

## Regional Planning Policy & Casework



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22 September 2025

Dear [REDACTED],

### **NEWRY MOURNE AND DOWN DISTRICT COUNCIL – DRAFT PLAN STRATEGY - CONSULTATION**

I refer to the formal public consultation on Newry Mourne and Down District Council's (NMDDC) draft Plan Strategy which was launched on 27 June 2025. As agreed, the Plan Oversight Team has coordinated a combined response from the Department for Infrastructure (DfI).

In accordance with Regulation 15 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, the Council consulted with the DfI in relation to the draft Plan Strategy.

Please find attached the following representations to the consultation:

- Regional Planning Policy and Casework Directorate (Strategic response and Annex 1);
- Transport Planning and Modelling Unit (Transport and Roads Asset Management);
- Roads Southern Division (Transport and Roads Asset Management);
- Rivers Directorate;
- Water and Drainage Policy Division; and

- Sustainable Drainage Directorate.

I acknowledge the efforts of the Council in relation to the constructive engagement with Department officials to date and look forward to further engaging as the process moves forward.

Yours sincerely,

A large black rectangular redaction box covering the signature of the Director.A black rectangular redaction box covering a line of text, likely a title or contact information.

**Director**  
**Regional Planning Policy & Casework**

cc: NMDDC Planning Department, Development Plan Team

### **TMPU Comments – Newry Mounre and Down Draft Plan Strategy**

1. Thank you for the opportunity to comment on the Newry, Mourne and Down District Council Local Development Plan - draft Plan Strategy (dPS). We look forward to our continued collaboration with your office to deliver sustainable infrastructure that will transform communities in your Council area.
2. Transport Planning and Modelling Unit (TPMU) has prepared comments on your Draft Plan Strategy (dPS) based upon the DfI Guidance on Accessibility Analyses and the Preparation of Planning Policies for Transport. The majority of the comments refer to the integration of land use and transportation and this issue is dealt with in various sections throughout the dPS.
3. The remainder of the comments have been structured using the headings from the DfI Guidance:

**DfI TPMU consider that the content of the dPS is generally sound although make the following suggestions.**

**Strategic Policy SP1 (page 54 -57)**

4. Page 55 (fifth paragraph) - Having regard to the tests of soundness TPMU suggest the following amendments in the interest of coherence and effectiveness.

'Within rural communities, the Council will seek ~~through its Transport Plan~~ to improve access to services, public transport and increase opportunities for Active Travel'. The Transport Plans are prepared by the Department for Infrastructure, and we will work collaboratively with the Council during the development of the Transport Plan. The key message is covered on Page 54 at point 1 and states that 'development proposals should demonstrate that they are sustainably located'.

### **Housing Strategy (Page 77-82)**

5. Page 82, point 8, Transport Assessment – This paragraph could be strengthened to better meet the tests of soundness, particularly in the interest of coherence and effectiveness. The following amendment is suggested.
6. From: The LDP seeks to focus new development where it is most accessible, directed through the provisions within the strategic policy on Sustainability and Climate Change and a range of operational policies.
7. To: The LDP seeks to focus new development in locations that are accessible by a range of transport modes, including walking, wheeling, cycling and public transport, to reduce the need to travel and reliance on the private car. This will be directed through the provisions within the strategic policy on Sustainability and Climate Change and a range of operational policies.

### **Strategic Policy TS1 (page 114)**

8. Policy TS1 page 114 – it is noted that there is no reference in this policy to transport accessibility - Tourist attractions have the potential to result in high trip generations. Given that such uses can generate a significant volume of trips, it is recommended that the policy is updated to reflect the need for accessibility by a range of sustainable transport modes. This amendment would ensure alignment with the SPPS which states 'tourist amenities should be steered towards locations benefitting from good accessibility to public transport provision and wherever feasible by walking and cycling also'. This amendment would strengthen the policy to better meet the tests of soundness, particularly in the interest of consistency.

### **Transport Strategy** (page 119 -123)

9. Page 120 - Local Context - as a matter of clarification and in line with the 2021 census classifications the following amendment is suggested.
10. From: This in turn places a dependence on the private car for travel within the district and 85.52% (2021 Census) of the district's households own a private vehicle.
11. To: This in turn places a dependence on the private car for travel within the district and 85.52% (2021 Census) of the district's households own or have access to a private vehicle.
12. Page 121 - The following amendments are also suggested as a matter of clarification. The Local Development Plan Transport Strategy is underpinned by the Local Transport Study (LTS) set out in Technical Supplement 5 – Transport, which has been prepared and published by the Department for Infrastructure (DfI) as part of the Sub Regional Transport Plan. ~~which will cover five district council areas.~~ The Sub Regional Transport Plan will be brought forward by the Department for Infrastructure. ~~at the Local Policies Plan stage.~~
13. Page 123 – Policy TRS1 - TPMU suggest amendments to wording of this policy in the interest of coherence and effectiveness. It is considered the amendment will assist in the application of the policy.
14. From: The Plan will support development proposals that improve connectivity through promoting the integration of sustainable transport and land use which supports a modal shift (such as walking, cycling and public transport) in accordance with the Local Transport Study and Local Transport Plan. The level of improved connectivity and service will relate to its location and demand.
15. To: The Plan will support development proposals that enhance connectivity by integrating land use with sustainable transport measures such as walking, cycling and public transport and encourage a shift away from car dependency, in line with the objectives of the Local Transport Study and Local Transport Plan.

## Part 2

### **General Policy** (Page 158-165)

16. Policy GP1 Access, Movement and Parking is welcomed however TPMU would suggest the term “where possible” is removed and the sentence to read as follows:
17. A movement pattern is provided that, ~~where possible~~, supports walking and cycling, both within the development and linking to existing or planned networks..... The removal of ‘where possible’ strengthens the policy and will assist in application of the policy. This amendment is considered necessary under the soundness test for coherence and effectiveness.
18. Policy GP1 addresses access, movement and parking and touches on active travel and public transport. However, TPMU suggest the policy needs to go further to include the need for development **to be directed** to the most sustainable/accessible locations in accordance with the settlement hierarchy. This is necessary to fully enable the integration of Transport and Land Use Planning in line with regional policy and to meet the test of soundness in relation to consistency.

### **Housing in Settlements** (Page 167-185)

19. Policy HOU 1 – It is recommended that the wording below from the justification and amplification section is elevated into the policy criteria itself. This would strengthen the policy by making its intent more explicit and directive. In terms of soundness, this amendment would enhance both consistency with regional planning policy and the effectiveness of the policy.
20. ....encourages pedestrian and cycle movements, makes provision for increased use of public transport .....

### **Economic Development in Settlements (Page 223-224)**

21. Policy ED1 Page 223 - City and Towns. As a matter of consistency, it is suggested adding the word 'accessible' to the policy criteria to promote sustainable development and reduce reliance on private car use.
22. ....in the city or town centres and in other accessible locations specified for such use in the LDP;
23. Villages and Small Settlements – As a matter of consistency you may also wish to add accessible under this criteria. However, it may be worth considering how this inclusion would interact with the General Policy (GP1) and the potential for duplication (noting that we have also provided comment on the General Policy and the need to also reference accessibility).

### **Transportation (page 270-286)**

24. TPMU advises that a primary aim of the Transport Assessment is firstly to assess accessibility by sustainable modes and to develop measures to maximise use and attractiveness of sustainable modes – only subsequently should the residual traffic be assessed. Therefore, in the interest of coherence and effectiveness an amendment is suggested to remove the word 'volume' and as a matter of clarity reference is made to the Department's published standards for Transport Assessments.
25. Policy TRA 6 the following amendment is suggested:
26. From: In order to evaluate the transport implications of a development proposal likely to generate a significant **volume** of travel, regardless of the size, the Council will require the developer to submit a Transport Assessment so as to facilitate assessment of the transport impacts.
27. To: In order to evaluate the transport implications of a development, proposals that generating significant travel movements must be accompanied by a Transport Assessment (TA). A TA may need to be accompanied by a Travel Plan setting out complementary measures to help mitigate any adverse impacts highlighted by the TA. The Council will apply the latest Department's published

guidance – currently the '*Transport Assessment Guidelines for Development Proposals in Northern Ireland*' in their assessment.

28. In the Justification and Amplification it is suggested that amendments are made to the following sentence.

29. Policy TRA 7 Car Parking and Servicing – As a matter of consistency it is suggested in the first paragraph the referenced to 'published standards' is amended to read 'DfI's latest Parking Standards'.

30. It is also suggested that the following sentence is amended in line with consistency to reflect the SPPS.

31. From: In assessing car parking provision, the Council will require that a proportion of the spaces to be provided: are reserved for people with disabilities in accordance with best practice.

32. To: In assessing car parking provision, the Council will require that a proportion of the spaces to be provided are reserved for people with disabilities and include parent and child parking spaces.

33. TPMU would also suggest the inclusion of EV spaces having regard to The Climate Change Act (Northern Ireland) 2022 and the need to support the transition to zero-emission transport in line with climate and decarbonisation targets.

### **Active Travel Networks (page 282)**

34. TPMU is content that this matter is covered satisfactorily under Policy TRA08 but suggests amended wording to paragraph 'c' in the interests of coherence and effectiveness.

35. Safe and convenient walking, wheeling and cycle links to existing or programmed walking and cycle networks and public transport services. ~~where they adjoin the development.~~



**Park & Share and Park & Ride** (page 284- 285)

36. TPMU is content that this matter is covered satisfactorily under TRA 10.

**Creating an Accessible Environment** (page 270-271)

37. TPMU is content that this matter is covered satisfactorily under TRA 1

**Safeguarding new transport schemes** (page 276)

38. TPMU is content that this matter is covered satisfactorily under TRA 4. with reference made to the Transport Plan – as a matter of clarity reference to the Transport Plan could be updated to refer to the Newry, Mourne and Down Sub Regional Transport Plan.

**Disused Transport Routes** (page 277)

39. DfI is content that this matter is covered satisfactorily under TRA 5. with reference made to the Transport Plan – as a matter of clarity reference to the Transport Plan could be updated to refer to the Newry, Mourne and Down Sub Regional Transport Plan.

**Transport Assessments & Travel Plans** (page 278)

40. TPMU advises that a primary aim of the Transport Assessment is firstly to assess person accessibility by sustainable modes and to develop measures to maximise use and attractiveness of sustainable modes – only subsequently should the residual traffic be assessed. Therefore, in the interest of coherence and effectiveness an amendment is suggested to remove the word ‘volume’ and as a matter of clarity reference is made to the Departments published standards for Transport Assessments.

41. Policy TRA 6 the following amendment is suggested:

42. From: In order to evaluate the transport implications of a development proposal likely to generate a significant **volume** of travel, regardless of the size, the Council will require the developer to submit a Transport Assessment so as to facilitate assessment of the transport impacts.
43. To: In order to evaluate the transport implications of a development, proposals that generating significant travel movements must be accompanied by a Transport Assessment (TA). A TA may need to be accompanied by a Travel Plan setting out complementary measures to help mitigate any adverse impacts highlighted by the TA. The Council will apply the Department's published guidance '*Transport Assessment Guidelines for Development Proposals in Northern Ireland*' in their assessment.

#### **Walking & Cycling Provision** (page 282)

44. TPMU is content that this matter is covered satisfactorily under Policy TRA08.

#### **Provision of public and private car parks** (page 284)

45. TPMU is content that this matter is covered satisfactorily under Policy TRA10 but notes that reference is made to the 'Council's' Parking Strategy – It is envisaged that DfI and the Council will undertake a joint parking strategy as part of the Newry Mounre and Down Sub Regional Transport Plan.

#### **General Points**

46. There are numerous references to 'accessibility' throughout the document, the language is inconsistent and therefore leads to confusion about the intent and meaning of policies. As a matter of coherence and effectiveness it is suggested that the terms are defined within the dPS.
47. By way of assistance TPMU provide the following clarification to distinguish between transport accessibility and physical accessibility. This clarification is considered necessary to strengthen the policy and support the soundness of the dPS, particularly in relation to its coherence and effectiveness.

48. **Transport accessibility analysis** is a long established concept in integrating land-use and transport planning. In this context, accessibility relates to the ease of access of essential services. Hence it is concerned with travel time between a location of interest (for example a proposed residential zoning) and the particular service (for example food shopping). Accessibility can be considered by different modes of transport, for example walking, cycling, public transport or car.
49. In this context, accessibility refers to the ease of reaching and using places and services and differs from transport accessibility. In this context it focuses on making buildings, spaces, and transport modes usable by people with impairments and may include adaptations as detailed in the Development Management Practice Note 12 – Design and Access Statements or those outlined for residential developments in the Planning Design Guide - Creating Places.
50. In the interest of coherence and effectiveness there is inconsistency with the language around walking and cycling. It is considered that references throughout the document should be amended to included, walking, wheeling and cycling as outlined in Policy TRA10.

**NEWRY, MOURNE AND DOWN COUNCIL – DRAFT LOCAL  
DEVELOPMENT PLAN**

**COMMENTS FROM DFI TRAM GROUP  
(Previously DfI Roads)**

DfI TRAM Group (Southern Division) has considered the content of the Newry, Mourne and Down District Council Local Development Plan 2025 - Draft Plan Strategy dated June 2025.

Various formal and informal consultations have taken place between Council Officials and DfI TRAM Group Officials and a number of suggestions were forwarded for consideration within the Plan.

DfI TRAM Group is largely content with the Draft Plan as written; however, some areas of concern remain which had previously been commented upon and, in the interest of road safety and traffic progression have been re-emphasised in the paragraphs following.

