

Section 12 Direction - Planning Act (Northern Ireland) 2011 and Planning (LDP) Regulations (NI) 2015

The Department for Infrastructure (DfI), has considered the recommendations made under section (10)(8) of the Planning Act (Northern Ireland) 2011. The Department agrees with the reasons outlined in the Planning Appeals Commission report and therefore in exercise of the powers conferred on it by section 12(1)(b) of the Act, hereby directs that Belfast City Council adopts the draft Plan Strategy with such modifications as specified in this direction.

This direction may be cited as the:-

Department for Infrastructure Planning Act (Northern Ireland) 2011, Adoption of Belfast City Council Plan Strategy, (s12) Direction 2022.

1.0 Commencement

1.1 This direction comes into operation on 4 February 2022.

2.0 Interpretation

2.1 In this direction:

"the 2011 Act" means the Planning Act (Northern Ireland) 2011;

"council" means Belfast City Council;

"the Department" means the Department for Infrastructure;

"modifications" means changes required and included as part of this direction

"recommendations" and "recommended amendments" means those as set out in the Planning Appeals Commission Independent Examination report attached at Annex A, under which section 10(8) refers.

"the report" means the Planning Appeals Commission report on the Independent Examination of the Belfast City Council draft Plan Strategy.

3.0 Modifications to the draft Plan Strategy

3.1 The Planning Appeals Commission has made recommendations under s10(8) of the Act, and set out these as recommended amendments as part of its report on the Independent Examination of the Belfast City Council draft Plan Strategy. The Department has considered the recommendations made under s10(8) of the Act and accepts these recommended amendments. Therefore the Department, in exercise of its powers conferred on it by section 12 (1) (b), of the Planning Act (Northern Ireland) 2011, hereby directs that Belfast City Council modify the draft Plan Strategy to include all 78 modifications detailed in *Schedule 1* of this direction. These should be read in conjunction with the Independent Examination report (attached at Annex A).

3.2 The council should engage with the appropriate consultation bodies prior to undertaking public consultation in relation to the new policies, identified at modification ref MOD05, MOD06, and MOD11. The council must be satisfied that requirements for public consultation have been met with regard to the changes, including sending a copy to the consultation bodies and notifying those who have submitted representation. Furthermore, updates to sustainability appraisal and any other statutory assessments as necessary should be undertaken.

3.3 To ensure the direction is fully complied with, it will be necessary for the Department to agree the new policy wording proposed to fulfil the modifications. To that end, the council will be expected to revert to the Department at the appropriate point, before adoption of the Plan Strategy takes place.

4.0 Information to the Department

4.1 As stipulated above, following the council's consultation on new policies as set out below in Schedule 1 – Required Modifications, it will be necessary

for the Department to agree the wording prior to adoption by the council, in order to ensure that the purpose and intent of the modifications have been fulfilled.

4.2 If for any reason, the council do not comply with this direction in its entirety, the Department, if required, may also consider its default powers under section 16, if it thinks the council is failing or omitting to do anything necessary for it to do in connection with the preparation of the draft Plan Strategy.

5.0 **Adoption of the document**

5.1 The draft Plan Strategy is adopted by resolution of the council unless the Department exercises its powers under section 16 of the Act.

5.2 Under section 12 of the Act and provisions set out in regulation 24, the Council must comply with the direction and the modifications hereby given, and adopt the draft Plan Strategy as soon as reasonably practicable.

Alistair Beggs

A Senior Officer of
The Department for Infrastructure

Schedule 1 – Required Modifications

Modification Ref	PAC Recommended Amendment Number (IE Report Page number)	Policy, section or paragraph number of dPS	dPS Page number	IE Report Recommended Amendments Red text to be deleted
<u>Section 1 - Introduction</u>				
MOD01	RA01 (p. 3)	Appendix A: Existing/ draft Policy Designations	303 - 315	Incorporate the amendments set out in BCC’s Table A1: Draft Policy Designations & Table A2: Existing Policy Designations included as Appendix 6 of the PAC IE report
<u>Section 2- Vision, aims and objectives</u>				
MOD02	RA02 (p. 15)	Building a smart connected and resilient place - “Aims” first paragraph, second sentence	28	The plan will encourage the expansion of green infrastructure networks for walking and cycling to encourage active travel and improve air quality and promote increased use of public transport whilst retaining suitable <u>appropriate</u> provision for cars.
MOD03	RA03 (p. 15)	Building a smart connected and resilient place - “Objectives” 2 nd box	28	To ensure availability of land to facilitate sustainable patterns of development and promote travel <u>whilst supporting demand management measures to encourage</u> by more sustainable modes of transport.
<u>Section 3 - Strategic policies</u>				

