

Belfast LDP 2035 - Plan Strategy

Overview

We're developing the new Local Development Plan (LDP) which is the land use plan for Belfast up to 2035. The Plan will guide investment and set out policies and proposals for the use, development and protection of land across the city. Once adopted the plan will be used to determine planning applications. It will take approximately four years to develop and formally adopt the new LDP.

A series of consultation stages are built into the process for creating the LDP and are defined by legislation to help local people input into this Plan. We are currently undertaking the second stage of the consultation process in relation to the draft Plan Strategy.

Your opinions matter to us and we want to hear from you during the various stages throughout the preparation of the plan. While you can provide feedback using this form, we encourage you to use our online questionnaire via the Council's Consultation Hub at: <https://yoursay.belfastcity.gov.uk/>. The consultation closes on 15th November 2018.

What is the LDP?

The LDP:

- Guides development
- Provides certainty and a framework for investment
- Facilitates sustainable growth
- Puts communities at the heart of the process
- Allows for speedier decision making under the new plan-led system

How will this impact on me?

Our LDP will have an impact on everyone who lives, works and visits Belfast because it will shape how the city will develop in the future. Your views are important so we'd like you to get involved in its preparation.

What is the Plan Strategy?

The Plan Strategy will be a strategic policy framework for the plan area as a whole across a range of topics. It will set out an ambitious but realistic vision for Belfast as well as the objectives and strategic policies required to deliver that vision. Establishing this strategic direction early in the plan process will provide a level of certainty on which to base key development decisions in the area as

well as the necessary framework for the preparation of the Local Policies Plan. You can find out more about the Plan Strategy, and access all relevant documents, on the Council's website at:

www.belfastcity.gov.uk/LDP.

Accessibility

The relevant documents are available, on request, in alternative formats - Braille, audio, large print, easy read. The council will also consider requests to produce it in other languages. If you require the documents in these or other formats please contact us:

Belfast Planning Service
Belfast City Council Cecil
Ward Building
4-10 Linenhall Street Belfast
BT2 8BP

Telephone: 028 9050 0510

Email: [**localdevelopmentplan@belfastcity.gov.uk**](mailto:localdevelopmentplan@belfastcity.gov.uk)

A. Data Protection

Belfast City Council is the Data Controller under the General Data Protection Regulation (GDPR) for the personal data it gathers for the purposes of sending regular email updates on the Local Development Plan from Belfast Planning Service.

It should also be noted that in accordance with Regulation 17 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, the council must make a copy of any representation available for inspection. The Council is also required to submit the representations to the Department for Infrastructure and they will then be considered as part of the independent examination process.

The council accepts that you are providing your personal data on the basis of consent and are positively agreeing for the council to hold and further use it, publish it (without personal information such as name and email, but will include organisation). Belfast City Council must also share it with the Department for Infrastructure and whoever they appoint to undertake the independent examination.

Any personal details that you provide the Council will be handled in accordance with the GDPR and Data Protection Act 2018. As such we will only use your data for the purposes that you have given this information for and will only be shared where necessary to provide the service that you are contacting us about. If you would like further information in regards please see the website belfastcity.gov.uk/about/privacy

The personal data is held and stored by the council in a safe and secure manner and in compliance with Data Protection legislation and in line with the council's Records Retention and Disposal Schedule.

If you wish to contact the council's Data Protection Officer, please write to:

Belfast City Council,
City Hall Belfast,
BT1 5GS

or send an email to records@belfastcity.gov.uk

Q1. Please tick to confirm that you have read and understood the privacy notice above.

(Required)

- I confirm that I have read and understood the privacy notice above and give my consent for Belfast City Council to hold my personal data for the purposes outlined.

Q2. Do you consent for us to publish your response?

Under planning legislation we are required to publish responses received in response to the Plan Strategy. On this page we ask for your consent to do so, and you may opt to have your response published anonymously should you wish.

Even if you opt for your comments to be published anonymously, we will still have a legal duty to share your contact details with the Department for Infrastructure and the inspectorate they appoint to oversee the examination in public into the soundness of our plan. This will be done in accordance with the privacy statement above.

(Required)

Please select only one item

- Yes, with my name and/or organisation
- Yes, but without my identifying information

B. Your details

Q3. Are you responding as an individual, as an organisation, or as an agent acting on behalf of an individual, group or organisation?

(Required)

Please select only one item

- Individual *(Fill in the remaining questions in this Section, then proceed to Section C)*
- Organisation *(Fill in the remaining questions in this Section, then proceed to Section D)*
- I'm an Agent *(Fill in the remaining questions in this Section, then proceed to Section E)*

Q4. What is your name?

Title

Miss

First Name (Required)

Emma

Last Name (Required)

Walker

Q5. What is your telephone number?

Telephone number

[REDACTED]

Q6. What is your email address?

[REDACTED]

Q7. Did you respond to the previous Preferred Options Paper consultation phase?

(Required)

Please select only one item

- Yes No Unsure

If yes, and you have your previous response ID (beginning ANON) please enter it here:

n/a

C. Individuals

If you are responding as an individual, please complete this Section, then proceed to Section E

Q8. What is your address?

Address Line 1 (Required)

Line 2

Line 3

City (Required)

Postcode (Required)

D. Organisation

If you have selected that you are responding as an organisational respondent, there are a number of pieces of information that we are legally required to gather from you.

Q9. If you are responding as a representative of a group or organisation, please complete this Section, then proceed to Section E.

Organisation (Required)

Your Job Title (Required)

Organisation address (if different from above):

Address Line 1 (Required)

Line 2

Line 3

City

Postcode (Required)

E. Agents

If you have selected that you are responding as an agent on behalf of other people/organisations, there are a number of pieces of information that we are legally required to gather from you.