The following policies are included in this response:

- TRA1 – Creating an Accessible Environment
- TRA2 – Access to Public Roads
- TRA3 – Access to Protected Routes
- TRA6 – Transport Assessment
- TRA7 – Parking and Servicing Arrangements
- GP1 – General Policy
- HOU1 – Housing in Settlements
- HOU2 – Design Concept Statements and Concept Masterplans
- HOU4 – Conversion or Change of Use of Existing Buildings to Flats or Apartments
- HOU7 – Adaptability and Accessible Homes
- HOU8 – Specialist Residential Accommodation
- COU2 – Replacement Dwellings
- COU3 – Affordable Housing in the Countryside
- CF1 – Health, Education and Community Facilities
- OS7 – Floodlighting of Sports and Outdoor Recreational Facilities
- SPG – Doors and Access – Page 43
- SPG – What are Travel Plans, Transport Assessments and Statements? – Page 73

Comments from DfI TRAM Group have been prepared to relate as far as possible to the published procedural tests and are generally designed to add overall value to the prepared policies. The tests are listed below –

### **Procedural Tests**

P1 Has the DPD been prepared in accordance with the council's timetable and the Statement of Community Involvement?

P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?

P3 Has the DPD been subject to sustainability appraisal including Strategic Environmental Assessment?

P4 Did the council comply with the regulations on the form and content of its DPD and procedure for preparing the DPD?

### **Consistency tests**

C1 Did the council take account of the Regional Development Strategy?

C2 Did the council take account of its Community Plan?

C3 Did the council take account of policy and guidance issued by the Department?

C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

### **Coherence and effectiveness tests**

CE1 The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils;

CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base;

CE3 There are clear mechanisms for implementation and monitoring; and

CE4 It is reasonably flexible to enable it to deal with changing circumstances.

This paper has been cleared for issue by a Director Grade 5 in DfI TRAM Group.

## TRA1 – Creating an Accessible Environment

### Bullet Point 1

- Facilities to aid physical accessibility e.g. provision of **dropped kerbs** and tactile paving etc, together with the removal of any unnecessary obstructions.

**CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.**

**For this policy to be realistic it should be consistent with recognised engineering terms. Dropped kerb is a much misused term. See below -**

Dropped Kerb is a commonly recognised term normally used for the construction of a vehicular access to a residential property permitted on unclassified roads under an Article 80 consent issued by DfI - (<https://www.nidirect.gov.uk/publications/apply-build-or-alter-vehicular-access-dropped-kerb>). Dropped kerbs or droppers, as well as being the term used for private vehicular accesses, is the term given to the sloping kerbs to transition between the full height kerbs and the lowered kerbs. The recognised engineering term for this type of situation to cater for pedestrians and for the avoidance of confusion with vehicular accesses is **"lowered kerbs or flush kerbs with appropriate tactile paving"**.

### Bullet point 2

Convenient movement along pathways and an unhindered approach to buildings.

Fully able pedestrians can identify obstacles on their route and negotiate those obstacles safely and without undue convenience. For mobility impaired and visually impaired pedestrians in particular, this is significantly more difficult and measures need to be introduced to assist those individuals. Whilst mobility impaired people can identify the obstacles, it is often difficult to negotiate them and visually impaired people may be unable to identify the obstacles at all. There is a clear need to retain a full usable footway width without sharp deviations along the footway and an unhindered entrance to and from buildings.

**CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base**

Suggest text to address these issues

**"Convenient and safe movement along footways ensuring a clear route of 2.0 metres with no obstructions or sharp deviations and unhindered approach to buildings for all types of pedestrian". (Design Manual for Roads and Bridges series 1100 – minimum footway widths to accommodate wheelchair users).**

**OR**

**"Convenient and safe movement along footways ensuring a clear route of 1.8 metres with no obstructions or sharp deviations and unhindered approach to buildings for all types of pedestrian". (Creating Places Section 14 – Unobstructed widths for various types of pedestrian movement).**

### Bullet Point 3

Pedestrian/cycling priority to facilitate pedestrian/cycle movement within and between land uses.

**CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base**

This suggests that pedestrian / cycle priority should exist in all situations. Given the NI wide reliance on private vehicles and the wide range of development types and locations plus potential linkages to existing or proposed pedestrian / cycle facilities this phrase could be loosened to "Pedestrian / cycle priority where appropriate..." – (<https://www.standardsforhighways.co.uk/tses/attachments/9b379a8b-b2e3-4ad3-8a93-ee4ea9c03f12>)

### TRA2 – Access to Public Roads

The paragraph following bullet point b leads to other access considerations.

**CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base**

The footnote refers to DCAN15 (**DCAN15 Access Standards published by DfI**) being retained and the suggestion is that the lead in text is changed to reflect this such as "The acceptability of access arrangements, including the number of access points onto the public road will be assessed against DfI's current published guidance and consideration will also be given to the following factors:"

### Access for Rural Replacement Dwellings

The use of existing accesses causes road safety problems as, although improvement is encouraged, the reality is that such improvements are not carried out or a minimum standard of improvement is completed which does not fully address the safety concerns.

**CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base**

In order to tighten the requirements and to ensure an improvement to road safety considerations the following text is suggested as a follow on to the published text – "In cases where the dwelling to be replaced could not be reasonably occupied in its current state or with minor modifications or where the replacement dwelling is significantly larger than the existing dwelling resulting in the existing access being intensified the proposal will be assessed in accordance with DfI's current published guidance." (**DCAN15 Access Standards published by DfI**)

### TRA3 – Access to Protected Routes

Other Protected Routes – Outside Settlements Limits first bullet point allows direct access for - replacement dwelling where there is an existing vehicular access onto the protected route.



## **CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base**

The text for rural replacement dwellings may equally apply here – “the dwelling to be replaced could not be reasonably occupied in its current state or with minor modifications or where the replacement dwelling is significantly larger than the existing dwelling resulting in the existing access being intensified the proposal will be assessed in accordance with DfI’s current published guidance.” (**DCAN15 Access Standards published by DfI and TRA2 – Access to Public Roads**). Direct access to the protected route is unlikely to be permitted in this case.

### **Policy TRA6 – Transport Assessment**

In order to evaluate the transport implications of a development proposal likely to generate a significant volume of travel, regardless of the size, the Council will require the developer to submit a Transport Assessment so as to facilitate assessment of the transport impacts. For development proposals with significant travel generating uses, a Transport Assessment may need to be accompanied by a Travel Plan. The use of the Transport Assessment Form is widely ignored and this is a useful indicator of whether a development proposal will require a full Transport Assessment. DfI TRAM Group suggests that more prominence should be given to the Transport Assessment Form.

### ***C3 Did the council take account of policy and guidance issued by the Department?***

**DfI CPPT Group (Planning) previously commented that the term significant volume of travel reference be removed** as a Transport Assessment should deal with issues other than traffic generation including road safety for example. DfI TRAM agrees to some extent with this; however, the traffic generation is still likely to be the key driver behind assessing whether a TA is required or not and alternative wording might be as follows –

“In order to evaluate the transportation and safety implications of a development proposal which is likely to result in a significant change in travel patterns such as increases in vehicles, cycles or pedestrians, regardless of the size, the Council will require the developer to submit a Transport Assessment so as to facilitate assessment of the transport related impacts”.

**AND**

“A Transport Assessment Form should be submitted for all development proposals where significant changes in travel patterns might result(\*) to assist the Council in assessing the requirement for a Transport Assessment”. **Appendix A of the Department’s Transport Assessment: Guidelines**

(\*) the term all development proposals could be refined to define which proposals need a TAF, e.g. not required for single or maybe less than 5 dwellings / 10 dwellings etc, for insignificant proposals such as many change of use applications, signs and advertising among others where a Transport Assessment will clearly not be required.

J&A paras 5 and 6 states –

5 - Developers will be required to bear the costs of transport infrastructure necessitated by their development...

6 – Planning conditions may be imposed, or a Section 76 Planning Agreement...

Whilst these pieces of text offer some comfort in developers being responsible for necessary infrastructure works the text could be strengthened to ensure that the potential for dispute is minimised or eliminated. Where a development maybe in the centre of a large site / zoned area may be bound by key site requirements or by identified infrastructure works, the developer may and has in the past argued that hey are responsible only for the works within the site boundary regardless of the suitability of the existing links leading to the site.

Suggest within paragraph 6 – “To ensure that adequate transport links are available to fully serve the development site or where key site requirements exist in this regard, the developer will be responsible for delivering infrastructure works that are safe and suitable for access to the site by all means of transport including vehicles, pedestrians and cyclists. Planning conditions may be imposed, or a Section 76...”

### **TRA7 – Parking and Servicing Arrangements**

The 3<sup>rd</sup> paragraph suggested by DfI TRAM Group regarding servicing without obstruction or inconvenience to road users outside of the development –

“Proposals should be designed to allow servicing and deliveries etc., to take place within the site. Where this is not possible, a Service Management Plan may be required to detail numbers, types and timings of expected deliveries to avoid congestion on the road network particularly at peak times”. (<https://www.gov.uk/browse/driving/highway-code-road-safety>)

Since loading and unloading is not bound by normal parking restrictions which often results in congestion and negative road safety implications, there is a clear requirement for these deliveries to be properly managed and controlled even in town centres such as timing of deliveries before / after the peak times. Standalone developments can address the issue easily by careful design of the internal layout to facilitate the range of servicing vehicles expected and ensure that they are accommodated within the curtilage. Any such plan would need conditioned in the approval to allow enforcement of the plan.

J&A 3<sup>rd</sup> paragraph reads –

A reduction in parking provision may be accepted, and/or preferable where it forms part of a package of measures to promote alternative transport modes, particularly where this has been demonstrated and a...

### ***C3 Did the council take account of policy and guidance issued by the Department?***

**DfI previously responded (23 February 2023) requesting the removal of the phrase “and / or preferable”.** Many such measures include time bound packages such as travel cards etc, valid for perhaps six months to one year after which many commuters simply resort to their previous means of travel by private car with inadequate parking available resulting in on street parking, footway parking and parking in other obstructive locations. Having already accepted or promoted a reduced level of parking will result in private cars being driven to those centres with no available parking to accommodate them. The nature of the NI network and the lack of available public transport particularly in rural areas makes reliance on private cars necessary for many people and unless measures can

be introduced to remove the timebound elements then parking needs to be very carefully considered such as keeping reduction in parking requirements small in number.

J&A 11<sup>th</sup> paragraph reads –

As the UK Government **move** to ban the sale of petrol, diesel and hybrid cars, there will be an in...

Typo – should read **moves** for correct grammar

## **GP1 – General Policy**

- ***C3 Did the council take account of policy and guidance issued by the Department?***

2 – Access Movement and Parking relies heavily on the subject matter of TRA1 – TRA11 particularly with regard to Transport Assessment and to Protected Routes. A general comment should be included either in the policy or the J&A along the lines of “Developers should make reference to policies TRA 1 – TRA11 for the particular transportation related planning policies applicable to the development” **Previous correspondence from DfI to NMD relating to TRA policies refers dated 01 March 2023.**

## **HOU1 – Housing in Settlements**

Justification and Amplification – page 171 contains the paragraph copied below.

### **Supportive Infrastructure**

To ensure all proposed housing is habitable they will require essential infrastructure including water, wastewater, energy and telecommunications connections. Developers remain responsible for ensuring that all housing is connected to all necessary services and infrastructure before it is released onto the market. The scale and complexity of the work required will vary by location and the size of the development. This process may involve connecting to an existing network or require the upgrading of a network to enable the connection of site-specific infrastructure to maintain the required service.

***C3 Did the council take account of policy and guidance issued by the Department?***

**DfI TRAM response to NMD Council regarding the inclusion of transport infrastructure dated 23 February 2023 as follows -** J&A Supportive Infrastructure P9.

Refers to essential infrastructure but does not include roads, footways, footpaths and cycle paths. Any improvements required to serve the development and the surrounding network will be informed through a Transport Assessment (currently PPS13).

## **HOU2 – Design Concept Statements and Concept Masterplans**

J&A – **Design Concept Statements** para 2 on page 173 contains the text – “The comprehensive planning of new or extended housing areas is considered to be of vital importance in pursuit of an improved quality standard. **Proposals for residential developments should focus on a network of spaces rather than a hierarchy of roads** and

encourage connectivity by providing linkages with neighbouring developments and areas of existing open space, to ensure the creation of a distinctive overall sense of place. Piecemeal development may result in the undesirable fragmentation of a new neighbourhood and fail to secure the proper phasing of development with associated infrastructure and facilities.

***C3 Did the council take account of policy and guidance issued by the Department?***

**DfI TRAM response 23 Feb 2023 refers** – although a network of linked spaces is a good aim it is important that each of these spaces is firstly adequate in its' own area and secondly that each of these areas are connected appropriately. This leads us back to a hierarchy of roads which ensures that each area works independently and that connections are adequate between and through those areas. For larger sites, KSR's may include for example a spine road to allow for public transport links followed by a series of traditional layouts and shared surfaces where appropriate (not accessed from any spine road). The hierarchy of roads should not be ignored for those reasons.

J&A – **Design Concept Statements** para 4 on page 174 contains the text – "The Council would encourage land pooling by owners and developers to facilitate the comprehensive development of residential sites. Where this cannot be achieved, and comprehensive development of the site would be prejudiced, the Council will refuse the application".

***C3 Did the council take account of policy and guidance issued by the Department?***

**DfI TRAM response 23 Feb 2023 refers** – This phrase leads to questions of the overall control of large zoned areas – does this require all owners and developers to cooperate with the aim of a single application? Does it commit developers to ensure that any infrastructure works may be required from the commencement of the zoned lands regardless of whereabouts the site falls within the overall zoning. The term land pooling needs clarification in order to make clear the real requirements related to the development of each part of the site. In the past, Developers have argued that they are only responsible for the key site requirements for their own site which leaves the existing infrastructure unsuitable to serve that development

**HOU4 – Conversion or Change of Use of Existing Buildings to Flats or Apartments**

***C3 Did the council take account of policy and guidance issued by the Department?***

**Previous response dated 23 Feb 2023 to NMD from DfI TRAM Group** stated Parking – such developments result in additional beds and any subsequent increased parking requirement should be expected and stated. Although parking is dealt with in TRA policies, there has been a weakness in the past in deciding on the parking requirement for these types of development especially HMO's.