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MOD04	RA04 (p. 16)	Strategic Policies - Introduction	33	The following sentence is added to as a second sentence is added within Paragraph 5.0.3: <i>“Belfast’s harbour area via the port and Belfast City Airport, provides a gateway to Britain, Europe and the rest of the world. They will continue to act as an enabler of wider economic growth throughout the plan period.”</i>
MOD05	RA05 (p. 26)	Policy SP1 - Growth strategy	35	Inclusion of a strategic policy on phasing as outlined in paragraph 3.42 of the PAC IE report. Consultation to be undertaken by BCC and final wording to be agreed with Department
MOD06	RA06 (p. 27)	Policy SP1 – Growth strategy	35	Inclusion of a policy relating to public services/utilities as set out in paragraph 3.43 of the PAC IE report. Consultation to be undertaken by BCC and final wording to be agreed with Department
MOD07	RA07 (p. 28)	Policy SP2 – Sustainable development Paragraph 5.2.2	35	In proactively promoting development, the council shall protect and enhance the city’s built heritage and the natural <u>and historic</u> environment. It is important to secure the orderly and consistent development of land to deliver the council’s social and economic priorities alongside the careful stewardship of the built heritage and natural <u>and historic</u> environment.
<u>Section 4 - Spatial development Strategy</u>				

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MOD08	RA08 (p. 35)	Policy SD2 – Settlement Areas	49	<p>Paragraph 6.2.1, the last bullet point should be amended to include the wording at the end of the sentence.</p> <p>Ensure better integration between land use planning and transportation, particularly sustainable transport modes such as walking cycling and public transport and <u>connectivity through and to the port and airport.</u></p>
MOD09	RA09 (p. 35)	Policy SD2 – Settlement Areas	51	Figure 6.2 should indicate the location of George Best Belfast City Airport
<u>Section 5 - Shaping a liveable place</u>				
MOD10	RA10 (p. 38)	Housing- Introduction	59	<p>Paragraph 7.1.5, additional bullet point should state:</p> <ul style="list-style-type: none"> ▪ ensure an appropriate supply of housing to provide for those with specialist housing need including specialist residential accommodation and care-related facilities specific accommodation for travellers, shared forms of housing and purpose built student accommodation.

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MOD11	RA11 (p. 44)	Policy HOU1 – Accommodating new homes	60	Policy HOU1 shall define a phased approach to the release of housing to ensure alignment of housing delivery with planned infrastructure investment and development lead-times. Council should give consideration to how this is addressed in relation to MOD 05 & 06.
MOD12	RA12 (p. 47)	Policy HOU4 – Density of residential development	66	Reference to Tall buildings in the policy head note should read: Tall Taller buildings with in the city centre.
MOD13	RA13 (p. 53)	Policy HOU5 Affordable Housing, Appendix E SPG	329	SPG for Affordable Housing should provide details of the processes and key assumptions to be used when viability is identified as an issue.
MOD14	RA14 (p. 57)	Policy HOU6 - Housing mix	73	Remove wording from the last sentence of Policy HOU6 as well as an appropriate mix of tenure required under affordable housing policy.
MOD15	RA15 (p. 57)	Policy HOU7 – Adaptable and accessible accommodation	76	Remove reference to the English Housing Survey 2012 from paragraph 7.1.47 of the J&A and foot note 5.

