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**Re: Belfast Draft Plan Strategy Habitats Regulations Assessment and Sustainability Appraisal (incorporating Strategic Environmental Assessment).**

The Department of Agriculture, Environment and Rural Affairs (DAERA) has considered the consultation and associated documents and our opinions are set out below:

**1. Sustainability Appraisal**

**1.1 General**

- At 1088 pages (incl. appendices), the Sustainability Appraisal (SA) is an extremely lengthy document, making it difficult for the reader to navigate and find relevant information.
- DAERA suggests that the recommendations from the HRA should be referenced in the mitigation measures in Appendix 11 of the SA to ensure that there is an integrated approach to the protection of international sites.

**1.2 Natural Heritage**

- Appendix 11 On p360, the sustainability appraisal of NH 1 – Protection of Natural Heritage Resources states that in relation to SA Objective 10 (Maintain & enhance biodiversity assets & protect habitats & species) "*The primary aim of this policy is the protection of natural heritage and biodiversity - this matches exactly with this SA objective. Therefore it has a significant positive effect on this SA objective*". However, DAERA does not agree that Policy NH1 will have a significant positive effect on SA Objective 10 because in comparison with current policy in PPS2 and the SPPS it does not pay sufficient regard to the hierarchy of natural heritage legislation and associated case law and is not sufficiently detailed to make operational planning decisions to protect the natural heritage.



- On p372 the combined sustainability appraisal of DC1-13 states that in relation to SA Objective 10 (Maintain & enhance biodiversity assets & protect habitats & species), *“The policies generally seek to direct new development into the urban area, whilst provisions are also made for rural development that is necessary to meet the needs of rural residents and the rural economy. In seeking to protect the countryside from inappropriate development, the policies will also help to protect the natural environment setting of the city, including the natural heritage and biodiversity interests in the countryside. The policies will therefore have a minor positive effect on this SA objective”*. However DAERA has concerns about the wording of Policy DC11 in terms of the potential impact of ammonia emissions from this policy on the natural heritage. The policy is promotive with respect to agricultural development and there is no reference to the specific issue of ammonia emissions which are associated with agricultural developments and their impact on the environment. For this reason, DAERA does not agree that this objective can be assessed in tandem with the other Development in the Countryside policies in the SA, as it could result in damage to the environment. There are considerable environmental and health impacts associated with ammonia emissions, 93% of which comes from agriculture in NI. Most of Northern Ireland, including designated sites and other priority habitats, is experiencing exceedances of critical levels of ammonia, levels at which ecological damage occurs. The excessive levels of ammonia across much of Northern Ireland has implications for the development of ammonia-emitting activities, leading to some restrictions on new agricultural development without adequate mitigation which has the potential to increase ammonia emissions. As well as the duty to avoid impacts on priority habitats and designated sites, there are also international targets to reduce powerful air pollutants, including ammonia (2020 and 2030). These have been set out in the Convention on Long-Range Transboundary Air Pollution and the National Emissions Ceilings Directive. Given the current trend of year on year increases in ammonia emissions, achieving reductions based on 2005 levels will be very challenging targets to meet.
- For the above reasons, the potential impact of ammonia deposition as a result of Policy DC11 should be assessed in the SA, as well as the potential impact on surrounding council areas.
- Technical supplement 12 Development in the Countryside should also be updated in regard to agricultural buildings and the environmental and health impacts associated with ammonia emissions as detailed in the point above.
- Appendix 11 p367 onwards, the sustainability appraisal of the landscape policies LC1-LC4 do not acknowledge the fact that a complete review of Landscape Character Areas was not carried out and therefore the policies are not based on an up-to-date evidence base.



## Appendix 5 Baseline Report

- In Section C.6 of the baseline report, there is reference to Northern Ireland Priority species, but there is no mention of Priority Habitats. This should be addressed by listing and describing the priority habitat types found within Belfast city.
- Section C.7 Trees and Woodland does not refer to the fact that Belfast city has a considerable number of veteran trees (particularly within the Lagan Valley corridor) and the huge importance of these trees for their associated biodiversity, as well as from a landscape and culture viewpoint. In addition, there is no reference to the fact that the oldest known trees in Ireland are found within Belfast city in Belvoir ASSI. Veteran and ancient trees can be considered ecosystems in their own right with each tree supporting a range of specialist lichens, fungi and invertebrates.
- Technical Supplement 7 Natural Heritage should be updated in regard to veteran and ancient trees as detailed in the point above.
- The baseline report does not refer to the survey of Open Mosaic Habitat carried out by Buglife and grant funded by DAERA. This unpublished report was sent to Belfast City Council on 31/10/17. Open Mosaic Habitat is a Priority Habitat Type which is found on brownfield sites and can host a wide variety of rare plants and invertebrates. It should be noted that the Buglife report only focussed on the wider Belfast area in Northern Ireland, but given the fact that Open Mosaic Habitat is found on brownfield sites, it is likely that Belfast holds a significant proportion of this habitat in a Northern Ireland context, making its recognition and protection within the Belfast Local development Plan even more important.
- **Appendix 8**
- DAERA notes that on p240 and p242 the implications of redevelopment of brownfield land on Open Mosaic Habitats is acknowledged.