Consider "Road safety and traffic progression will not be prejudiced due to the additional vehicular traffic generated by the development" and "Adequate and appropriate provision is made for parking generally in accordance with the requirements of Parking Standards. Any reduction to the published Parking Standards will be determined by the Planning Authority".

## **HOU7 – Adaptability and Accessible Homes**

Although the Developer is to state how the published standards will be delivered – how will it be checked and enforced. The following text is included – “Additionally, where a wheelchair accessible dwelling, designed in accordance with the wheelchair space standards, has car parking within its individual plot boundary, at least one parking space should be capable of enlargement to achieve a minimum width of 3300mm. Where communal parking is proposed at least two out of every 20 spaces should have a width of at least 3300mm (in accordance with Lifetime Home Standards<sup>152</sup> (LHS). Applicants must state within their application that they have complied with the above criteria and demonstrate how the criteria have been met.

### ***C3 Did the council take account of policy and guidance issued by the Department?***

**Previous response dated 23 Feb 2023 to NMD from DfI TRAM Group** asked will these issues be checked for compliance and if so by whom? DfI TRAM is often presented with problems later on after the development has been completed. Private Streets may flag an issue but this is not always acted upon and if the development is not ultimately determined and adopted, DfI is faced with complaints that the streets need to be adopted, this is often backed up by elected representatives and DfI eventually forced to adopt these non-compliant streets.

## **HOU8 – Specialist Residential Accommodation**

### ***C3 Did the council take account of policy and guidance issued by the Department?***

**Previous response dated 23 Feb 2023 to NMD from DfI TRAM Group** stated that these developments are sure to demand a level of parking requirement and could potentially be greater than normal. Suggest the wording be included - “Road safety and traffic progression will not be prejudiced due to the additional vehicular traffic generated by the development” and “Adequate and appropriate provision is made for parking generally in accordance with the requirements of Parking Standards. Any reduction to the published Parking Standards will be determined by the Planning Authority”.

Specialist accommodation by its’ nature may require access by care workers, doctors, OT’s, ambulance, police and other types of visitor than general accommodation and therefore the proposal needs to take account of the use and a realistic estimate of the vehicles attracted.

## **COU2 – Replacement Dwellings**

### ***C3 Did the council take account of policy and guidance issued by the Department?***

#### **Previous response dated 23 Feb 2023 to NMD from DfI TRAM Group**

Where the building demonstrates the construction requirements to deem it acceptable for planning permission and has been unoccupied for some time, the development will still result in intensification and parking and access standards should apply in full in these cases. The

standard wording would apply to these - “Road safety and traffic progression will not be prejudiced due to the additional vehicular traffic generated by the development” and Adequate and appropriate provision is made for parking generally in accordance with the requirements of Parking Standards. Any reduction to the published Parking Standards will be determined by the Planning Authority”.

Replacement dwellings have often caused DfI major concerns in road safety and parking. Although improvements are encouraged, many developers simply fall back on the existing access argument and offer no improvement or when improvement is offered, the access still falls well short of being considered a safe access. If a dwelling is to be replaced with a significantly larger dwelling or where it has been unoccupied for a long time, then full standards should be insisted upon.

### **COU3 – Affordable Housing in the Countryside**

#### ***C3 Did the council take account of policy and guidance issued by the Department?***

##### **Previous response dated 23 Feb 2023 to NMD from DfI TRAM Group**

Such developments are likely to result in intensification and parking and access standards should apply in full in these cases. The standard wording would apply to these - “Road safety and traffic progression will not be prejudiced due to the additional vehicular traffic generated by the development” and Adequate and appropriate provision is made for parking generally in accordance with the requirements of Parking Standards. Any reduction to the published Parking Standards will be determined by the Planning Authority”.

### **CF1 – Health, Education and Community Facilities**

#### ***C3 Did the council take account of policy and guidance issued by the Department?***

##### **Previous response dated 23 Feb 2023 to NMD from DfI TRAM Group**

Such developments include a wide number of potential uses and each will have its; own peculiar set of criteria regarding traffic generation of all types and subsequent parking requirements to serve the development. Suggested wording requested similar to – “Road safety and traffic progression will not be prejudiced due to the additional vehicular traffic generated by the development” and “Adequate and appropriate provision is made for parking generally in accordance with the requirements of Parking Standards. Any reduction to the published Parking Standards will be determined by the Planning Authority”

The fourth paragraph of the policy section contains the text “All proposals should be accessible by walking, cycling, and public transport where it is available”. This wording does not put much onus on the Developer to determine whether any blue / green works are planned and if so to ensure appropriate linkages to those.

### **OS7 – Floodlighting of Sports and Outdoor Recreational Facilities**

### ***C3 Did the council take account of policy and guidance issued by the Department?***

The third paragraph of J&A contains the text – “Where floodlighting is proposed as part of a new sports or recreational development or in association with an existing facility, a number of issues need to be considered. These include the potential for increased use of the facility, light pollution and increased traffic and noise generation. Such issues are particularly relevant where the proposed floodlighting is close to residential properties. A more significant problem arises where the floodlighting interferes with vehicular traffic on an adjacent road causing undue glare and distraction for motorists – DfI (**Previous response dated 23 Feb 2023 to NMD from DfI TRAM Group**) requested some guidance on maximum intensity, orientation and independent certification of the floodlighting scheme.

#### **Supplementary Planning Guidance**

##### **Doors and Access – Page 43**

**CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.**

Final paragraph contains the text “To be accessible to disabled people, entrance doors and access ramps should comply with current Building Control standards.” To add value to this paragraph it should be made clear that access to visually and mobility impaired access is vital – add further text after Building Control standards – “and provide ease of access for visually and mobility impaired persons particularly wheelchair users.”

##### **What are Travel Plans, Transport Assessments and Statements? – Page 73**

**Consider re-ordering to Transport Assessments, Transport Statements, Travel Plans and Service Management Plans.**

The text states - Travel Plans, Transport Assessments and Statements are all ways of assessing and mitigating the negative transport impacts of development in order to promote sustainable development. They are required for all developments which generate significant amounts of movements.

**CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.**

The published text suggests that all developments generating significant amounts of movements require all of the listed documents – Travel Plan, Transport Assessment and Transport Statement. This is untrue. Most development will initially require one of these documents to set out the movements and the mitigation proposed and may indicate that a Travel Plan will be required as part of the mitigation. Suggest altering the text to read “Travel Plans, Transport Assessments and Transport Statements are all ways of assessing and mitigating the negative transport impacts of development in order to promote sustainable development and may be required for all developments which generate significant amounts of movements. Where significant increases in movements is identified Developers should include a Transport Assessment Form with the application which will allow the Council to determine the need for a Transport Assessment or Transport Plan. The content of these will indicate whether any additional mitigation measures will be required in the form of a Travel Plan.”



## **What are Travel Plans and What are Transport Assessments and Statements**

These paragraphs are poorly ordered. Since the Travel Plan is normally the result of the findings of the TA or TS this section should follow after the paragraphs relating to Transport Assessments and Transport Statements.

### **Service Management Plans**

Although not a direct result of the TA, TS process, the need for a SMP often follows from the outcome of a Tar TS as poor servicing arrangements can and often do interfere with road safety and traffic progression whenever delivery vehicles for example park on the road outside of the curtilage of the development resulting in severe narrowing of the carriageway, obstruction of the footway and obstructing visibility splays making it difficult for vehicles to progress and putting drivers, cyclists and pedestrians in danger. Consider adding Service Management Plans into the title to read **What are Transport Assessments, Transport Statements, Travel Plans and Service Management Plans.**

### **Page 76 – inaccuracy of terms**

Activity: 100 or more vehicle movements in the peak hour. Other considerations: where the Council's Planning Department and the Roads Service consider the proposals raise significant transport implications, such as where the development is likely to:

Previously the Road Authority was called Roads Service – this title is currently DfI TRAM Group which should be used anywhere that Roads Service is used. In order to future proof the term used it should be DfI TRAM Group or even just DfI but in case this changes during the term of the Plan the term Road Authority or Highway Authority could be considered as an alternative.



**NEWRY MOURNE AND DOWN DISTRICT COUNCIL DRAFT PLAN STRATEGY**  
**Comments provided by Department for Infrastructure, Rivers Directorate.**  
**September 2025**

The Department for Infrastructure, Rivers Directorate has reviewed the contents of the Newry Mourne and Down District Council Draft Plan Strategy and comments as follows:

***DPS Part 1, Chapter 4, Plan Strategy Vision & Plan Objectives***

Rivers Directorate welcomes the Council's Vision and Plan objectives in respect of flood risk and drainage which is, *"To reduce vulnerability to climate change and prevent inappropriate new development in areas known to be at risk of flooding, coastal erosion or land instability"*.

**DPS Part 1, Chapter 5, Spatial Growth Strategy and Strategic Policies**  
**Strategic Policy FRDS1 Flood Risk and Drainage**

Again, Rivers Directorate welcomes Strategic Policy FRDS1 which states that, *'The Plan will not support new development within floodplains of rivers or in areas known to be at risk of flooding from fluvial or coastal sources, or from the failure of a controlled reservoir unless in the following circumstances:*

- *The development proposal constitutes a valid exception to the general presumption against development in flood plains.*
- *The development proposal is of overriding regional or sub-regional economic importance; and*
- *The development proposal is considered as minor development in the context of flood risk"*.

**DPS Part 2, Chapter 6, General Policy and Operational Policies**  
**GP1 General Policy**

Planning permission will be granted for development proposals where the development is not at risk of flooding and the development will not cause or exacerbate flooding elsewhere, taking account of present-day flood risk and the potential future risk associated with climate change. Again, Rivers Directorate welcomes this policy.

**DPS Part 2, Operational Policies**

Rivers Directorate considers that the proposed policies FRD 1 to FRD 5 closely reflect the policy direction as set out in the Strategic Planning Policy Statement (SPPS) and that the wording of these policies closely follows current operating policy, Revised Planning Policy Statement 15 "PPS 15" 'Planning and Flood Risk', June 2014

Rivers Directorate considers that the sections of the Draft Plan Strategy that relate to flood risk and drainage (FRD 1 to FRD5) to be sound. There are however a number of minor issues/changes, detailed below, which the Council are asked to consider.

## **DPS Part 2, Chapter 6, Section 20 Flood Risk and Drainage**

### **Policy FRD1, Development in Flood Plains**

#### **Exceptions**

##### **Defended Areas**

Rivers Directorate agrees with much of this Policy, however, under Exceptions in Defended Areas, references to the 1 in 100 year plus climate change allowance fluvial flood event and the 1 in 200 year plus climate change allowance coastal flood event, should also include the term, “(AEP of 1%) Annual Exceedance Probability/(AEP of 0.5%) Annual Exceedance Probability,” i.e.

*1 in 100 year (AEP 1%) plus climate change allowance fluvial flood..... 1 in 200 year (AEP 0.5%) plus climate change allowance coastal flood....*

#### **Justification and Amplification**

##### **Definition of a Flood Plain (Page 317)**

For clarity, the existing text “Flood plains, so defined, are depicted on the latest version of Flood Maps NI available on the DfI Rivers website” should be in a new paragraph.

##### **Defended Areas (Page 318)**

Also, Rivers Directorate would recommend that the following wording be included as a new paragraph, “Flood defences which protect previously developed lands are identified on Flood Maps NI”. This should be inserted following the paragraph ending, “.....to accommodate factors such as wave action, storm surge.”

### **Policy FRD2, Protection of Flood Defence and Drainage Infrastructure**

Proposed policy aligns closely with existing Policy FLD 2 of Revised Planning Policy Statement 15 “Planning and Flood Risk” and the Flood Risk section of the Strategic Planning Policy Statement for Northern Ireland.

### **Policy FRD3, Development at Surface Water (Pluvial) Flood Risk outside Flood Plains**

Proposed policy generally aligns with existing Policy FLD 3 of Revised Planning Policy Statement 15 “Planning and Flood Risk” and the Flood Risk section of the Strategic Planning Policy Statement for Northern Ireland.

### **Policy FRD4, Artificial Modification of Watercourses**

Proposed policy aligns closely with existing Policy FLD 4 of Revised Planning Policy Statement 15 “Planning and Flood Risk” and the Flood Risk section of the Strategic Planning Policy Statement for Northern Ireland.

### **Policy FRD5, Development in Proximity to Reservoirs**

The proposed policy aligns with existing Policy FLD 5 of Revised Planning Policy Statement 15 “Planning and Flood Risk” and the Flood Risk section of the Strategic Planning Policy Statement for Northern Ireland.

Statement for Northern Ireland. FRD5 also reflects the current thinking of Rivers Directorate, as advised to all Council Heads of Planning on 6th June 2019.

However, Rivers Directorate recommends the following minor amendment to the proposed wording - the addition of the word “only”, as shown below:

Replacement Building(s):- ‘Where assurance on the condition, management and maintenance regime of the relevant reservoir/s is not demonstrated, planning approval will **only** be granted for the replacement of an existing building(s) within a potential flood inundation area of a controlled reservoir provided demonstrated that there is no material increase in the flood risk to the development or elsewhere’.

Rivers Directorate recommends that the Council consider making reference to the *Technical Guidance Note 25 (TGN 25)*, dated March 2025, published by Department for Infrastructure, which explains the general approach Rivers Directorate will follow when providing advice to Planning Authorities on all relevant applications for development within the potential flood inundation areas of controlled reservoirs as shown on Flood Maps (NI). It should be noted that Rivers Directorate have produced a suite of ‘*Reservoir Hazard Rating Classification Maps*’ which are used to advise the Planning Authorities on acceptable combinations of depth and velocity for general development proposals. This is referred to as ‘*or other analysis*’.

Also, under the Justification and Amplification heading, Rivers Directorate recommends that the Council consider including the following paragraph.

