Public Consultation: give us your views

You are invited to send your views on this Draft Planning Policy Statement 2, PPS 2 “Natural Heritage” (Revised) and the accompanying Supplementary Planning Guidance.

In tandem with this consultation an equality impact screening exercise is also being issued for public consultation as an Annex to the Draft PPS.

Comments should reflect the structure of the document as much as possible with references to policy and paragraph numbers where relevant. In particular, we welcome your comments or suggestions on the consultation questions overleaf:

All responses should be made in writing and emailed to: planning.policy@doeni.gov.uk or by post to:

Valerie Hamilton (Mrs)
PPS 2 Natural Heritage (Revised) - Public Consultation
Planning Policy Division
Department of the Environment
Level 3 Millennium House
17-25 Great Victoria Street
Belfast BT2 7BN

The consultation period will end on 8 July 2011.

The Draft PPS 2 (revised) is available on the Planning Service website: www.planningni.gov.uk or can be obtained by telephoning (028) 90416 941, textphone at (028) 9054 0642 or by writing to the above address.

This document is available in alternative formats, please contact us to discuss your requirements.

In keeping with our policy on openness, the Department may make responses to this consultation document publicly available upon request.

At the end of the consultation period the Department will consider all comments received, following which the draft documents will be amended if necessary and, subject to Executive approval, published in final form.
Consultation Questions

Policy NH 1

1. Do you agree that the draft policy and the accompanying supplementary planning guidance reflect the legal process in determining development proposals that may impact on European Sites and Listed Ramsar Sites? If not, please state your reasons.

Policy NH 2

2. Do you agree that the draft policy and the accompanying supplementary planning guidance reflect the legal protection given to species protected by both domestic and European law? If not, please state your reasons.

Policy NH 3

3. Do you consider that the Department has provided the appropriate level of protection to nature conservation sites of national importance? If not, please state your reasons.

Policy NH 4

4. Do you consider the policy does enough to protect Wildlife Refuges and Local Nature Reserves? If not, please state your reasons.

Policy NH 5

5. Is the level of protection for biodiversity and geodiversity of importance in Northern Ireland appropriate? If not, what would you like to see?

Policy NH 6

6. Do you agree with the proposed design requirements for new development within Areas of Outstanding Natural Beauty? If not, what design requirements would you like to see?

Supplementary Planning Guidance

7. Does the SPG provide sufficient guidance on the consideration of development proposals? If not, please explain what changes you would like to see.

8. Is the Supplementary Planning Guidance sufficiently clear? If not, what improvements would you like to see made?
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Preamble

The Department of the Environment (the Department) is responsible for both planning control and for protection of the environment in Northern Ireland. The Planning Service, an Agency within the Department, administers its planning functions and is responsible for the regulation of development and land use. The Northern Ireland Environment Agency (NIEA) has lead responsibility for the conservation, protection and enhancement of the natural environment.

The Department has a statutory duty, laid down in Article 3 of the Planning (Northern Ireland) Order 1991, to formulate and co-ordinate policy for securing the orderly and consistent development of land and for the planning of that development. The Department is required to ensure that such policy is in general conformity with the Regional Development Strategy.

The Department's planning policies are normally issued through Planning Policy Statements. PPS 1 ‘General Principles’ advises that:

“Planning Policy Statements set out the policies of the Department on particular aspects of land-use planning and apply to the whole of Northern Ireland. Their contents will be taken into account in preparing development plans and are also material to decisions on individual planning applications and appeals.”

This Planning Policy Statement, ‘Natural Heritage’ sets out planning policies for the protection and conservation of our natural heritage. For the purpose of this Planning Policy Statement natural heritage is defined as “the diversity of our habitats, species, landscapes and earth science features”.

No weight will be given to draft PPS 2 in the determination of individual planning applications until such times as it is published in final form. However, all statutory requirements for designated nature conservation sites and protected species must be met.

Draft PPS 2 furthers the Executive’s commitment to sustainable development and to conserving and where possible enhancing and restoring our natural heritage.