Q10. Please provide details of the organisation or individual you are representing: The name of the organisation or individual you are representing: (Required)

Benmore Group and Benmore Octopus Healthcare Developments (HK) Ltd

Client contact details:

Title

Mr

First Name (Required)

David

Last Name (Required)

Burrows

Address Line 1 (Required)

Rushmere House

Line 2

46 Cadogan Park

Line 3

City

Belfast

Postcode (Required)

Telephone number (Required)

Email address (Required)

Q11. Would you like us to contact you, your client or both in relation to this response or future consultations on the LDP?

(Required)

Please select only one item

Agent Client Both

F. Is the plan sound?

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

Q12. Do you consider the Plan Strategy to be sound or unsound?

(Required)

Please select only one item

I believe it to be sound (*Proceed to Section G*)

I believe it to be unsound (*Proceed to Section H*)

G. Sound

Q13. If you consider the Plan Strategy to be sound and wish to support the Plan Strategy, please set out your comments below, then proceed to Section I:

(Required)

See Main Document

Note: If you wish to attach any evidence to support your comments above, please enclose your document(s) with this form. However, if you wish to refer to specific sections within a separate report, this is best included within the above text box.

H. Unsound

Here we will be asking you to specify which part of the draft Plan Strategy you believe to be unsound and why.

Note: If you wish to notify us of more than one part of the plan that you consider to be unsound, each part should be listed separately. Complete this page in relation to one part of the plan only. You will then be able to make further responses to other parts of the plan by completing and submitting a copy of Section H for each part you choose to identify.

Q14. To which part of the Plan Strategy does your representation relate?

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Relevant Section or Paragraph

7.1.20 to 7.1.24

Policy (if relevant)

Policy HOU4 Density of Residential Development

Q15. If you consider the Plan Strategy to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6, available at:

<https://www.planningni.gov.uk/index/advice/practice-notes/common-newpage-9.htm>

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(Required)

Please select all that apply

- P1 - Has the development plan document (DPD) been prepared in accordance with the council's timetable and the Statement of Community Involvement?
- P2 - Has the council prepared its Preferred Options Paper and taken into account any representations made?
- P3 - Has the DPD been subject to sustainability appraisal including Strategic Environmental Assessment?

- P4 - Did the council comply with the regulations on the form and content of its DPD and procedure for preparing the DPD?
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- CE4 – It is reasonably flexible to enable it to deal with changing circumstances

Q16. Please give details of why you consider the Plan Strategy to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

See Paragraph 3.1 to 3.5 of Main Document

Q17. If you consider the Plan Strategy to be unsound, please provide details of what change(s) you consider necessary to make the Plan Strategy sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. **There will not be a subsequent opportunity to make a further submission based on your original representation.** After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

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Relevant Section or Paragraph

7.1.25 to 7.1.39

Policy (if relevant)

Policy HOU5 Affordable Housing

Q15. If you consider the Plan Strategy to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6, available at:

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(Required)

Please select all that apply

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Q16. Please give details of why you consider the Plan Strategy to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

See Paragraph 3.6 to 3.30 of Main Document

Q17. If you consider the Plan Strategy to be unsound, please provide details of what change(s) you consider necessary to make the Plan Strategy sound.

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Relevant Section or Paragraph

7.1.40 to 7.1.45

Policy (if relevant)

Policy HOU6 Housing Mix

Q15. If you consider the Plan Strategy to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6, available at:

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(Required)

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See Paragraph 3.31 to 3.38 of Main Document

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Relevant Section or Paragraph

7.1.53 to 7.1.56

Policy (if relevant)

Policy HOU8 Specialist Residential Accommodation

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(Required)

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See Paragraph 3.39 to 3.49 of Main Document

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Relevant Section or Paragraph

7.2.28 to 7.2.31

Policy (if relevant)

Policy DES 3 Tall Buildings

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See Paragraph 3.50 to 3.55 of Main Document

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Relevant Section or Paragraph

7.4.36 to 7.4.37

Policy (if relevant)

Policy TRAN 9 – Parking standards within areas of parking restraint

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See Paragraph 4.1 to 4.6 of Main Document

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Relevant Section or Paragraph

10.1.17 to 10.1.21

Policy (if relevant)

Policy OS 3 Ancillary Open Space

Q15. If you consider the Plan Strategy to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6, available at:

<https://www.planningni.gov.uk/index/advice/practice-notes/common-newpage-9.htm>

You can select more than one reason you believe this part of the draft Plan Strategy to be unsound. However, the soundness test(s) you select here should only relate to the relevant section, paragraph or policy identified above.

If you wish to notify us of more than one part of the plan that you consider to be unsound you can choose to submit further responses to other parts of the plan by completing and submitting a copy of Section H for each part you choose to identify.

(Required)

Please select all that apply

P1 - Has the development plan document (DPD) been prepared in accordance with the council's timetable and the Statement of Community Involvement?

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

- P3 - Has the DPD been subject to sustainability appraisal including Strategic Environmental Assessment?
- P4 - Did the council comply with the regulations on the form and content of its DPD and procedure for preparing the DPD?
- C1 - Did the council take account of the Regional Development Strategy?
- C2 – Did the council take account of its Community Plan?
- C3 - Did the council take account of policy and guidance issued by the Department?
- C4 - Has the plan had regard to other relevant plans, policies and strategies relating to the council’s district or to any adjoining council’s district?
- CE1 - The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils
- CE2 - The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base
- CE3 - There are clear mechanisms for implementation and monitoring
- CE4 – It is reasonably flexible to enable it to deal with changing circumstances

Q16. Please give details of why you consider the Plan Strategy to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

See Paragraph 5.1 to 5.5 of Main Document

Q17. If you consider the Plan Strategy to be unsound, please provide details of what change(s) you consider necessary to make the Plan Strategy sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. **There will not be a subsequent opportunity to make a further submission based on your original representation.** After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

See Paragraph 5.1 to 5.5 of Main Document

Note: If you wish to attach any evidence to support your comments above, please enclose your document(s) with this form. However, if you wish to refer to specific sections within a separate report, this is best included within the above text box.