*“Even in circumstances where an impounding structure does not fall within the policy it remains the responsibility of the applicant (or suitably qualified person with demonstrable experience in flood risk management) to consider and assess the flood risk and drainage impact of the proposed development and to mitigate the risk to the development and that beyond the site”.*

## Appendix 8 – Flood Risk Assessments and Drainage Assessments

Where reference is made to Q100/Q200 flood plain, for consistency in terminology, this should be changed to the “*1 in 100-year fluvial flood plain (AEP of 1%) plus climate change allowance*” and the “*1 in 200-year coastal flood plain plus (AEP of 0.5%) climate change allowance*”. The Q100/Q200 flood plain references also omitted the inclusion of climate change.

## Renewable Energy

### Policy RE1, Renewable and Low Carbon Energy

Rivers Directorate recommends the following text is included under, ‘Renewable and low carbon energy’, and part of the General Criteria.

*“Proximity to river flow gauging stations - In relation to hydroelectric power generation schemes, applicants should be aware of siting within catchments with a flow gauging station as this can completely alter the flow regime of a river. DfI Rivers will advise against siting in*

*such areas, as this would result in the loss of decades of national river flow archive data used to estimate flood risk and has the potential to lead to less accurate flood estimations and subsequently an increase in flood risk”.*

**Comments prepared, September 2025**  
**Department for Infrastructure, Rivers Directorate.**

## **NEWRY, MOURNE AND DOWN DISTRICT COUNCIL DRAFT PLAN STRATEGY**

### **Comments provided by the Department for Infrastructure's**

#### **Water and Drainage Policy Division**

**September 2025**

The Department for Infrastructure's Water & Drainage Policy Division (WDPD) has reviewed the contents of Newry, Mourne and Down District Council's Draft Plan Strategy (The Draft Plan) and has a number of comments to make on it.

**Soundness Test:** C3 Did the Council take account of policy and guidance issued by the Department?

**Comments:** WDPD provided comments on issues through the Council's consultation on the Local Development Plan. **There are a number of issues, highlighted below, which the Council will wish to consider.**

**Soundness Test:** CE4 It is reasonably flexible to enable it to deal with changing circumstances.

**Comments:** WDPD would encourage the Council to request regular updates from NI Water regarding wastewater capacity in the Council area and to use this information to help inform planning decisions and manage future development.

### **Water and Sewerage Infrastructure**

WDPD welcomes that the Draft Plan highlights the wastewater capacity issues in the Council area and that the Council will continue to work with NI Water to help manage future development.

WDPD also welcomes that the Draft Plan states:-

- (i) new development should be coordinated with the provision of appropriate infrastructure to support the development. The Council will require that there is adequate infrastructure to serve developments and will work with infrastructure providers and stakeholders to identify requirements. These may subsequently be secured through the use of planning conditions and agreements as appropriate; and
- (ii) the Council will seek to ensure that the adequate wastewater infrastructure will be in place to serve the proposed development and that consultation with NI Water will be undertaken by the Council as part of the assessment of development proposals.

In addition, WDPD endorses the Council's approach of encouraging developers to engage with NI Water at an early stage, to discuss development proposals and ascertain if adequate wastewater capacity, both within the wastewater network and the wastewater treatment works, is available to serve the proposal.

Going forward, it will be important that NI Water continues to provide regular updates to the Council regarding wastewater capacity and that the Council takes account of this, to help inform planning decisions and manage future development.

## **Flood Risk and Drainage Strategy**

### Local Context (page 137)

Suggest amending the first paragraph to the following:-

“Some areas of the district are susceptible to intermittent flooding from various sources, principally from rivers, the sea or surface water runoff. The NI Flood Risk Management Plan 2021-2027<sup>125</sup> identifies Newry as being an [Area of Potential Significant Flood Risk](#). However, Newcastle, Downpatrick and Warrenpoint are identified as Transitional Areas of Potential Significant Flood Risk given their status as Significant Flood Risk Areas in the preceding Flood Risk Management Plans (2015-2021)”.

## **Coastal Development Strategy**

WDPD is content that the Draft Plan reflects the position paper prepared by the Coastal Forum, informing Councils of the need to consider Coastal Change when preparing local development plans.

## **Reservoirs**

WDPD notes the references to reservoirs in the Draft Plan and is content, with a reminder that the Department is currently progressing the further commencement of the Reservoirs Act (NI) 2015 (which provides for the regulation of reservoir safety and places responsibility for reservoir safety on reservoir managers), with the legislation at the Committee for Infrastructure scrutiny stage, following Executive approval in Oct 2024.

## **Public and Private Water Supplies (page 172)**

The Draft Plan includes a paragraph on private water supplies and it would be helpful if a line could be included to state, “Private Water Supplies are regulated and monitored by the Drinking Water Inspectorate”.

## **Newry, Mourne and Down District Council Draft Plan Strategy**

### **Comments provided by the Department for Infrastructure's Sustainable Drainage Directorate – September 2025**

The Department for Infrastructure's (the Department) Sustainable Drainage Directorate (SDD) has reviewed the contents of Newry, Mourne and Down District Council's Draft Plan Strategy and has a number of comments to make on it.

#### **Sustainable Drainage Systems (SuDS)**

Sustainable Drainage Directorate (SDD) notes the references in the Draft Plan Strategy and supporting documents, relating to encouraging the use of Sustainable Drainage Systems (SuDS) as the preferred drainage solution. We welcome the inclusion of these references, as this generally aligns with the current work of the Department to progress policy and legislation in relation to SuDS in new developments.

**Policy FRD6 Sustainable Drainage Systems page 325** – the draft Plan Strategy states “The provision of a sustainable drainage solution (hard or soft SuDS) for the management of surface water runoff will be required for all development that requires the submission of a Drainage Assessment (DA) under Policy FRD3 where feasible.”

SDD welcomes this statement, however, suggests that this requirement should not just be limited to development that requires the submission of a Drainage Assessment (DA) under Policy FRD3.

**Policy FRD6 Sustainable Drainage Systems page 325** – the draft Plan Strategy states “It is recognised that in most cases hard SuDS will be the preferred drainage solution for developers as these are currently adopted by NI Water. Examples of hard SuDS are solutions such as attenuation tanks, permeable paving, and oversized pipes for storm water that are separated from the wastewater system.”

SDD recognises that while this statement may currently be correct, ongoing work within the Department in relation to nature-based (or soft) SuDS, including the introduction of the Water, Sustainable Drainage and Flood Management Bill, which is currently going through the Assembly, may change this position. The proposed powers provided in this Bill will allow the Department to make regulations in relation to the design, approval, operation and maintenance of nature-based SuDS. In tandem with this, the Department will launch an initial public consultation on nature-based SuDS in new housing developments, in late September 2025. This consultation seeks views on the development of policy relating to the future regulation and use of SuDS in new housing developments.

Given this current work, SDD had suggested alternative wording below to ensure future alignment:

*“It is recognised that in most cases, only hard SuDS are currently incorporated into new housing developments as these are currently adopted by NI Water. Examples of hard SuDS are solutions such as attenuation tanks, permeable paving, and oversized pipes for storm water that are separated from the wastewater system. The Department for Infrastructure is, however, developing policy proposals for the future regulation of soft SuDS solutions in new housing developments. This will cover nature-based drainage solutions such as raingardens, swales, detention basins and ponds.”*

*“Although soft SuDS should be prioritised where possible, it is recognised that in most new developments, a combination of hard and soft SuDS may need to be employed to deliver resilient drainage systems which provide multiple benefits for flood risk reduction, improved water quality, enhanced amenity and wellbeing, alongside greater nature conservation provision and biodiversity within new developments.”*



## **Strategic Response to Newry, Mourne and Down District Council Draft Plan Strategy**

### **Introduction**

1. The Department for Infrastructure would like to thank the Council for the opportunity to comment on the Newry Mourne and Down District Council Local Development Plan (LDP) draft Plan Strategy. The LDP should provide a 15 framework to support the economic and social needs of a Council's district taking account of planning policy and guidance.
2. The Council's LDP should support and spatially represent the Community Plan vision which is set out at page 21 of the draft Plan Strategy (dPS). Whilst the LDP and Community Plan should work in tandem toward this vision, the LDP has a distinct role in giving spatial expression to the Community Plan. It is also important to acknowledge that preparation of the LDP is subject to a different statutory process, including an Independent Examination (IE) to test the Soundness of the Plan as a whole. This includes examining the content of the Plan by reference to tests set out in guidance. These require Council to take account of the Regional Development Strategy (RDS) 2035 and other policy and guidance issued by the Department.
3. In view of the above, and in keeping with both its consultee and oversight role, the Department offers this representation in the interest of good practice and to assist the Council to minimise the risk of submitting an unsound Development Plan Document (DPD). All comments are offered without prejudice to the Minister's discretion to intervene later in the plan process or to the IE of the dPS.
4. While the duty on councils is to 'take account of' the RDS - and other policy and guidance issued by the Department the oversight role for DfI is established in established in Sections 1 and 2 of the 2011 Act.
5. The Department acknowledges the considerable amount of work that the Council has put into preparing the dPS and supporting documents. As always, and as a matter of good practice, the Department would encourage the Council to seek legal advice where necessary to ensure that all the procedural requirements have been met, including Sustainability Appraisal (SA), Strategic

Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA). Responsibility for these matters rests with the Council.

6. This strategic response highlights broad areas which the Department considers are relevant to the tests of Soundness set out in Development Plan Practice Note 06. These are the Growth Strategy and Spatial Planning Framework (set out in Part 5 of the dPS), Infrastructure, Cross Boundary Working, Climate Change and Monitoring and the key tests of soundness are highlighted at the beginning of each section. These aspects have been highlighted by the Department in order to reinforce their importance to achieving an integrated and co-ordinated approach to higher-level regional planning aims and objectives. This response is structured around these broad themes having considered the SGS which will primarily be delivered through the Strategic Policies of the dPS. Annex 1 to this response provides comments in relation to the general policy and operational policies.

### **Consultation period for the draft Plan Strategy**

7. The Department notes the extended timeframe for public consultation of the dPS which is also highlighted in the Councils current Statement of Community Involvement. The Council should satisfy themselves that Regulation 16(2) of the 2015 LDP Regulations has been statutorily adhered to and that all representation that have been received within the extended timeframe have been accepted and duly considered.

### **Growth Strategy**

- C1      *Did the Council take account of the Regional Development Strategy?***
- C2      *Did the Council take account of it's Community Plan?***
- C3      *Did the Council take account of policy and guidance issued by the Department?***

**CE1      *The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross-boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils.***

**CE2      *The strategy, policies and allocations are realistic and appropriate having considered the relative alternatives and are founded on a robust evidence base.***

**CE3      *There are clear mechanisms for implementation and monitoring.***

8. The Department welcomes the inter-relationship shown between the LDP and the Council's Community Plan at paragraph three of page 64 and paragraph eight of page 67 of the draft PS where NMDDC outline the five outcomes that are of relevance particularly to the Spatial Growth Strategy (SGS). This follows the regional policy at paragraph 5.19 of the SPPS which directs councils to "take account of their current Community Plan when preparing a LDP" as this is the "spatial expression to the community plan, thereby linking public and private sector investment through the land use planning system."
9. The Department welcomes the general approach of the Council in setting out the context of its proposed SGS within the regional direction in the RDS 2035 and the SPPS. DfI note and welcome the setting out in the dPS of the LDP objectives which relate to the SGS at page 66 and page 70.

## **SGS1**

### **Spatial Growth Strategy**

10. The overall growth strategy for NMDDC is set out under SGS 1 SGS (page 67 of the draft PS). The SGS for the district responds to evidence on the role of Newry and Downpatrick as main hubs (bullet point 3) while also acknowledging earlier in the dPS that these settlements have the ability to cluster with other settlements (paragraph 4 on page 64 of the dPS). The Department welcomes the approach in providing sustainable growth in the right places whilst taking account of environmental and infrastructure constraints (bullet point 2 of SGS1).
11. The SGS reflects the RDS at paragraph 3.83 which states that "Newry is the South Eastern City gateway due to its proximity to the land border and the major

port of Warrenpoint. It has the potential to cluster with Dundalk. They are both strategically located on the Belfast-Dublin corridor which has the potential to become a significant axis of development within the wider European context. This has provided the impetus for joint working to develop their roles as regional Gateways and to develop the wider eastern seaboard corridor.” In this context the Department particularly welcomes the last LDP objective on page 66 which is to “facilitate Newry City to capitalise on its role as the South Eastern City Gateway on the Belfast-Dublin economic corridor, similarly maximising Warrenpoint/Burren as a local hub and major port, whilst ensuring Downpatrick as our main town is strengthened as a main employment centre.”

12. Diagram 3.2 of the RDS show 21 hubs and those which have the most potential to cluster in NMDDC are firstly Newry and Warrenpoint and cross border with Dundalk and secondly Downpatrick and Newcastle.
13. The Department welcomes the reference to the RDS objectives of promoting growth and economic development opportunities in the ‘hubs and cluster of hubs’ provided for through its spatial framework. Equally, the role of rural communities living in smaller settlements and the open countryside is recognised in the dPS allowing them to maximise their potential (SFG 10, 11, 12, 13 and 14).
14. The Department acknowledges recognition in Table 4 of the dPS of the hierarchy of settlements and related infrastructure wheel set out within the RDS at diagram 3.2 and diagram 2.2 respectively. This shows Newry and Downpatrick as “main hubs” and Derry and Belfast as the “principal cities” of the region. The Department notes that Newry is presented as the principal city of NMDDC while Downpatrick is the “main town”. In the context of the dPS in Table 4 yet under SGS1 (page 67) they are referred to as the “two principal hubs”. The Department further notes that on page 64 of the dPS, Ballynahinch, Crossmaglen, Downpatrick, Kilkeel, Newcastle and Warrenpoint have been referred to as “principal towns”. In terms of their context within the RDS, Downpatrick is shown as a “main hub” while Newcastle and Warrenpoint are identified as “local hubs”. The other settlements do not feature on the Spatial Framework for Northern Ireland map on diagram 2.3 or diagram 3.2 of the RDS. Kilkeel has been identified as a service centre with a settlement band and service class at the lower end of Table A1 of the RDS. The Department would

highlight that ambiguity may arise as there are differences between the terminology used to refer to the different settlements within the dPS and between the LDP document and regional policy.