When issued in final form, this PPS will replace PPS 2 ‘Planning and Nature Conservation’ and the following policies of ‘A Planning Strategy for Rural Northern Ireland’, insofar as they refer to the protection of our natural heritage:

- Policy SP 16 Environmental Protection; and
- Policy DES 4 Areas of Outstanding Natural Beauty.

Where these policies are referred to elsewhere in the Rural Planning Strategy the policies of this Statement will take precedence. Future development plans will take account of this Statement.
The PPS has been subject to an equality impact screening exercise, in line with the statutory obligation in Section 75 of the Northern Ireland Act 1998. The outcome of this exercise indicates that the statement is unlikely to have significant adverse implications for equality of opportunity or for community relations.

Nothing in this document should be read as a commitment that public resources will be provided for any specific project. All proposals for expenditure by the Department are subject to economic appraisal and will also have to be considered having regard to the overall availability of resources.
1.0 Introduction and Policy Context

1.1 Many areas in Northern Ireland are important for their natural heritage interest. Several of these areas have merited statutory designation at international, national or local level. Certain species and habitats also benefit from legal protection.

1.2 The Supplementary Planning Guidance to Draft Planning Policy Statement 2 “Natural Heritage” provides background information and guidance on relevant legislation. Information on the consideration of development proposals within the development management process is also included.

Statutory Framework

International

1.3 The United Kingdom is bound by the terms of the European Commission (EC) Birds and Habitats Directives¹ and the Water Framework Directive². It is also bound by the Ramsar Convention³.

1.4 The Birds and Habitats Directives, require robust controls on activities, including development proposals, which could have negative impacts on the environment.

1.5 The Birds Directive provides for the selection of sites for their importance as areas for breeding, over wintering and migrating birds.

1.6 The Habitats Directive provides for the selection of sites for their importance as natural habitat types and as habitats of certain species. It also establishes a list of species (other than birds) whose resting and breeding places and whose habitats must be protected to secure their survival.

1.7 The protection and management of these sites and habitats (known collectively as ‘Natura 2000’ sites) is achieved under the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) through the transposition of European Directives. Competent authorities should ensure that they are adhering to the specific requirements of the Birds and Habitats directives when exercising any of their functions. Failure to adhere to the requirements of these Directives can lead to challenge in the European Court of Justice and possibly to significant fines on Member States.

³ Convention on Wetlands of international importance especially as waterfowl habitat Ramsar, Iran 2/2/71 as amended by the Paris Protocol 3/12/92 and the Regina amendments adopted at the extraordinary conference of contracting parties at Regina, Saskatchewan, Canada between 28/5 and 3/6/87.
1.8 The Water Framework Directive requires the introduction of River Basin Management Plans for each River Basin District or part of an International River Basin District within each Member State. Key aims of these Plans are the promotion of sustainable water use and the establishment of a framework for the protection of surface waters and groundwaters. This framework will protect and improve the status of aquatic ecosystems, terrestrial ecosystems and wetlands directly dependent on the aquatic ecosystems, having regard to their water needs.

1.9 The Ramsar Convention requires the designation of suitable wetlands for inclusion within the Ramsar List. It requires signatories to formulate and implement their planning for the conservation and wise use of wetlands and their resources. The Convention’s mission is “the conservation and wise-use of all wetlands through local and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world”. As a matter of policy, the UK Government has chosen to apply the procedures under the Habitats Regulations in respect of Ramsar sites.

1.10 Under Article 174 of the EC Treaty, environmental policy has to be based on the precautionary principle. The precautionary principle was explicitly recognised and included in the Rio Declaration as “In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as reason for postponing cost effective measures to prevent environmental degradation”. Many EC Directives and national laws therefore embody the precautionary principle.

**National**

1.11 Nature conservation sites selected under the Birds and Habitats Directives may also be underpinned, either wholly or in part, by sites selected at national level, such as Areas of Special Scientific Interest. The underpinning of these sites by national designations is necessary for statutory management and protection purposes.

1.12 Areas of Special Scientific Interest are designated under the Environment (Northern Ireland) Order 2002. These sites are of special interest by reason of any of their flora, fauna and/or geological features.