I. Type of Procedure

Q19. Please indicate if you would like your representation to be dealt with by:
(Required)

Please select only one item

- Written representations (Choose this procedure to have your representation considered in written form only.)
- Oral hearing (Choose this procedure to present your representation orally at the public hearing event(s))

Unless you specifically request a hearing, an independent examiner will proceed on the basis that you are content to have your representation considered in written form only. Please note however that an independent examiner will be expected to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Representations to Belfast City Council Draft Plan Strategy

On behalf of Benmore Group & Benmore
Octopus Healthcare Developments (HK)
Limited

November 2018

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Contact

Emma Walker



Client

Benmore Group & Benmore Octopus Healthcare Developments (HK) Ltd

Our reference

BENB3012

14 November 2018

Executive Summary

1. This representation is submitted on behalf of Benmore Group & Benmore Octopus Healthcare Developments (HK) Ltd. We welcome the opportunity to submit our comments on the draft plan strategy.
2. We consider the draft Plan Strategy (dPS) to be unsound as the legal compliance tests have not been met and the following policies contained within the dPS are unsound. The table below summarises the changes sought.

Schedule of Key Comments

| Policy | Comment | Cross ref. |
|--------|--|--|
| HOU 4 | <p><i>Density of Residential Development</i></p> <p>Change required:</p> <p><i>An increase in the density of housing and mixed use developments will be promoted in town and city centres and other locations which benefit from high accessibility to public transport facilities and major regeneration/masterplan sites including those with a waterfront location.</i></p> | <p>Section 3 paragraphs 3.1 – 3.5</p> |
| HOU 5 | <p><i>Affordable Housing</i></p> <p>Change required:</p> <p><i>HOU 5 is unsound as the policy fails the tests of CE 1, 2 and 3- Coherence and Effectiveness</i></p> <p><i>The policy is not founded on a robust evidence basis which explains the rationale behind the policy triggers and provides a clear understanding on the implications arising from the policy.</i></p> <p><i>We requests that the Council reconsiders its evidence basis to support the Affordable Housing policy</i></p> | <p>Section 3 paragraphs 3.6 to 3.30</p> |
| HOU 6 | <p><i>Housing Mix</i></p> <p>Change Required</p> <p><i>HOU 6 is unsound as the policy fails the tests of CE 1 and 2 - Coherence and Effectiveness</i></p> <p><i>The policy should be deleted as it duplicates provisions already set out in HOU 5 and places unnecessary restrictions on private housing developers.</i></p> | <p>Section 3 paragraphs 3.31 to 3.38</p> |
| HOU 8 | <p><i>Specialist Residential Development</i></p> <p>Change Required</p> <p><i>That the policy is reworded to reflect Council’s evidence base, that criterion (a) of the policy is deleted and that Council collates evidence to inform consideration of exemptions to</i></p> | <p>Section 3 paragraphs 3.39 to 3.49</p> |

| <i>the second strand of the policy</i> | | |
|--|--|---|
| <i>DES 3</i> | <p><i>Tall Buildings</i></p> <p>Change Required</p> <p><i>Policy reconsidered in tandem with comments at HOU 4 and Council clarifies whether a locational or criteria based policy is being proposed.</i></p> | <p><i>Section 3</i> <i>paragraphs</i> <i>3.50 to 3.55</i></p> |
| <i>TRAN 9</i> | <p><i>Parking Standards within areas of parking restraint</i></p> <p>Change Required</p> <p><i>The policy fails to satisfy the test of CE2 in that the evidence base prepared to support the policy is not provided within the technical supplements and the recommendations following from Council’s Car Parking Strategy (published in May 2018) have not been provided.</i></p> <p><i>We respectfully suggest that Council prepares an up to date evidence basis to support this policy and on the basis of the evidence collated reassesses whether the evidence supports this policy position.</i></p> | <p><i>Section 4</i> <i>paragraphs</i> <i>4.1 to 4.6</i></p> |
| <i>OS 3</i> | <p><i>Ancillary Open Space</i></p> <p>Change required</p> <p><i>There is insufficient evidence within the technical supplement to support the policy proposed</i></p> <p><i>A robust, up to date evidence basis should be prepared to support this policy.</i></p> | <p><i>Section 5</i> <i>paragraphs</i> <i>5.1 to 5.5</i></p> |

1. Introduction

- 1.1 Turley submits this representation on behalf of Benmore Group & Benmore Octopus Healthcare Developments (HK) Ltd, and welcomes the opportunity to return comments on the Belfast Draft Plan Strategy.
- 1.2 Our response has been structured to reflect the template provided by Council.
- 1.3 In line with Council's procedures, each representation is set out on a separate page within each of the Chapter headings with the policy clearly identified.
- 1.4 The structure of the submission is as follows:
 - **Chapter 2:** Provides an assessment of how the draft Plan Strategy addresses the legislative compliance tests;
 - **Chapter 3:** Details our representations to Shaping a Liveable Place (Questions 12 & 15 -17);
 - **Chapter 4:** Details our representations to Building a Smart Connected and Resilient Place (Questions 12 & 15 – 17); and
 - **Chapter 5:** Details our representations to Promoting a Green and Active Place (Questions 12 & 15 - 17).
- 1.5 Appendix 1 sets out our response to the preliminary questions posed in Council's questionnaire regarding Data Protection, information on the planning agent who has prepared this suite of representations and the organisation represented. We have also outlined our preferred procedure for hearing our representations.

