

DRAFT STRATEGIC PLANNING POLICY STATEMENT (SPPS) FOR NORTHERN IRELAND

Response to Public Consultation Document

Northern Ireland Independent Retail Trade Association (NIIRTA)

NIIRTA has provided detailed comments on each of the questions posed in the Consultation Paper and these are provided in sequence within this submission. The overall view is that the SPPS displays a considerable variation in quality. Some elements are broadly satisfactory, whilst others require substantial alteration before the SPPS is finalised.

The Purpose of Planning

Q1 The major thrust of the SPPS is to balance the economic and social priorities with the careful management of the built and natural environment. NIIRTA is of the view that there is a danger in focusing on investment and economic development and giving undue weight over the protection of the environment in order to support the Executives Programme for Government and “*unlock development potential, support job creation and economic recovery*”. The emphasis of the purpose of planning has been subsumed in economic development, so major developments that impact the environment may be approved.

Core Planning Principles

Q2 NIIRTA agrees that the Department has identified suitable core planning principles. However, some need amendment such as “*observing a Plan-led system*” needs to be refined to “*implement a plan led system*”. Observing means to look at rather than act.

Furthering Sustainable Development

Q3 NIIRTA is of the view that this is an appropriate approach for this core planning principle, although further clarification is needed. Additional weight is placed on economic considerations and states that large scale investment proposals with job creation potential will be given particular priority. NIIRTA would reiterate that not all economic growth is sustainable. In practice most out of town retail developments claim significant investment and employment, but in reality simply results in relocation of jobs out of town or city centres.

Although economic considerations are essential they should not be at the expense of the environment which can have serious practical considerations. NIIRTA is of the view that there is too much bias towards the economy and this will put additional pressure to grant permission for major out-of-town retail developments. In furthering sustainable development there is a need to balance economic, social and environmental objectives in a clear and objective manner in the management of development and decision taking otherwise economic factors will be determining.

Improving Health and Well-Being

Q4 Additional weight is placed on economic growth. There is a need for amplification of sustainable economic growth and where it should be focused. Noise and air pollution have always been material considerations in planning decisions. The identification and zoning in development plans for noise generating uses and noise sensitive uses and the avoidance incompatible land uses are to be supported. The emphasis on noise and air pollution is

unfortunate given that there are other considerations such as light pollution, waste management and other impacts. These need to be spelt out more clearly.

Creating and Enhancing Shared Space

Q5 Additional weight is placed on “*promotion of development*” and “*economic advantages of maximising shared space*”. It is clear from paragraph 3.27 that the planning system will influence the “type, location, siting and design of development”. The result of this is that for example the location of an out of centre retail development within a community interface may outweigh its location in a town centre and compromise retail policies.

Delivering Spatial Planning

Q6 NIIRTA is of the view that further explanation is required as to what the objective of delivering spatial planning is. The description of the principle is very vague and doesn't indicate whether policies contained within Spatial Strategies such as the Regional Development Strategy (RDS) 2035 will take preference or whether the vision set out by communities will be more significant.

NIIRTA agrees that community planning powers should assist in this direction but explanation is needed on what this intends to achieve. Often communities have no clear idea of their collective vision but require guidance and direction. It may be helpful to have a community vision identified for local areas in the development plan.

Observing a Plan-Led System

Q7 The title “observing a plan-led system” is confusing. It would be more appropriate to title it “*implement a plan-led system*”. NIIRTA agrees with a plan-led system and the preparation of effective and up-to date LDP's with meaningful participation for stakeholders. However it is going to take some considerable time to have up to date LDP's perhaps 5 to 10 years. The new retail policies are likely to be challenged and create delays. This may have an on effect on the preparation of LDP's. The result is that old development plans and old PPS's are likely to continue to be used for years to come.

NIIRTA has concerns that the delays in LDP preparation will result in continued use of the old PPS's and protracted legal challenges to the SPPS.

Supporting Good Design, Positive Place-Making, and Urban and Rural Stewardship

Q8 It is agreed that the planning system has a significant role in making successful urban places through its influence on the type, location and design of development. The recognition that design is an important material consideration is to be welcomed. The qualities of successful places and the six guiding principles in the countryside are worthy of support and should form the basis against which judgements will be made.