1.13 National designations made under the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 include:

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4 Ramsar Convention 1975
5 Treaty establishing the European Community, March 1957
7 Waddenzee Case – provides a higher test on the precautionary principle for international nature conservation sites and European protected species.
• National Nature Reserves - nature reserves of national and sometimes international importance. They are usually managed by the Department or by agreement with a voluntary conservation body;

• Nature Reserves – are declared for the purposes of conservation or study of and research into their flora, fauna, geological or physiographical features of special interest. They are usually managed by the Department or by agreement with a voluntary conservation body;

• Marine Nature Reserves – inter-tidal or sublittoral areas designated by the Secretary of State. They are established for the conservation or study of areas of marine flora, fauna, geological or physiographical features of special interest;

• Local Nature Reserves – designated areas provided by District Councils for nature conservation. They are particularly appropriate for educational, recreational or public information services; and

• Areas of Outstanding Natural Beauty – designated by the Department primarily for their high landscape quality, wildlife importance and rich cultural and architectural heritage.

1.14 The Wildlife (Northern Ireland) Order 1995 (as amended) prohibits the intentional killing, taking, injuring or disturbance of all wild birds and of certain animals. It also prohibits the intentional destruction, uprooting or picking of certain wild plants. The Wildlife Order also provides for the designation of wildlife refuges, in which special protection measures can be implemented for vulnerable species.

1.15 Trees are protected through Tree Preservation Orders (TPO) under the Planning (Trees) Regulations (Northern Ireland) 2003 and the Planning (Amendment) (Northern Ireland) Order 2003. A TPO provides protection for particular trees specified in the Order. It makes it an offence to cut down, top, lop, uproot or wilfully damage or destroy a protected tree, or to permit these actions, without first seeking the Department’s consent to do so.

1.16 The Water Framework Directive was transposed into national legislation by the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2003 which provides for River Basin Management Plans. These Plans contain programmes of measures to be implemented with the aim of achieving good status in the water bodies of each River Basin District. Northern Ireland Departments and Public Bodies must adhere to these plans when exercising their functions.

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8 The Northern Ireland Environment Agency
9 The Northern Ireland Environment Agency
10 EC Directive 2000/60/EC
Other Legislation

1.17 The Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004 (SEA) provides for an environmental assessment to be carried out during the preparation of a plan or programme and before its adoption. The objective of the SEA is to provide for a high level of protection of the environment and to contribute to the integration of environmental consideration into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out on certain plans and programmes, which are likely to have significant effects on the environment.

1.18 The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999 (EIA) is a method of ensuring that the likely effects of new development on the environment are fully understood and taken into account before planning permission is given for a proposed development to proceed. As such its purpose is to improve the quality of decision making by identifying potential environmental issues early in the project process.

1.19 The legislative framework can be found in Annex A of the accompanying Supplementary Planning Guidance.

Strategies

1.20 The Convention on Biological Diversity\textsuperscript{11} requires the development of national strategies, plans or programmes for the conservation and sustainable use of biological diversity. It also requires the conservation and sustainable use of biological diversity\textsuperscript{12} and for this to be integrated into relevant sectoral and cross sectoral plans, programmes and policies.

1.21 The Northern Ireland Biodiversity Strategy reinforces the importance given to species protection in the Habitats Directive and sets out the Executive’s commitment to conserve and enhance biodiversity. This Strategy states that conservation of biodiversity needs to be fully integrated into our policy making. It proposes measures to support the conservation of biodiversity for the period of 2001-2016. Priority habitats and species for which Northern Ireland has a special responsibility are also identified. Flowing from this Strategy two targets have been set; to significantly reduce biodiversity loss by 2010 and to halt the loss of biodiversity by 2016.

1.22 The Programme for Government (2008 - 2011) recognises that the facilitation of fair social and economic development must not be at the expense of our natural heritage. In seeking to protect our environment the Executive aims to improve the quality of our natural heritage by conserving and enhancing

\textsuperscript{11} Council Directive 93/626/EEC.
\textsuperscript{12} Also know as biodiversity
biodiversity. The Northern Ireland Executive’s ‘Everyone’s Involved - Sustainable Development Strategy’ (SDS) recognises the aim to bring viability, stability and opportunity to Northern Ireland’s environmental activities and programmes. The SDS identifies ‘striking an appropriate balance between the responsible use and protection of natural resources’ as a priority area for action and in pursuing this identifies ‘take action to halt biodiversity loss’ as a strategic objective. The SDS commits to the integration of sustainable development into the policy process to reflect the objectives of the strategy.

