

Appendix H: Statutory and Public Consultation Responses

Comment ref.	Page of letter	Final ER ref.	Comment	Action carried out to address comment
<p>Organisation & contact: Northern Ireland Environment Agency (NIEA) (John O Boyle, SEA Team) Date received: 29th April 2014</p>				
1	1	General	NIEA welcomes the opportunity to comment on the ER and supports the approach taken in the report. NIEA considers that the baseline covered and the assessment against the SEA objectives are generally well covered at a strategic level in the report and are fit for purpose. NIEA is satisfied that comments made on the scoping report have been taken into account in the environmental report. NIEA acknowledges that the mitigation and recommendations made in chapter 7 of the ER will assist in minimising the adverse effects identified in chapter 5 of the report.	Noted
2	1	General	NIEA notes that: "The SPPS does not seek to promote any one of the above mentioned (economy, needs and aspirations of our society and environment) against another. In practice the relevance of, and weight to be given to economic, social and environmental considerations is a matter of planning judgement in any given case. Therefore, in summary, furthering sustainable development means balancing economic, social and environmental objectives, all of which are considerations in the planning and management of development'.	Noted
3	2	6.2	However, the ER makes a number of references to how adverse effects on ecology and nature conservation may result: for example on page 73, 5.2.2; if the SPPS is "not implemented in its entirety";.	Noted
4	2	6.6	on page 76, 5.6.2; unless there is "consideration of the SPPS as a whole"	Noted
5	2	6.13	and on page 82 (5.13.1), it should be ensured that the emphasis on balanced decision making (between economic, social and environmental considerations) included in the SPPS is implemented at the local level"	Noted
6	2	6.10 and 6.13	Similarly, Sections 5.10 & 13 identify the absence of protection of the cultural heritage from a number of policies, and state that the main potentially adverse effect of the SPPS is the impact of economic development (PP-5) and town centre development (PP-14) on items including cultural heritage.	Noted
7	2	6.15.1	Section 5.15 (1, 3 & 4) also identifies cultural heritage as being adversely impacted by the cumulative effects of some policies.	Noted
8	2	8.1	Section 7.3 emphasizes that these adverse impacts should be minimised through the other policies included in SPPS, and standard mitigation through the planning process.	Noted
9	2	9.1	NIEA notes that without paragraph 3.5 in the SPPS Public Consultation Draft, uncertainties and adverse effects may be significant. Therefore NIEA is of the opinion that it is critical that some form of monitoring this aspect of the implementation/ application of the SPPS is agreed as effects are dependent on the balanced application of all the policies.	For DOENI to consider. This point has been added to the monitoring section of the ER.
10	2	2.4.2	NIEA notes that "because the SPPS is largely a consolidation of existing PPSs, the potentially adverse effects identified through the high level assessment are already being experienced. No detailed assessment is therefore required". NIEA would point out that the current suite of PPSs have never been subject to SEA and would be of the opinion that this statement in the ER would not exempt any policies which subsequently appear in any Local Development Plan (LDP) from SEA.	The SPPS is largely a consolidation of existing policy, not new policy, so only a high level SEA assessment has been carried out with measures for enhancement also being made. LDPs must all undergo SEA regardless of their being compliant with the SPPS.
11	2	4.2	NIEA notes that three Alternatives were considered (1. Retain Existing Policy; 2. Reconfigure and Consolidate and 3 Fundamental Review). NIEA notes that although Alternative 3, 'Fundamental Review' scores more positively for effects on the SEA Objectives, that DOE have chosen Alternative 2, 'Reconfigure and Consolidate', an alternative with more adverse environmental impacts.	Noted
12	2	8.2	Mitigation & Recommendations In light of the evidence referred to above at 2.3 regarding the existence of an Alternative to SPPS that has less adverse effects on the environment, NIEA agrees that the inclusion within the SPPS of the enhancement measures, detailed in section 7 of the ER, would maximise the beneficial environmental effects of the SPPS. In particular, NIEA is supportive of the recommendations from 7.4.4, page 95 to 7.4.14, page 100 inclusive.	Noted with thanks.
13	3	8.2.9	Section 7.4 'Enhancing beneficial effects', identifies two measures under the heading 'Cultural Heritage', page 99 which should be included in the SPPS. NIEA suggest that a "sense of place" could be included under bullet point 1. Under the second bullet point in this section, the meaning of the second half of the point is unclear, and would warrant clarification. Including references to the need to protect the cultural heritage within the policies identified as having potentially negative impacts on it, would also be a beneficial measure.	Sense of place added to bullet 1 Bullet 2 has been reworded. Essentially, local authorities will need to consider cultural heritage when assessing site allocations at the plan level and also at project level through the planning application process (historically this is not always carried out). Additional enhancement measure has been included as suggested.