Local design policies need to incorporate these qualities which require to be encompassed within LDP's on which development proposals will be determined. The main problem is establishing a design standard across 11 councils where qualified designers are not employed. In the past the Department has avoided refusing permission on the basis of design for this very reason and that design introduces a degree of subjectivity.

Engaging Stakeholder Engagement and Front Loading

Q9 NIIRTA agrees that the proposed step to enhancing transparency and openness in the operation of a council and its decision making is engaging local communities. Councils must prepare a Statement of Community Involvement (SCI) and the Department also in respect of the planning functions. NIIRTA would support an inclusive approach to engage different groups within a community so that they are not disadvantaged.

It is agreed that community views should be reflected at the earliest stage. It is agreed in the case of regionally significant and major developments that applicants will be required to demonstrate a community consultation prior to submission of their application. In the case of the preparation of LDP's an SCI is required at each significant stage of the development plan preparation. These are minimum steps to engaging the local community that are required.

Enhancing Local Democratic Accountability

Q10 It is accepted that planning will give rise to many complex and competing issues which will result in conflict between industrial, community and interest groups. In addition the timing and decision making approach will vary from council to council. It is important that consistent decision taking is provided in development management of the system and a robust plan led system for the preparation of LDP's to install confidence in the new system and avoidance of it being undermined. It is agreed that there should be a focus on pre application discussions between applicants and planners, community participation and high quality applications within a robust 'plan led' system. It is essential that a democratically accountable decision taking system is in place to ensure there is confidence in the new system. In addition it is necessary to have a level of scrutiny, soundness, conformity and consistency that councils must apply with when producing plans within a plan led system.

It is considered essential that an ethical standards framework be introduced for members of councils given that the original local government system, prior to 1973 was abolished due to inconsistency in decision-taking by councils. NIIRTA would question whether the mandatory Code of Conduct will be adequate? Given that councillors will have the final say on an application will a Code of Conduct be sufficient to ensure that conflicts of interest are managed appropriately? There are doubts whether it will deter the potential abuse of power.

Decision Taking Principles and Practices

Q11 The decision taking principles and processes are outlined for the reformed two tier planning system. Whilst this section emphasises the need to take account of a Council's Community Plan in preparing its plan strategy and local policies plan, equally there is a need to prepare and adopt the LDP to be published quickly. It is thought that the suggested 2 year timetable is ambitious from a standing start, given that the Department never prepared a development plan within that time scale.

Under the principle of Transparency it may be helpful to include an illustrative diagram to show the sequence of actions to be taken by councils as they are not clear;

- Publish statement of community involvement,
- Identify relevant issues and capture local stakeholder views,
- Prepare a Preferred Options Paper to deal with key issues,
- Prepare a plan strategy and strategic policies for implementation of objectives,

- Independent examination of plan strategy to ensure consistency,
- Sustainability appraisal of LDP's to ensure plan strategy and local policies plan to ensure key objectives are met,
- Department's direction to Council to adopt plan strategy or local policies plan.

There is a danger that the whole Local Development Plan making process and the Development Management Process has been made so unnecessarily complex with rules to try to cover every eventuality that the whole process will be slowed down and decision taking becomes cumbersome. Rather than speed up the process it may actually delay and stunt investment projects. It is also prudent to monitor the LDP on an annual and 5 yearly basis. Though there is a desire to keep the LDP up to date, the 5 year timetable may be ambitious.

SUBJECT PLANNING POLICIES

A lack of precision in many subject policies results in a "*dumbing down*" of policy content. The result will be flexible interpretation and uncertainty in achieving the desired outcome.

Archaeology and Built Heritage

Q12 The SPPS has reflected and updated in a strategic manner the existing planning policy approach on Archaeology and Built Heritage. However, a number of elements have been omitted and there appears to be a general "diluting" of the protection of archaeological and built heritage sites in LDP's. Previously the Department stated it "will" take full account of these settings within a plan. Now this has been diluted to "should".

The section on Industrial Heritage has been omitted and requires to be included as there are many features of industrial heritage such as ruins in the countryside and settlements which require protection.

Coastal Development

Q13 Much of the coast around the N. Ireland is designated within Areas of Outstanding Natural Beauty, Areas of Special Scientific interest or as Marine Conservation Zones. The objectives for coastal development are to protect the undeveloped coast, protecting it from excessive and inappropriate development and facilitate development in coastal locations within coastal settlements.