1.23 The Regional Development Strategy for Northern Ireland 2025 (RDS) and the adjustments set out in its first 5 year review (June 2008) is the strategic planning framework for the promotion of sustainable development. The RDS sets out a range of strategic planning guidelines to guide developers and the whole community towards achieving sustainable development patterns, conserving environmental capital, applying the precautionary principle, enhancing biodiversity and creating a better quality of life for all. These strategic planning guidelines include:

- Sustain and enhance biodiversity;
- Protect and manage Natura 2000 sites, and all other areas designated for their scientific interest;
- Protect, manage and enhance the resources of woodland and hedgerows as features of environmental and historic significance;
- Protect, enhance and encourage appreciation of the Region’s landscapes; and
- Make prudent use of non-renewable resources.

Role of Planning System

1.24 The planning system exists to regulate the development and use of land in the public interest. The public interest requires that all development is carried out in a way that would not cause demonstrable harm to interests of acknowledged importance, such as natural heritage.

1.25 The central concerns of the planning system are to determine what kind of development is appropriate, how much is desirable, where it should best be located and what it looks like. The guiding principle in determining planning applications is that development should be permitted, having regard to the development plan and all other material considerations. Unless, that is, the proposed development would cause demonstrable harm to interests of acknowledged importance or where International sites and European protected species are involved and in line with the Waddenzee Principle, in which case planning permission can be refused.
2.0 Preparing Development Plans

2.1 Development Plans are the primary means of evaluating and resolving potential conflicts between the need for development and the need to protect our natural heritage.

2.2 Within the context provided by the Precautionary Principle those responsible for the preparation of development plans should take full account of the implications of proposed land use zonings, locations for development and settlement limits on natural heritage features within or adjoining the plan area. In addition, plan-makers may seek to protect and integrate certain features of the natural heritage when zoning sites for development through ‘key site requirements’.

2.3 Natural heritage features will normally be identified as part of the process of Countryside Assessment carried out in association with plan preparation. Local designations arising from the plan may be identified and policies may be brought forward for their protection. These could aid the design of ecological networks and reduce the fragmentation and isolation of natural habitats.

Strategic Environmental Assessment

2.4 European Directive 2001/42/EC ‘on the assessment of the effects of certain plans and programmes on the environment’, commonly referred to as the Strategic Environmental Assessment or SEA Directive, is transposed into Northern Ireland law by the Environmental Assessment of Plans and Programmes Regulations (NI) 2004.

2.5 Under the provisions of the Directive and the Regulations, an Environmental Report is needed to accompany certain plans or programmes. This report must identify, describe and evaluate the likely significant effects on the environment of implementing the plan or programme, and also consider reasonable alternatives that take into account the objectives and the geographic scope of the plan or programme.

Habitat Regulations (Article 6) Assessment

2.6 European Directive 92/43/EEC ‘on the conservation of natural habitats and of wild flora and fauna’ known as the Habitats Directive is transposed into Northern Ireland law by the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended).

2.7 Under the provisions of the Directive and the Regulations, plan-making authorities are required to undertake an Appropriate Assessment for any development plan, which either individually or in combination with other plans or projects, is likely to significantly affect, a European Site.
Other Considerations

2.8 Development plans will need to take account of relevant legislation, and have regard to government policies, strategies and guidance which have natural heritage objectives, such as those contained in Annexes A and B of the accompanying Supplementary Planning Guidance.
3.0 Policy Objectives

3.1 The objectives of this Planning Policy Statement are:

- to seek to conserve, enhance and restore the abundance, quality, diversity and distinctiveness of the region’s natural heritage;
- to promote sustainable development; and
- to assist in meeting international, European, national and local responsibilities and obligations for natural heritage.
4.0 Planning Policy

In exercising development management in Northern Ireland, the planning authority assesses development proposals against all planning policies and other material considerations that are relevant to it.