15. The presentation of the Growth Strategy in the plan creates some uncertainty in relation to the Council's actual expectations for growth across the region for population, housing and jobs. While the Council include an LDP objective 5 (page 70 of draft PS) which relates to settlement hierarchy: "provide for approximately 11,000 new homes by 2035 across a mix of housing type, size and tenure in accessible locations", the housing allocation set out in Table 7 of the dPS is different and this is further discussed below.

## **Strategic Designation SETT1**

### **Settlement Hierarchy**

16. The Department welcomes the overall approach to the spatial strategy's four tier hierarchy on the basis that it is expressed to be in accordance with the guidance set out in the RDS and SPPS. The resultant 84 settlements are classified within the tiers at Table 5 under SETT 1 Settlement Hierarchy of the dPS. Newry is identified as the city and Downpatrick the main town. There are eight local and small towns including the new designation of Saintfield, Killyleagh and Castlewellan which were uplifted from villages to local and small towns. These settlements have larger populations than most of the legacy villages and also serve a wider hinterland with a strong level of service provision including employment, retail and community facilities. A further 23 villages and 51 small settlements are identified. The Department notes the approach has been informed by the RDS 2035 Hierarchy of Settlements and Related Infrastructure Wheel in evaluating the role and function of settlements within each tier. Also noted is the proposal to reduce the village tier of the settlement hierarchy from 28 in the legacy Area Plans to 23. Council indicate that this reduction is as a result of settlements being reclassified to and from Tier 2 (local and small towns) and to Tier 4 (Small Settlements). The Council should ensure that the appraisal of the role and function of these settlements supports this decision.

17. There are 51 small settlements designated under the fourth tier with the majority of these being carried forward without any change in the hierarchy tier. The Council has stated that within this small settlement grouping, 14 are identified as multi-nodal with services and populations separated across a number of clusters of development, while nine of the existing small settlements have populations of less than 50 with a number appearing to have very limited service provision included within them. The Spa, Shrigley and Attical have been reclassified from villages to small settlements. This reclassification has been made following an evaluation of service provision and population size. As a result of changing circumstances in some rural areas, including the closure of local schools or businesses, some settlements which previously met the criteria for designation as small settlements can no longer justify this designation. Following a full review of existing settlements, Carrickinab, Derryboye, Drumaghlis and Tullyherron have been declassified from small settlements to open countryside. The Council should ensure that the appraisal of the role and function of these settlements supports this decision.

## **Strategic Designation SETT2**

### **Settlement Development Limits**

18. The Department welcomes the approach of Council under SETT2 in that in the interests of sustainable development and the proper planning of the district, development limits will be defined for all settlements to maintain a clear distinction between built up areas and the surrounding countryside, to prevent coalescence, prevent urban sprawl and contain appropriately scaled new development within its limit.
19. The Department notes that the settlement development limits within the BNMAP 2015 and ADAP 2015 will remain (with the exception of the de-designated settlements) until they are reviewed at LPP stage.
20. Strategic Designation SETT2 Settlement Development Limits states that development will be granted for proposals within settlement limits, including zoned sites, provided the proposal is sensitive to the size and character of the settlement and it is in accordance with GP1 General Policy and any other relevant provisions of the LDP.

## Housing Strategy

21. The Department welcomes that the Plan Strategy identifies the Housing Strategy is a fundamental part of the SPS. The Department welcomes how the housing strategy sets out a vision for sustainable spatial growth in Newry, Mourne and Down, with a focus on creating quality places and improving health and well-being. The Department welcomes the alignment with the Corporate Plan 2024–2027 and the RDS 2035, particularly the emphasis on directing growth to urban centres while supporting rural communities. The reference to the regional brownfield target is also supported.
22. The Department welcomes the Plan's use of the SPPS and a wide range of data sources to inform housing allocation, including HGIs, Housing Needs Assessment (HNA), and urban capacity studies. The Department supports the review undertaken by Lichfields, which updates the HGI to reflect projected household numbers to 2035, resulting in a revised figure of 9,956 dwellings, rounded to 10,000 in line with departmental methodology. The inclusion of a 10% flexibility allowance, bringing the total housing requirement to 11,000 units, is endorsed and considered sound, consistent with approaches adopted in other council areas.
23. The Department welcomes confirmation that the RDS Housing Evaluation Framework (HEF) has been applied to assess settlement capacity and reaffirm the existing settlement hierarchy. The inclusion of both committed (with planning permission) and uncommitted (zoned) sites in the housing supply is supported. The Department notes that the total potential housing supply across the district, including Phase 2 sites, exceeds 8,500 units and acknowledges the inclusion of dwellings constructed between April 2020 and March 2023 in the overall assessment.
24. The Department supports the use of urban capacity studies and notes that most remaining capacity is located on the urban fringe. It welcomes the identification of over 5,000 potential homes within settlements and acknowledges the estimated windfall housing contribution of 641 units between 2023 and 2035. The sequential approach to housing land allocation is supported. The Department would, in addition, comment that sustaining rural communities is not simply about developing new housing in the countryside as housing growth

that exceeds the capacity of the environment, or the essential infrastructure expected for modern living, has the potential to be harmful to the living conditions of rural communities. RDS SPG13 is focused on sustaining a strong network of multifunctional towns as the prime location for business, housing, administration, leisure and cultural facilities that service the rural community living in towns and the open countryside.

25. The Department welcomes the reference to the NIHE Strategic Housing Market Analysis (SHMA) and Housing Investment Plan (HIP), which identify a social housing need of 2,234 units and intermediate housing demand of 1,570 units. The Department supports the Plan's housing requirement of 11,000 homes, which contributes to meeting the SHMA's medium growth projection of 10,630 units. However, it notes that this will not fully address the backlog, with social housing need in NMD accounting for 89% of emerging need—one of the highest in Northern Ireland. The Council will therefore understand that implementation of the policies that will assist in meeting this need should be closely monitored to determine that the policies are being effective. There will be further opportunities to zone additional sites for affordable housing at the next stage of plan preparation.

### **Strategic Policy HS1 – HS3 & Countryside Strategy**

26. The Department overall supports the strategic objectives and policies HS1–HS3 and welcomes the Countryside Strategy's emphasis on and promoting sustainable rural development while protecting landscape character. The Department would however make the following comments.
27. In respect of HS1, the Department broadly agrees with the housing land allocation shown, noting that 65% is allocated to cities and towns. The Department would however recommend that the Council clarify the reason for the difference between the housing requirement of 11,000 units and the total land allocation in Table 7 (12,025–12,863 units). To better explain the relationship between the housing requirement and the Indicative Strategic Housing Land Allocation the Council may wish to consider including supply figures adjusted with the non-implementation allowance as contained in the 'expected delivery column in Table 31 of Technical Supplement 2. The Council



should also ensure correct referencing between tables. The nature of the adjusted housing supply of between 12,025 - 12, 863 appears to be explained by Table 31 of Technical Supplement 2 and not Table 7 as stated in the draft PS. Council should also review the use of asterisk to distinguish between settlement allocations that include Phase 2 land and the countryside.

28. In respect of policies HS2 and HS3 the Department supports these approaches as taking account of the SPPS. They help ensure that designated housing land is safeguarded to meet identified needs. It welcomes the inclusion of ancillary uses that enhance community cohesion, accessibility, and sustainability, contributing to integrated and high-quality living environments.
29. The Department welcomes the approach of policy HS3 which reflects the SPPS and PPS12 Housing in Settlements and provides a strategic approach that aligns supply with housing need over time. As set out above, phasing must be implemented as part of a plan, monitor and manage approach that provides the necessary flexibility and responsiveness. The Department welcomes the flexibility that, where it is demonstrated that there is insufficient Phase 1 housing land to meet affordable housing needs, and where this is supported by the NIHE, the release of Phase 2 land will be permitted for affordable homes. The Department notes and agrees the approach within Villages and Small Settlements.
30. The Department supports the strategy's aim to revitalise rural communities while protecting significant landscapes such as the Mourne, Carlingford and Strangford Loughs, and the Ring of Gullion. It welcomes the alignment with RDS and SPPS, particularly the emphasis on sustainable growth, high design standards, and the protection of natural resources. The strategy takes account of regional guidance and appropriate for managing rural development.

## **Economic Development Strategy**

31. The referencing to the RDS and SPPS for context is welcomed. The University of Ulster and CBRE were engaged by the Council to aid in their understanding of employment in the district. Strategic Employment Locations (SELs) are allocated for the principle settlements with an additional SEL considered necessary by the Council for Newry due to the development of Carnbane. The

Department notes that the Council have committed to a further review of the economic development land allocation which will be undertaken at LPP stage.

### **Strategic Policy EDS1 Employment Land Allocation**

32.A presumption in favouring protecting SELs is welcomed. Other local employment land allocation figures are denoted in the Table 9 for each settlement, but these will have to be allocated to specific sites at LPP stage. The Council may wish to consider inclusion of policy objectives and key site requirements indicated for their strategic sites.

### **Strategic Policy EDS2 Protection of Economic Development Land**

33.Strategic Policy EDS2 has a presumption in favour of protecting economic development land and buildings with three exceptions, including ancillary retail or commercial development. The Council will need to ensure that this ancillary provision can be controlled effectively to avoid potentially undermining other plan objectives such as those designed to control retail development. Where a mixed-use development is proposed it is welcomed that a significant element of economic development should be included.

### **Retail Strategy**

34.The strategic policy is welcomed giving a context to the regional position and to the available capacity for comparison and convenience retail space in the district. The conclusion is noted that the qualitative or quantitative assessment of leisure need didn't identify any significant gaps.

35.The retail study has identified vacancy trends, district retention spending patterns and future capacity comparison/convenience floorspace along with consideration of on-line sales growth. The Department notes the hierarchy in Strategic Policy RS1 (Retail Hierarchy) is considered reflective of the Council area with no district centre's denoted.

## Tourism Strategy

36. The Tourism Strategy acknowledges the importance of tourism in the Council's Corporate Strategy and Community Plan and the role that the LDP has to play in managing tourism related development through policies that provide a framework for opportunities whilst also safeguarding tourism assets from harmful development .
37. The strategy provides a useful overview of the various tourism assets in the district and recognises tourism as a key element in supporting sustainable economic growth alongside the promotion of healthy lifestyles in line with RG 4 of the RDS, The LDP objective aspires to support the district as a major leisure destination which promotes sustainable tourism initiatives underpinned by tourism infrastructure in appropriate locations through Strategic Policy TS1. This overarching policy also seeks to protect and safeguard existing tourism assets and contribute to sustainable economic development, urban regeneration and conservation in line with the regional strategic objectives of the SPPS (paragraph 6.256) and provides a helpful synopsis of the operational policies that will assist in this task.

## Infrastructure

- C1      *Did the Council take account of the Regional Development Strategy?***
- C3      *Did the Council take account of policy and guidance issued by the Department?***
- CE2    *The strategy, policies and allocations are realistic and appropriate having considered the relative alternatives and are founded on a robust evidence base.***

38. RDS RG1 seeks to ensure an adequate supply of land is provided to facilitate sustainable economic growth and that land should be accessible and located to make the best use of services.
39. The SPPS at paragraph 3.5 states that in furthering sustainable development it is important to manage housing growth in a sustainable way, placing particular emphasis on the importance of the inter-relationship between the location of

local housing, jobs, facilities and services, and infrastructure. It is similarly important to successfully integrate transport and land use generally in order to improve connectivity and promote more sustainable patterns of transport and travel.

## **Transport Strategy**

40. The LDP Transport Strategy is provided in the context of the Department's Local Transport Study (LTS) and the Strategic Policy context references the RDS 2035, the Regional Transportation Strategy and the SPPS which emphasise the importance of sustainable patterns of development and sustainable forms of transport and accessibility and road safety for all.
41. The LTS 7 transportation objectives are linked to the objectives of the LDP (detailed at page 121 of the dPS). In line with regional policy the LTS seeks to secure improved integration with land use planning by setting out a range of measures for active travel, public transport and roads with links to the Regional Strategic Transport Network Transport Plan. The LTS measures (detailed on page 122) will generally be focussed on the City and main towns of the District. The Department welcomes the reference to the accessibility of settlements as part of the housing evaluation framework, which will inform the suitability of zonings at LPP and that the LDP seeks to focus new development where it is most accessible.
42. The Department would encourage continued positive engagement with the Transport Planning and Modelling Unit on the LTP.

## **Utilities Infrastructure**

43. The Department notes the Telecommunications and other Utilities Strategy which seeks to achieve a balance between supporting the delivery of improved telecommunications and utilities infrastructure in a way that minimises the environmental impact of such development.
44. In relation to utilities infrastructure, the Council acknowledges the capacity constraints to both Wastewater Treatment works and the network in the area and the Department would encourage the Council to liaise closely with NIW to

identify solutions where possible. This includes the updating of Appendix F of Technical Supplement 9 of the dPS.

45. The Department welcomes the approach to the management of Housing Supply in Strategic Policy HS3 through the phasing of development and would emphasise the importance of using the most up to date evidence from statutory providers to inform and support the policy approach.

## **Cross Boundary Working**

***C1 Did the Council take account of the Regional Development Strategy?***

***CE1 The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils.***

***CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.***

46. As set out earlier in this response, the Department acknowledges and supports the LDP objective which is to seek to facilitate the role of Newry City in its role as the South Eastern City Gateway which is reflective of the RDS paragraph 3.83.

47. The Department acknowledges the Council's evidence paper on Cross Boundary Engagement (June 2025) which highlights the requirement for the Council to ensure that its DPD is not in conflict with that of neighbouring councils.