The SPPS has updated the existing planning policy approach on Coastal Development. The Marine Policy Statement (March 2011) and the Marine Plan for Northern Ireland (MPNI) provide spatial guidance and more detailed policy for the terrestrial/marine interface. All decisions reflecting the UK marine area should be in accordance with the Marine Policy Statement and where appropriate the MPNI, Marine Plans and LDP's must be compatible.

It is agreed that Councils in drawing up LDP's should identify coastal areas likely to be suitable for development and where appropriate LDP's should identify land to be zoned for essential uses within settlements. They should also identify areas of coast at risk from flooding, coastal erosion and land instability. It is agreed that where new development requires a coastal location it should be directed to coastal settlements and development on the undeveloped coast should only be allowed where there is no feasible alternative site within an existing urban area.

Control of Outdoor Advertisements

Q14 The SPPS does not reflect and update the existing policy approach. Under existing planning policy the Department is required to regulate the display of advertisements in the interests of amenity and public safety. The consent of the Council will be required for the display of advertisements although some advertisements are exempt from control.

It is accepted that the policy objectives for the control of advertisements are to respect amenity and avoid prejudicing public safety. LDP's should include policies to control the display of advertisements and specific policies affecting Listed Buildings, Conservation Areas and Areas of Townscape Character. The main thrust of decision taking is that an advertisement will not detract the place from its surroundings nor prejudice road safety. The objective is to prevent clutter and protect listed buildings and conservation areas.

Development in the Countryside

Q15 The SPPS does not adequately reflect nor update in a strategic way the existing policy approach of development in the countryside. It would appear that within the overall objectives set by the Department each Council will prepare a strategy for development in the countryside and identify Dispersed Rural Communities (DRC's). These will be incorporated within the LDP. Councils will also be required to prepare local policies and proposals for the range of types of development in the LDP.

The concern is that the existing PPS21 for development in the countryside provided detailed guidance. It is accepted the SPPS policy approach is much more strategic and leaves much of the guidance and policy requirements to the LDP's. However, there is a grave concern that PPS21 will continue to operate until councils have their LDP in place. At this point 11 different rural strategies will emerge without a single uniform policy. The result is likely to be a piecemeal policy that will vary dramatically from one Council area to another. This is a recipe for an inconsistent and unsustainable approach.

Economic Development, Industry and Commerce

Q16 The SPPS does not adequately reflect and update the existing planning policy approach on Economic Development, Industry and Commerce. The SPPS has drawn down the same policy objectives as those set out in PPS4. The overall aim of the SPPS is to facilitate the economic development needs of Northern Ireland in ways that are consistent with the protection of the environment and the principles of sustainable development. This will be done through the LDP's.

However, there is a general dilution of the SPPS in relation to economic development, industry and commerce. Councils are urged to ensure there is an ample supply of suitable land available to meet economic development needs within the LDP area and to identify previously developed land for economic development and opportunities for mixed use development. However there is no requirement included to continue to protect existing industrial land that is zoned for such use.

In terms of planning applications the SPPS urges that the Department should adopt a positive and constructive approach in determining applications for economic development

taking account of the likely benefits. There is a general dilution of the protection of the countryside in favour of economic development.

The general guidance for decision taking is “*so vague to restrict the level of new building for economic development purposes outside settlements,*” that it is almost meaningless.

Flood Risk

Q17 The SPPS does not appropriately reflect and update the emerging planning policy approach on Flood Risk as expressed in PSS15 Revised (Draft) Planning and Flood Risk.

It does not reflect the policy objectives of the draft PPS15 and the requirement for the LDP to take account of the potential flood risks, the most up to date information on flood risk and apply the precautionary approach to development in areas under present or future flood risk.

The major concern at present lies with decisions using an outdated PPS15 without the benefit of a finalised PPS15 and little prospect of the LDP being published by councils for some considerable time. Flood risk is the subject policies of greatest concern at present.

NIIRTA's view is that this policy should aim to further restrict development on floodplains. The policy should reiterate the need for sustainable development and encourage the retention and restoration of natural flood plains and watercourses. Development in flood plains cannot be justified where there are suitable sites outside the floodplain.