## 1.3 Climate Change

The Climate Change section requires redrafting for the following reasons:

- It includes references to out of date documents, PfG targets that no longer exist and has mixed various statistics to produce incorrect statements. The latest statistical bulletin should be used to redraft paragraphs 3.1 to 3.3, 3.6 and 5.1 as this will have the up to date information. See link: <https://www.daera-ni.gov.uk/sites/default/files/publications/daera/ghg-inventory-statistical-bulletin-2016.pdf>.



- Under the heading “Projections” what is actually being discussed is adaptation and the CCRA. To discuss projections use the following tool: <https://www.daera-ni.gov.uk/sites/default/files/publications/daera/ni-ghg-projection-tool-update-2017.pdf>
- Suggest that the ‘Climate change projections’ section does not include the text on the adaptation and associated programme. To include this is confusing to the reader and is not reflective of the title of the section. The adaptation information within the projections section should be sited elsewhere. DAERA proposes that it has its own section within the overall Climate Change section.
- Reference to ‘Northern Ireland Climate Change Adaption Programme 2014’ should be ‘Northern Ireland Climate Change Adaptation Programme 2014’. To note this programme will complete in January 2019. A new Northern Ireland Climate Change Adaptation Programme’ for the period 2019-2024 will have updated objectives and the local development plan may wish to reflect that these NI adaptation programmes are published on a 5 yearly basis as a response to those risks and opportunities identified as relevant/specific to NI in the most recent UK Climate Change Risk Assessment and therefore objectives will evolve and change over time.
- ‘Climate Change Risk Assessment (CCRA) for Northern Ireland 2017’ is an incorrect reference and should read ‘UK Climate Change Risk Assessment 2017 – Northern Ireland National Summary’. The wording associated ‘The CCRA is required under section 56 of the Climate Change Act 2008 and presents a national assessment for the potential risks (and opportunities) from climate change facing Northern Ireland for the period to 2100’ and other references in the document should be amended to reflect that this as a NI national summary of the overall UK CCRA.
- UK Climate Change Projections- the LDP should note that a new UKCCP 2018 is to be published November 2018

#### 1.4 Geodiversity

- The SA should include reference to the NI Geodiversity Charter & Action Plan, which links in with the UK Geodiversity Action Plan – see links below:  
[https://www.bgs.ac.uk/gsni/pdf/GeodiversityCharterNI\\_web.pdf](https://www.bgs.ac.uk/gsni/pdf/GeodiversityCharterNI_web.pdf)  
[https://www.bgs.ac.uk/gsni/pdf/GeodiversityActionPlan\\_web.pdf](https://www.bgs.ac.uk/gsni/pdf/GeodiversityActionPlan_web.pdf)  
<http://www.ukgap.org.uk/>

#### 1.5 Monitoring Framework

- Under sustainability objective 10 Biodiversity, DAERA suggests that any actions relating to the All-Ireland Pollinator Plan should be added.



## 1.6 Marine

- It is noted that the effects on the marine area are primarily considered under the Natural Resources topic, and it is unclear how the other topics in the appraisal have considered the potential effects on the marine area in terms of the environmental, social and economic aspects.

## 2. Habitats Regulations Assessment

### 2.1 Considerations of in-combination and cumulative effects p8

- DAERA notes that consideration is given to other Local Development Plans which are currently in preparation by neighbouring councils and that these may need to be reviewed when the HRA is reviewed. However, the HRA does not state whether any other types of projects or plans have been identified that may, in combination with the Draft Plan Strategy, give rise to adverse effects on Natura 2000 sites. This needs to be addressed.

### 2.2 Screening the draft/proposed plan for likely significant effects p10

- DAERA notes that in relation to the proposed Supplementary Planning guidance documents, the HRA states that “*SPGs and other plans such as masterplans will need to be reviewed for the need to carry out HRA and where necessary HRA carried out*”.

### 2.3 Site Descriptions p25

- Information on the value of the site selection features is missing eg the site hosts x% of the all-Ireland population. This information can be obtained from the Standard Data Form on the JNCC website.

### 2.4 Test of Likely Significance p29

- The HRA states that “*Although Light-bellied Brent Goose is a feature of three adjacent SPAs and Ramsar sites it feeds primarily on vegetation growing on intertidal mudflats, such as eelgrass and various algae, the most important feeding area being in Strangford Lough, and is not recorded as using Belfast Lough*”. This is incorrect; although Light-bellied Brent Goose is not a feature, it is recorded in Belfast Lough.

### 2.5 Habitat Loss p53

- DAERA notes that the HRA recommends that “*Consultation zones may be required for lands outside Belfast Lough SPA and Ramsar due to the utilization of the adjacent land by feature bird species*” and that “*proposed developments within these consultation zones should be considered for HRA to ensure that, in line with the Habitats Directive, there will be no adverse effects on the integrity of the features of these European sites*”.