2. Legislative Compliance

- 2.1 In preparing their Draft Plan Strategy (dPS), Belfast City Council (BCC) is required to adhere to the provisions of the Planning Act (Northern Ireland) 2011 ('Act') and the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 ('Regulations').
- 2.2 This section identifies weaknesses in the compliance of the draft Plan Strategy (dPS) with the Act and the Regulations.

Planning Act (Northern Ireland) 2011

- 2.3 Under Part 2 (8) of the Act the Plan Strategy must set out:
- the council's objectives in relation to the development and use of land in its district;
 - its strategic policies for the implementation of those objectives; and
 - such other matters as may be prescribed.
- 2.4 We note that the dPS does identify a number of strategic objectives under the themes of shaping a liveable space; creating a vibrant economy; promoting a green and active place; and building smart connected and resilient place. Furthermore the dPS includes proposed strategic policies under the same themes. Whilst this information is included within the dPS the remainder of this representation sets out our comments on the soundness of the proposed objectives and policies.
- 2.5 The Act also stipulates that the Plan Strategy should be prepared in accordance with the Council's Timetable, as approved by the Department and in accordance with Council's Statement of Community Involvement.
- 2.6 The BCC Timetable, as approved and published on Council's website is dated, March 2018. We note that Council has published its dPS within the broad timeframe that they provided (i.e. Spring –Autumn 2018). However, we would highlight that the timeframe proposed was to include:
- A period of 4 weeks for the viewing of the document;
 - An 8 week statutory public consultation period followed by an 8 week statutory consultation on counter representations;
 - Publication of Sustainability Appraisal (inc. SEA) and Public Consultation Report; and
 - Publication of EqIA and HRA where required.
- 2.7 Given that the first period of statutory consultation will end on 15 November, the remaining consultation will not take place in accordance with the published Timetable. Furthermore the published Timetable proposes that the Independent Examination in to the dPS will take place in Late 2018. This will not be the case. Should there be any

information relating to a revised timetable or agreement for an extension from the Department this should be made public.

2.8 In preparing a plan strategy, the council must take account of:

- “the regional development strategy;
- the council's current community plan
- any policy or advice contained in guidance issued by the Department;
- such other matters as the Department may prescribe or, in a particular case, direct, and may have regard to such other information and considerations as appear to the council to be relevant.”

2.9 These representations consider all of the above requirements which form part of the soundness test. Please refer to individual policy comments for our consideration on whether this requirement is met.

2.10 The Act also requires that the Council:

- (a) carry out an appraisal of the sustainability of the plan strategy; and
- (b) prepare a report of the findings of the appraisal.”

2.11 We note that this information has been prepared and is provided as part of the consultation information, however our detailed comments on the findings of the SA are provided in response to individual policies.

The Planning (Local Development Plan) Regulations (Northern Ireland) 2015

2.12 In addition to the Act, Parts 4 & 5 of the Regulations set out the requirement for the preparation of the Plan Strategy DPD. Part 4 set out the requirements for the Form and Content of Development Plan Document

2.13 Part 4 Regulation (1) establishes that a development plan document must contain:

- (a) a title which must give the name of the council district for which the development plan document is prepared and indicate whether it is a plan strategy or a local policies plan, and
- (b) a sub-title which must indicate the date of the adoption of the development plan document.

2.14 We note that the title required by Part 4 (1)(a) is provided as required, however the date of adoptions of the development plan documents is not provided. The date provided is 2035. We do however acknowledge the draft status of the documents at this stage but request that this is corrected prior to formal adoption of the DPD.

2.15 Part 4 Regulations(2)& (3) set out that a development plan document must contain a reasoned justification of the policies contained in it and that the policy and justification

text should be readily distinguishable. We note that the Council has provided justification text associated with each proposed policies, however this should be considered alongside detailed comments on the soundness of the proposed policies, contained within the remainder of this representation.

- 2.16 Regulation 13 refers to the requirement for a proposals map/s to be provided within the DPD. The BCC dPS provides a range of maps, however the Regulations stipulate that the map *“is sufficiently detailed so as to enable the location of proposals for the development and use of land to be identified”*. Whilst the dPS includes a number of maps, the legibility of the information provided is questionable and little further information is provided in the supporting information to provide clarity.
- 2.17 Part 5 of the Regulations relates to the procedures for the preparation of the Development Plan Documents. Regulations 15 and 16 relate to the preparation of the dPS. Regulation identifies a schedule of the information that should be made available alongside the publication of the dPS. This includes:

“such supporting documents as in the opinion of the council are relevant to the preparation of the local development plan.”

- 2.18 It is our view that insufficient supporting information is available to support a number of the proposed policies in the dPS. Reference is made within the dPS and supporting documents to a range of reports and information that has informed the DPD, however the information is not available for consideration. We have identified these concerns within the remainder of these representations.

3. Shaping a Liveable Place

Housing HOU4 – Density of Residential Development

HOU 4 is unsound as the policy fails the test of CE 2- Coherence and Effectiveness

The policy is incoherent and is at odds with other housing policies in Section 7 of the draft plan strategy

We seek that the density bands are removed from the policy and included in the appendices to the Local Policies Plan (LPP) as a guide, in tandem with the policy being reworded

Full Response

3.1 HOU4 sets out density ranges for new developments across Belfast. The opening sentence of the policy sets out a positive stance in that *planning permission will be granted for residential developments which are brought forward in accordance with the following density bands*. The latter part of the policy text directs that the density bands are to be used as a guide to inform proposed developments.