14	3	9.1	Monitoring As cultural heritage has been identified as potentially receiving an adverse impact from a number of policies under SPPS, it is encouraging to see that it has been included as an item which could be monitored (Section 8.2.5 bullet point 7). From an archaeological sites and monuments perspective, it would be useful if this was extended to cover all recorded sites (not only those which are designated).	NISMR sites have been added to this bullet point (now section 9.1)
15	3	9.1	NIEA notes that the actions suggested on page 104 of the ER to monitor the environmental impact and achievement of the SPPS are particularly development focussed. NIEA is of the opinion that the following additional District monitoring actions would contribute to ensuring future LDPs are in conformity with the SPPS in each Council District. This would contribute to sustainable development - reference 3.5 SPPS Public Consultation Draft and demonstrate a balanced and integrated implementation of the SPPS policies:	Agree
16	3	9.1	• Area of coastal lands identified in LDPs where development is restricted to exceptional circumstances due to unique amenity/ landscape value; nature conservation interest and archaeological/ historical potential – reference 6.37 SPPS Public Consultation Draft	Added

17	3	9.1	• Area of coastal lands identified in LDPs where development should not be permitted as it is at risk from flooding, coastal erosion, or land instability – reference 6.44 SPPS Public Consultation Draft and reference 7.4.10 SPPS SEA ER	Added
18	3	9.1	• Number of new build housing approvals and refusals in Areas of Outstanding Beauty - reference 6.65 SPPS Public Consultation Draft and reference 7.4.13 SPPS SEA ER	This was already included.
19	3	9.1	• Area of flood plain identified in LDPs for conservation and enhancement of biodiversity - reference 6.92 SPPS Public Consultation Draft	Added
20	3	9.1	• Area of flood plain identified in LDPs for flood control/ mitigation services - reference 6.96 SPPS Public Consultation Draft and reference 7.4.4 SPPS SEA ER	Added
21	3	9.1	• Area identified (which, because of their intrinsic amenity value, including landscape, natural heritage or archaeological), where there is a presumption against mineral development - reference 6.138 SPPS Public Consultation Draft	Added
22	3	9.1	• Area of natural heritage features (vis-a-vis 6.172 SPPS Public Consultation Draft) identified in LDPs - reference 6.151 SPPS Public Consultation Draft	Added
23	4	9.1	• Area and length of ecological network identified in LDPs - reference 6.138 SPPS Public Consultation Draft	Added
24	4	9.1	• Area of new Open Space provisioned for in LDPs for biodiversity - reference 6.178 SPPS Public Consultation Draft	Added
25	4	9.1	• Area of brown-field sites identified in LDPs as part of an urban ecological network – reference 7.4.4 SPPS SEA ER	Added
26	4	9.1	• Area of peatland identified in LDP as a carbon store - reference 7.4.7 SPPS SEA ER	Added
27	4	9.1	• Number of Shoreline Management Plans commissioned to inform LDPs - reference 7.4.14 SPPS SEA ER	Added
28	4	PP-2	Specific Comments Climate Change Page 5, point 1.3.5, it is suggested that climate change impact on coastal areas (flooding and coastal erosion / evolution) should be taken into consideration. Similarly, 'support enhancement and regeneration of the developed coast' also should take account of the impacts from climate change.	For DOENI to consider
29	4	3.3	Page 18, Table 2.1 please note that the Northern Ireland Climate Change Adaptation Programme which was published in January 2014 is now more appropriate in Table 2.1 than SNIFFER (2007) Preparing for a Changing Climate in Northern Ireland.	Noted and changed (now Table 3.1)
30	4	3.4.7	Page 35 please note that the 3rd statistic in the first bullet point 'carbon dioxide emissions ... have reduced by 16%' should read 17%.	Noted and changed
31	4		Built Heritage Page 39: The first bullet point on this page, relating to the preservation of built heritage appears to somewhat contradict the third bullet point, which notes its neglect and mistreatment (in the opinion of the NI Environment Link).	The two are compatible. The strengths and opportunities section talks about NI's rich collection of heritage sites, the system for its preservation, and how that compares to other countries. The weaknesses and threats section talks about how this has not always been best managed historically and where current issues are.
32	4	PP-16	Material Assets The issue of waste management, considered under Material Assets (Table 4.1 and page 78, Section 5.9), NIEA notes that the SPPS should be more positive than retaining the existing policy framework. The removal of the current PPS 11 on waste management should help improve the delivery of the required waste management infrastructure to meet EU Directive targets.	DOENI will undertake a fundamental review of the SPPS within 5 years of its publication in final form.
33	4	3.4.6	Air Quality Note that figures are now available on request from NIEA for air pollutant up to and including 2012	Noted
34	4	3.4.6	Page 34, "Weaknesses and Threats (Air Quality)" – NIEA would point out that: 'National compliance assessment modelling of nitrogen dioxide levels show that limit values in the Air Quality Directive along certain busy roads are exceeded.'	Noted and added.
35	4	3.4.6	Page 34, last bullet point, NIEA would not support this assertion: "The greatest effect.... concentrations'.	This statement was taken from the cross-government Air Quality Expert Group's 2007 report and has now been referenced. Please advise if there is more recent information.
36	4	3.5.2	Page 46, first bullet point, NIEA would point out that 'ammonia emissions from manure storage/handling/spreading activities' also contribute to: 'Unfavourable condition of habitats and species in protected sites' as well as over/undergrazing, water pollution	This point has already been made in the Biodiversity and Air Quality sections of the baseline, as well as in the Summary of Key Issues.
