

**Strategic Planning Directorate**



Department for

**Infrastructure**

An Roinn

**Bonneagair**

[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

Keith Sutherland  
Development Planning and Policy Manager  
Belfast City Council,  
Belfast Planning Service,  
Cecil Ward Building,  
4-10 Linenhall Street,  
Belfast,  
BT2 8BP

Clarence Court  
10-18 Adelaide Street  
BELFAST  
BT2 8EG  
Tel: [REDACTED]

Email: [REDACTED]

Our Reference:

15 November 2018

Dear Keith

**BELFAST CITY COUNCIL - DRAFT PLAN STRATEGY - CONSULTATION**

Belfast City Council published the draft Local Development Plan Strategy on 23 August 2018. In accordance with regulation 15 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 the Council consulted with the Department for Infrastructure (DfI) in relation to the draft Plan Strategy.

Please find attached representations to the consultation from:

- DfI Planning;
- Roads, Public Transport Division, Safe and Sustainable Travel Division;
- Rivers; and
- Water and Drainage Policy Division.

Yours sincerely

[REDACTED]

**Alistair Beggs**  
**Director**

E-mail: [REDACTED]  
Website: [www.planningni.gov.uk](http://www.planningni.gov.uk)

## Introduction

1. The Department for Infrastructure would like to thank the Council for the opportunity to comment on the Belfast Local Development Plan (LDP) Draft Plan Strategy. The LDP provides a 15-year framework to support the economic and social needs of a council's district in line with regional strategies and policies, while providing for the delivery of sustainable development<sup>1</sup>.
2. In view of the above, and in keeping with its oversight role<sup>2</sup>, the Department offers this representation in the interest of good practice and to assist the Council to minimise the risk of submitting an unsound Development Plan Document (DPD). In developing this response the Department has looked for clear evidence that the tests set out in Development Plan Practice Note (DPPN) 06 'Soundness' have been addressed. All comments are offered without prejudice to a future Minister's discretion to intervene later in the plan process or to the Independent Examination of the Plan Strategy.
3. We acknowledge and commend the considerable amount of work that the Council development plan team have put into preparing the Draft Plan Strategy and supporting documents. We would urge the Council, to seek legal advice to ensure that all the procedural requirements have been met, including Sustainability Appraisal (SA) including Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA), as responsibility for these matters rests with the Council.
4. The Department has chosen to respond by indicating three main areas that appear to it to pose a risk to Soundness when considered against the tests set out in DPPN 06. The most relevant tests are highlighted in each case although others may apply. The areas include the proposed growth strategy (Policy SP1); cross-boundary working; and infrastructure availability. In addition to commenting on these matters the Department has also highlighted other aspects of the Draft Plan Strategy for consideration. These are attached to this response.

---

<sup>1</sup> Para 2.6 Development Plan Practice Note 01 'Introduction: Context for Local Development Plans'

<sup>2</sup> Para 6.2 Development Plan Practice Note 06 'Soundness' (Version 2),

## Policy SP1 - Growth Strategy

**C1 Did the council take account of the Regional Development Strategy?**

**C3 Did the council take account of policy and guidance issued by the Department?**

**CE1 The DPD sets out a coherent strategy from which its policies and locations 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**