- DAERA also notes that in relation to the Local Plan Policy stage, the HRA recommends *“that the need for HRA is highlighted in relevant spatial designations at LPP”*.

## 2.6 Table 5 Implementation of Recommendations p57 and Step 4 Discretionary discussions on the method and scope of the appraisal p9 and other locations

- Wording should be revised to reflect that DAERA is the Department which should be consulted with regard to HRAs.

## 2.7 Appendix 4 NH1 Natural Heritage p87

- As stated above in point 1.2 DAERA has concerns about Natural Heritage Policy NH1, because in comparison with current policy in PPS2 and the SPSS it is not sufficiently detailed to take account of international obligations under the Habitats Directive, the Birds Directive or the Ramsar Convention. In particular, Policy NH1 does not pay sufficient regard to the specific legislative obligations and case law associated with international sites and is not sufficiently detailed to facilitate informed operational planning decisions to be made which comply with the Conservation (Natural Environment, etc.) Regulations (Northern Ireland) 1995 (as amended). Given these issues, DAERA does not agree with the policy being screened out.

## 2.8 Appendix 4 DC11 Agriculture p90

- DAERA notes that the HRA has screened in Policy DC11. However, clarification is requested regarding the text in the screening comment *“developments will not be within 7.5km of any European site”*. This suggests that European sites would not be impacted; this is incorrect. For example using the Apis website, Belfast Lough Open Water Feature N sensitivity (Great Crested Grebe) Habitat is sensitive to NH3 and has a critical level of 3ug/m<sup>3</sup> for its supporting habitat. It should also be noted as stated above in point 1.2, that DAERA has concerns about the wording of Policy DC11 in terms of the potential impact of ammonia emissions from this policy on international sites.

## 2.9 Delivery p90

- DAERA notes that the Local Policy Plan has been screened in and will be subject to a new HRA. DAERA also notes that an HRA will be required for any changes brought about at plan review.

## 2.10 Conclusions of the HRA p59

- As detailed above, DAERA has concerns about DC11 and NH1. Therefore, DAERA does not agree with the conclusions of the HRA *that “subject to included and*



proposed mitigation, the implementation of the draft Plan Strategy will not adversely affect the integrity of..." international sites. Policy NH1 should be screened in. In addition, although DC11 is screened in, the HRA has not fully assessed the likely significant impact of this policy in terms of ammonia deposition on international sites.

## 2.11 Marine Comments on the HRA

### Test 1 Screening

- DAERA Marine & Fisheries Division are content with the Natura 2000 sites which have been included in the Stage 1 screening.
- Recent advice relating to SACs which have seals as a site selection feature, recommends the following ranges should be used when screening for either Harbour or Grey seals:
  - 1 all SACs within 135km of the project should be screened for Grey Seals (*Halichoerus grypus*) and
  - 2 all SACs within 50km should be screened for Harbour seals (*Phoca vitulina*).

Stage 1 therefore includes all sites. While Murlough SAC, which has Harbour seals as a site selection feature, is beyond the 50km buffer if measurements are taken by sea, Table 7 has included it in their 50km buffer. These screening ranges should be clarified in the documentation.

- Strangford Lough Ramsar site has been screened for Grey Seals. This site has been primarily designated for its wetland features and birds. The only mammal listed as nationally important is the otter. We are unclear why this site has been screened for the grey seal and included in the appropriate assessment? The only Northern Irish marine site which should be screening in for grey seals is the Maidens.
- Both Strangford Lough SAC and Murlough SAC have been excluded from the appropriate assessment. Although clarified on page 17 this contradicts with map 7. Given the distance by sea M&FD are content that these two sites are screened out.

### Appropriate Assessment

- Mitigation will need to be appropriately addressed in order to ensure no significant negative impact on marine site selection features. In the current draft specific mitigation has not been detailed in order to make this conclusion.



**Marine & Fisheries Division Advice for District Councils (terrestrial planning authorities) for Local Development Plan preparation:**

- When taking any decision which relates to any function capable of affecting (or which might affect) the marine area, which is not an authorisation or enforcement decision, Section 58 of the Marine and Coastal Access Act 2009 (MCAA) and Section 8 of the Marine Act (Northern Ireland) 2013, require a public authority to have regard to the UK Marine Policy Statement (UK MPS) and the Marine Plan for Northern Ireland (when adopted).
- This means that in the preparation of your Local Development Plan and all of its associated documents, you, as the Public Authority, are legislatively required to have regard to both the UK Marine Policy Statement (UK MPS) and the Marine Plan for Northern Ireland (when adopted). Careful attention must be paid to both the UK MPS and the Marine Plan for Northern Ireland alongside terrestrial planning documents, such as, the Regional Development Strategy (RDS) and the Strategic Planning Policy Statement (SPPS).

Please contact the [REDACTED] should you have any queries or require clarification.

Yours sincerely,

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