48. This paper identifies the 5 neighbouring Councils and details the ongoing engagement that has been undertaken with individual councils and collectively at various forums which provide the opportunity for discussion and collaboration on a range of issues. These include the Development plan working group, the Minerals working group, and the Cross border development plan working group. The paper also details the LDP context within the neighbouring council areas

and the awareness of this policy context is noted. The Department is supportive of this ongoing work.

49. Many of the district's landscape and tourism assets often transcend council areas and the border and so the management of these assets and the landscape in general cannot be undertaken in isolation. Mutual cooperation on both these issues is important and ongoing close working with neighbouring councils in the north and south is encouraged. Collaborating across boundaries will be crucial to successful spatial planning both sides of the border.

## **Coastal Development Strategy**

50. DfI acknowledge the local context to the district provided in the Council's strategic and operational policies for the coast. The NI 3D Coastal Survey from 2021/22 mapped the entirety of the Northern Ireland coastline. A pilot bathymetric LiDAR survey was also undertaken at this time within the Dundrum Bay to ascertain how successful this methodology would be to map the nearshore area. Based on the findings from this pilot, DAERA has now mapped the entirety of the nearshore area (0-10m depth) for all of Northern Ireland and this data will be available early 2026.
51. In order to identify change at the coastline, DAERA did a repeat coastal LiDAR survey of the entire Northern Ireland coastline during summer 2025 and this data is currently being processed and validated. Once this data is finalised this data will assist in identifying how the coastline has changed over the 3-4 year period.

## **Climate Change**

- C1      *Did the Council take account of the Regional Development Strategy?***
- CE1    *The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils.***

**CE2      *The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.***

52. Councils have a critical role in helping the Northern Ireland Executive achieve its net zero climate goals, in particular reducing CO2 emissions and adapting and transforming services. Therefore, the Department welcomes actions included within the Council's draft Plan Strategy to reduce greenhouse gas emissions, in line with the Executive's ambitious climate targets, as set out in the Climate Change Act (Northern Ireland) 2022, including through more sustainable forms of transport and by reducing the need for use of the private car.

53. The UK's Third [Climate Change Risk Assessment \(CCRA3\)](#) recognises the important role partnership working and collaboration plays in building a climate resilient Northern Ireland. Councils are uniquely placed to utilise their knowledge of local risks to build climate resilience into their local communities. DfI therefore welcome the Council's commitment to publish both a Climate Change and Sustainable Development Strategy and a Local Climate Change Adaptation Plan. The Department acknowledges actions in the dPS to adapt to the impacts of climate change, including through the provision of sustainable drainage solution (hard or soft SuDS) for the management of surface water run-off. Further comments have been provided in the response from the Department's Sustainable Drainage Division.

54. Councils also have a key role to play in delivering biodiversity including through their land management and operational activities, through partnership working including and through the Community Plan. The Department therefore welcomes the objective in the draft Plan Strategy to: Protect and enhance the historic Environment and Natural Heritage. The Department also notes the actions included in the dPS to promote biodiversity in line with the Environmental Improvement Plan for Northern Ireland, which aims to provide a coherent response to the global challenges of climate change and biodiversity loss and to address biodiversity and climate simultaneously.

55. The Department recognises its obligations in supporting the wider efforts of the Executive in the transition to net zero emissions as set out in the Energy

Strategy, its Action Plan, and the Climate Change Act (Northern Ireland) 2022. The SPPS provides regional strategic planning policy for a range of land uses and must be taken into account by planning authorities when bringing forward their Spatial Growth Strategy within their Local Development Plans (LDPs).

56. Furthering sustainable development, including mitigating and adapting to climate change, is at the heart of the SPPS. This includes the need to reduce emissions of greenhouse gases that contribute to climate change and to respond to the impacts brought about by climate change.
57. The Department welcomes the approach of Council outlined on page 55 under SP1 Sustainable Development and Climate Change:
58. *“The Plan Strategy aligns with regional policy contained in the Strategic Planning Policy Statement for Northern Ireland (SPPS) which requires consideration of the interrelationship between the location of local housing, jobs, facilities and services and infrastructure to further sustainable development. The Spatial Growth Strategy seeks to ensure that development occurs in the right place and in a sustainable way.”*

## **Call for Evidence on a potential review of the SPPS in relation to Climate Change**

59. Last year, DfI carried out a call for evidence on a potential focussed review of the Strategic Planning Policy Statement (SPPS) to ensure that it supports the climate change agenda.
60. The responses have now been analysed and will help to inform the options for a potential review of the SPPS in relation to climate change for the Minister’s consideration in due course.

## **Renewable Energy Strategy**

61. The SPPS seeks to facilitate the siting of renewable energy generating facilities in appropriate locations in order to achieve renewable energy targets and realise the benefits of renewable energy without compromising assets of acknowledged importance. Whilst it is noted at page 133 of the dPS that *‘detailed locational criteria identifying areas that are most appropriate for renewable energy development’*, will be fully indicated in the Local Policies Plan



stage and that, *‘a presumption in favour of renewable energy developments will apply, however in areas designated for their landscape value, such as AONBs, a cautious approach will continue to apply, especially in relation to visually dominant proposals which should be avoided in such landscapes’*. It is unclear the level of renewable energy development that can be achieved given the unknown cumulative impact from the various restrictive spatial designations. It would have been more beneficial if the full extent of these identified areas were shown in the Plan Strategies Appendix 4 in combination with Proposal Maps 4 (ACMD), 5 (SCAs) and 6 (undeveloped coastline).

## **Review of the SPPS – Renewable and Low Carbon Energy**

62. The review of the SPPS is at an advanced stage of completion, and it is expected that the revised policy will be published as soon as possible, following Executive Committee agreement.
63. The Council will be aware that policy making does not happen in a static environment and any new policy which results in an amendment to the SPPS must be taken into account by the Council in their local policy development and/or in a future review of their plan documents. The SPPS, including an amendment to it, is a material consideration which must be taken into account in plan-making and decision taking.

## **Flood Risk and Drainage Strategy**

64. DfI welcome the references to the RDS and SPPS under the Strategic context, Climate Change and the reference to the precautionary approach. DfI also welcome the local context to the areas within this district which have been susceptible to flooding and also the references to the alleviation schemes, phased work programmes and feasibility study that is underway. It is also acknowledged that the operational flood risk and drainage policies largely retains existing planning policy statements but have also updated to include the most current Climate Change predictions.

## Monitoring

**CE3**      *There are clear mechanisms for implementation and monitoring.*

65. DPPN 06 states that ‘monitoring is essential for the delivery of the DPD and should provide the basis to trigger any requirement to amend the strategy, policies and proposals of the DPD.’ A Council may revise its Plan Strategy or Local Policies Plan at any time (after adoption) or by direction by the Department. This requires Councils to keep under review the implementation of DPDs to ensure that LDP objectives are being met. The Department notes the monitoring framework for the dPS and welcomes the range of issues identified.

## Extant planning guidance

66. The Department has clarified its position on the future of extant planning guidance and the Council should consider this in relation to references within the draft Plan Strategy.

67. The Department’s website now sets out which guidance has been withdrawn, which will cease to have effect in a council area once the Council adopts its plan strategy and which guidance is retained, unless and until replaced by the Department. In relation to guidance which will cease to have effect when the Council adopts its Plan Strategy, it is considered that this affords councils the opportunity to prepare local guidance on such matters, if so desired. Additional comments in relation to guidance are provided in Annex 1.

68. Further detail on each piece of guidance can be found at: [www.infrastructure-ni.gov.uk/articles/guidance-update](http://www.infrastructure-ni.gov.uk/articles/guidance-update)

## NMDDC Supplementary Planning Guidance

69. The Department welcome the Council’s decision to publish draft Supplementary Planning Guidance alongside the draft PS consultation. It is important in assisting in the policy understanding and implementation. The Department has made a number of comments in relation the draft SPG in Annex 1 to this response.

## **GP1 General Policy**

1. The Department considers bullet 4 under ‘Safety and Safeguarding of Human Health, Wellbeing and the Environment’ would benefit from reference to suitable mitigation and remediation, to align with the J&A.

### **Housing in Settlements**

#### **Policy HOU1 - Quality in Residential Development**

2. The Department welcomes inclusion of criterion (h) under Policy HOU 1 however would draw Council’s attention to the following: “Development classed as major should include measures to provide at least 10% of the development’s energy demand from on-site renewable energy sources...” Whilst the Department welcomes the inclusion of a 10% threshold the Council should be clear about the evidential basis for this figure as it is unclear from the supporting Technical Supplements. Clarification on what constitutes “major development” is also required as referred in footnote 146, page 169 of the draft PS.
3. The Department welcomes the inclusion of the J&A fourth paragraph (page 169) under “Layout considerations”. In view of the Climate Change Act (Northern Ireland) 2022, which sets targets for the reduction of greenhouse gas emissions, there is scope to reflect how building design and housing layout can contribute as a passive means of mitigating climate change by helping to lessen energy consumption thereby reducing carbon emissions.
4. The J&A included under “Local Neighbourhood Facilities” on page 169 of the draft PS is welcomed. The first sentence reads: “The provision of local facilities within residential development is one of the means to increase vitality, provide a sense of community, and enhance the social and economic sustainability of the development.” The Department considers that this provision could also enhance environmental sustainability by reducing the need to travel to access services.
5. The third sentence under “Local Neighbourhood Facilities” reads: “The need for local neighbourhood facilities to be provided in conjunction with proposals for new residential development will be assessed by the Council in consultation

with relevant bodies, generally as part of the development plan process, through key site requirements at the Local Policies Plan stage.”. DfI would suggest that the word “and” should be inserted following “the development plan process”.

6. The Department welcomes the J&A entitled “Supportive Infrastructure” on page 171 of the draft PS. While it is not necessary for all infrastructure to be in place at the point of submitting a planning application for housing provision, there should be agreement from statutory infrastructure providers that solutions are available. In the case of wastewater treatment infrastructure there is a need to have regard to other considerations such as the capacity of any receiving watercourse, and this may be a limiting factor even if on-site treatment solutions are available.
7. The Department notes specific mention of backland development within Policy HOU 1 and the supporting SPG. Council should be satisfied that sufficient SPG is provided for subcategories of backland development e.g. tandem development.

## **Policy HOU2 - Design Concept Statements and Concept Masterplans**

8. The Department notes and welcomes the thresholds given under HOU2 for when a Concept Master Plan will be required.
9. “A Design and Access Statement may also be required for residential development in accordance with Article 6(1) of the Planning (General Development Procedure) Order (Northern Ireland) 2015. Where a Design and Access Statement is required, it will be sufficient to incorporate this into a Design Concept Statement.” The Department agrees with this approach as long as the combined statement meets the requirements of both Design and Access and Design Concept and this is clearly stated within the document.
10. The Department welcomes reference to the documents “Creating Places – Achieving Quality in Residential Developments’ and ‘Living Places – An Urban Stewardship and Design Guide for Northern Ireland”.
11. The Department would wish to highlight to Council that the SPPS directs LDPs at paragraph 6.142 to “include as supplementary planning guidance Concept

Master Plans for major developments sites.” Council should be satisfied that this is taken forward at LPP stage.

### **Policy HOU3 - Residential Extensions and Alterations**

12. The Department notes the detailed J&A on “Ancillary Accommodation and People with Disabilities” however would caution against any unintended consequences, of additional residential opportunities. The Reference to the planning condition being placed on the planning approval provides assurance “Where permission is granted, it will be subject to a condition that the extension will only be used for ancillary residential purposes in connection with the main dwelling, and not as a separate unit of accommodation.”
13. The Council may wish to signpost the J&A on rural design under HOU3 with policies COU9 and COU10 and vice versa.
14. The Department notes and welcomes the definition of “domestic curtilage” provided by Council in the draft PS on page 176 and reference made to the provision of SPG for Residential Extensions and Alterations.

### **Policy HOU4 - Conversion or Change of Use of Existing Buildings to Flats or Apartments**

15. The exclusion in the draft PS of reference to external alterations in facilitating the conversion of existing premises to residential use is noted. It should be emphasised that such changes will only be permitted where they are in keeping with the host building and the character of the surrounding area.
16. The Department would highlight to Council that the word “the” has been omitted before “neighbourhood” from the second sentence of the third J&A paragraph on page 177 of the draft PS.
17. The Council’s reference to the preparation of LDP SPG for Housing in Existing Urban Areas is welcomed.

### **Policy HOU5 - Affordable Housing**

18. DfI would suggest that the first paragraph of the policy is revisited by Council to provide coherence. Consideration should be given to removing the criteria and instead amend to suggested lines as follows; “Residential development

proposals will only be approved where at least 20% of the units are provided as affordable housing. This requirement applies to sites within Newry City and the district's towns where the site area is 0.5 hectares or more, or the proposal includes 10 or more dwellings; and to sites within villages and small settlements where the site area is 0.2 hectares or more, or the proposal includes 5 or more dwellings."

19. The Council should reconsider and amend the sixth paragraph under HOU5 on page 179 of the draft PS. "Similarly, where there is a phased approach to the development of a site, applications which show the entire affordable housing element included within subsequent phases will not be granted. Discussion should take place with the Council at the outset of the process to ensure that the affordable housing requirement can be developed in a comprehensive way throughout the scheme". The J&A on page 181 of the draft PS indicates that where a phased approach is being considered, the concept masterplan should detail the comprehensive planning of the site and how the affordable obligations should be met. There appears to be a contradiction between the policy and the J&A and it appears the word "not" in the policy should be removed.
20. Council may wish to add to the final paragraph of the policy that the S76 agreement should be in place in advance of planning permission being granted.
21. The Department welcomes inclusion of the definition of affordable housing as updated in April 2021 by DfC.
22. Consideration should be given to inserting a line into HOU5 to address the issue that sites below the normal thresholds as detailed, may also need to provide affordable housing if there is an identified localised need.
23. The Department welcomes reference to "should not be distinguishable" in ensuring consistency and coherence of policy with its J&A. The Department would also suggest that affordable housing should be interspersed amongst the housing market to ensure that it is not distinguishable.