5. The Department supports the ambition of Belfast City Council (BCC) to grow the population of the city. This takes into account the strategic framework guidance set out in the Regional Development Strategy (RDS) 2035, specifically SFG2 'Grow the population of the City of Belfast'. This Spatial Framework Guidance indicates, however, that the provision of additional dwellings must be sustainably managed.
6. The Council is reminded of the advice within DPPN 07 'Plan Strategy' that the justification and evidence for the housing strategy must be comprehensive and robust to withstand the tests of Soundness at Independent Examination<sup>3</sup>. It is also necessary to demonstrate that the housing strategy contributes to the sustainability objectives of the Plan Strategy whilst meeting the requirements of the Council's community plan and wider regional planning framework set by the RDS 2035 and SPPS.
7. The Department notes Policy SP1 includes a housing requirement for the plan of 31,600 for the period 2020 - 2035. This is based upon projected employment growth of 46,000 additional jobs, supported by a population increase of 66,000 by 2035. These figures are set out in the Belfast Agenda. It is noted, however, that the figure is derived from a projected requirement for 37,000 homes and 66,000 additional people over the period 2014 – 2035<sup>4</sup>.
8. Whilst the Department supports the principle of linking housing need to economic and employment growth, the indicated requirement significantly exceeds the published HGI for Belfast which is presently 13,700 units for the period 2012 – 2025. This provides for housing growth of 1054 units per annum

---

<sup>3</sup> Development Plan Practice Note 07 'Plan Strategy' Para 13.5

<sup>4</sup> Council estimates a likely shortfall of over 6,400 units between 2014 – 2019 from the preferred housing growth set out in the POP

which can comfortably accommodate recent annual build rates achieved within Belfast.

9. The Department acknowledges that while the HGI is not a target to be achieved, or a cap on development, it nevertheless provides a robust starting point for considering the level of housing likely to be required to meet housing need. In apportioning the HGI the Department has been mindful of the need to ensure housing growth at district council level does not conflict with the need for sustainable, balanced regional growth and tackling regional imbalance, identified through the RDS 2035.
10. While the Department acknowledges the need to strengthen Belfast, the housing methodology set out by the Council has insufficient regard to the cumulative impacts of its proposed growth in the context of the housing growth proposed by the other Councils within the Belfast Metropolitan Urban Area. The 'Metropolitan Area centred on Belfast' is the major conurbation and the centre of the regional transport network. It is one of 5 key components of the Spatial Framework set out in the RDS 2035. Belfast has a clear role at the centre of a wider Metropolitan Area. However, the lack of acknowledgment of this role in the Council's methodology may pose a risk to the Soundness of the Plan Strategy. This matter is also addressed under cross-boundary working.
11. Whilst acknowledging the complexity of the relationship between jobs and housing, the Department understands that some of the assumptions made by the Council have a large influence on the level of population growth projected as being necessary to support the baseline jobs growth scenario. This is acknowledged in the Housing Growth Options report prepared by Turley<sup>5</sup>.
12. Importantly, the Turley report indicates that, in reality, it is possible that a lower level of housing provision could accommodate sufficient growth in the labour-force to support the additional jobs if successful policy intervention resulted in a greater change in labour force behaviour. It is noted that the Ulster University (UU) forecasting model suggests a smaller growth in population of 19,320 could support the forecast levels of job creation under both the baseline and upper scenarios provided by UU.
13. Achieving the increase in population necessary to underpin the required increase in labour force supply depends upon a number of factors. These include a significant increase in migration to Belfast and a reduction in the historic trend of out-migration from the city to other areas<sup>6</sup>. This has implications

---

<sup>5</sup> Paragraph 4.42 Housing Growth Options report (Turley)

<sup>6</sup> Paragraph 6.15 Housing Growth Options report (Turley) states scenarios would represent a clear step-change from the historic profile'

for other council areas and this aspect is considered later under cross-boundary working.