37	5	2.3	Page 53, in Table 3.2., under Regulating Services, 'Examples of goods and services' for 'air quality and maintenance', 'vegetation fires emit ...' NIEA would point out that this is not a good example of 'Goods and Services' but rather that 'Vegetation can absorb air pollution'.	Agree; amended (now Table 2.3)
38	5	Table 4.1	Page 69-70, NIEA notes that air pollution impacts on ecosystems are not mentioned here. In the absence of either current planning policies which seek to address this issue, or similar in the draft SPPS document, then there is actually a negative impact to be taken into account here, and this should affect the rating attached to these assessments.	The air pollution impacts on ecosystems in NI arise largely from ammonia emissions from agricultural activities. The SPPS is a planning document so is not the appropriate means of addressing this issue. This is instead addressed by the NI Rural Development Plan.
39	5	HRA	NIEA notes that a Habitats Regulations Assessment (HRA) has not been received as part of the ER. The Habitats Directive requires that "Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public". NIEA advises that the Department should satisfy itself as to whether a Test of Likely Significance/ Habitats Regulation Assessment is required in order to comply with the Habitats Directive.	For DOENI to consider. The revised SPPS states that HRA will be required at local authority level.

40	1	General	<p>The Environmental Protection Agency (EPA) acknowledges your electronic correspondence, dated the 5th February, in relation to the consultation on the Northern Ireland Strategic Planning Policy Statement SEA Environmental Report.</p> <p>The EPA notes your determination that transboundary impacts have not been identified. The EPA welcomes that our comments made previously at SEA Scoping Stage have been taken into account, as shown in your Appendix B – Scoping Responses attachment received on the 5th February also.</p>	Noted with thanks.
<p>Organisation & contact: Northern Ireland Federation of Housing Associations (NIFHA) Date received: 29th April 2014</p>				
41	3	SPPS	<p>The SPPS does not give enough weight to the importance of the development of new market and affordable homes, including the role of new homes in supporting economic development, creating and securing community cohesion and providing a sense of pace. Housing is central to the quality of life for people in Northern Ireland. The planning system has a critical part of plan in making sure that all forms of new housing are of the right standard, in the right pace and delivered at the right time. Plan making and development management should explicitly recognise the importance of the links between housing and employment. Our second recommendation supports the first, and is that the role of new housing in sustainable development and in supporting the economy is fully and properly recognised.</p>	Comments made in relation to social / affordable housing shall be further considered by DOENI in parallel with the representations received to draft PPS 22 'Affordable Housing' which closed on 23 September 2014. The consultation took place alongside a Department for Social Development (DSD) consultation on a 'Developer Contributions to Affordable Housing' housing policy paper.
42	4	SPPS	<p>Planning for housing is the core function of plans. The identification of housing need, by type, tenure, size and location is the primary role of the plan making authority. A failure to plan housing properly leads to inadequate housing conditions, price inflation, poorer communities and places and stifled local economies. Quality housing is at the core of sustainable development. At the moment the SPPS does not recognise the importance of housing, and does not make clear the responsibility on local planning authorities of planning properly for housing.</p>	For DOENI to consider.
43	5	SPPS	<p>The SPPS should make it clear that the plan making and development management processes have a clear role in ensuring the quality of all housing, and of affordable housing in particular. It should be clear, in the SPPS, that housing should be designed so that variances in between different tenures are minimal. Proper planning policies and design standards will, effectively set the standards and types of affordable housing that will be required.</p>	For DOENI to consider.
44	7	SPPS	<p>This section of our response comments on section 1, 2 and 3 of the SPPS. These sections should be the heartbeat of planning in Northern Ireland for the future. They should offer an exciting vision. They should set out a clarion call about what is expected of the planning system. Unfortunately, both sections 1 and 2 open with a lack of ambition - "to secure the orderly and consistent development of land". It would be far stronger to emphasise the importance of sustainable development, and the contribution that that can make to improving social, environmental and economic wellbeing. In fairness, sustainable development is mentioned in paragraph 1.1, but should be the focus rather than being diluted in the introductory remarks.</p>	For DOENI to consider.
45	7	SPPS	<p>Section 1 continues and sets out an important benchmark for all planning decisions, both within development plans and development management. Development should not be resisted unless it would cause "demonstrable harm to interests of acknowledge importance". The language throughout the SPPS could, more fully, embrace this concept. At the moment the approach reads defensively. If the principle is applied properly, it would emphasise that the planning system should, at all times, be proactive, positive and transparent.</p>	For DOENI to consider.
46	7 to 8	SPPS	<p>NIFHA applauds the approach and structures set out in section 3. It is helpful to set out the core planning principles that the planning system is meant to deliver. However, NIFHA has real reservations about a number of the core planning principles. The eight principles that are mentioned are a mix of social objectives and process issues. The focus should properly be on the outcomes that planning can help to deliver in the built environment - so that those are embedded in plan making and development management decisions. Planning should further sustainable development, improve health and wellbeing, create enhance shared space and support good design and positive place-making (all referred to in paragraph 3.2). As discussed later it should, as part of those principles, strongly promote high quality housing development to meet the demands of society.</p>	For DOENI to consider.
47	8	SPPS	<p>NIFHA believes that the paragraphs elaborating on "furthering sustainable development" need significant expansion. Regulation 42/187 of the United Nation Assembly places real weight on "meeting the needs of the present". This is then balanced against the need to ensure that we do not compromise the ability of future generations to meet their own needs. It does, however, require a genuine understanding of society's present needs and an acceptance that those needs should be met unless they would cause harm.</p>	For DOENI to consider.
