



Belfast
City Council

Developer Contributions Framework

Strategic Environmental Assessment (SEA) Screening Report

July 2018

Developer Contributions Framework – A guide to developer contributions and planning agreements

Strategic Environmental Assessment (SEA) Screening Report

1.0 Introduction

- 1.1 This document provides Belfast City Council's Strategic Environmental Assessment (SEA) Screening Report under the Environmental Assessment of Plans and Programme Regulations (Northern Ireland) 2004 (the '2004 Regulations') for the Developer Contributions Framework. It also incorporates appropriate screening in relation to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).
- 1.2 The Framework provides additional advice and guidance specific to our approach to Developer Contributions and Planning Agreements in Belfast and represents non-statutory planning guidance which clarify existing policies included within the current planning policy Framework, including Planning Policy Statements (PPSs) and Strategic Planning Policy Statement (SPPS). In particular, this includes PPS 8 Open Space, Sport and Outdoor Recreation and PPS 7 Quality Residential Environments.
- 1.3 It complements information already set out in the Planning Act (NI) 2011, SPPS paragraphs 5.67-5.71 and the DFI Development Management Practice Note 21 – *Planning Agreements* published in January 2017. The Framework is intended for use by developers, the public and by planning officers in the assessment of planning applications.

2.0 Strategic Environmental Assessment

- 2.1 Under the requirements of the Strategic Environmental Assessment Directive (Directive 2001/42/EC) and 2004 Regulations, certain plans and programmes that set the framework for the future development consent of projects require a strategic environmental assessment to be undertaken. This requirement is subject to numerous exceptions including those outlined under regulation 5 (6) which states:

An environmental assessment need not be carried out –

- (a) for a plan or programme of the description set out in paragraph (2) or (3) which determines the use of a small area at local level; or*
- (b) for a minor modification to a plan or programme of the description set out in either of those paragraphs,*

unless it has been determined under regulation 9(1) that the plan, programme or modification, as the case may be, is likely to have significant environmental effects.

2.2 It is Belfast City Council’s determination that a Strategic Environmental Assessment is not required for the Developer Contributions Framework because it constitutes interpretation of existing plans and policies, each of which have already been subject to detailed appraisals of environmental impacts, and it is unlikely to have significant environmental effects in its own right. The remainder of this report considers the likely significance of effects on the environment under Regulation 9(1) and with direct reference to Schedule 1 of the 2004 Regulations.

3.0 Key Facts

Responsible Authority	Belfast City Council
Title of Document	Developer Contributions Framework A guide to developer contributions and planning agreements
Purpose of Document	The Framework has been prepared to provide advice and guidance in relation Council’s approach to securing Developer Contributions as part of the planning application process. The guidance set out in this Framework brings together existing regional and local planning policies on Developer Contributions and sets out the Council’s interpretation of those policies.
What prompted the Document?	Belfast City Council has routinely secured Developer Contributions through s76 Planning Agreements since the transfer of planning powers to local government in 2015. This document is intended to assist applicants, developers, elected members and the public and planning officers in the consideration of planning applications within Belfast.
Subject	Planning policy advice and guidance in relation to Developer Contributions and Planning Agreements.
Period Covered	2018 onwards
Frequency of Updates	The document will be consolidated when the new Local Development Plan “Plan Strategy” is in place, currently anticipated to be in 2020.
Summary of Nature / Content	The Framework supplements the existing suite of statutory plans and policies.
Proposed objectives	The Framework aims to provide certainty and clarity as to when the Council will secure Development Contributions to mitigate the impacts of new

development. Planning obligations may be sought through a s76 planning agreement where: they will contribute to meeting the costs of providing necessary facilities in the near future; they are otherwise so directly related to the proposed development and to the use of the land after its completion, that the development ought not to be permitted without it; they are designed to secure an acceptable balance of uses; they are designed to secure the implementation of development plan policies in respect of a particular area or type of development; or they are intended to offset the loss of, or impact on, any amenity or resource present on the site prior to development. By providing advice and guidance in relation to the existing planning policy framework, it offers greater certainty to developers of provides reassurance to communities that where necessary the impacts of development shall be appropriately managed or mitigated.