14. The Council proposes that a step change in demographic profile must be accompanied by an increase in new employment opportunities in the city. This will require policy intervention beyond ensuring a sufficient supply of housing/employment land<sup>7</sup>. The Department notes the Spatial Development Strategy policies and acknowledges other policies in relation to density, protection of existing residential accommodation and housing mix which aim to address these matters. The Department, however, considers that these policies do not provide the strong policy and strategy support necessary to deliver a step change in the historic demographic profile of the city. This may have implications for Soundness as the preferred growth relies to such an extent on a step change in net migration.
15. A council should also aim to ensure that the Plan Strategy is both realistic and deliverable taking into account the resources available and any potential constraints which may arise during the plan period<sup>8</sup>. The ambitious housing growth set out in the plan places an additional onus upon the council to articulate as clearly as possible at Plan Strategy stage how the required number of units will be delivered within the city. Policy HOU1 provides an indicative breakdown of dwellings by settlement area and an annual delivery rate broken down into 3 broad time periods.
16. It is noted that the Housing Growth Options report states that 'consideration of delivery factors in this evaluation has been limited to a headline review of the potential pipeline of land identified by BCC'. The report also recognises that the city-centre market in Belfast has not reached the stage of maturity of comparable cities. On this basis it advises that 'realisation of the scale of potential pipeline in the city centre will need strong policy and strategy support'. However as outlined above, there is insufficient evidence within SP1, HOU1 and associated policies of the required supportive policy and strategy.
17. The Housing Growth Options report recommends that a further detailed review of the market reality of achieving a notable uplift in the supply of housing should be undertaken to build on this evaluation. This review has not been undertaken prior to the publication of the Plan Strategy and was not available to inform the growth set out in policy.
18. While it is acknowledged that house building exceeded the draft Plan Strategy average of 2110 units in 2006/07 and 2007/08, the levels achieved during this unprecedented boom period are considered unlikely to be repeated in the

---

<sup>7</sup> Para 6.28 Housing Growth Options report (Turley)

<sup>8</sup> Para 5.5 Development Plan Practice Note 7 'The Plan Strategy'

current uncertain climate. This is evidenced in actual rates of housing delivery reported in the Housing Monitor which average approximately 580 units per annum from 2014 – 2017. This rate of delivery has resulted in an estimated shortfall from the council's own preferred growth scenario of over 6400 units since 2014.

19. In marked contrast, the annual average delivery rates indicated in Figure 7.2 of the Strategy (Policy HOU1) show a significant increase in annual delivery rates. More detail is provided in the indicative trajectory set out in the technical supplement<sup>9</sup> which assumes a 109% increase in build rate to 1220 units by 2020/21. The build rate of 2286 units indicated in 2026/27 is 292% above recent average delivery rate. The indicated rate in 2031/32 of 2946 units represents over a 400% increase on recent build rates. In the absence of strong policy and strategy support within the draft Plan Strategy, and in the context of recent delivery rates, there is a clear risk that the levels of house building will not be achieved.
20. In view of current house building rates, it is unclear whether the Council has had regard to the level of housing development that can realistically be delivered by the market and the construction industry in the current climate. This consideration would help to substantiate whether this ambitious growth could realistically be achieved. The Department's concerns in this area are reinforced by the conclusions of the NIHE Northern Ireland Housing Market Analysis Update (September 2017)<sup>10</sup>.
21. The Department acknowledges the potential of the other initiatives including the Belfast Region City Deal to support the growth upon which the projected population depends. It also notes, however, that the benefits of the deal will be shared among the six partner councils. These are the councils with which Belfast shares some of the strongest migration relationships<sup>11</sup>.
22. In summary, in the absence of sufficient evidence of how the Council will achieve the required step change in net migration, the Department considers that there is a risk that the necessary change to the demographic profile is unlikely to be achieved. Furthermore, the Council has presented no other evidence to build on the Urban Capacity Study in order to substantiate that the required rates of housing delivery can realistically be delivered.

---

<sup>9</sup> Technical supplement 2: Housing - Page 26, Figure 8.