48	9	SPPS	<p>One of the core objectives of the planning system should be to ensure that the economy of Northern Ireland is strong and sustainable. This is briefly referred to in the reference to a "sustainable economy", but is not given anywhere need enough of a priority. Similarly, the role of housing in supporting a vibrant economy is not addressed. This could either be covered as part of an expanding section on "furthering sustainable development" or as a separate core planning principle. Whatever approach is adopted there needs to be clear recognition of the relationship between new and affordable homes and a successful economy.</p>	For DOENI to consider.
49	9	SPPS	<p>As more detailed points on the core planning principles:</p> <p>a) At the moment there is an imbalance between the relative brevity of the section on sustainable development and the lengthier sections on managing noise and air quality. The former should be expanded and the latter edited</p> <p>b) Paragraphs 3.36 and 3.37 are said to relate to the "countryside" but, in fact, are of wider importance. It might be worth amalgamating the paragraphs.</p>	For DOENI to consider.

50	12 to 13	SPPS	<p>Simply as reminders for the future editing process:</p> <p>a) NIFHA welcomes the reference in paragraph 6.62 to the need to meet social and affordable housing requirements. This will have to be updated when the affordable housing policy emerges;</p> <p>b) Paragraph 6.72 should be expanded to make it clear that, in many cases, successful economic development, and vibrant city centres, is dependent on sensibly planned housing, including affordable housing. Recognition should also be given to the importance of housing development as part of the economy.</p> <p>c) The language in paragraph 6.84 may need to be qualified. Land should be reserved for economic development where there is genuine need for that land to be used. Too often, in the past at least, historic designations have thwarted otherwise sensible development proposals.</p> <p>d) The transport policies should be given more focus. Significant amounts of money and time, are spend assessing the transport implications of proposals. At the local development plan stage, allocations should be allowed to proceed unless there is evidence that the transport impacts would be unacceptable. In development management decisions, permissions housed be only refused if the transport effects are, for example, "severe". It is important to have clear thresholds.</p>	For DOENI to consider.
51	14	SPPS	<p>Recommendation one:</p> <p>The first five paragraphs of the foreword and section 1 should be combined to set out a clear and exciting vision about what the planning system should deliver for Northern Ireland. The focus should be on:</p> <ul style="list-style-type: none"> - Planning for and enabling high quality sustainable development - Operating on the basis that development should be encouraged unless there would be hard to interests of acknowledged importance. 	For DOENI to consider.
52	14 to 15	SPPS	<p>Recommendation three:</p> <p>Section three should set out core planning principles. These should be focussed on the outcomes that planning is meant to achieve, rather than the processes by which they were delivered. NIFHA's view is that the objectives should be:</p> <ul style="list-style-type: none"> - Furthering sustainable development, with principle being elaborated upon to make it clear that that means meeting society's need for housing and other development where that can be achieved in a sustainable way - Improving health and well being - Creating and enhancing shared space - Supporting good design, place making and stewardship 	For DOENI to consider.
53	16	Scoping Report	<p>SEA Scoping Report</p> <ol style="list-style-type: none"> 1. The scoping report sets the framework for the draft SEA. It gives very limited attention to the need for affordable housing (including social housing). 2. The scoping report properly looks at the broad strategic environmental consequences of the draft SPPS. It does not, however, adequately look at the differences between the environmental consequences of the draft SPPS compared with the existing range of policy advice. 3. As noted in our representations, the draft SPPS does not contain adequate policy on affordable housing (including social housing) and is markedly weaker than the existing policy advice, particularly PPS12. 4. Unless changes are made to the draft SPPS, there will be a significant effect n the delivery of affordable housing. That will have an environmental consequence that needs to be fully assessed. 	<p>Points 1, 3 & 4 are more appropriate to consider within the framework of an Equalities Impact Assessment.</p> <p>Point 2 - Alternatives are considered and assessed within the full ER, allowing this comparison to be made.</p>
54	16-17	Chapter 6	<p>SEA Environmental Report</p> <ol style="list-style-type: none"> 5. The SEA reflects the shortcomings in the scoping report. It does not address the absence, in the SPPS, of a clear policy requirement to meet housing need, including the need for affordable housing. 6. The SEA does not address, in any way, the effect of the draft SPPS on meeting the need for affordable housing. Indeed, the only references to "affordable" housing are in the sections summarising existing policy; there is no mention of the environmental consequences of affordable housing in the text describing the effects of the draft SPPS itself. 7. As in the scoping report, there is no assessment of the omission of affordable housing policies from the draft SPPS. The environmental consequences of that omission are not assessed. 	See above
55	17	General	<p>NIFHA Recommendation:</p> <p>NIFHA understands that the intention is to publish affordable housing policy which will then be amalgamated into the final draft SPPS. If an appropriate set of policies are introduced then that will address the issues noted above.</p> <p>However, if appropriate policies are not introduced into the SPPS then the SEA and equalities assessments will have to, as a matter of law, make reference to the significant adverse effects of that omission, in terms of both environmental and equality consequences.</p>	See above

56	n/a	General	While the RSPB welcomes the recognition of ecosystem services in the countryside, we are concerned about the adoption of a positive approach to new development in the countryside in the absence of the precautionary principle. The adoption of a positive approach to new development in the countryside could undermine the plan-led system, and the ability of local authorities to determine applications in accordance with the development plan and all other material considerations (Article 6.3 of the Planning Act (Northern Ireland) 2011). It is difficult to reconcile a plan-making process that has gone through a Strategic Environmental Assessment (SEA), before allocating sites strategically and often sequentially to ensure sustainable patterns of development - with the positive approach as it is currently worded.	Disagree - the Policy objectives are to: manage growth to achieve appropriate and sustainable patterns of development which supports a sustainable rural economy and vibrant rural community; conserve the landscape and natural resources of the rural area and to protect it from inappropriate development and pollution; and promote high standards in the design, siting and landscaping of development in the countryside. SEA and HRA are a legal requirement at Local Plan level. See Sections 6.14 and 8.1 of the ER and CPP-5 of the SPPS for more detail.