4.0 Likely Significance of Effects on the Environment

Criteria for determining the likely significance of effects on the environment ¹	Likely to have significant environmental effects	Summary of significant effects (negative and positive)
1(a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	No	<p>The Framework does not introduce new policy and will not set a framework for projects or other activities. The strategy will help inform and guide planning decisions in line with the provisions of the existing land use plan and planning policies, and the interpretation of those policies.</p> <p>Applications for planning permission will continue to be guided by existing statutory plans and policies and supplemented further by the provisions of this Framework.</p>

¹ Schedule 1 of the 2004 Regulations

Criteria for determining the likely significance of effects on the environment ¹	Likely to have significant environmental effects	Summary of significant effects (negative and positive)
1(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	No	The Framework has been prepared in the context of Planning Act (NI) 2011, Regional Development Strategy 2035, the Strategic Planning Policy Statement (SPPS), the existing Planning Policy Statements (PPSs), Creating Places, Living Places, Belfast Urban Area Plan 2001 (BUAP), Draft Belfast Metropolitan Area Plan (BMAP), Purpose Built Student Management Accommodation in Belfast SPG, The Belfast Agenda and the City Centre Regeneration and Investment Strategy. The hierarchy of these documents will not be altered with the introduction of the Framework.
1(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	No	According to the SPPS for Northern Ireland, the planning system exists to positively and proactively facilitate development that contributes to a more socially, economically and environmentally sustainable Northern Ireland. This Framework has been prepared in accordance with the prevailing planning policy framework to ensure that planning decisions are made in a sustainable way, taking full account of any environmental considerations. Its preparation therefore helps the Council to meet its statutory obligations with regards to promoting sustainable development when exercising its planning functions, but will not inherently change the approach

Criteria for determining the likely significance of effects on the environment ¹	Likely to have significant environmental effects	Summary of significant effects (negative and positive)
1(d) environmental problems relevant to the plan or programme; and	No	<p>There can be a range of negative environmental impacts associated with the provision of new development, from visual impact, works affecting the built heritage, to impact on residents, such as noise disturbance. However, the Framework seeks to amplify the existing planning framework with regards to avoiding such environmental problems.</p> <p>Environmental problems will continue to be addressed on a case-by-case basis for each planning application in accordance with the prevailing planning policy framework. Addressing environmental problems is required in the existing statutory plans and policies which the Framework supplements.</p>
1(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	No	<p>It is not anticipated that the Framework will be relevant in this respect. Such environmental protections are addressed through the statutory Development Plan and regional planning policy framework (RDS). However, reference is made within the Framework to Flood Risk and Sustainable Drainage and Waste Management, in line with existing planning policy context.</p>

Criteria for determining the likely significance of effects on the environment ¹	Likely to have significant environmental effects	Summary of significant effects (negative and positive)
2(a) the probability, duration, frequency and reversibility of the effects;	No	<p>The effects of any development which may be subject to a planning agreement in line with this Framework, will run in perpetuity unless otherwise specified in the planning agreement. However, it is not considered that these effects will be significant as purpose of this document is to ensure through the application of existing statutory polices that any negative effects are appropriately addressed and mitigated during the planning application process.</p> <p>In addition, the Framework seeks to drive improvements in environmental quality by maximising regeneration benefits, ensuring high quality design, provision of high quality landscaped areas/amenity space and encouraging the re-use of existing buildings, particularly within Conservation Areas.</p>
2(b) the cumulative nature of the effects;	No	<p>It is widely recognised that a poorly considered development, can lead to an imbalance in the community resulting in harm to the environment and residential amenity in the surrounding area. The Framework therefore seeks to ensure that the cumulative impacts of development, are accounted for and considered appropriately when assessing individual planning applications.</p>

Criteria for determining the likely significance of effects on the environment ¹	Likely to have significant environmental effects	Summary of significant effects (negative and positive)
		<p>Other potential cumulative impacts are addressed through the range of relevant statutory plans and policies and their inherent protection of the environment. It is therefore unlikely that the Framework provisions will lead to a significant negative effect on the environment caused by the cumulative nature of development, in fact it is anticipated that the Framework will ensure that negative impacts can be appropriately managed through robust assessment of planning applications.</p>
2(c) the transboundary nature of the effects;	No	<p>No transboundary effects are anticipated due to the application of the Framework within Belfast City boundary.</p>
2(d) the risks to human health or the environment (for example, due to accidents);	No	<p>It is not anticipated that there will be any risk to human health as a result of the Framework.</p> <p>The Council has an obligation to regularly review, assess and report on air quality under the Local Air Quality Management (LAQM) regime. An initial assessment of air quality across the city was completed during 2003 and concluded that measures would be required in four specific Air Quality Management Areas (AQMAs) of the city in order to mitigate the effects of nitrogen dioxide and particulate matter pollution. Air quality is specifically mentioned within the Framework, with the</p>