<sup>10</sup> This observes that the HGI is not being achieved and that the target of an additional 37,000 new homes looks very ambitious post EU referendum and amid continuing uncertainty over the impact of Brexit on the wider economy

<sup>11</sup> Paragraph 3.15 Housing Growth Options report (Turley)

## Windfall allowance

23. The indicative trajectory for delivery set out in Figure 7.2 includes an allowance for windfall housing. The allowance appears unrealistic when set against historic supply from this source. As identified in the housing technical supplement historically the vast majority of housing units were delivered on un-zoned land<sup>12</sup>.
24. Whilst the Department accepts that maximising the use of allocations through a more planned approach may somewhat reduce the reliance on windfall, the Council has not presented any persuasive evidence that this approach alone will result in the scale of reduction in windfall anticipated. For example, it will not affect the rates of windfall supply from sources such as sub-division, change of use or from demolition and redevelopment within existing residential areas.
25. The SPPS acknowledges that 'windfall potential arising from previously developed land within the urban footprint can be a key source of housing supply over the plan period'. In line with the objectives of the RDS 2035 it is therefore necessary to make full allowance for this source of supply in order to prevent excessive allocation of housing land. The Department is concerned that the modest allowance for windfall fails to take full account of the potential from this source with subsequent implications for robustness of the evidence presented in support of the housing growth strategy set out in the plan.
26. This concern is compounded by Policy HOU2 'Windfall housing' which, as presently drafted, has the potential to encourage supply from windfall sources, contrary to reduction in the allowance implied through a more proactive approach to the zoning of land in the plan. Similarly policy EC4 'Loss of zoned employment land' as presently drafted is also very likely to encourage windfall housing supply on zoned employment land. This raises wider questions regarding the coherence of the overall plan approach to planning for housing and economic development.
27. Policy EC2 'Employment land supply' identifies a requirement for a total of 550,000 sq. m of employment space over the plan period. It is not clear if the Council has carried out an Employment Land Evaluation Framework as required by the RDS 2035 to determine this quantum. The Council is required to assess the suitability of existing employment land before quantifying future land requirements and identifying a new portfolio of sites. Whilst the breakdown of the overall allocation is noted, the rationale for the allocation is unclear and the employment floor-space to be apportioned to the 'Rest of Belfast City' is not further defined.

---

<sup>12</sup> The historical analysis of windfall presented in the Urban Capacity Study (ARUP) indicates that from 2000 – 2015 sites of 5 units or more/ 0.1 Ha on 'un-zoned land' provided a contribution of 18,662 housing units or 1244 units per annum.

28. The SPPS states it is important that land and buildings which are well located and suited to economic development purposes are retained so as to ensure a sufficient ongoing supply. Accordingly planning permission should not normally be granted for proposals that would result in the loss of land for economic development use. Any decision to reallocate such zoned land to other uses should be made through the LDP process. Policy EC4 does not appear to take account of the SPPS in this regard.
29. The exceptional circumstances outlined in this policy have the potential to undermine the policy approach of the RDS and SPPS and may result in an incremental loss of such sites on an ad-hoc basis. Furthermore they do not provide the confidence and certainty indicated by the SPPS as being necessary for an efficient and effective plan-led system<sup>13</sup>.

### **Cross Boundary working**

***C1 Did the council take account of the Regional Development Strategy?***

***C3 Did the council take account of policy and guidance issued by the Department?***

***CE1 The DPD sets out a coherent strategy from which its policies and locations 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***

30. The RDS provides strong regional and sub-regional guidance through a Spatial Framework for Northern Ireland which divides the Region into 5 components based on functions and geography. One of the components is the Metropolitan Area centred on Belfast City. The RDS provides Regional Guidance that applies to all parts of the region and Specific Guidance for each element of the Spatial Framework.

31. Implementation of these elements depends upon effective joint working between councils. This engagement is fundamental to ensuring that the aims and objectives of Council LDPs are integrated and provide a coherent, joined up approach to regional planning issues, for example housing growth and infrastructure provision. Such cross boundary working also ensures that LDPs do not conflict with each other and that potential areas of conflict are identified

---

<sup>13</sup> Para 5.7 Strategic Planning Policy Statement

and resolved prior to a Development Plan Document being submitted to the Department to cause an Independent Examination. The Chief Planner's letter dated September 2017 refers.