The planning policies of this Statement must therefore be read together and in conjunction with the relevant contents of the development plans and other planning policy publications, including the Regional Development Strategy. The planning authority will also have regard to the contents of published Supplementary Planning Guidance documents.

The following policies set out the main planning considerations a planning authority will take into account in assessing proposals that impact upon our natural heritage both in the countryside and in urban areas.

The provisions of these policies will prevail unless there is other overriding policy or material considerations that outweigh them and justify a contrary decision.

Supplementary Planning Guidance

The Supplementary Planning Guidance to Draft Planning Policy Statement 2 Natural Heritage will be taken into account in assessing development proposals.
Policy NH 1 - European and Ramsar Nature Conservation Sites - International

Planning permission will not normally be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is likely to have a significant affect on:

- a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, Candidate Special Areas of Conservation and Sites of Community Importance); or
- a Listed Ramsar Site

Unless it has been ascertained the proposed development will not adversely affect the integrity of the site concerned.

Where a development proposal is permitted, any mitigation measures required will be imposed as conditions of the planning permission.

In exceptional circumstances, a development proposal that adversely affects a European Site or a Ramsar Site may be permitted where:

- there are no alternative solutions; and
- the proposed development is required for imperative reasons of overriding public interest; and
- compensatory measures are agreed and fully secured.

In addition where a European site hosts a priority habitat or priority species listed in Annex I or II of the Habitats Directive, a development proposal will normally only be permitted:

- where it is necessary for reasons of human health or public safety; or
- where there is a beneficial consequence of primary importance to the environment; or
- as agreed with the European Commission.

The publication Supplementary Planning Guidance to Draft Planning Policy Statement 2 Natural Heritage will be taken into account in assessing proposals.

4.1 Development proposals are restricted where they are likely to impact upon European sites as these enjoy statutory protection.

4.2 A list of existing international sites and further information can be found on the NIEA website at www.ni-environment.gov.uk/protectedareashome.htm.
4.3 The Supplementary Planning Guidance provides further information, in particular the section on Internationally Designated Nature Conservation Sites.
Policy NH 2 - Species Protected by Law

**European Protected Species**

Planning permission will not normally be granted for a development proposal that is likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may be permitted where:

- there are no alternative solutions; and
- it is required for imperative reasons of overriding public interest; and
- compensatory measures are agreed and fully secured.

**Other Protected Species**

Planning permission will not normally be granted for a development proposal that is likely to harm any other statutorily protected species which cannot be adequately mitigated or compensated.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them and their habitats. Seasonal factors will also be taken into account.

The publication Supplementary Planning Guidance to Draft Planning Policy Statement 2 Natural Heritage will be taken into account in assessing proposals.

4.4 The presence of species protected by legislation is a material consideration when a planning authority is considering a development proposal that if carried out, would be likely to result in harm to the species or its habitats.

4.5 European protected species are listed under Annex IV of the Habitats Directive and are subject to a strict order of protection.

4.6 Lists of all protected species of animals and plants can be found at [www.ni-environment.gov.uk/](http://www.ni-environment.gov.uk/). As all fish are protected no lists have been produced.

4.7 The Supplementary Planning Guidance provides further information, in particular the sections on Development Management General Guidance and Species Protected by Law.
Policy NH 3 - Sites of Nature Conservation Importance - National

Planning permission will not normally be granted for a development proposal that is likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of:

- an Area of Special Scientific Interest;
- a National Nature Reserve;
- a Nature Reserve; or
- a Marine Nature Reserve.

In exceptional circumstances a development proposal which is of national importance and would have an adverse impact may be permitted where the benefits of the proposed development outweigh the value of the site.

In such cases, appropriate mitigation and/or compensatory measures will be required.

The publication Supplementary Planning Guidance to Draft Planning Policy Statement 2 Natural Heritage will be taken into account in assessing proposals.

4.8 A list of existing national sites and their locations can be found on the NIEA website at [www.ni-environment.gov.uk/](http://www.ni-environment.gov.uk/).

4.9 The Supplementary Planning Guidance provides further information, in particular the sections on Development Management General Guidance and Nationally Designated Nature Conservation Sites.
Policy NH 4 - Sites of Nature Conservation Importance - Local

Planning permission will not normally be granted for a development proposal that is likely to have a significant adverse effect on the integrity of:

- a Local Nature Reserve; or
- a Wildlife Refuge.