The policy should aim to refuse planning applications that propose a significant reduction in natural drainage systems and a increase in hard standing which in turns increases surface water runoff. This significantly increases the risk of flooding which can result in detrimental consequences. The policy should highlight that mitigation measures should eradicate any possibility for flooding. Sustainable Drainage Systems cannot cope with the increased rate of development and climate change and can become inadequate to defend against the risk of flooding.

In relation to culverting, there is the potential for the SPPS to conflict with existing policy. Developers have argued that culverting of a watercourse has potential benefits for the watercourse but in reality results in detrimental impacts to landscape, ecology and biodiversity.

Housing in Settlements

Q18 The SPPS does not adequately reflect and update the emerging planning policy approach on Housing as expressed in PPS12 – Housing in Settlements. However, further strategic guidance is required on how LDP's respond to unforeseen demand for additional housing land and how this should be allocated. The SPPS does not indicate whether LDP's will have to take account of Regional Targets or if new “*local targets*” will be created through councils applying their own Housing Growth Indicators (HGIs) and Urban Capacity Studies.

The processes for allocating housing land are similar to the existing policy although it has been diluted to state “*housing allocations should be informed by*”, where as it previously stated that read, “*housing allocations will be determined by*”. The SPPS further dilutes existing policy. The SPPS only include a ‘Search Sequence’ for a sequential approach and

identification of suitable sites rather than explaining what the approach entails. The SPPS does not indicate whether a sequential approach should apply to settlements above a certain population threshold and how this may vary appropriately to certain settlements. Further strategic guidance is needed to guide the Local Development Plans, particularly on what criteria will be considered in the identification of suitable sites for housing? In relation to measures contained within Development Plans it states that “*LDPs should*” where it should read “*LDPs will*”. This policy requirement has again been diluted.

NIIRTA’s view is further guidance is required on the potential need for further identification of land beyond the urban footprint in a settlement. This will be residual land after taking account of urban capacity, windfall allowance and housing already constructed and committed. LDP’s need to take further account of existing housing zonings and the scale of approved housing. The policy should be focused on providing a balance across a settlement and giving appropriate allowance for housing in the countryside.

The policy needs to further recognise the need to deal with sensitivity and conflict within divided communities and in addition the provision and maintenance of settlements for both communities. The policy needs to inform councils and LDP’s as to when Housing Need Assessments (HNA) are to be updated and monitored. Councils will be required to regularly monitor and review data and trends for various categories within the HNA. In terms of affordability the SPPS does not direct LDPs as to the mechanism for delivery of affordable housing.

Minerals

Q19 The existing planning policy approach on Minerals is just about adequately reflected in the SPPS. The policy objectives for minerals recognise the key aims of safeguarding workable resources for potential future development, the prevention of over-exploration because of their importance to the economy and to limit the impact of extraction on the environment.

Councils in preparing LDP’s need to ensure that there are local supplies of aggregates to meet likely future development needs. Mineral resources need to be safeguarded to ensure that other developments do not prejudice future exploitation. On the other hand areas need to be identified in LDP’s because of their amenity value so that they are protected from minerals development.

In terms of decision taking, all mineral applications require to be assessed against the need to protect and conserve the environment. In general mineral developments close to designated areas will not normally be given permission. The case for minerals development must always be balanced against the need to protect and conserve the environment.

The factors to be taken into account in assessing proposals include the amenity of local residents in close proximity to mineral workings, the amount of traffic generated by a mineral working and its impact on the local road network, and the satisfactory restoration of the site and surrounding landscape.

The SPPS might reasonably have included reference to policies on the re-opening of former mineral workings which have become more economic/viable again. Also there is no policy

direction on alternative uses of former mineral workings which have been exhausted. This would improve the direction and guidance contained in the SPPS.

Natural Heritage

Q20 The SPPS appropriately reflects the updated existing planning policy approach on Natural Heritage which was recently published in the revised PPS2 in July 2013. The six policy objectives are identical to those contained in PPS2 and emphasis is placed on the precautionary principle which will be applied by the Department and Councils in plan making and decision taking.

In addition the natural heritage features and designated sites will not be identified through the preparation of LDP's. Emphasis is placed upon the restoration of degraded landscapes and the cumulative effect of development when preparing LDP's and policies to reduce the potential for conflict.