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MOD16	RA16 (p. 61)	Policy HOU9 – Traveller accommodation	81	<p>Insertion of the following wording into the J&A before paragraph 7.1.60:</p> <p>The Caravans Act (Northern Ireland) 1963 (as amended in 2011) also includes an ‘Emergency Halting Site’ (sometimes referred to as a ‘Temporary Stopping Place’) as a form of traveller facility. However, such a site provides a temporary place for travellers to park (usually for 1 or 2 nights) with appropriate facilities. However, as such a site is in short-term, temporary use (i.e. less than 28 days), this will not normally require planning permission.</p>
MOD17	RA17 (p. 64)	HOU12 – PBMSA	87	<p>Paragraph 7.1.80 of Policy HOU12 should state:</p> <p>Consequently, occupancy of PBMSA will usually be conditioned to limit occupation to students, particularly during term time. <u>As such PBMSA developments will not normally be required to meet affordable housing requirements in accordance with Policy HOU5.</u> A management plan will be required to ensure a quality, safe and attractive place for residents.....</p>
MOD18	RA18 (p. 65)	HOU13 – Short-term let accommodation	89	<p>Paragraph 7.1.85 to include:</p> <p><u>A location within walking distance of an existing visitor attraction will allow relative ease of access promoting walking and cycling.</u></p>

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MOD19	RA19 (p. 65)	DES1 – Principles of urban design	93	<p>The last sentence of paragraph 7.2.9 of the J&A should read:</p> <p>New and replacement shopfronts should complement the design of the host building and relate to the elevational qualities of the upper floors and where appropriate characteristics and detailing of neighbouring shopfronts particularly in the case of listed buildings and areas of built heritage <u>including conservation areas and areas of townscape character.</u></p>
MOD20	RA20 (p. 68)	DES2 – Masterplanning approach for major development	96	<p>Criterion j. should state:</p> <p>Retain <u>Seek the retention of existing trees</u> within and around the site</p>
MOD21	RA21 (p. 68)	DES2 – Masterplanning approach for major development	97	<p>Paragraph 7.2.21 of the J&A for Policy DES2 should include definition for major development as follows:</p> <p>(Major development applications are as outlined within Regulation 2 of the Planning (Development Management) Regulations (Northern Ireland) 2015).</p>

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MOD22	RA22 (p. 71)	DES3 - Tall Buildings, Headnote	99	<p>Criterion b. of DES3 to be amended to state:</p> <p>Do not have an adverse impact on the <u>setting</u>, character and appearance of listed buildings, designated conservation areas, areas of townscape character (ATCs) and historic monuments/gardens.</p>
MOD23	RA23 (p. 72)	DES3 - Tall Buildings	101	<p>Additional sentence at the end of paragraph 7.2.31 to state:</p> <p>Further locational based policies will be assessed at the LPP stage.</p>
MOD24	RA24 (p. 76)	Appendix B: Definition of an Established Residential Area	316	<p>First paragraph of definition should read:</p> <p>An established residential area is normally taken to mean residential neighbourhoods dominated by a recognisable form of single-family housing styles with associated private amenity space or gardens. These areas may include buildings in commercial, retail or leisure service use, usually clustered together and proportionate in scale to the size of the neighbourhood being served.</p>

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MOD25	RA25 (p. 76)	Appendix B: Definition of an Established Residential Area	316	<p>Second paragraph of definition should read:</p> <p>Within Belfast City, established residential areas often display a clear spatial structure. Building forms, plot sizes and shapes are sometimes familiar with a well-defined pattern of local development. Properties may exhibit comparable design styles including common architectural detailing and treatments, and areas of both public and private amenity space can share an identifiable character. The overall spatial structure is often.... <i>remaining text unchanged</i></p>
MOD26	RA26 (p. 77)	Policy RD3 – Conversion or subdivision of existing buildings for residential use	110	<p>Paragraph 7.3.29 to be amended as follows:</p> <p>Conversions of upper floors space above commercial premises for residential use, sometimes referred to as 'living over the shop', can make a small but valuable contribution to the promotion of high density development in key locations such as city centre, local and district centres and city corridors.</p>
MOD27	RA27 (p. 80)	Policy BH2 – Conservation areas	118	<p>Under heading “Alterations and extensions” within policy box:</p> <p>Planning permission will only be granted for alterations and extensions within conservation areas where the criteria of HE2a Policy RD2 are met, and particular regard is given to the following additional criteria:</p>

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MOD28	RA28 (p. 80)	Policy BH2 – Conservation areas	118	Criterion j: It makes either a negative or no material contribution to the character and appearance of the area; and for
MOD29	RA29 (p. 80)	Policy BH2 – Conservation areas	118	Criterion k: The quality of design quality of the proposed building is considered to enhance the overall character of the conservation area paying due regard to viability of retention or restoration of the existing building .
MOD30	RA30 (p. 80)	Policy BH2 – Conservation areas	118	Sentence after criterion k: Where consent is granted for demolition this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangement for recording the building before its demolition.
MOD31	RA31 (p. 80)	7.4.16	119	Third sentence: New development should not compromise key views within, into and out of the built heritage asset conservation area.
MOD32	RA32 (p. 80)	7.4.18	119	The end of the final sentence: (doors/windows, bay rhythm, cornices, roof silhouette, patina etc.)