In exceptional circumstances a development proposal which is of local importance and would have a significant adverse impact may be permitted where the benefits of the proposed development outweigh the value of the site.

In such cases, appropriate mitigation and/or compensatory measures will be required.

The publication Supplementary Planning Guidance to Draft Planning Policy Statement 2 Natural Heritage will be taken into account in assessing proposals.

4.10 A list of existing local sites and their locations can be found on the NIEA website at www.ni-environment.gov.uk.

4.11 The Supplementary Planning Guidance provides further information, in particular the sections on Development Management General Guidance and Locally Designated Nature Conservation Sites.
Policy NH 5 - Species, Habitats or Features of Natural Heritage Importance

Species, Habitats or Features of Natural Heritage Importance
Planning permission will not normally be granted for a development proposal which is likely to result in the loss of, or damage to known:

- priority species;
- priority habitats;
- active peatland;
- ancient and long-established woodland;
- features of the landscape which are of major importance for wild flora and fauna;
- features of earth science conservation importance;
- rare or threatened native species; or
- wetlands.

In exceptional circumstances a development proposal which is likely to result in loss of or damage to species, habitats or features may be permitted where the benefits of the proposed development outweighs the value of the species, habitat or feature.

Other Natural Heritage Features Worthy of Protection
Planning permission will not normally be granted for a development proposal that is likely to result in a significant adverse impact on any natural heritage feature worthy of protection.

In exceptional circumstances a development proposal which is likely to result in significant adverse impact on features worthy of protection may be permitted where the benefits of the proposed development outweighs the value of the species, habitat or feature.

In all the above cases, appropriate mitigation and/or compensatory measures will be required.

The publication Supplementary Planning Guidance to Draft Planning Policy Statement 2 Natural Heritage will be taken into account in assessing proposals.

4.12 To ensure international and domestic responsibilities and environmental commitments with respect to the management and conservation of biodiversity are met, the species, habitats or features mentioned above are material considerations in the determination of planning applications.
4.13 The Supplementary Planning Guidance provides further information on these matters, in particular the sections on Development Management General Guidance and Other Species, Habitats or Features.
Policy NH 6 - Areas of Outstanding Natural Beauty

Planning permission will be granted for new development within Areas of Outstanding Natural Beauty where it is of an appropriate design, size and scale for the locality.

New development will normally be unacceptable where:

a) the siting and scale of the development will be unsympathetic to the special character of the AONB in general and of the particular locality; and

b) it will not respect or conserve features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and

c) it will not respect:
   - the local architectural styles and patterns;
   - traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
   - local materials, design and colour.

The publication Supplementary Planning Guidance to Draft Planning Policy Statement 2 Natural Heritage will be taken into account in assessing proposals.

4.14 This policy requires development proposals in AONBs to be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife.

4.15 The quality, character and heritage of the landscape of AONBs lies in their tranquillity, cultural associations, distinctiveness, conservation interest, visual appeal and amenity value.

4.16 In assessing proposals account will be taken of the Landscape Character Assessments and any other published guidance such as countryside assessments produced as part of the development plan process, as well as management plans and design guides.

4.17 The Supplementary Planning Guidance provides further information, in particular the sections on Development Management General Guidance and Areas of Outstanding Natural Beauty.

4.18 Further information on statutory natural heritage designations can be found on the NIEA website at www.ni-environment.gov.uk.
Annex A: DOE Section 75 Equality of Opportunity Screening Analysis Form

Section 1 – Policy to be Screened

1.1 Please insert below a brief description of the policy / legislation, including the title and all the main aims and objectives.

Title:

Draft Planning Policy Statement 2: Natural Heritage

Aims:

This statement sets out the Department’s planning policies for the protection and conservation of our natural heritage. For the purpose of this Planning Policy Statement natural heritage is defined as “the diversity of our habitats, wildlife, landscapes and earth science features”. The draft document furthers the Executive’s commitment to sustainable development and to conserving and where possible enhancing and restoring our natural heritage.