57	n/a	SPPS	At paragraph 6.63 we are similarly concerned that there is a premature presumption in its wording. In this regard, we recommend that it is amended to include the wording 'where appropriate' (as contained within paragraph 6.61) as not all Dispersed Rural Communities (DRCs) will have the capacity to include everyone of the listed development activities. In addition, we recommend that paragraph 6.64 makes reference to the consideration of cumulative impact.	DOENI has amended this section.
58	n/a	SPPS	Paragraph 3.3 of the draft SPPS recognises development must be within environmental limits. As land is a finite resource, the planning system should deliver as much development as possible through development plans that are subject to Strategic Environmental Assessment (SEA), informed by a robust evidence base. SEAs can ensure that a development plan provides the amount of development that is needed, whilst also ensuring that this level of development does not exceed environmental limits. A robust Land Strategy for Northern Ireland would further assist in this regard.	SEA and HRA are a legal requirement at Local Plan level. See Sections 6.14 and 8.1 of the ER and CPP-5 of the SPPS for more detail.
Organisation & contact: The Environment and Planning Law Association of Northern Ireland (EPLANI) Date received: 5th August 2014				
59	n/a	SPPS	EPLANI welcomes at paragraphs 6.149 – 6.153 the inclusion of the narrative outlining the integration of nature conservation and natural heritage features with the creation of LDPs, although it is noted that the Strategic Environmental Assessment process for LDPs will require a much more detailed integration than these paragraphs suggest; indeed a reference to the requirement for SEA may be appropriate at this location.	SEA and HRA are a legal requirement at Local Plan level. See Sections 6.14 and 8.1 of the ER and CPP-5 of the SPPS for more detail.
60	n/a	SPPS	The reference at paragraph 6.145 to the statutory biodiversity duty as an apposite reminder is also welcomed as is the explicit reference at paragraph 6.148 to the requirement to apply the precautionary principle in plan-making and decision-taking.	Noted
61	n/a	SPPS	We also note a number of references to the wider benefits to society and the economy provided by the natural environment, in terms of general well-being and specific ecosystem services, within the SPPS but feel that these should be placed at the forefront of natural environment policy as central guiding principles.	This has now been addressed through a section on 'The Importance of Ecosystem Services'.
Organisation & contact: Mr Robin Cameron (Private Individual) Date received: 5th August 2014				
62	n/a	Table 5.1	The SEA's classification of single dwellings in the countryside as being of landscape benefit (it is coded green in the matrix) does not encourage confidence in its rigour.	The baseline clearly states that single dwellings in the countryside have harmed the landscape. The SPPS is an improvement on previous planning policy in that it no longer supports single dwellings (favouring adding to existing clusters of buildings or re-using existing buildings), thus the new policy will be an improvement in terms of landscape impacts compared to the status quo.
Organisation & contact: Mr Robin Graham (Private Individual) Date received: 5th August 2014				
63	n/a	4.3	Paragraph 2.12 of the SPPS refers to the Strategic Environmental Assessment (SEA) dated January 2014, carried out by ADAS UK Ltd. The SEA report is generally quite critical of planning policy in NI to date and proposes a fundamental review of planning (Alternative 3) as the preferred option in terms of how well it supports the SEA Objectives. Whilst there may be practical reasons for adopting Alternative 2 at present, the SPPS should at least acknowledge the comments and proposals made in the SEA report and the need for a further stage in the process.	Agree. DOENI has confirmed in the final SPPS that a fundamental review of the SPPS will take place within 5 years of its publication in final form. Reference to Alternative 3 is for DOENI to consider.
64	n/a	3.1	In their SEA Environmental Assessment, ADAS UK Ltd. report that the main SEA-related points arising from preliminary stakeholder seminars held in autumn 2013 were? the implications of economic development being prioritised over environmental and social considerations; ???..; and a concern over lack of protection from development for NI's important landscapes.? These concerns remain.	The SPPS is much improved since that earlier draft and consultation responses stating that there is too little emphasis on the economy match those saying the opposite. By incorporating the recommendations for landscape set out in the ER and the consultation responses, this will be a further improvement.