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MOD33	RA33 (p. 80)	7.4.19	121	Paragraph's 4 th sentence: These spaces between dwellings provide many interesting micro views within these area built heritage assets <u>conservation areas</u> allowing appreciation of.....
MOD34	RA34 (p. 80)	7.4.20	121	Add final sentence: <u>Where consent is granted for demolition this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition.</u>
MOD35	RA35 (p. 80)	7.4.21	121	Replace current first sentence and add additional sentence so the paragraph reads: <u>Façade retention of a building which makes a contribution to the character and appearance of the conservation area will only be acceptable in exceptional circumstances, provided the scale of the overall development proposal will not be detrimental to the character or appearance of the area and the scheme can be implemented without serious risk to the retained structure. Where a case is made for total or partial demolition in a conservation area, structural issues will not be given substantive weight where these have arisen due to neglect of a building through lack of</u>

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				<u>maintenance or failure to secure by current or previous owners.</u> Evidence will also be required that all efforts have been made to retain the building through finding an alternative use, which may not be the preferred use of the developer.
MOD36	RA36 (p. 81)	Policy BH3 – Areas of townscape character	122	Criterion h: The quality of design <u>quality of the proposed redevelopment</u> is considered to enhance the overall character of the area.
MOD37	RA37 (p. 81)	Policy BH3 – Areas of townscape character	122	Final sentence: Where demolition consent is granted <u>for demolition</u> this will <u>normally</u> be conditional on prior agreement for the redevelopment of the site, including prohibition of demolition until contracts have been signed for the approved redevelopment of the site and appropriate arrangements for recording the building before its demolition.

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MOD38	RA38 (p. 81)	7.4.25	122	Add final sentence: <u>Where consent is granted for demolition his will normally be conditional on prior agreement for the redevelopment of the site; prohibition of demolition until contracts have been signed for the approved redevelopment of the site; and, where appropriate, the recording of the building before demolition</u>
MOD39	RA39 (p. 82)	7.4.28	125	Third line: .../architectural and historic interest of the area built heritage asset created by the...
MOD40	RA40 (p. 82)	Policy BH4 – Works to grounds affecting built heritage assets	124	First sentence: Built heritage assets refers to development in designated archaeological sites of importance, listed buildings, conservation areas and areas of townscape character.
MOD41	RA41 (p. 83)	Policy BH5 - Archaeology	126	Criterion a., second sentence: Archaeological remains of regional importance and their settings comprise include monuments in state care, scheduled monuments and other important sites and monuments that would merit scheduling.
<u>Section 6 - Creating a vibrant economy</u>				

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MOD42	RA42 (p. 89)	Policy EC2 – Employment land supply	147	First paragraph: A total of 550, 000sq.m of gross developable land floorpace for employment uses (B Uses as set out in the Planning Use Classes Order (NI) 2015) shall be provided over the plan period to meet the needs of the city
MOD43	RA43 (p. 89)	Policy EC2 – Employment land supply	147	In either Policy EC2, it's associated J&A text or the Glossary a definition should be provided for the "Rest of Belfast city" as being the area within the settlement development limit for Belfast but outwith the city centre and Belfast Harbour.
MOD44	RA44 (p. 94)	8.1.25	151	The boundaries of the existing designations will be reviewed as part of the LPP. In the interim period prior to the adoption of the LPP. The existing draft BMAP boundaries of the employment areas will be used. <u>Save for the MEL at Belfast Harbour Area that was proposed in dBMAP, the SELs and MELs to which this policy will apply will be designated in the LPP.</u>
MOD45	RA45 (p. 97)	Policy EC5 – Industry and storage and distribution uses	152	Second paragraph: Planning permission will also be granted for development proposals in Class B2 light industrial use, Class B3 general industrial use and Class B4 storage or distribution within the settlement limits of designated rural settlements use provided the scale, nature and design of the proposal are appropriate to the character of the settlement and meets normal planning considerations.