3.2 The policy fails to satisfy the test of CE2 in that:

- The policy is not founded on evidence which demonstrates that the density ranges are realistic and achievable having taking account of other policies within the draft Plan Strategy, in particular policy RD1.
- There is a tension within the policy. The opening paragraph jars with the final paragraph insofar as the opening paragraph directs that development proposals *should accord* with the density bands, but later it states that the *density ranges are guide*.
- The position set out for Tall Buildings within the Density Table is at odds with the Tall Buildings policy (DES3). The table notes that the location of tall buildings within the city centre will be identified. This is not the position set out within DES3. DES3 makes no reference to a locational based policy. Rather, that the policy will apply to buildings over 35 metres AOD or those which are significantly higher than their surroundings and such buildings will be assessed against a criteria based assessment.

Recommendation

3.3 Benmore Groups & Benmore Octopus Healthcare is supportive of the intention of the policy which acknowledges the approach set out Strategic Planning Policy Statement (SPPS) advocating a need for a housing strategy which provides for increased housing density without cramming in town and city centres and in other locations that benefit from high accessibility to public transport facilities (paragraph 6.137).

3.4 We would support the policy being reworded to read:

'An increase in the density of housing and mixed use developments will be promoted in town and city centres and other locations which benefit from high accessibility to public transport facilities.'

3.5 In the absence of evidence to support the density bands set out in policy, this information should be moved to the Local Policies Plan (LPP) and clearly identified as a guide.

Housing HOU5 – Affordable Housing

HOU 5 is unsound as the policy fails the tests of CE 1, 2 and 3- Coherence and Effectiveness

The policy is not founded on a robust evidence basis which explains the rationale behind the policy triggers and provides a clear understanding of the implications of the policy

Benmore Group & Benmore Octopus Healthcare requests that Council reconsiders its evidence basis to support the Affordable Housing policy

Full Response

- 3.6 Council's proposed policy for securing affordable housing is set out at Policy HOU5. The policy states that: *"Planning permission will be granted for residential development on sites greater than 0.1 hectares and/or containing 5 or more dwelling units where a minimum of 20% of units are provided as affordable."*
- 3.7 The draft policy then goes on to clarify that:
- Affordable housing will comprise social and/or intermediate housing.
 - The size, type and tenure of provision will be determined by an up to date analysis of demand.
 - A tenure blind approach is proposed.
 - Where it can be demonstrated that it is not sustainable or viable for a proposal to meet the requirements, Council will consider suitable alternatives on a case-by-case basis.
 - Provision will be secured via a Section 76 Legal Agreement.
- 3.8 The justification and amplification text proposed goes on to set out that:
- The 20% requirement is a minimum and Council could seek more where it is considered necessary and viable. In this instance the applicant will be required to provide the relevant amount. This will be secured through key site requirements.
 - Council will seek to secure the affordable housing element through the use of a Section 76 Agreement.
 - Affordable Housing is defined as social rented housing and intermediate housing.
 - Intermediate housing is currently defined as a shared ownership housing product provided by registered housing associations. It is acknowledged that other intermediate products do exist in other jurisdictions.
 - The definition of intermediate housing may be further expanded in the future to include these products.

- Viability assessments will be required where an applicant is proposing to provide less than the policy requirement.
- 3.9 Whilst the intent of the policy which flows from the Regional Development Strategy 2035 and the SPPS, does not currently meet the tests of Soundness for the following reasons:
- The proposed threshold approach does not fully align with the approach set out in the SPPS (soundness test C3);
 - The proposed approach does not align with the Council’s own evidence base (soundness test CE2);
 - A more robust evidence base is required (soundness test CE2);
 - The proposed approach will not be effective as it does not reflect the mechanisms for the provision of social and intermediate housing in Northern Ireland (soundness test CE2 and CE3); and
 - It has not been demonstrated that the policy is coherent with other policies proposed (soundness test CE1).
- 3.10 These aspects are considered further below, along with recommendations for actions that could be undertaken to ensure that the policy will pass the Soundness test when subject to an independent examination.
- 3.11 The policy as proposed is a threshold policy that applies across the Council area. The SPPS is clear at paragraph 6.143 that:
- “The development plan process will be the primary vehicle to facilitate any identified need by zoning land or indicating, through key site requirements, where a proportion of a site may be required for social/affordable housing.”*
- 3.12 The approach set out in SPPS directs us towards a locational policy approach where affordable housing is catered for through zonings and key site requirements. Whilst Councils can depart from the approach set out in the SPPS, they should only do so where the evidence exists to justify such a departure. We note that the feedback received from the Preferred Options Paper (POP) showed that a move to social housing zonings would not be welcome, however Council’s evidence for underpinning a varied approach is lacking and therefore there is no evidential case for a departure from the SPPS in this case and as such fails soundness test C2.
- 3.13 Council alludes to the Developer Contributions for Affordable Housing framework which was published for consultation by DSD in 2015. It is reliant upon a document which is subject to representations, has not been the subject of a thorough assessment and is not policy. Furthermore, the document does not reflect the current and most up to date position and evidence within the draft framework should be relied upon with caution.