32. Evidence of engagement is important in helping to confirm that policies in the Plan Strategy are not in conflict with the emerging plans of other councils within the Belfast Metropolitan Urban Area (BMUA). This is an important aspect of plan Soundness which will be tested at Independent Examination (IE). The necessity for cross-boundary engagement is especially important in the context of the Council's ambitious growth strategy which depends on significantly higher net migration to the city<sup>14</sup>.
33. Whilst the Turley report gives consideration to cross-boundary implications it also recommended that BCC would need to extend cross-boundary assessment 'through a process of dialogue with neighbouring authorities'. This is particularly important in respect of those council districts sharing strong labour force relationships with the city to ensure that assumptions concerning jobs growth and housing provision don't have wider implications. Although the Council has engaged through the Belfast Metropolitan Area Spatial Working Group there is little evidence that this has influenced the housing growth recommended in the Turley report and subsequently set out in the draft Plan Strategy.
34. The Department acknowledges the important role of Belfast City within the wider Metropolitan area and how the City can act as a major driver for regional growth. It is however concerned that in arriving at the preferred housing growth little consideration was given to the context of the wider Metropolitan Housing Market Area (HMA). The RDS advocates the use of Housing Market Analysis based on existing Housing Market Areas and advises that Councils' will need to work closely together when making strategic planning decisions<sup>15</sup>. This includes decisions around the level of housing growth as well as the infrastructure required in support of that growth. The Department regards the use of HMA's as important to promote strategic partnership working.
35. Housing Market Analysis published in 2011 by Northern Ireland Housing Executive (NIHE) relates to the Belfast Metropolitan Housing Market Area (BMHMA). The Housing Market Analysis Update (September 2017) provided by NIHE, and included in the supporting documentations, relates solely to the BCC area.

---

<sup>14</sup> Paragraph 6.31 Housing Growth Options Report (Turley) acknowledges that this will result in changed internal migration dynamics and will have the greatest impact on those districts where there is the biggest deviation from the historic profile.

<sup>15</sup> Pages 102, 103 Regional Development Strategy 2035

36. Revised Housing Market Area boundaries published by the NIHE in August 2018 confirm the spatial extent of the BMHMA as extending from the Ards Peninsula and Newcastle in the south to Antrim and Larne in the North. The report also identifies potential local HMAs including a core Belfast local HMA encompassing all of Belfast, Lisburn and Castlereagh City councils and parts of Antrim & Newtownabbey and Ards & North Down.
37. Therefore, there is a strong evidential basis for the council to have regard to the wider BMHMA when considering the housing necessary to support projected population growth within the council district.

## **Infrastructure**

- C1 Did the council take account of the Regional Development Strategy?***
- C3 Did the council take account of policy and guidance issued by the Department?***
- CE1 The DPD sets out a coherent strategy from which its policies and locations 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.***

38. In line with the draft Programme for Government (PfG) the Department is focused on supporting inclusive growth by connecting people and opportunities through infrastructure.

39. The RDS 2035 seeks to support strong, sustainable growth for the benefit for all parts of Northern Ireland. Importantly it identifies the need for a co-ordinated approach to the provision of services, jobs and infrastructure and a focus on co-operation between service providers.

40. Of particular relevance is RG8 '*Manage housing growth to achieve sustainable patterns of residential development*' and RG12: '*Promote a more sustainable approach to the provision of water and sewerage services and flood risk management*'. These regional guidelines emphasise the importance of the relationship between the location of housing, jobs, facilities and infrastructure. The availability of necessary infrastructure, including sustainable water resources and sewerage capacity is particularly important. RG12 specifically

highlights a requirement for close cooperation between planning authorities and the water industry in the preparation of local development plans.