65	n/a	3.4.3	In their SEA Environmental Assessment, dated January 2014, ADAS UK Ltd. report on page 27 under Health and Quality of Life, Strengths and Opportunities that "DOE is currently preparing a Noise Policy Statement (NPS) for NI (expected to be published in 2014). Through the effective management and control of environmental, neighbour and neighbourhood noise the NPS aims to: avoid significant and mitigate and minimise other adverse impacts on health and quality of life, and where possible, contribute to the improvement of health and quality of life." Clearly ADAS cannot have studied the proposed content of the draft Noise Policy Statement at that time or they would have realised that it was pure window dressing.	Subjective comment. Not for this SEA to consider.

66	n/a	3.4.3	In the same section, of their SEA Environmental Assessment, ADAS report on page 29 under Weaknesses and Threats that "The noise implications of a particular policy, development or other activity are typically not considered at an early enough stage to avoid impacts. The health effects of noise range from discomfort and annoyance to psychological and pathological conditions; in particular, noise can affect sleep, circulation, communication, concentration, productivity and mental wellbeing." This provides a telling insight into the DOE's devil-may-care attitude to noise impacts.	Subjective comment. Not for this SEA to consider.
67	n/a	3.4.10	The accompanying Strategic Environmental Assessment (SEA), Environmental Report dated January 2014 states on page 41 that "Landscapes in NI have been strongly affected by rural development, particularly single dwellings and their associated infrastructure, and windfarms / single turbines (e.g. in County Tyrone), as well as by agricultural intensification." This demonstrates the damage caused by overriding economic imperatives heretofore and lack of concerns about rural areas that are also conveyed in this SPPS.	Disagree that there is a 'lack of concern' – the SPPS is an improvement on previous planning policy in this area, and further beneficial amendments have been made to the finalised SPPS as a result of the SEA and public consultation processes.
Organisation & contact: Windwatch Ireland, Dr Daniel Kane Date received: 5th August 2014				
68	n/a	4.3	Paragraph 2.12 of the SPPS refers to the Strategic Environmental Assessment (SEA) dated January 2014, carried out by ADAS UK Ltd. The SEA report is generally quite critical of planning policy in NI to date and proposes a fundamental review of planning (Alternative 3) as the preferred option in terms of how well it supports the SEA Objectives. Whilst there may be practical reasons for adopting Alternative 2 at present, the SPPS should at least acknowledge the comments and proposals made in the SEA report and the need for a further stage in the process.	See comment 63
69	n/a	SPPS	It is noticeable throughout, that the terms Environmental Impact Assessment, or EIA do not appear, or reference made to the appropriate European Union directives. The words "environmental impact(s)" appear only 9 times, 7 of which are under Flood, Minerals, Utilities and Transportation (pages 49, 62, 62, 63, 73, 73, 85). "Environmental impact" also appears in 3.25 on page 14 (but in a very restricted sense) and on page 27 in a general comment on LDPs. The words "environmental assessment" appear only three times, all in the section about the Strategic Environmental Assessment (SEA) that was carried out by ADAS as part of the SPPS process.	EIA (as required by regulations) may indeed need to be undertaken at project level. See Sections 6.14 and 8.1 of the ER and CPP-5 of the SPPS for more detail.
70	n/a	General	A number of EU directives are relevant to the planning policies included in this draft SPPS, including that it is a legal requirement that an impact assessment forming part of an Environmental Statement must supply "the data required to identify and assess the main effects which the project is likely to have on the environment", and that the "direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the project must be described".	Supplied in the ER
71	n/a	SPPS	The absence of any reference to such important legal requirements must be rectified in the final document.	This has been done. See Sections 6.14 and 8.1 of the ER and CPP-5 of the SPPS for more detail.
Organisation & contact: Sperrin Forum, Mr Geoffrey Simpson Date received: 5th August 2014				
72	n/a	4.3	Paragraph 2.12 of the SPPS refers to the Strategic Environmental Assessment (SEA) dated January 2014, carried out by ADAS UK Ltd. The SEA report is generally quite critical of planning policy in NI to date and proposes a fundamental review of planning (Alternative 3) as the preferred option in terms of how well it supports the SEA Objectives. Whilst there may be practical reasons for adopting Alternative 2 at present, the SPPS should at least acknowledge the comments and proposals made in the SEA report and the need for a further stage in the process.	See comment 63
73	n/a	SPPS	It is noticeable throughout, that the terms Environmental Impact Assessment, or EIA do not appear, or reference made to the appropriate European Union directives. The words "environmental impact(s)" appear only 9 times, 7 of which are under Flood, Minerals, Utilities and Transportation (pages 49, 62, 62, 63, 73, 73, 85). "Environmental impact" also appears in 3.25 on page 14 (but in a very restricted sense) and on page 27 in a general comment on LDPs. The words "environmental assessment" appear only three times, all in the section about the Strategic Environmental Assessment (SEA) that was carried out by ADAS as part of the SPPS process.	See comment 69
74	n/a	General	A number of EU directives are relevant to the planning policies included in this draft SPPS, including that it is a legal requirement that an impact assessment forming part of an Environmental Statement must supply "the data required to identify and assess the main effects which the project is likely to have on the environment", and that the "direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the project must be described".	See comment 70
75	n/a	SPPS	The absence of any reference to such important legal requirements must be rectified in the final document.	See comment 71
Organisation & contact: SSE, Marian Troy Date received: 5th August 2014				
76	n/a	General	We note that it is important that councils are sufficiently resourced to deliver LDPs and planning decisions, including consultation and pre-consultation requirements, in a timely manner. Full resourcing of statutory consultees is also necessary and lack of resources is currently leading to delays in processing applications. SSE understands that LDPs will require Strategic Environmental Assessments and/or Habitats Assessments, these will require significant resources.	Noted. SEA and HRA are a legal requirement at Local Plan level. See Sections 6.14 and 8.1 of the ER and CPP-5 of the SPPS for more detail.