### **Policy HOU6 - Housing Type, Size and Tenure**

24. Achieving balanced communities and strengthening community cohesion is one of the major themes underpinning the RDS. The first regional strategic objective for housing in settlements set out in the SPPS is to "manage housing

growth to achieve sustainable patterns of residential development”. The SPPS reinforces the role of planning in the delivery of good quality housing that supports the creation of more balanced communities which can contribute positively to the creation and enhancement of shared spaces and vice-versa. At paragraph 4.16 the SPPS directs how “offering a variety of house types, sizes and tenures in housing schemes will therefore help with meeting the diverse needs of all the community and enhance opportunities for shared neighbourhoods.”

25. The SPPS further directs that “the provision of good quality housing offering a variety of house types, sizes and tenures to meet different needs, and development that provides opportunities for the community to share in local employment, shopping, leisure and social facilities, is fundamental to the building of more balanced communities.”
26. The Department would highlight to Council that at paragraph 6.142 the SPPS sets out the requirement that LDPs “where justified, specify those sites or areas where the development of certain house types or a mix of house types will be required.” The Department would therefore encourage the council to consider the role for the LPP in specifying the type of housing required on specific sites identified in the subsequent LDP document.

### **Policy HOU7 Adaptable and Accessible Homes**

27. The Department supports the overarching aim of Policy HOU7 to increase the adaptability and accessibility of new housing stock across all tenures. The wording of the policy could be amended to improve clarity regarding the specific standards sought. For example, while the policy highlights that “due consideration” should be given to factors such as internal room layout “to ensure dwellings are adaptable to as wider a range of people as possible, or capable of future adaption”, it is unclear from the policy wording what design elements are being required to support this adaptability/future adaptability. The J&A does not provide additional amplification when it states that “design should incorporate features which allow for flexible living over the lifetimes of the occupants” without providing examples of features. While the J&A is clear that “the policy is not intended to meet the full lifetime home standards” this

statement does not provide clarity on the standards new dwellings are expected to meet to make them adaptable/capable of adaption.

#### Supplementary Planning Guidance on Accessible Homes

28. The policy requires dwellings “capable of providing accommodation that is wheelchair accessible”, *‘in accordance with space standards for wheelchair housing set out in the LDP Supplementary Planning Guidance’.. The SPG Wheelchair Access Standards (Appendix B) appear based on the Department for Communities ‘Annex A – Specific Wheelchair Housing Design Standards’ but with many of the standards deleted. The Standards in Appendix B do not include space standards as implied by the policy wording and instead mainly relate to external access provisions. details space standards for all dwellings and does not relate to wheelchair space standards specifically. What specific space standards in the SPG is the policy text referring to?*
29. The general wheelchair access standards in Appendix B of the SPG refer to the ‘Adaptations Design Communications Toolkit’ however this document was revised and updated in 2022 and is now referred to as the ‘Interdepartmental Housing Adaptations Design Toolkit’. The provisions also relate to extensions and adaptations proposed to existing dwellings and it is therefore unclear how this aspect of the SPG can be applied to assessment of development proposals for new dwellings. The Department considers that the policy would benefit from clearer articulation of the standards expected for both new dwellings and adaptations.

#### **Policy HOU8 Specialist Residential Accommodation**

30. The Department broadly supports the policy approach to specialist residential accommodation, particularly the requirement for proposals to be supported by a statement of specialist housing need. However, the Department is concerned regarding the provision that allows development outside settlement limits where it is “clearly demonstrated” that a countryside location is necessary to serve an identified need. It is unclear from the policy how this could be demonstrated. Given the policy’s emphasis on access to services such as public transport and healthcare, the Department recommends that the policy should implement a sequential approach. This would require applicants



to first demonstrate that no suitable site exists within a nearby settlement, and if none is available, prioritise edge-of-settlement locations over open countryside. Such an approach would better support the policy's objectives around access to facilities and services and promote sustainable patterns of development.

### **Policy HOU9 Accommodation for the Travelling Community**

31. The Department welcomes the inclusion of Policy HOU9, which provides a framework for accommodating the needs of the travelling community. The policy reflects the retained provisions of PPS12 (Amended HS3) and includes additional detail regarding environmental considerations and infrastructure requirements, such as sewerage, drainage, access and road safety. The Department also supports the reference to the Department for Communities' Design Guide for Travellers' Sites in Northern Ireland, which adds clarity and consistency to the policy's implementation.

### **Housing in the Countryside**

#### **Policy COU1 Dwellings in Existing Clusters**

32. The Department supports the policy's approach to permitting dwellings within existing clusters, subject to clear criteria that ensure visual cohesion and integration into the landscape. It welcomes the clarification that eligible sites must be directly bound by other development on at least two sides and that separation by a laneway renders a site ineligible. This emphasis on physical and visual cohesion is considered appropriate. The Department recommends that the policy be strengthened by including a reference to the protection of residential amenity.

#### **Policy COU2 Replacement Dwellings**

33. The Department supports the policy's alignment with PPS21 CTY3 and welcomes the additional requirement for a structural engineer's report when replacing non-listed vernacular buildings. Also welcomed is the policy's reference to retaining existing structures to reduce carbon emissions. The Department strongly supports the clarification that the installation of domestic

features or the rebuilding of ruinous structures will result in the refusal of planning permission.

34. However, the Department would recommend reconsideration of the J&A (first paragraph, last sentence) allowing replacement of 'rebuilt structures' where "verifiable evidence" of past residential use is presented. This aspect of the J&A does not take account of the SPPS and has the potential to undermine the core principle of the Council's own policy approach which aligns with the SPPS and is a physical test of dwelling 'features' and of how much of the original dwelling structure remains. Allowing the replacement of 'rebuilt' structures where verifiable evidence of past residential use is presented, contradicts this test and could inadvertently reward, and therefore encourage, unauthorised development. The Department recommends deletion of this sentence. Additionally, the policy should include a reference to ensuring safe access to the public road to avoid prejudicing road safety or traffic flow.

### **Policy COU3 Affordable Housing in the Countryside**

35. The Department welcomes the inclusion of a policy to support affordable housing in the countryside and notes that it broadly aligns with PPS21 CTY5. The Department supports the tailored approach that permits up to 20 units adjacent to villages and 14 units adjacent to small settlements. While inclusion of a sequential test is also endorsed, the Department recommends that the J&A provides further clarity on the status of eligible housing providers, particularly those described as "community-led" or "not-for-profit" organisations supported by NIHE. This is a departure from PPS21 and SPPS and it is not sufficiently clear what is meant by 'supported by NIHE' or "community led" and "not for profit". Without clear definitions, there is a risk of unintended consequences which could potentially undermine the policy's intent to deliver genuinely affordable housing.

### **Policy COU4 Personal and Domestic Circumstances in the Countryside**

36. The Department supports the inclusion of this policy, which reflects PPS21 CTY6, and welcomes the emphasis on long-term, site-specific needs that must be compelling and demonstrate genuine hardship if refused. The

Department also supports the clarification that temporary accommodation will be favoured where the need for care is short-term, which appropriately limits the scope of permanent development under this policy.

### **Policy COU6 Ribbon Development**

37. The Department supports the policy's alignment with PPS21 CTY8 and welcomes the Council's tailored approach, including more precise definitions. In particular, the Department endorses the reference to plot width as a criterion for evaluating integration and the use of Supplementary Planning Guidance such as "Building on Tradition" to guide design and siting.

### **Policy COU8 Dwellings on Farms**

38. The Department supports the policy's broad alignment with retained policy PPS21 CTY10 and welcomes the detailed criteria, including the requirement for the farm business to be active and established, and the restriction to one dwelling every ten years. Particularly welcome is the additional guidance in the J&A regarding evidential requirements and the definition of an "established group of buildings." Also noted is the clarification that only commercial horse breeding qualifies under this policy, excluding other equine activities. The revised definition of "sold off" is noted and appears to introduce significant additional flexibility by excluding transfers to family members via wills or nominal fees from the definition of 'sold off'. This has the potential to allow more than one dwelling to be built on the farm every ten years. The Council should be satisfied that this relaxation is compatible with the allowance it has made for the number of dwellings likely to be built in the countryside over the period of the plan.

## **All Development in the Countryside**

### **Policy COU9 Design and Integration of Buildings in the Countryside**

39. The Department supports the policy's requirement for proposals to be accompanied by a statement demonstrating how they have taken account of the SPG "Building on Tradition", as well as the emphasis on respecting local

design traditions and integrating development into the landscape. However, the Department notes potential overlap between the statement required by the policy wording and the Design Concept Statement referenced in the J&A. The Council should clarify whether these are separate requirements or intended to be combined.

## **Health, Education and Community Facilities**

### **Policy CF1 Community Facilities**

40. Paragraph 1 of this policy states, ***“Planning permission may be granted for new Community Facilities within settlements, unless it is clearly demonstrated that a countryside location is necessary to serve a local rural population.”*** It is unclear from the policy how this would be demonstrated.

41. Given the policy’s emphasis on access to services such as public transport and community facilities, the Department recommends that the policy should implement a sequential approach. This would require applicants to first demonstrate that no suitable site exists within a nearby settlement, and if none is available, prioritise edge-of-settlement locations over open countryside. Such an approach would better support the policy’s objectives around access to facilities and services and promote sustainable patterns of development.

## **Economic Development**

### **Policy ED1 Economic Development in Settlements**

42. The Department notes the Council’s policy is reflective of regional policy and welcomes the 200sqm threshold for villages and small settlements.

43. The Department welcomes the alignment of the Council’s Economic Development policies ED2-8, reflecting the regional strategic policy provision.

## **Town Centres and Retailing**

### **Policy RET1 Town Centre First**

44. The inclusion of the Primary Retail Core within the sequential approach (in order of preference a-d) could provide more clarity in respect of the policy and the Council may wish to consider this.
45. SPPS paragraph 6.280 refers to a sequential approach for application for main town centre uses. This policy refers to complementary uses and then other main centre uses. It may be beneficial to clarify what is meant by both terms.

### **Policy RET2 Primary Retail Core and Primary Retail Frontage**

46. The introduction of this policy is welcomed and the Department notes the reference to support non-retail and other main town centre uses on upper floors.

### **Policy RET3 Retail Impact Assessment and Assessment of Need**

47. The Department considers reference to 'Assessment of Need' in the first paragraph could be stated in full, in order to reinforce the significance of this test to be applied by an applicant. It is recognised that the Council has chosen a lower threshold than 1,000 sqm (750sqm and 500sqm) put forward in the SPPS, however the SPPS does allow for flexibility by a Council to set an appropriate threshold for their area, above which all applications for such development should be accompanied by an assessment of retail impact and need. This approach would reflect the strategic retail policy that identified a relatively modest excess capacity available.

### **Policy RET4 Retail Development Outside City and Town Centres**

48. This policy aims to control smaller convenience shops outside the town or city centre, within the settlement limit, with a 200sqm maximum provision, and may be conditioned.
49. This policy does not provide for shops of this scale located within local centres, as the policy framework for this would be considered under RET 5.

50. The Council may wish to clarify that, “Proposals for a convenience retail facility at a roadside service facility which exceed 200 square metres gross external area”, are for those within a settlement. Proposals of this nature outside of the settlement limit would then be considered under RET 6 or 7.

### **Policy RET7 Retail Development in the Countryside**

51. The Policy uses the term ‘normally’ be required to locate within existing buildings as opposed to, “should be required” as per SPPS. Roadside Services Facilities which include Petrol Filling Stations (PFS). PFS and rural shopping provision contained in this policy is generally considered reflective of SPPS. Whilst no thresholds for farm shops are set out in Para 6.279 of the SPPS, the Council policy reflects the reuse of extant structures and the small scale considered suitable at these locations.
52. The Department welcome ‘Retailing’ will be directed to the centres within the retail hierarchy, and the development of inappropriate retail facilities in the countryside will be resisted.
53. The cross reference with the protected routes policy is welcomed.

### **Tourism Development**

54. The Department welcomes the alignment of the Council's Tourism policies TOU 1,2,4-6,8 reflecting the regional strategic policy provision.

### **Policy TOU3 Hotels, Guest Houses, B&Bs, Tourist Hostels and Bunkhouses in the Countryside**

55. The Department welcomes the inclusion of Bunkhouses within policy TOU3, a relatively new form of tourism accommodation established by the Tourism (Northern Ireland) Order 1992 and subsequent amendment via the categories of Tourist Establishment Order (Northern Ireland) 2011 which the evidence base confirms are prevalent within the District. The addition of a separate criterion for conversion and re-use of an existing rural building is also welcomed which provides further opportunities for tourism accommodation in the countryside in line with the wider sustainability objectives of paragraph 6.260 of the SPPS.

56. It is, however, noted that proposals for a new hotel in the countryside must demonstrate a 'substantial' benefit to tourism as opposed to an 'exceptional' benefit to the tourism industry as is required by paragraph 6.261 of the SPPS. This states that "Major tourism in the countryside may be provided for in exceptional circumstances. Proposals must demonstrate exceptional benefit to the tourism industry and sustainable benefit to the locality and that a countryside location is required by reason of its size or site specific functional requirements". It would therefore be useful for the Council to further explain what it is likely to deem 'substantial'. While proposals for a new hotel in the Countryside might also be considered to be major tourism development and therefore could be considered under policy TOU 4, this might not always be the case; and it is not clear to the reader, how this would be distinguished. The policy would therefore benefit from further expansion in this regard. Although the policy endeavours to group a range of tourism accommodation; for clarity purposes and ease of implementation, the Council may wish to separate out the considerations relating to the various tourism accommodation types so that impact on the countryside can be fully determined. It is also noted in the J&A that Tourism NI will be consulted for developments of a significant scale. It would be useful to indicate to the reader what the threshold for such consultation is likely to be.