41. The SPPS advises that in furthering sustainable development it is important to manage housing growth in a sustainable way, placing 'particular emphasis on the importance of the inter-relationship between the location of local housing, jobs, facilities and services, and infrastructure'. The aim of the SPPS with regard to transportation is to secure improved integration with land-use planning, consistent with the RDS and the New Approach to Regional Transportation.
42. Development Plan Practice Note (DPPN) 07 'Plan Strategy' indicates that the Strategy should show how the objectives for a council area may be delivered and by whom, and when. This includes 'making it clear how infrastructure needed to support a Plan Strategy will be provided and ensuring that it is consistent with other relevant plans and strategies relating to adjoining areas'. The Practice Note further advises that the Plan Strategy should be both realistic and deliverable, taking into account the resources available and any potential constraints which may arise during the plan period. DPPN 06 'Soundness' indicates that it may also be necessary to set out the infrastructure that will be required to support the DPD and ensure that it remains in line with prevailing regional policy and other relevant plans and programmes both within and beyond a council area.
43. Therefore in relation to infrastructure the Department would highlight two key areas of risk. The first concerns insufficient evidence that the Plan's growth strategy can be supported by the transport network. The second relates to evidence on the impact upon the wastewater network within the Belfast area. Clearly, other supporting infrastructure will require further consideration by the Council.
44. In terms of transportation, the Department accepts that the Belfast Metropolitan Transport Strategy (BMTS) was expected to provide this evidence base. However in publishing the Plan Strategy in advance of the BMTS the Council has not provided alternative evidence to discuss or show how the transport network has been considered as a facilitator of the growth strategy. The Department has previously engaged with the Council on the possible consequences of this approach.
45. In respect of wastewater infrastructure the proposed growth is considered to have major implications in meeting the future demand for wastewater treatment. Given the current limited available capacity in Belfast's wastewater treatment network and the uncertainty around the funding and timescales, it would have

been prudent for further engagement to have taken place in respect of these risks to growth and economic development.

46. The draft Plan Strategy and supporting documents acknowledge the need for infrastructure investment in the medium to long-term in order to keep pace with growth. Policy ITU 2 seeks to support statutory authorities in meeting the demands of planning growth. Notwithstanding this general acknowledgement, the draft Plan Strategy makes little attempt to identify in more detail the strategic infrastructure required to support growth and broadly agree provision and timescales with statutory partners.

### **Plan-Led System**

47. The LDP should provide a plan-led framework for rational and consistent decision-making by the public, private and community sectors and those affected by development proposals<sup>16</sup>. The Department notes the statement in the draft Plan Strategy concerning the need to consider infrastructure requirements in the context of the plan-led system where 'the primacy of the plan is enshrined in legislation'
48. Section 6(4) of the Planning Act (Northern Ireland) 2011 states that, when making a determination under the Act, that determination must be made in accordance with that plan, unless other material considerations indicate otherwise. This provision establishes a plan-led system for decision-making by giving the local development plan primacy in the context of making a planning determination under the 2011 Act<sup>17</sup>. A 'plan-led' approach does not remove the need for the Council to agree with statutory partners on the level of infrastructure/service provision that can realistically be delivered in support of implementing planned growth.
49. In summary it is the Department's opinion that the Council has provided insufficient evidence that the growth strategy and other policies within the draft Plan Strategy are compatible with current infrastructure and future investment programmes. It has reached this conclusion having considered the content of the Plan Strategy and supporting documents; Soundness tests C1, C3, CE1-CE3 and the regional policy and guidance set out in RDS 2035, SPPS and DPPNs.

---

<sup>16</sup> Para 2.6 Development Plan Practice Note 1 'Introduction to the context for local development plans'

<sup>17</sup> Para 4.6 Development Management Practice Note 16 'The Determination of Planning Applications'

## **Consideration of Representations**

50. When ready the Council shall submit the Plan Strategy and supporting documents, including consideration of representations and counter representations, for the Department to cause an IE subject to the provisions of the 2011 Act. The onus is on the Council to demonstrate that the submitted Plan Strategy and supporting documents are ready for IE and meet all statutory requirements.