- 3.14 In order to comply with soundness test CE2 it is recommended that Council should undertake their own assessment and consideration of affordable housing to reflect the baseline and future requirements for Belfast. This should also include a robust assessment of various thresholds for provision.
- 3.15 The Council has published a number of evidence base documents in support of their proposed policies in the Draft Plan Strategy, including:
- Size and Type of Housing Needed (December 2017); and
 - Housing Market Analysis Update (September 2017);
- 3.16 These reports, prepared by external bodies, have been used to inform technical supplement 2 – Housing (August 2018) and form part of the evidence base for Policy HOU5.
- 3.17 While Council acknowledges that the areas identified as being in highest need of social housing are the areas where land is in short supply, it fails to consider the intricacies of the housing markets within Belfast, the political and community backdrop and the impact on the delivery of social housing. The proposed policy does not reflect this position but instead it is proposed that this will be considered through the Local Policies Plan. As such Council has not duly considered the implementation of the policy and therefore fails against soundness test CE3.
- 3.18 We would suggest that this cannot be dealt with in isolation as it goes to the heart of ensuring the deliverability of affordable housing and as Council has already set out, there is insufficient land within areas of high need.
- 3.19 Paragraph 7.1.25 of the Draft Plan Strategy sets out that the purpose of the LDP is to ensure the delivery of a range of housing types and tenures and more specifically minimise the disadvantage often associated with large areas of social housing. In relation to the effectiveness of a policy which proposes a 20% contribution, we would firstly identify that Council's evidence identifies that 75% of the proposed housing requirement (23,550 units) is needed to meet affordable housing need across the plan period. Whilst, it is recognised that a 75% contribution would undoubtedly impact on the housing market, its goes to demonstrate that 20% may not be effective.
- 3.20 Council acknowledges that 75% is an unrealistic requirement, yet provides little evidence to support a 20% requirement. Council assert that the justification for a 20% requirement is set out within the Housing Market Analysis (HMA) prepared by the Northern Ireland Housing Executive (NIHE) in 2017 and the Developer Contributions for Affordable Housing in Northern Ireland – Report of Study in 2015. Whilst the NIHE HMA identifies areas where affordability is an issue for the sales and rental market this report does not consider the levels of requirement needed.
- 3.21 The Report prepared by Three Dragons in 2015 is not available as part of the evidence base supporting the Draft Plan Strategy and therefore cannot be commented upon. Failure to provide this report as part of the evidence is an error. In any event, whilst the report may have considered a 10-20% requirement appropriate in this location, it did not consider the viability of site development in the city which takes account of the

other policy requirements being put forward within the Draft Plan Strategy. This incoherent approach to assessing policies is unsound (soundness test CE2). Council has chosen a 20% requirement without any robust assessment to discount 10% as suggested in the 2015 report.

- 3.22 The HMA amongst other things considers house prices and affordability, intermediate housing and social housing. The paper does not make recommendations, however it does state in the conclusion that:

“Land availability is a key issue for the future delivery of social housing in Belfast. There was insufficient land zoned for social housings within BMAP and it is hoped that the new LDP will address this. The predominance of single person and small family households on the waiting list will mean that smaller units and higher densities will be required. Such developments can be problematic from management and maintenance viewpoints. It is therefore important that larger scale developments deliver mixed tenure, mixed income communities to avoid large concentrations of social housing, deprivations and social inequality.”

- 3.23 This statement would suggest a conflict with the 0.1 hectare or 5 unit threshold proposed in the draft Plan Strategy. The policy approach does not therefore reflect the delivery and management of social and intermediate housing. It appears from the proposed policy that the delivery of affordable housing is dependent upon registered social housing providers. However, given the statement above, providers may not be willing to partner up with private developers on small schemes and as such this could impact of the effectiveness of the policy. Council has also failed to consider the practical implementation of the policy and therefore fails against soundness test CE2 and CE3.

- 3.24 Finally, it is unclear from the draft policy or the supporting evidence base how affordable housing requirements will be applied to the Build to Rent/ Private Rental Sector housing market. Given the recognition within the Council’s City Centre Regeneration and Investment Strategy that the private rental sector provides an unrealised opportunity to deliver city centre housing it is disappointing that no consideration has been given to the impact of the draft policy on this product. The rental market will provide a significant opportunity for the city, as is already been seen in emerging proposals that are coming forward. In ensuring that the development plan does not prevent the delivery of alternative housing products the Council should consider the impact of affordable housing requirements on the delivery of such schemes, particularly given the financial model they work within. The failure of the council to consider other housing products is a flaw under soundness test CE2.

- 3.25 In order to have robustly and coherently assessed the effectiveness of the policy it would have been appropriate to:

- Identify a sample of sites of varying scales and types across the housing markets within the city;
- Undertake a feasibility appraisal to understand the residential capacity of the sites;

- Identify the other policy requirements and developer contributions that would be applied to the development;
 - Identify a series of affordable housing requirements (e.g. 5, 10 and 20% - 'reasonable alternatives');
 - Undertake a strategic viability appraisal of each requirement level for each site to understand the threshold for viability; and
 - Apply the findings of the viability assessment to inform a proposed policy approach.
- 3.26 This approach is well established within other jurisdictions and without such a robust approach it is not possible to:
- ascertain the effectiveness of such a policy;
 - understand the operational implications of such a policy; and
 - understand the cumulative impact of policies on the delivery of housing numbers within the city.
- 3.27 In relation to the proposed site threshold, Council has no substantive evidence to
- to justify the proposed threshold; and
 - to justify a 20% requirement across all site sizes.
- 3.28 We would suggest that the steps identified above should be undertaken by Council to ensure that reasonable alternatives have been considered and that the proposed policy is founded on robust evidence.
- 3.29 At this stage no reasonable alternatives have been considered within the supporting SEA and the Council's position there are no reasonable alternatives to assess is difficult to sustain.

Housing HOU6 – Housing Mix

HOU 6 is unsound as the policy fails the tests of CE 1 and 2 - Coherence and Effectiveness

The policy should be deleted as it duplicates provisions already set out in HOU 5 and places unnecessary restrictions on private housing developers

Full Response

3.30 HOU 6 sets out that planning permission will be granted for new residential development on sites greater than 0.1 ha and /or containing 5 units or more where the proposed development provides a suitable mix of house types and sizes to promote choice and assist in meeting community needs.