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MOD46	RA46 (p. 100)	8.1.39	155	Proposals for office development outside designated centres or other specified areas will be required to comply with the sequential test and those above 1000sq.m gross floorspace with the impact tests set out in policy RET 2.
MOD47	RA47 (p. 110)	Policy TLC2 – Existing tourism leisure and cultural facilities and assets	174	First sentence: The council will protect existing tourism, leisure and cultural provision and assets from being adversely affected by new development.
MOD48	RA48 (p. 103)	Policy RET1- Establishing a centre hierarchy.	159	Head note of Policy RET1 should state: The sequential approach directs development within-centres <u>to the town</u> centre before considering an edge of centre site.
<u>Section 7 - Building a smart connected and resilient place</u>				
MOD49	RA49 (p. 116)	Policy ITU4 – Renewable energy development	187	Criterion d: Local natural resources, such as air quality or water quality or quantity ; and

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MOD50	RA50 (p. 123)	Transportation – Introduction	205	Paragraph 9.4.3 should state: The Department’s extant Transport Plan will be the main source for transport policy and initiatives for the plan area.
MOD51	RA51 (p. 123)	Transportation – Introduction	205	Paragraph 9.4.5 the wording of the first aim should state: Deliver sustainable patterns of development which reduce the need for motorised transport and prioritise active travel and travel by public <u>transport in preference to the private car</u>
MOD52	RA52 (p. 124)	Transportation – Introduction	206	Figure 9.2 should indicate the location of GBBCA in the context of Belfast’s transportation network.
MOD53	RA53 (p. 126)	Policy TRAN7 – Access to protected routes	214	J&A text, paragraph 9.4.27 should be amended to state: Figure 9.3 contains an up to date map identifying existing roads throughout Northern Ireland <u>Belfast</u> established as protected routes. Any future alteration
MOD54	RA54 (p. 126)	Policy TRAN7 – Access to protected routes	215	Removing the tick under S76 Planning Agreements in the implementation box

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MOD55	RA55 (p. 127)	Policy TRAN7 – Access to protected routes	214	J&A text, paragraph 9.4.29 should state: Access arrangements must be in accordance with the Dfi's published guidance <u>most up to date published guidance from the Department.</u>
MOD56	RA56 (p. 127)	Policy TRAN8 – Car parking and servicing arrangements	216	The third paragraph of the policy headnote should state: Proposals involving car parking in excess of the Dfi's published standards will only be permitted in exceptional circumstances.
MOD57	RA57 (p. 131)	Policy ENV1 – Environmental Quality	224	Amend the Policy headnote to read: The council will also require development to positively address the following:

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MOD58	RA58 (p. 132)	Policy ENV1 – Adapting to environmental change	226 /227	J&A Paragraph relating to water quality on page 226 of the dPS (paragraph 9.5.20 of the printed version of the dPS paragraph 9.5.17 of the web version) should state: requires monitoring and improvement of water quality of all inland waters <u>and coastal and transitional waters</u> . This includes All development must have regard to the potential impacts on the quality of the water environment, including <u>coastal and transitional waters</u> , rivers lakes, reservoirs and groundwater.
MOD59	RA59 (p. 134)	ENV3 – Adapting to environmental change	230	Amend policy headnote criterion a. to state: a. Managing <u>coastal erosion, land instability</u> , flood risk and promoting SuDS;
Section 8 - Promoting a Green and Active Place				
MOD60	RA60 (p. 141)	Policy OS3 – Ancillary open space	245	Policy headnote shall be restructured to clearly define the open space requirements of all development proposals. Then a subsection in the policy headnote shall specifically set out the open space requirements for all residential development proposals.
MOD61	RA61 (p. 141)	Policy OS4 – New open space outside settlements	248	Amend policy headnote to state: Planning permission will be granted for the provision of new appropriate open space facilities, including sport and outdoor recreation, at appropriate locations in the countryside area of the district where it is demonstrated that that it is acceptable in terms of environment and rural amenity and would not be better