Organisation & contact: NILGA (K Smith, Louise Kennedy) Date received: 5th August 2014				
77	n/a	SPPS	In relation to the precautionary principle highlighted in paragraph 6.255, NILGA would query as to whether this is almost an implied presumption against development and also whether it is likely to influence any proposed treatment of hazardous waste. We would also be interested as to whether the Proximity Principle will be considered as part of the decision-making process.	The proximity principle has been added and the precautionary principle removed for this policy.

78	n/a	SPPS	We note the reference to the Precautionary Principle is the only one within the thematic strands of the document and appears to us to not be compatible with the earlier stated presumption in favour of the methodology for articulating mitigating risks within the planning process for significant and major waste proposals. Accordingly, we would recommend that reference to the Precautionary Principle is applied more consistently throughout the document or omitted herein.	The precautionary principle has been removed from this policy. Para 5.69 of the SPPS states a presumption in favour of planning permission for sustainable development that does not cause demonstrable harm to interests of acknowledged importance. CPP-5 states that SEA, HRA and EIA will be required where necessary.
79	n/a	SPPS	It is the view of local government that this paragraph is very negative in emphasis and characterisation of waste facilities. It would be preferable to have a presumption in favour, with a robust process including Environmental Impact/Strategic Environmental Assessment to mitigate potential or perceived negative impacts through the regulatory process. In our view there is a proportionality issue at play in 6.255 which will require further consideration.	See comment 78
Organisation & contact: Ards Borough Council, Mrs Amanda Martin Date received: 5th August 2014				
80	n/a	SPPS	The Council notes the negative characterisation of waste facilities (para 6.255) and the reference to the potential for "habitat and heritage destruction and pollution" and expresses the view that the statement should take a more objective viewpoint at the outset and should highlight the robust processes used to mitigate against risk and comply with regulatory requirements in relation to applications for such facilities (e.g. Environmental Impact/Strategic Environmental Assessment). Similarly, the Precautionary Principle implies a presumption against waste facilities, rather than taking an objective position.	See comment 78
Organisation & contact: arc21 / CIWM NI Centre, John Quinn Date received: 5th August 2014				
81	n/a	SPPS	We note the reference to the Precautionary Principle is the only one within the thematic strands of the document and appears to us to not be compatible with the earlier stated presumption in favour of the methodology for articulating mitigating risks within the planning process for significant and major waste proposals. Accordingly, we would recommend that reference to the Precautionary Principle is applied more consistently throughout the document or omitted herein.	See comment 78
82	n/a	SPPS	It is the view of local government that this paragraph is very negative in emphasis and characterisation of waste facilities. It would be preferable to have a presumption in favour, with a robust process including Environmental Impact/Strategic Environmental Assessment to mitigate potential or perceived negative impacts through the regulatory process. In our view there is a proportionality issue at play in 6.255 which will require further consideration.	See comment 78
83	n/a	SPPS	An extension of paragraph 6.256 is sought, so that it also stipulates that further development adjacent to a waste facility should not jeopardise the possibility of any future expansion of that facility.	Para 6.323 now adds that "6.323 Development in the vicinity of waste management facilities should only be permitted where it will not prejudice the operation of such facilities"
84	n/a	SPPS	In relation to the Precautionary Principle highlighted in paragraph 6.255, CIWM NI would query as to whether this is almost an implied presumption against development and also whether it is likely to influence any proposed treatment of hazardous waste. We would also be interested as to whether the Self-Sufficiency and the Proximity Principle will be considered as part of the decision-making process.	See comment 77
Organisation & contact: Historic Monuments Council, Professor Gabriel Cooney Date received: 5th August 2014				
85	n/a	General	Historic Monuments Council is deeply concerned that insufficient preparation and resources have been given to ensuring that in the proposed two-tier planning system cultural and archaeological heritage will be protected, enhanced and managed as required in a move to what is seen as a better planning system and again would refer in this context to SEA objective 9. Specifically it is concerned that there is no accompanying Departmental Guidance on this issue. It would have been appropriate that would be produced in tandem with the draft SPPS.	DOE has stated that "The issue of guidance in support of the policy provision of the SPPS is being taken forward through a separate work strand and requests for additional guidance will be considered as part of this work programme."
86	n/a	General	The key concern of the Historic Monuments Council in relation to the LDP process and the management of development is the lack of any detail on how the new local authorities will be provided with the resources to have expert advice to inform the LDPs and to assess and evaluate the heritage impact of specific planning applications that is concerning. The role the Department/NIEA will be important but as envisaged it would appear to be preventative rather than proactive. Much of the detailed documentation to support the draft SPPS and to allow an effective evaluation of it appears not to be written as yet. For example, it has to be a concern that detailed Departmental Guidance does not appear to be in place given the short time frame before the new local authorities take on the planning function.	As above. Local Plans will be subject to SEA which will include local cultural heritage in their assessments, including obtaining any local data that may be available.