Criteria for determining the likely significance of effects on the environment ¹	Likely to have significant environmental effects	Summary of significant effects (negative and positive)
		aim of ensuring that new developments do not give rise to unacceptable impacts on air quality. It is intended that the Council will consider, as appropriate, the use of Developer Contributions to manage the impacts of development on air quality on a case by case basis.
2(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	No	The Framework is relevant to the entire City of Belfast. The Framework, in accordance with the existing planning policy framework, will be used in appropriate circumstances to guide how the Council will minimise any negative impacts of development regardless where in the City it may be.
2(f) the value and vulnerability of the area likely to be affected due to – (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use;	No	The Framework makes reference to areas with special natural characteristics, environmental quality standards or limits, Protection of the natural and built heritage in the context of existing statutory polices and plans. However, the Framework promotes the protection of the built heritage through the aspiration for new developments to be sensitive to existing listed buildings, and buildings that make an architectural contribution to Conservation Areas and Areas of Townscape Character. Such issues will be adequately addressed on a

Criteria for determining the likely significance of effects on the environment ¹	Likely to have significant environmental effects	Summary of significant effects (negative and positive)
		case-by-case basis through the planning application process, as proposals are assessed in accordance with the prevailing regional (PPS6) and local (BUAP) and (Draft BMAP) planning policy framework.
2(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	This document will complement existing planning policies that require planning applications for new developments to address any implications for such areas or landscapes in accordance with the wider planning framework.

5.0 Habitat Regulations Assessment (HRA)

5.1 In accordance with Regulation 43(1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) Belfast City Council has also considered whether the Developer Contributions Framework is likely to have any significant effects on Special Areas of Conservation or Special Protection Areas, collectively known as Natura 2000 (N2K) sites. These designations seek to afford protection to habitats and species that are listed in the Habitats² and Birds³ Directives.

5.2 As the Developer Contributions Framework is not introducing any new planning policy or statutory guidance, there are unlikely to be any direct or indirect significant effects to the N2K sites located in the city. The HMOs Subject Plan is the main existing policy document and the draft Subject Plan was subjected to a screening exercise in December 2008. The summary of findings concludes that there are no likely significant effects that would impact on the integrity of any N2K or Ramsar sites.

5.3 In addition, BUAP and draft BMAP, the current development plans for Belfast as a whole, were also subjected to an HRA and the findings equally apply to the Framework. Although there are

² Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora

³ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (this is the codified version of Directive 79/409/EEC as amended)

a number of Special Protection Areas (SPAs) and other European environmental designations associated with the River Lagan and Belfast Lough within the plan area, the approach taken in BMAP's HRA highlights that any issues arising will be addressed at the time of a planning application with a developer being "required to ensure that there will be no adverse impact on any European Site" as a result of the development (draft BMAP Part 3, Vol. 1, p72).

5.4 It is therefore considered that the risk of detrimental impacts on protected areas as a result of the introduction of this Framework will be minimal. Appropriate controls on risk assessment and mitigation where there could be issues, for example with waste discharge from contaminated land, will be adequately addressed at planning application stage and utilised for further consideration of risk to N2K sites.

6.0 Summary

6.1 The Developer Contributions Framework provides advice and guidance specific to Belfast and represents the Council's interpretation of existing legislation along with regional and local planning policies in this area. Given that it is designed to support and clarify existing policies, it does not provide new policy, but provides the Council's interpretation of a range of current policies contained within the national and regional planning framework, including:

- Strategic Planning Policy Statement (SPPS) for Northern Ireland;
- Relevant regional Planning Policy Statements (PPSs) (e.g. PPS7: Quality Residential Environments);
- Belfast Urban Area Plan (BUAP); and
- Draft Belfast Metropolitan Area Plan (BMAP).

6.2 Each of these policy documents have been subject to sustainability appraisals and environmental assessments as part of their preparation and will continue to be the principle consideration when assessing planning applications in Belfast's City Council's operational area. The statutory planning system itself has environmental considerations and sustainability at its core and it is the Council's determination that a full Strategic Environmental Assessment (SEA) is not required for the Framework, given that it is a considered application of the existing policies in this area.

6.3 Whilst it is acknowledged that there is potential for developments in Belfast to have an effect on the environment, the Framework is designed manage significant environmental effects. In fact, it is anticipated that the Framework should help to strengthen the existing planning policy framework in minimising the impact on natural environment and built heritage as individual developments are assessed.