## **Annex 1 – Additional Dfl Planning Comments**

Further to those comments in the main response, the Department would like to detail some additional points for consideration regarding the operational policies contained within the draft Plan Strategy.

### ***Chapter 7 - Shaping a Liveable Place***

#### **Policy BH2 - Conservation Areas**

The SPPS, (paragraph 6.18) states that there is a general presumption against demolition of unlisted buildings within Conservation areas other than in ‘exceptional circumstances’. These are considered to be ‘material considerations grounded in the public interest’. The draft policy appears to depart from the SPPS policy approach. The inclusion of references to Listed Buildings may introduce a lesser test than that within the specific stand-alone “Listed Buildings” policy BH1. It is unclear how these policies relate to one another.

The SPPS details that there would be a general presumption against proposals in Conservation areas which conflict with the principle to enhance the character or appearance of the area where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. The draft Plan Strategy states that there is a general presumption against demolition of unlisted buildings, and this suggests a different level of protection.

There appears to be a textual error within the Alterations & Extensions section in referencing ‘HE2a’.

#### **Policy BH4 - Works to grounds affecting built heritage assets**

BH4 appears to be a general policy referring to all boundaries, garages and plot subdivision within designated archaeological sites of importance, listed buildings, conservation areas and ATCs. A number of these are specific assets where individual and varying tests apply.

In addition the draft policy makes no reference to rural heritage assets, when both urban and rural should be covered.

#### **Policy BH6 – Parks, gardens and demesnes of special historic interest**

The draft policy has a different emphasis from the SPPS and it is unclear how this will be implemented in practice.

### ***Chapter 8 - Creating a Vibrant Economy***

#### **Policy EC 1 – Delivering inclusive economic growth**

The policy stipulates development will be ‘supported subject to normal planning considerations’ but there is no further specification of these criteria or how the policy will be implemented.

### **Policy EC2 – Employment land supply**

The issue of employment land supply has been highlighted in the main response. The breakdown of the overall allocation is noted but the allocation to the ‘Rest of the city’ is vague. Clarification would be useful, for example, B1A to City Centre/Edge, B3/4 to Harbour Estate etc.

### **Policy EC3 – Major employment and strategic employment locations**

The Department notes major employment locations were previously identified in Draft BMAP. Figure 8.2 highlights existing employment areas, Belfast Harbour and Belfast City Centre, whilst also acknowledging ‘Belfast Harbour Major Employment Location’ in paragraph 8.1.22. Further clarification on the location of strategic employment locations would be useful and if they are predominantly class B use locations. In addition, how are MELs/SELs considered in terms of a hierarchy or sequential test.

It is stated that ‘planning permission will be granted for proposals **complementary** to the primary employment use.’ Without further clarity this may be open to interpretation in practice.

### **Policy EC4 – Loss of zoned employment land**

This policy has been highlighted in the main response. It is unclear how this policy aligns with the SPPS in the context of the wider strategic growth. Clarification would be useful to understand if this policy applies to particular parts of the city, and how the MELs and SELs as identified in policy EC3 apply within in this policy context. There is no reference to their exclusion, indicating a possible tension between policy EC3 and EC4.

Comments provided above for EC3 regarding the complementary criteria are also applicable.

### **Policy EC5 – Industry and Storage Distribution**

Paragraph 8.1.35 of the policy is unclear, and although the policy aims to provide clarity and certainty around locations where industrial and storage and distribution use are considered acceptable, no details are provided on the locations.

### **Policy EC6 – Office Development**

The policy states that planning permission will be granted for development proposals for new office development in the city centre boundary although there is no further

detail on how proposals will be assessed. As currently drafted EC6 does not reference the restrictions implied by RET5.