87	n/a	8.2.9	Here it is relevant to refer to the Strategic Environmental Assessment (SEA) Scoping Report for the draft SPPS. Section 3.10 of this report deals with Cultural Heritage. The final paragraph of this section (3.10.10, p. 48) states that...enforcement of heritage legislation and planning policy in NI is under-resourced and not always carried out, whilst there is a lack of awareness and inherent difficulties in identifying some forms of cultural heritage. This is describing the current situation. The lack of detail in the draft SPPS as to how these issues will be addressed in the reformed planning system indicates to the Historic Monuments Council that the SEA objective (9) of protecting, enhancing and managing archaeological and cultural heritage has not been shown to be met by the SPPS as currently drafted and in the absence of the appearance of appropriate accompanying guidance.	DOENI has strengthened protection for archaeology and the built environment in the revised SPPS, whilst the importance of NI's cultural heritage for the economy and wellbeing is now emphasised throughout the document. The SPPS does not address how under-resourcing and thus lack of enforcement of heritage policy will be addressed, however, but it is perhaps not for the SPPS to discuss levels of staffing and expertise in Councils.
Organisation & contact: Carson McDowell Date received: 27 th April 2015				
88	n/a	General	Carson McDowell have raised a number of points in relation to the SEA Environmental Report Consider that the Environmental Report does not meet the minimum legal requirements. They specifically refer to 'likely significant effects', 'reasonable alternatives' and 'evaluated' in the context of the relevant legislation. Highlight failures in the overall approach to the assessment - failing to consider the interaction between policies and no inclusion of entirely negative scores. They consider there is a failure to consider interactive elements. Interactions between environmental factors have not been sufficiently assessed. Individual policies appear to be assessed in isolation rather than as part of the plan as a whole and provide what they consider to be an example of this.	The points raised have been considered. Noted. Overall satisfied that the SEA of the SPPS has been completed in a robust and lawful manner. Disagree, approach followed complies with legislative requirements.

		<p>The assessment does not identify all the likely significant adverse effects on the environment of implementing the dSPPS.</p> <p>Indicate a failure to identify and assess mitigation measures – failing to identify significant residual effects, compounded by the absence of entirely negative scores in the assessment therefore an underestimation for and extent of mitigation measures.</p> <p>They consider there is a Misunderstanding of proposed changes of policy. Consider dSPPS is a consolidation of existing policies with the exception of the retail policy. No description in ER of how dSPPS differs from current policy. The ER should identify the difference between existing and proposed policy so the differences can be properly assessed as per the SEA Directive and the Regulations.</p> <p>Failure to consider and assess alternatives. Consider reasonable alternatives must be assessed in particular they highlight the need to consider alternatives for the new retail policy.</p> <p>Consider the NTS is non-compliant with regard to the information which must be included in an SEA environmental report. This required information includes a description of the measures envisaged concerning monitoring of the significant environmental effects of the implementation of each plan or programme, as well as a non-technical summary of the information in the environmental report. To this end, we note that whilst the Environmental Report describes the monitoring measures proposed, the non-technical summary of the Environmental Report makes no reference to monitoring. Similarly, the information identified above which is missing from the Environmental Report is necessarily absent from the non-technical summary as well. As such, the non-technical summary does not summarise all of the information in the Environmental Report and the requirements of the SEA Directive have not been met.</p> <p>In light of the above substantial non-compliance with European and domestic environmental legislation, we would invite the Department to withdraw the dSPPS.</p>	<p>Do not consider that the absence of adverse effects renders the SEA non-compliant but rather represents a legitimate and rational outcome of the SEA process.</p> <p>Do not accept that there is a failure to identify and assess mitigation measures. Mitigation is only required where significant adverse effects arise. In this case no such effects were identified</p> <p>Disagree. The scope of preparing the SPPS is correctly reflected in relevant SEA papers prepared in conjunction with the draft SPPS. Nevertheless, the ER to accompany the SPPS in final form will contain a description of the key differences between the existing policy framework (Alternative 1), the dSPPS (Alternative 2, published February 2014), and the final SPPS.</p> <p>Disagree. Satisfied a proportionate and appropriate approach has been taken to the assessment of alternatives which meets the legislative requirements. Furthermore, it is incorrect to state that that the draft ER does not assess reasonable alternatives to the new retail policy, such as leaving retail policy as it is or adopting a market-led approach. This is assessed in Section 6 of the draft ER.</p> <p>Whilst monitoring is dealt with in the main draft report (Section 8) it is correct to highlight that there is no reference to it in the non-technical summary (NTS). However, do not consider such an omission to be so significant as to render the SEA and draft SPPS flawed. This point does not go to the heart of the SEA exercise. Nonetheless will ensure 'monitoring' is appropriately reflected in the final ER and it's NTS to be published with the SPPS in final form.</p> <p>Overall satisfied that the SEA of the SPPS has been completed in a robust and lawful manner.</p>
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