3.31 Specific reference is made to providing smaller homes across all tenures to meet future household requirements. The policy clearly directs that the exact mix of house types and sizes will be negotiated with developers on a case by case basis.

The policy fails to satisfy the tests of Soundness in that:

- It has not been demonstrated that the policy is coherent with other proposed residential and design policies (soundness test CE1).
- The policy is not founded on evidence which demonstrates how Council has tested the viability implications arising from the policy (soundness test CE2).

3.32 Council has published a number of evidence base documents in support of their proposed policies in the Draft Plan Strategy, including:

- Size and Type of Housing Needed (December 2017); and
- Housing Market Analysis Update (September 2017).

3.33 It is important to note that within the Size and Type of Housing Need report it clearly states that a housing mix policy *should not be applied on a site by site basis, as there needs to be flexibility to respond to the local market context, viability, demand and local market need* (paragraph 3.3, page 15).

3.34 Benmore Group & Benmore Octopus Healthcare has concerns that the policy provides the opportunity for the Council to be prescriptive on the size and type of housing to be provided on a site by site basis. This approach does make provision for market demand for properties which does not always correlate with housing need. To be overly prescriptive could have impacts on house prices for products for which there is a market demand but limited supply.

3.35 Developers such as Benmore Group & Benmore Octopus Healthcare will want to deliver a housing product which is bespoke to that housing market area i.e. a product that home owners want to buy. There is no evidence within the plan documents which sets out how viability has been considered and justifies why the policy should be applied to all housing developments irrespective of tenure.

Recommendation

- 3.36 We disagree however with Council's approach on this aspect and contend that the issue of housing type and size should only apply to affordable housing (as defined within the SPPS) and be considered as an integral part of a revised version of HOU 5.
- 3.37 Policy HOU 6 should be deleted.

HOU 8 – Specialist Residential Development

HOU 8 is unsound as the policy fails the test of CE 2 & 3 - Coherence and Effectiveness

The policy is incoherent when read in tandem with the policy justification and amplification. There is no evidence to support the criteria based assessment proposed

Clarification is sought as to why a need assessment is required for specialist accommodation when the policy justification clearly acknowledges the need for such developments and there is no policy basis within the SPPS to support the approach advocated

Full Response

- 3.38 Policy HOU 8 sets out a positive policy position in that planning permission will be granted for specialist residential accommodation providing applications are accompanied by a statement of specialist housing need and that proposals will deliver convenient access to local services and facilities.
- 3.39 Benmore Group & Benmore Octopus Healthcare have concerns about how the policy would operate in practice.
- 3.40 The policy fails to satisfy the tests of soundness as:
- There is no evidence to support the policy position adopted by Council regarding the requirement for a Needs Assessment and the requirement to deliver convenient access to local services and facilities (soundness test CE 2).
 - Due to the lack of an evidence basis Council has not appreciated the range of uses which could be provided within a specialist housing development which has implications for the implementation of the policy (soundness test CE 3).
- 3.41 The SPPS requires Local Development Plans to make provision for the full range of specific housing needs, including supported housing. The requirement for supported housing will be identified within the HNA undertaken by the NIHE. Any proposal by a public body to deliver supported housing will only be pursued if there is an identified need which responds to a specific user group.
- 3.42 The SPPS does not contain similar policies for retirement villages/developments, assisted living and care home developments, or developments which consist of a mix of these elements.
- 3.43 In formulating the policy, Council has applied the same policy context that applies to supported housing schemes delivered by a public sector body to all specialised residential accommodation proposals despite there being no policy basis for this approach. What's more within the policy justification and amplification, Council acknowledges that there will be an increase in the proportion of people over the age of 65 which will create a demand for specialised housing developments.

- 3.44 There is a degree of tension between Council's policy intent and the supporting information to the plan. Little consideration has also been given to the market criteria that a private developer would consider. Without an identified market demand, a private operator will not pursue such a specialist product.
- 3.45 The second strand of the policy focuses on the requirement for proposals to deliver convenient access to local services and facilities on the basis that such developments would be developed in established residential areas. The policy has failed to set out any exemptions to this component whereby proposals may be progressed which encompass a mix of specialist housing products and associated ancillary facilities (local shops, health care facilities – e.g. GP Practice) within the development proposal itself, which is often the case elsewhere.
- 3.46 We recommend that Council should collate evidence on the range of products that could be delivered in order to support an exemption being introduced to this policy interlinked with the understanding that there may be instances when developing a specialist residential development within an existing residential development may not be appropriate due to the medical/care requirements of the residents.

Recommendation

- 3.47 Benmore Group & Benmore Octopus Healthcare requests that the policy is reworded to reflect the Council's evidence base and accordingly that criterion (a) of the policy is deleted.
- 3.48 We respectfully ask that Council collate evidence on the range and nature of specialist residential developments to inform consideration for exemptions to the second strand of the policy.