In terms of decision taking Councils or the Department should take account of the potential effects of development proposals on landscapes and natural heritage, including cumulative effects. Direction is provided that appropriate weight should be given to designated sites of international and local importance, priority and protected species and to biodiversity and geographical interests within the wider environment.

The policy in respect of decision taking in relation to sites where there are international, national and local designations is spelt out. In addition the policies in respect of protected species, other habitats and species and in relation to Areas of Outstanding Natural Beauty (AONB) are outlined for Councils to take account of.

Open Space, Sport and Outdoor Recreation

Q21 The SPPS has reflected and updated existing planning policy on Open Space, Sport and Outdoor Recreation as set out in PPS8. The policy objectives remain the same as PPS8 and guidance is included to local Councils in preparing LDP's.

Councils when preparing LDP's are required to assess the level of existing open space provision and future needs. It is recommended that a survey of existing public and private open space should be carried out. These areas should be identified within LDP's and protected from loss by other competing land uses.

A number of criteria are listed to assist in assessing future open space needs. Local policies are suggested to be introduced for large residential zoning to provide adequate open space as an integral part of development. Provision requires to be made to secure future management and maintenance of this view on open space in residential developments.

Councils are urged to include policies in the LDP's for consideration of outdoor recreation proposals in the countryside and intensive sports facilities within settlements. A number of issues are listed for consideration. In terms of decision taking a number of relevant material considerations are drawn up to assist in the examination of development proposals for all sport and outdoor recreational activities. In particular attention is drawn to noisy specialist's sports that are likely to conflict with noise sensitive uses.

In general the strategic elements of the existing open space, sport and outdoor recreation have been drawn out. It has been noted that golf courses and driving ranges have been omitted from the policy guidance and there is no mention of temporary recreational uses.

Renewable Energy

Q22 The SPPS adequately reflects and updates strategically the existing planning policy approach on Renewable Energy as set out in PPS18. The policy objectives of existing PPS18 remain the same in the SPPS.

Councils in preparing LDP's should set out policies and proposals that support a diverse range of renewable energy development. LDP's should set out the factors that will be taken into account for decision making. These factors will depend on the scale of the development and its local content, however many of them are suggested.

In terms of decision taking Councils are urged to carefully consider all development proposals for renewable energy development. Particular attention is drawn to the potential impact of wind farm proposals on the landscape as some landscapes may be able to absorb wind farms more easily than others. A number of criteria are identified for consideration.

Particular attention is drawn to designated landscapes such as AONB's and the World Heritage Site. A list of criteria for consideration is provided to assist in absorbing development into the landscape. Details of measures to mitigate against unavoidable damage require to be provided, as are details of future decommissioning and site restoration.

In general the SPPS adequately updates the existing planning policy approach on renewable energy.

Tele Communications, Public Services and Utilities

Q23 The existing planning policy approach on Telecommunications (PPS10) dates from 2001 and is considerably out of date. The problem is that the growth of new telecommunications is changing so rapidly that policy direction and guidance is out of date by the time it is finalised. The need is for a strategic approach that will serve as a planning framework and NIIRTA is not convinced that SPPS is sufficiently robust.

The four policy objectives outlined are sufficiently flexible and wide ranging to accommodate existing and proposed future needs. However, whilst objectives 1 and 4 suggest how the objectives are translated into direct action, on the other hand objectives 2 and 3 do not explain how the objectives can be achieved.

Objective 2 which states "ensure that the visual and environmental impact of telecommunications development is kept to a minimum" is meaningless unless some action is suggested. For example that equipment should be placed underground would translate the objective into an action, but this has not been outlined.

Objective 3 states "*minimise, as far as practicable, undue interference that may be caused to terrestrial television broadcasting services by new development*". This is meaningless unless

the objective is translated into an action. For example it may be that a protection zone is required around terrestrial television broadcasting services. This requires to be clarified.

The strategic direction provided to Councils who are charged with preparing LDPs is less than adequate. The only guidance provided is to discuss with telecommunications operators and share sites wherever possible. The existing PPS10 provides much better guidance in minimising the visual and environmental impact of telecommunications development than the present SPPS and requires to be improved.