The objectives behind the policies are:
- To seek to conserve, enhance and restore the abundance, quality, diversity and distinctiveness of the regions natural heritage;
- To promote sustainable development; and
- To assist in meeting with the Executive’s international, European, national and local responsibilities and obligations for natural heritage.

1.2 On whom will the policies / legislation impact? Please specify

The Planning Policy Statement sets out the main considerations a planning authority will take into account in assessing proposals that impact upon our natural heritage both in the countryside and the urban area. These policies will have direct implications for developers and applicants seeking planning permission for development that may have an impact on:
- designated sites at international, national and local level;
- species protected by law;
- other species, habitats or features of natural heritage importance; and
- Areas of Outstanding Natural Beauty.

1.3 Who is responsible for (a) devising and (b) delivering the policy, eg is it DOE, a Whitehall Department or EU? What is the relationship and have they considered this issue and any equality issues?

a. DOE Planning Policy Division in consultation with Interdepartmental Working Group and representative Non Governmental Organisations (NGOs).
b. The Policy will be implemented through the development management process by those with responsibility for making planning decisions [normally] the DOE Planning Service, in conjunction with the Northern Ireland Environment Agency (NIEA) (who has primary responsibility for the conservation, protection and enhancement of the natural environment) and the Planning Appeals Commission.

1.4 **What linkages are there to other NI Departments/NDPBs in relation to this policy/legislation?**

The draft Planning Policy Statement has been prepared within:
- the context of international and national statutory framework;
- commitments relating to natural heritage; and
- in consultation with Interdepartmental Working Group and representative NGOs.

1.5 **What data are available to facilitate the screening of this policy/legislation?**

There are a variety of information sources that can be drawn upon on the Section 75 groups from the Northern Ireland Statistics and carried Research Agency (NISRA) and the Planning Service database of development decisions. No detailed analysis of this data has been out at this stage as there are no anticipated impacts on equality.

1.6 **Is additional data required to facilitate screening? If so, give details of how and when it will be obtained.**

This is not anticipated at this stage.

**Section 2 – Screening Analysis**

2.1 **Is there any indication or evidence of higher or lower participation or uptake by the following Section 75 groups?**

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</tr>
<tr>
<td>Dependants</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>
Please give details
The Department considers there is no evidence that the draft revised Planning Policy Statement 2 ‘Natural Heritage’ will have any differential impact on any of the Section 75 groups in relation to lower participation or take up. The Policy will be implemented through the development management process (see paragraph 2/3(b)).

2.2 Is there any indication or evidence that any of the following Section 75 groups have different needs, experiences, issues and priorities in relation to this policy issue?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Religious belief</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Political opinion</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Racial group</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Age</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Marital status</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Sexual orientation</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Gender</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Disability</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Dependants</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

Please give details
The Department considers there to be no indication or evidence that any of the Section 75 groups have different needs, experiences, issues and priorities in relation to draft Planning Policy Statement 2 Natural Heritage. The Planning Policy Statement will however have direct implications for developers and applicants seeking planning particularly for proposals that may affect the conservation, protection and enhancement of the natural heritage. This may sometimes impose constraints on development proposal. Conservation and development can often be fully compatible and with careful planning the potential for conflict can be minimised and opportunity for enhancement realised.

2.3 Have consultations with the relevant representative organisations or individuals within any of the Section 75 categories, indicated that policies of this type create problems specific to them?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Religious belief</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Political opinion</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Racial group</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Age</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Marital status</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Sexual orientation</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Gender</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Disability</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Dependants</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>
Please give details of any consultations carried out, and any problems identified.

It has not been considered necessary to date to consult with any of the Section 75 groups on this matter. However, as part of the public consultation exercise the document will be forwarded to relevant key Section 75 groups contained within the Department's Equality Scheme.

2.4 Is there an opportunity to better promote equality of opportunity or community relations by altering the policy, or by working with others, in Government, or in the larger community in the context of this policy?

No

Please give details

Not applicable.

2.5 It may be that a policy/legislation has a differential impact on a certain Section 75 group, as the policy has been developed to address an existing or historical inequality or disadvantage. If this is the case, please give details below:

Not applicable.

