward policies and proposals to help deliver its tourism strategy for the plan area. In terms of the LPP, this may include identifying potential tourism growth areas and safeguarding key tourism assets through the use of key site requirements.

19.3 In doing 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 A council's policy approach towards town centres and retailing should be set out in the PS. In preparing the LPP, a council may build upon and update the work already undertaken for the preparation of the PS in order to determine the most appropriate sites for town centre and retail development. The amount of land and location of sites should be consistent with the policy approach set out in the PS, and in particular reflect a council's growth strategy and the role and function of its settlements.

20.4 In particular, the LPP should define the spatial extent of town centres, primary retail cores/ frontages, and allocate a range of suitable sites to meet the scale and form of retail and other town centres uses e.g. development opportunity sites. In order to do so, 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. These may include survey and research on issues such as town centre uses, vacancy rates, physical structure and environmental quality, footfall and attitudes and perceptions of
the area. In allocating sites, a council should adopt a town centre first and sequential approach towards retail development.

20.5 A council must ensure that its policies and proposals for town centre and retailing are based upon a robust and reliable evidence base. It must also take account of its current 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’s policy approach in relation to transportation should be set out in the PS. In preparing the LPP, a council may build upon and update the work already undertaken for the preparation of the PS in order to help deliver its transportation strategy and 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. In particular, the LPP should aim to integrate transport and land use proposals through the use of key site requirements for specific sites where possible. This may include requirements in relation to the provision of walking and cycling infrastructure or the phasing of development so as to tie in with the planned improvement of public transport.

21.5 Furthermore, the LPP may identify lands which should be protected from development in order to safeguard the implementation of planned transport schemes or improvements to the transport network e.g. road, rail public transport provision, pedestrian and cycle routes. The LPP may also address other transport related issues such as disused transport routes, car parking e.g. identifying existing and proposed car parks in town centres and designating areas of parking restraint. The LPP should also identify protected routes located within the plan area for information.

21.6 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 current 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 policies and proposals for transportation support the transport needs of both the local and wider community.

21.7 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 produced 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. Where considered necessary, the LPP should help to implement strategic objectives set out in the PS by identifying specific sites for waste management facilities and in circumstances where appropriate waste management facilities are
required for new development, these should be identified through the use of key site requirements.

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 LPP should contain maps which provide clarity on the council’s policies and proposals where the proposals for development of land can be expressed spatially. Maps should be consistent with the PS and spatially identify specific sites for a range of land uses or development proposals to which the strategic policies of the PS will apply. The LPP 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 9(7) of the 2011 Act set out the requirement to carry out a sustainability appraisal (SA) for the LPP. Furthermore as the SA for the LPP 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 LPP which will play an important part in demonstrating the soundness\(^7\) of the development plan document. In preparing the LPP, a council should undertake an appraisal of reasonable alternatives and any likely significant effects of the draft LPP against SA objectives as agreed with the consultation body i.e. NIEA, DOE\(^8\).

\(^7\) Development Plan Practice Note 6: Soundness
\(^8\) 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 LPP, 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 LPP 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 LPP. 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 the Shared Environmental Service 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 – 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 local policies plan

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 LPP 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 LPP 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 LPP; and
- give notice in the Belfast Gazette and by local advertisement and on its website setting out:

  ➢ that the draft LPP 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 LPP,
  ➢ 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 LPP is unsound and/or how any proposed changes make the draft LPP more sound. Furthermore representations should demonstrate how any proposed changes meet the sustainability objectives of the draft LPP 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\textsuperscript{9}.

\textsuperscript{9} Further guidance on the submission and handling of representations is provided by Development Plan Practice Note 9 Submission and Handling of Representations.