Other public services and utilities

The direction and guidance provided by the SPPS in respect of Airport Public Safety Zones and power lines is fairly limited and of little value. There are many other public services and utilities which require being included in this section. For example water treatment plans, major water mains and sewerage treatment plants are excluded and require guidance.

This section requires to be rewritten to include a more comprehensive list of subjects as suggested. In addition the guidance given to councils preparing LDP's is of little value. Airport Safeguarding Zones should be plotted on LDP's to protect them from potential future development particularly when located in built up urban areas.

Tourism

Q24 The SPPS has reflected and updated the existing recent planning policy approach on tourism as set out in PPS16 which was published in June 2013. The six objectives set out in the SPPS remain the same as those in PPS16.

Councils in preparing the LDP's are urged to consider how best to facilitate the growth of sustainable tourism in their area and bring forward a tourism strategy. The tourism strategy will be shaped by the needs and assets of the local area and informed by engagement with relevant stakeholders. A number of considerations are outlined to assist in preparing the tourism strategy.

Council's are also urged to prepare policies to safeguard tourist assets which will be contained in LDP's. Lists of different types of tourism are provided and the relevant criteria for these should be drawn up.

In policy terms there should be a presumption in favour of tourism development within settlements. In the countryside there is a need to manage the level of new build tourism projects on the basis of its support for rural communities and the rural economy.

In terms of decision taking the SPPS suggests a positive approach should be adopted in determining applications for tourism development. A list of considerations to be examined as part of the decision-taking process is provided. The SPPS also warns of the need to safeguard tourism assets from unnecessary, inappropriate or excessive development is vital to avoid diminishing the quality and character of the asset.

In general the strategic approach has diluted the criteria to be used in the assessment of different types of tourist development. This may be significant during the policy void until

LDP's and local policies are developed. It would be prudent to spell out in some detail the various criteria for consideration of different types of tourist proposal.

Town Centres and Retailing (New Strategic Policy)

Q25 The SPPS is to support and sustain vibrant town centres across Northern Ireland consistent with the Regional Development Strategy. The new retail policy approach sets out 6 objectives which include a "*town centres first approach*" and a "*sequential test*" for the location and identification of future retailing and other main town centre uses in LDP's and when decision taking. The remaining objectives urge that LDP's and decisions are informed by up to date needs and capacity evidence, high quality design and approved accessibility to and within town centres.

NIIRTA agrees with the town centre first and sequential test approach. NIIRTA supports the enhancement and diversity in the range of town centre uses. All leisure, cultural and community, housing and business facilities should be directed toward the town centre in order to promote town centres as the first choice for business. Applicants proposing these uses outside the town centre should have to demonstrate why it cannot be located at a town or city centre site through a site selection process.

The likely delay in the preparation of the LDP's will mean new retail policies will not be applicable for some time. The same outdated policy will therefore continue to operate using RIA's where developers pull figures "*out of the air*" to support their application. Local councils are likely to continue to use old plans and old PPS's. NIIRTA supports the thrust of the SPPS to promote town centres first and introduce a sequential test although if the LDP's are not prepared and introduced in time this new approach will make little difference to proposals coming forward.

Q26 Local Development Plans

Similarly, as with the sequential test NIIRTA supports the requirement for Councils to prepare up to date Retail Needs Assessments and Retail Capacity Studies. However, these are to be incorporated into the new LDP's and if there is delay in their preparation the new policy will not be apparent.

Q27 NIIRTA supports the requirement for councils to prepare town centre health checks. However, the health checks proposed does not take account of accessibility and the ease and convenience of means of travel, the frequency and quality of public transport services and the quality, quantity and type of car parking as well as provision of disabled, pedestrians and cyclists. In addition customer's views and the diversity of uses in the town centre are key indicators of how a centre is performing. The Health Checks should also be required to take account of environmental quality and identify a Study Area (Town Centre boundary).

Q28 NIIRTA supports the "call for sites" consultation exercise to be undertaken and that preference is given to edge of town centre land before out of centre sites. NIIRTA also supports the maintaining and improving of accessibility to town centres but is of the view that it will mean little unless there is some flexibility in car park pricing and major out of town shopping developments have to charge a similar price for parking.