### **Proposed Policy TOU7 New and Extended Glamping Accommodation in the Countryside**

57. The Department welcomes policy TOU7 which sets the provisions for proposals for new, small-scale glamping accommodation or an extension to an existing site in the countryside. The Council may wish to consider removing reference to 'specific' in the last line of the first paragraph in order to be consistent with the wording of other tourism policies. The Department welcomes the list of various glamping accommodation and the explanation of what is considered to be small in scale in this regard. Also acknowledged is the flexibility built into the policy to allow for consideration of new forms of glamping accommodation as and when they emerge. The Department considers it would be appropriate for clarity to state at the start of the policy text that glamping accommodation

proposals which incorporate serviced units that can be defined as self-contained with serviced connections will be assessed under Policy TOU5 Self-Catering Accommodation in the Countryside rather than outlining at the end of the justification and amplification.

## **Minerals Development**

### **Policy MIN2 Areas of Constraint on Mineral Development**

58. The Department notes the policy is reflective of SPPS 6.155, third bullet point.

59. The Department acknowledges in line with paragraph 6.164 of the SPPS, policy MIN 2 lists two exceptions where minerals development may be granted planning permission within an ACMD. These are:

- a) for minor expansion of an existing mineral working; or
- b) where the mineral is of limited occurrence in NI and there is no reasonable alternative source outside the ACMD.

60. However, the 3<sup>rd</sup> paragraph of the J&A appears to introduce a further exception when it states ***“Exceptions to this policy may be made where the Council is satisfied that the proposed operations are short-term and the environmental and amenity implications are not significant.”***

61. Council should clarify if this represents a further exception related to the existing exceptions within MIN 2. For clarity, if this is intended as an additional exception, Council should include this exception within the policy box.

62. It should also be noted that it appears there is text missing in para 1 of J&A.

## **Transportation**

Please also refer to the comments provided by DfI TRAM Group.

### **Policy TRA1 Creating an Accessible Environment**

63. The Department welcomes policy references to cycle access but notes that there are no further references within the J&A to this specifically. Perhaps alongside referencing ‘pedestrians and wheelchair users’ cycling could also be referred to.



### **Policy TRA3 Access to Protected Routes**

64. Policy TRA3 refers to 'Petrol Filling Stations'. Given the requirements of the Climate Change Act, and moves towards more sustainable forms of travel with growing numbers of electric and hybrid vehicles and cyclists on roads; it may be more appropriate to reference 'Roadside Services' or 'Fuel Filling Stations' to reflect the variety of needs of roads users in line with the wider sustainability agenda as per paragraph 6.295 of the SPPS, and the Councils own strategic policy TRS1 which supports sustainable transport. It is also noted that retail policy RET5 refers to 'Roadside Service Stations'. The Council is reminded that terminology should be consistent throughout the draft Plan Strategy. Policy TRA3 should therefore be updated accordingly.

### **Policy TRA4 Protection of New Transport Schemes**

65. Policy TRA4 and the associated J&A refers to the 'LTP'. It would be useful for the reader to set out the full title of the LTP, Local Transport Plan, within policy TRA6 for clarity purposes.

### **Policy TRA5 Disused Transport Routes**

66. The J&A notes that many former transport routes have the potential for re-use either for transportation purposes or for recreation, leisure or tourism. The Council may wish to acknowledge that these can also be used for nature conservation purposes so that the J&A is consistent with the policy text and in line with paragraph 6.301 of the SPPS. The Department also welcomes the inclusion of a hyperlink to the DfI Protected Routes Map which is required to be included in the Local Development Plan by the SPPS, and which will be updated by DfI as and when necessary.

### **Policy TRA6 Transport Assessment**

67. Policy TRA6 assesses the traffic implications of a proposal likely to generate a significant volume of travel. This seems quite narrow in focus. The policy should be expanded to make clear that there are other instances which may warrant

the submission of a Transport Assessment including, amongst other circumstances, where proposals give rise to concerns over road safety.

### **Policy TRA7 Car Parking and Servicing Arrangements**

68. Policy TRA7 states that beyond areas of parking restraint identified in the Local Policies Plan, a reduced level of car parking provision may be acceptable, or preferable in certain circumstances. It is recommended that the Council removes 'or preferable' to be consistent with the DfI Transport Guidance.
69. In addition, it is noted that the policy refers to the 'DfI's published standards'. It would be helpful for the Council to set out the full title of the parking standards document alongside a footnote to a hyperlink to where the relevant information can be sourced is the case elsewhere in the draft Plan Strategy.
70. The policy also highlights that 'proposals involving car parking in excess of DfI's published standards or which exceed a reduction provided for in the Local Policies Plan will only be permitted in exceptional circumstances.' It would be beneficial for the Council to expand upon this point and indicate in the associated J&A.
71. Policy TRA7 also fails to acknowledge the need for development proposals to provide parent and child parking spaces as required by paragraph 6.301 of the SPPS. The Council may wish to update the policy text to incorporate this element in order to be consistent with the SPPS.

### **Policy TRA8 Active Travel**

72. It is noted that policy TRA8 takes into account the needs of pedestrians and cyclists but does not acknowledge the needs of those with mobility impairments or disabilities. The Council may wish to amend policy TRA8 accordingly in order to be consistent with paragraph 6.297 of the SPPS which requires accessibility for all with the needs of people with disabilities and others whose mobility is impaired to be given particular consideration. Furthermore, the Council should also consider paragraph 6.302 of the SPPS which requires proposed development to cater for the particular needs of people with disabilities.

## **Policy TRA9 Design of Car Parking**

73. Under the subheading 'Surface Level Car Parks, the Council could take the opportunity to promote the use of, and cross reference SuDS when discussing surface treatments as required by paragraph 3.13 and paragraph 6.118 of the SPPS.

## **Telecommunications and other Utilities**

### **Policy TCU1 Control of Telecommunications Development**

74. The aim of the SPPS in relation to telecommunications is to facilitate the development of such infrastructure in an efficient and effective manner whilst keeping the environmental impact to a minimum. Policy TCU1 ensures this by permitting proposals for telecommunications development together with any necessary enabling works where such developments meet the requirements of the Council's General Policy. It also acknowledges developments will not result in unacceptable damage to visual amenity or harm to environmentally sensitive features, landscapes or locations, in line with paragraph 6.238 of the SPPS and the regional strategic objectives contained in paragraph 6.239.

75. In addition, the Council will only consider new telecommunications masts acceptable where the sharing of a mast or other structure is not feasible or where a new mast represents a better environmental solution than other options in keeping with paragraph 6.243 of the SPPS. The Department is therefore content that policy TCU1 takes account of regional and strategic policy direction

76. It is however noted that part of the policy is bulleted, lettered, and numbered. The replacement of bullets with lettering or numbering would be helpful for consistency and would greatly assist with policy application.

77. The Council should also be aware that control and switching equipment should not be located in flood-prone areas such as flood plains with other alternative sites considered first. If it is necessary to locate such equipment in flood plains, it must be made resistant to flooding and resilient so that service will not be interrupted in the event of a flood. Any proposals in flood plains will be considered under policy FRD1

## **Policy TCU2 Future Proofing of New Developments for Telecommunications Infrastructure**

78. The Department is content that the wording of policy TCU2 takes account of paragraph 6.245 of the SPPS. It is noted, however, that in all instances, all new developments for telecommunications infrastructure where appropriate must not result in unacceptable damage or harm to environmentally sensitive features or locations. Whilst this is in keeping with the requirements of the SPPS, the Council may wish to add 'landscape' to this to ensure no unacceptable damage or harm to environmentally sensitive features, landscapes or locations to be consistent with the wording of the previous policy TCU1.

## **Policy TCU3 Public Services and Other Utilities**

79. The Department notes that proposals for electricity lines will only be permitted whereby they are accompanied by a certificate demonstrating that the proposal meets the ICIRP guides for exposure to electro-magnetic fields (EMFs) consistent with the requirements of paragraph 6.249 of the SPPS. In addition, the Council should also be aware of the requirements contained in the Code of Practice "Optimum phasing of high voltage double-circuit power lines (published by the UK Government, the Energy Networks Association and devolved Administrations) and the need to employ optimum phasing as a precautionary measure, where it is reasonable in order to reduce the EMFs from overhead power lines. The Department also welcomes the local nature of the justification and amplification acknowledging the role of the Newry, Mourne and Down district in Northern Ireland's overall utility provision.

## **Waste**

### **Policy WM1 Waste Management Development**

80. The Department notes the cross referral to Policy GP1 within the policy, and the requirement to meet criteria set out in both policies. This signposting is welcomed.

81. The J&A notes that in considering proposals for new, or extensions to existing waste management facilities, the Council will ensure adequate protection and conservation of the environment by seeking the advice of relevant expert consultees. For clarity purposes, the Council may wish to consider outlining that WM1 applies to the development of new waste management facilities and also to extensions to existing waste management facilities within the main policy text.
82. Under 'Duration of Operations' it is noted that conditions will normally be applied to ensure proper completion of a site which can be varied if site conditions change or new circumstances require and that in doing so, the Council will consult with the licensing authority. The Council may wish to clarify here that the licensing authority is DAERA and that permits are required for the operation of sites in line with the Waste Management Licensing Regulations (Northern Ireland) 2003.

### **Policy WM2 Waste Collection and Treatment Facilities**

83. Policy WM2 requires a proposed waste collection or treatment facility to comply with one or more locational criteria, the fifth of which is where the proposal is in the countryside, it involves the reuse of existing buildings or is on land within or adjacent to existing building groups. This does not align with paragraph 6.313 of SPPS which states where proposals are 'suitably located in the countryside'. It is also noted that no reference is made to the 'permanent loss of the best and most versatile agricultural land' as set out in paragraph 6.321 of the SPPS.

### **Renewable and Low Carbon Energy**

84. The Department welcomes the alignment of the Council's Renewable Energy policies RE1-RE2, reflecting the current regional policy provision.
85. The Council will be aware the Department are at an advanced stage of the review of the Strategic Planning Policy on Renewable and Low Carbon Energy. It is expected that the revised policy will be published as soon as possible, following Executive Committee agreement.

## **Water and Wastewater Infrastructure**

### **Policy WW1 Development Relying in Non-Mains Sewerage**

86. The Department welcomes wording of Policy WW1 which reflects the approach of other policies in plan strategy documents adopted to date. The Department notes the nature of the J&A and suggests that it could be improved by making clear that pollution from point sources can individually or cumulatively increase pollution risk. The Department also suggest that the J&A could usefully reference existing standing advice from the Department of Agriculture, Environment and Rural Affairs (DAERA) specifically in relation to non mains sewerage developments with the potential to affect natural heritage interests or the water environment including groundwater and fisheries

## **Flood Risk & Drainage**

87. The Department welcomes the alignment of the Council's Flood Risk Drainage policies FRD 1-FRD 6, reflecting the regional policy provision. Please also refer to the comments provided by DfI Rivers.

## **Historic Environment**

88. The Department welcomes the alignment of the Council's Historic Environment policies HE1-HE15, reflecting the regional policy provision. Please also refer to the comments provided by DfC Historic Environment Division.

### **Policy HE1 The Preservation of Archaeological Remains of Regional Importance and Their Settings**

89. Within the J&A, on page 328, it is noted in relation to the candidate ASAs 'specific policies will be brought forward at the LPP Stage as to the types of development that may be acceptable', listing a range of developments where there is a general presumption against large-scale development. The Council are reminded of the precautionary approach' advocated by the SPPS (para 6.8) as development must only be permitted in exceptional circumstances.

## **Policy HE7 Extension or Alteration of a Listed Building**

90. The Department acknowledges Policy HE7 broadly mirrors the SPPS (para 6.13) and PPS6 (BH8), however the J&A does not reflect explanatory text on preservation of facades. The Council may wish to include this to assist policy considerations.

## **Natural Heritage**

91. The Department welcomes the alignment of the Council's Natural Heritage policies NH1-NH7, reflecting the regional policy provision. Please also refer to the comments provided by DAERA Natural Environment Division.

## **Landscape Assets**

### **Policy LA1 Special Countryside Areas**

92. The SPPS para 6.75 states that *"Where appropriate these areas should be designated as Special Countryside Areas in LDPs, and appropriate policies brought forward to ensure their protection from unnecessary and inappropriate development."*

93. The Council have proposed 3 SCAs; the High Mourne, Slieve Croob and the Ring of Gullion, and have brought forward policy to limit development within these areas to, as stated in their J&A, *"the most exceptional circumstances"*.

94. The policy requires that

*"Planning permission within an SCA will only be permitted for development proposals which are:*

- Of such national or regional importance as to outweigh any potential detrimental impact on the unique qualities of the upland environment; or*
- For the consolidation of existing development providing it is in character and scale, does not threaten any nature conservation or historic environment interest and can be integrated with the landscape."*

95. The Department welcomes the consistency of the first bullet point with regional policy objectives, however, would have concerns that the second

does not follow the same protectionary example. The Department would be of the view that “*The consolidation of existing development*” does not constitute the most exceptional circumstances.

96. The Department acknowledges the Council's requirement for proposals in SCAs to be accompanied by supporting information,
97. that will set out the extent of any impact, visual or otherwise. Detailed assessments (in addition to photomontages) should fully demonstrate that the landscape value and character and unique amenity value of the area has been fully considered and that any adverse impacts can be effectively mitigated. The cumulative impact of this policy approach should be carefully considered, and the Council may wish to strengthen the J&A to reflect this.

### **Monitoring and Review**

98. DPPN 06 states that ‘monitoring is essential for the delivery of the DPD and should provide the basis to trigger any requirement to amend the strategy, policies and proposals of the DPD.’ A Council may revise its Plan Strategy or Local Policies Plan at any time (after adoption) or by direction by the Department.
99. This requires Councils to keep under review the implementation of DPDs to ensure that LDP objectives are being met. The Department notes the monitoring framework for the dPS and welcomes the range of issues identified.