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				located within settlement limits or on previously developed land. All the following criteria must also be met.....
MOD62	RA62 (p. 141)	Policy OS5 – Intensive sports facilities	250	Amend policy headnote to state: Planning permission will be granted for the provision of new or extended intensive sports facilities where these are located at appropriate and accessible locations within settlement limits. In exceptional cases a stadium may be considered where intensive sports facilities are proposed outside settlement limits where the following criteria are met.....
MOD63	RA63 (p. 142)	Policy NH1 – Protection of natural heritage resources	256	Fifth paragraph, end of final sentence:and that adequate mitigation or alternative <u>and/or compensation</u> measures will be put in place
MOD64	RA64 (p. 143)	Policy NH1 – Protection of natural heritage resources	256	Final paragraph, final sentence: The provision of adequate development setback, normally a minimum of 5 metres, from watercourses and waterbodies will be required and in all cases the applicant shall demonstrate that no adverse impact will be caused.

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MOD65	RA65 (p. 147)	Policy LC1 - Landscape	263	First paragraph, second sentence: <u>The council will adopt the precautionary approach</u> in assessing development proposals in any designated landscape, the council and will give careful consideration to the following:
MOD66	RA66 (p. 148)	Policy LC4 - Coastal area	271	First sentence: In assessing new development proposals <u>affecting the undeveloped coast</u> , the council will seek to ensure the protection and enhancement of the district's coastal area.
MOD67	RA67 (p. 149)	Policy LC4 - Coastal area	271	Criterion a: The proposed development is of such national or regional importance as to outweigh any detrimental impact on the coastal environment <u>and where there is no feasible alternative site within an existing urban area in the locality;</u> or
MOD68	RA68 (p. 149)	Policy LC4 - Coastal area	271	Criterion b: <u>Minor development may be acceptable provided</u> it can be demonstrated that any proposal will not harm the qualities of the coastal landscape, while still protecting nature conservation value.

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MOD69	RA69 (p. 150)	Policy DC1- All countryside development – general policy principles	273	Final sentence of third paragraph: Where possible and appropriate, permissible New development should seek to cluster with and consolidate existing built development.
MOD70	RA70 (p. 150)	Policy DC10 – New dwellings on farms	284	Third paragraph, first sentence: Planning permission granted under this policy will only be forthcoming once every 10 years. unless there are exceptional circumstances that demonstrate clear operational need.
MOD71	RA71 (p. 151)	Policy DC11 - Agriculture	286	First paragraph: Planning permission will be granted for development proposals on an active and established (for a minimum of 6 years) agricultural or forestry holding where it is demonstrated that it is necessary for the efficient use of the agricultural holding or forestry enterprise.
MOD72	RA72 (p. 151)	Policy DC12 – Farm diversification	287	Criterion a: The farm or forestry business is currently active and established (for a minimum of 6 years) and it is demonstrated that the proposed use/development will be run in conjunction with the agricultural operations on the farm.

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<u>Appendix E: List of Supplementary Planning Guidance</u>				
MOD73	RA73 (p. 82)	Appendix E: List of Supplementary Planning Guidance	320	Listed are 3 pieces of SPG that BCC intends to prepare in respect of listed buildings, Conservation Areas and Areas of Townscape Character. The correspondent plan policies were incorrectly identified; instead of HE1, HE2 AND HE3, they should be BH1, BH2 and BH3 respectively.
<u>Appendix F: Monitoring Indicators</u>				
MOD74	RA74 (p. 82)	Appendix F: Monitoring Indicators	Ref. 15	Trigger: Loss of <u>designations</u> ' geographic area designated recommended by a boundary review of these designations from the date of plan adoption.
MOD75	RA75 (p. 100)	Appendix F: Monitoring Indicators	Ref. 22	Second of three targets: Within Queens Office Area, proposals for Use Class B1 (a) and A2 will not exceed <u>400sqm</u> <u>200sqm.</u>
MOD76 & MOD77	RA76 & RA 77 (p. 100)	Appendix F: Monitoring Indicators	Ref. 22	First and second rows of Trigger: Office approvals exceeding <u>1000sqm.</u> <u>400sqm.</u> outside of the City Centre. Any proposed planning application over <u>400sqm.</u> <u>200sqm.</u>

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MOD78	RA78 (p. 145)	Appendix F: Monitoring Indicators	Ref. 26	Trigger: 1 or more permission in any year for non-compatible development on designated natural heritage areas contrary to DfI Rivers NIEA advice