Q29 NIIRTA does not agree that 300m from the town centre boundary is appropriate to be considered as edge of centre. It is suggested that a 200m limit be placed on edge of centre sites. Although the case it is unlikely that anyone will walk from an edge of centre site to the primary retail core with the inconvenience of heavy shopping bags. This reiterates the need for public transport provision and some flexibility being introduced to town centre car parking charges.

Q30 NIIRTA is of the view that 2,500sqm (gross) is the appropriate threshold for requiring a Retail Impact Assessment. However, NIIRTA is of the view that there are other relevant questions that should have been asked in this section.

At paragraph 6.232 it states, "*That the Department should require applications for main town centre uses to be considered in the following order of preference.*" District Centres and Local Centres have been omitted from the sequence. They should have been inserted at No4 in the list and out of centre locations relegated to No5.

At paragraph 6.235 it states that applicants "*will be expected to identify and fully demonstrate why alternative sites are not suitable, available and viable*". This requires to be strengthened and a requirement for disaggregation to be included.

Q31 NIIRTA agrees with the factors to be addressed as part of the Retail Impact Assessment although the exclusion of several key factors raises concerns. The applicant should be required to address the extent as to which the proposal complements existing facilities or meets existing deficiencies in shopping provision, is the proposal accessible by a choice of means of transport and is it likely to effect the overall travel patterns and number and length of car trips. The existing PPS5 indicates in assessing the likely impact on the vitality and viability of a centre, the potential changes to the quality, attractiveness and character of the centre and the potential changes to the role of the centre in the economic and social life of the community, the potential changes to the range of services and the potential increase in number of vacant properties in the primary retail core need to be considered. These should also be included with the factors to be addressed as part of a RIA.

Transportation

Q32 NIIRTA supports the updated policy on transportation and the objectives. In order to support sustainable transport choices, including walking, cycling and public transportation, development needs to be located in areas that are easily accessible. The allocation of sites for housing development in proximity to existing or planned provision support this and also supports housing and town centre policies within the SPPS. However, maintaining and improving accessibility to town centres is an important factor and will make little difference if flexible car parking charges are not reduced or introduced at out of centre retail sites to ensure a level playing field.

The SPPS also aims to restrict the number of new accesses and control the level of use of existing accesses onto protected routes, as the existing PPS3 did. In addition in determining a development proposal likely to generate significant volume of traffic, the councils should require the developer to submit a Transport Assessment to facilitate the assessment of transport impacts. Previous TA reports submitted by applicants have been flawed and unreliable due to significantly underestimated traffic flows and trip generations in order to reduce the impact of the proposed development in seeking approval. NIIRTA is of the view that if Transport Assessments continue to be prepared as at present they are of

little relevance and cannot be relied upon. The full impact of the development and intensification onto Protected Routes cannot accurately be assessed.

Waste Management

Q33 The SPPS does not adequately update or reflect the existing planning policy (PSS11) approach on Waste Management. The updated policy is significantly weaker than the existing policy. However, the strengthened approach in relation to the identification of specific sites for the development of waste management facilities is supported but this can be made more robust. The SPPS should read that specific sites for the development of waste management facilities “will” be identified together with key site requirements. Councils in preparing LDP’s should identify and zone specific sites for waste management. When zoning lands for other uses Councils need to consider the potential impact of existing and approved waste management facilities.

The new policy is significantly weak in comparison to existing policy. No policy guidance has been extracted and the new policy is extremely diluted. The SPPS needs to provide guidance for Councils on for example, the environmental impacts of waste management facilities and the implications of these on human health and the environment. The policy is required to provide guidance on waste collection and treatment facilities for different kinds of waste, for example hazardous waste. The SPPS omits any guidance on waste disposal and the potential for land improvement through efficient waste disposal.

Implementation and Transitional Arrangements

Q34 NIIRTA’s view is that the delay in preparation of LDP’s and the continued use of existing policies will mean that the SPPS policies have little impact for some time. In particular strategic retail policies supported by the SPPS will carry no weight unless the LDP’s are completed in a timely and efficient manner. NIIRTA is concerned about the risks associated with the delays on applications by the lack of Local Development Plans and the continued use of old PPS’s. There is likely to be protected legal challenges to the SPPS arising from the new retail policies which are likely to create delay for the rest of the SPPS.

Q35 NIIRTA is of the view that there are several issues not considered within the policy list such as erosion, landslides and fracking. These matters require to be addressed within the SPPS.