DES 3 – Tall Buildings

DES 3 is unsound as the policy fails the test of CE1- Coherence and Effectiveness

The policy is incoherent when read across the draft plan strategy

Clarification is sought on the position of the policy within the context of HOU4 and whether the policy context for determining applications in the future is criteria or locational based

Full Response

- 3.49 DES 3 Tall Buildings is a specific policy to be used in the assessment of tall buildings within the Council area. The policy is founded on a gateway test in that only proposals over 35 metres AOD or those which are significantly higher than their surroundings will be assessed against the policy provisions, which is a criteria based assessment.
- 3.50 The policy fails to satisfy the test of CE2 in that:
- The policy is at odds with HOU 4 as the density ranges of the policy jar with the policy provisions of DES 3 (refer to para 3.1 to 3.5).
 - There is tension between the policy and its supporting technical supplements which suggest that further policies may be through forward at Local Plan Policies stage based on clusters.
- 3.51 With respect to the tension between HOU 4 and DES 3, please refer to our specific comments on pages 3 and 4.
- 3.52 The policy text within the draft Plan Strategy makes no reference to any locational based assessment in the future, however, information detailed in technical supplement 6 - Urban Design & Built Heritage (page 14) states that within these broad clusters (as shown in Appendix 2) further detailed analysis will be carried out during the local policies stage of the LDP. Clarification is sought as to whether there is an intention to identify clusters or locations as locations for tall buildings to be developed.

Recommendation

- 3.53 Benmore Group & Benmore Octopus Healthcare fully supports the development of tall buildings and their assessment on a case by case basis. Such proposals provide opportunities for new residential or mixed use development proposals which can include an element of residential development.
- 3.54 We refer to our recommendations as per HOU 4 and respectfully request that should Council intend to introduce a locational based assessment for tall buildings that evidence to support this change is provided.

4. Building a Smart Connected and Resilient Place

TRAN 9 – Parking Standards within areas of parking restraint

TRAN 9 is unsound as the policy fails the test of CE 2

The policy has been formulated on the basis of evidence which has not been provided as part of the plan nor is it supported by an up to date evidence basis

A robust, up to date evidence basis should be prepared to support the this policy

Full Response

4.1 TRAN 9 sets out the parking standards within areas of parking restraint for residential and non-residential developments.

4.2 The policy fails to satisfy the test of CE2 in that:

- The evidence base prepared to support the policy is not provided within the technical supplements and the recommendations following from Council's Car Parking Strategy (published in May 2018) have not been provided.

4.3 Benmore Group & Benmore Octopus Healthcare fully support a reduced level of car parking within areas of parking restraint and welcomes the evidence basis for this policy being reevaluated. We note that technical supplement 14 acknowledges that:

The draft Plan Strategy has been developed in the absence of an up to date transport plan for the city, however it makes reference to the Department's extant transport plan (BMTP) within the transport policy section (page 19, paragraph 4.3).

4.4 Information on the approach taken to formulate the car parking policies largely flows from Council's Car Parking Strategy (published in May 2018). This document has not been provided as part of the evidence basis, but can be located on Council's website. Paragraph 2.46 of technical supplement 14 notes that *the Car Parking strategy has informed the development of policies in the draft plan strategy relating to transport and car parking.* Paragraph 3.30 goes to say that *the recommendations from the parking strategy have been used as evidence for drafting policies relating to car parking in the draft plan strategy.*

4.5 We note that recommendations from the Car Parking Strategy have not be published nor has any recent analysis of parking demand within areas of parking restraint been provided.

Recommendation

4.6 We respectfully suggest that Council prepares an up to date evidence basis to support this policy and on the basis of the evidence collated reassesses whether the evidence supports this policy position.

5. Promoting a Green and Active Place

OS 3 Ancillary Open Space

OS 3 is unsound as the policy fails the test of CE 2

There is insufficient evidence within the technical supplement to support the policy proposed

A robust, up to date evidence basis should be prepared to support the this policy

Full Response

- 5.1 OS 3 requires all new development proposals to include appropriate provision for open space, including hard and soft landscape areas and outdoor amenity areas, to serve the needs of the development.
- 5.2 The policy largely mirrors the current policy provisions set out in Planning Policy Statement 8 (PPS8): Open Space, Sport and Outdoor Recreation, policy OS 2 bar a few notable changes Council proposes to introduce:
- The provisions of the policy will apply to all new developments, not just residential development.
 - In instances where public open space is required regard should be had to providing complementary and ancillary equipment and facilities, including for active or passive enjoyment of residents or occupants should be incorporated into the design of the development.
- 5.3 The policy fails to satisfy the test of Soundness – CE 2 in that no evidence has been provided to demonstrate why complementary and ancillary equipment and facilities are required in providing public open space. In addition no consideration has been given to the impact such a requirement has on the overall viability of a project and the implications arising out the maintenance and management of such areas.

Recommendation

- 5.4 We respectfully suggest that:
- Council prepares an up to date evidence basis to support this policy; and
 - defines what is meant by *complementary and ancillary equipment*.
- 5.5 On the basis of the evidence collated Council should reassess whether they have sufficient evidence to support this policy position.

Appendix 1: Background Information: Council's LDP Template

This section responds to Sections A, B, E and I of Council's template.

Section A

We confirm that we have read and understand the privacy notice detailed at Question 1 and give consent for Belfast City Council to hold our data for the purposes outlined.

We understand that Council are required to publish responses received in response to the Plan Strategy. We consent to Council publishing this information with our name and organisation detailed.

Sections B & E

This response has been prepared by a planning agent whose contact details are:

Name: Emma Walker

Practice: Turley

Email Address: [REDACTED]

Telephone: [REDACTED]

This representation is submitted on behalf of:

Name: Benmore Group & Benmore Octopus Healthcare Developments (HK) Limited

Address: Rushmere House, 46 Cadogan Park, Belfast

Client Contact: David Burrows

Telephone: [REDACTED]

We confirm that Benmore Group & Benmore Octopus Healthcare did not submit a response to the Preferred Options Paper and all correspondence relating to the draft Plan Strategy are to be sent to Turley.

Section I

Question 19 of Council's template requests that participants indicate the method by which their representation is to be heard.

We respectfully ask that our representations are heard by way of an oral hearing.

Turley Office
Belfast