2.6 Please consider if there is any way of adapting the policy to promote better equality of opportunity or good relations.

Please give details

Not applicable.

2.7 In relation to Departmental obligations under Section 49A of the Disability Discrimination Act 1995 (DDA) (as amended by the Disability Discrimination (Northern Ireland) Order 2006), please consider if there is any way of adapting the policy to show due regard to the need to promote positive attitudes towards disabled people and/or encourage participation by disabled people in public life.

Please give details

Not applicable.
Section 3 - EQIA Recommendation

3.1 Full EQIA procedures should be carried out on policies considered to have significant implications for equality of opportunity. Please fill in the following grid in relation to the policy/legislation.

<table>
<thead>
<tr>
<th>Prioritisation Factors</th>
<th>Significant Impact</th>
<th>Moderate Impact</th>
<th>Low Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Need.</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Effect on people's daily lives.</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Effect on economic, social and human rights.</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Strategic significance</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Financial significance</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>

Please give details

This is a revised policy document and includes policy protection for:
- designated sites at international, national and local level;
- statutorily protected species;
- other species, habitats or features of natural heritage importance; and
- Areas of Outstanding Natural Beauty.

The Northern Ireland Executive aims to improve the quality of our natural environment and heritage by conserving Northern Ireland’s Biodiversity Strategy. This is one of the key strategic and inter-dependent priorities outlined in the Programme for Government (2008-2011). Northern Ireland’s Biodiversity Strategy proposes measures to support the conservation of biodiversity for the period of 2001-2016.

In working towards the effective protection of the environment, the Strategy states that conservation of biological diversity needs to be fully integrated into our policy making. However, as part of the public consultation exercise the document will be forwarded to relevant key groups in the Department’s Equality Scheme.
3.2 In view of the considerations in Section 3 and 4 do you consider that this policy/legislation should be subject to a full EQIA? Please give reasons for your considerations. If you are unsure, please consult with affected groups and revisit the screening analysis accordingly.
Yes/No/Unsure

No. The Department has concluded that draft Planning Policy Statement 2 Natural Heritage does not have a significant adverse impact on any Section 75 groups.

3.3 If an EQIA is considered necessary please comment on the priority and timing in light of the factors in table 4.1.

Not applicable.

3.4 If an EQIA is considered necessary is any data required to carry it out/ensure effective monitoring?

Please give details

Not applicable.
# Main Groups Relevant to the Section 75 Categories

<table>
<thead>
<tr>
<th>Category</th>
<th>Main Groups</th>
</tr>
</thead>
<tbody>
<tr>
<td>Religious belief</td>
<td>Protestants; Catholics; people of non-Christian faiths; people of no religious belief</td>
</tr>
<tr>
<td>Political opinion</td>
<td>Unionists generally; Nationalists generally; members/supporters of any political party</td>
</tr>
<tr>
<td>Racial Group</td>
<td>White people; Chinese; Irish Travellers; Indians; Pakistanis; Bangladeshi; Black Africans; Black Caribbean people; people with mixed ethnic group</td>
</tr>
<tr>
<td>Gender</td>
<td>Men (including boys); women (including girls); trans-gendered people</td>
</tr>
<tr>
<td>Martial status</td>
<td>Married people; unmarried people; divorced or separated people; widowed people</td>
</tr>
<tr>
<td>Age</td>
<td>For most purposes, the main categories are: children under 18, people aged between 18-65, and people over 65. However, the definition of age groups will need to be sensitive to the policy under consideration</td>
</tr>
<tr>
<td>“Persons with a disability”</td>
<td>Disability is defined as: A physical or mental impairment, which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities as defined in Sections 1 and 2 and Schedules 1 and 2 of the Disability Discrimination Act 1995</td>
</tr>
<tr>
<td>“Persons with dependants”</td>
<td>Persons with personal responsibility for the care of a child; persons with personal responsibility for the care of a person with an incapacitating disability; persons with personal responsibility for the care of a dependant elderly person</td>
</tr>
<tr>
<td>Sexual orientation</td>
<td>Heterosexuals; bi-sexuals; gays; lesbians</td>
</tr>
</tbody>
</table>