### **Policy RET1 – Establishing a centre hierarchy.**

Policy RET1 states that the sequential approach directs development within centres before considering an edge of centre site. The Department notes that the Councils definition of “edge of centre” is location within easy walking distance (300 metres) of the City Centre but departs from the previous definition in that it **also** includes District or Local Centres. This is in conflict with paragraph 6.287 of the SPPS which states that edge of centre locations are considered to be 300m from the **Town Centre Boundary**.

### **Policy RET2 – Out of Centre Development**

It would appear the policy wording is contrary to the last two lines of paragraph 6.279 of the SPPS which states that all proposals must ensure there will be no adverse impact on the vitality and viability of an existing centre within the catchment which may include retail facilities outside the Council boundary. There is no suggestion or direction to consider sequentially preferable sites in other Council boundaries.

It unclear how proposals under the threshold of 1000sqm will assessed. Consideration should be commensurate with the nature, scale and location of the proposal.

### **Policy RET 3 – District centres, local centres and city corridors**

A centre hierarchy is clearly set out in Policy RET1. Policy RET3 does not clearly distinguish between district, local and city corridors in line with the sequential approach of RET1.

The policy should make clear that proposals should only be considered where there are no suitable alternative sites within City Centre and edge of Centre in line with retail hierarchy and SPPS.

In relation to proposals for retail development in local centres, further clarity on exceptional circumstances, the requirement for quantitative need and how such proposals would be assessed is necessary.

### **Policy RET 4 - Retail Warehousing**

Policy RET4 refers to areas of retail warehousing - further clarification is required as to how these areas have been defined. In addition, it is unclear how proposals for retail warehousing will be considered in line with the retail hierarchy outlined in Policy RET1 and the sequential test set out in the SPPS.

### **Policy RET 5 – Primary Retail Area**

There is no detail on how proposals for restaurants and café uses will be assessed in the primary retail area.

### **Policy TLC 3 - Overnight visitor accommodation**

The policy states that planning permission will be granted for development proposals for new overnight visitor accommodation in the city centre boundary although there is no further detail on how proposals will be assessed.

## ***Chapter 9 - Building a Smart Connected and Resilient Place***

### **Policy ITU2 – Water and Sewerage Infrastructure**

The issue of infrastructure provision and compatibility of the Council's growth has been outlined in main response. This policy puts the onus on statutory authority to support the planned growth and that the Council will address constraints by supporting the statutory authority.

### **Policy ITU 4 – Renewable Energy development**

It is noted in criteria (d) there is no reference to water quantity. The SPPS (6.224) goes further than previous policy to recognise this criteria extends to water quality and **quantity**.

The policy states 'In the case of a combined heat and power scheme, an exception will be made if it can demonstrated that the benefits outweigh the need for transportation and an end user or district energy network beneficiary is identified'

In addition the draft J & A states (Paragraph 9.1.21) 'the council will only support renewable energy proposals where they would not have unacceptable adverse effects which are not outweighed by the local and wider environmental, economic and social benefits of the development'.

The wording throughout the policy and J & A is ambiguous and does not clearly align with the balanced approach and intent of the SPPS (paragraph 6.225).

### **Policy W1 – Environmental impact of a waste management facility**

While it is noted criteria (b) relates to compatibility with the character of surrounding area and adjacent land uses, the Council have omitted this consideration from paragraph 9.2.9. The SPPS is clear regarding precautionary principle that facilities should consider the need to separate incompatible land uses.

### **Policy M1 - Minerals**

While it is acknowledged the Council will source minerals for construction materials outside the Council boundary, the Council should engage with other Councils to

understand the supply and demand of available resources. The minerals sourced outside BCC will largely assist in facilitating the proposed growth of BCC.

It is unclear how the main regional strategic policy requirements of the SPPS (6.155) have been taken into account. The policy states 'the council will not normally permit significant mineral extraction proposals in areas designated of importance for landscape quality, nature conservation or scientific interest, suggesting these designations perform as Areas of Constraint on Mineral Development (ACMD's). There are no ACMDs presented within the Draft Plan Strategy.

#### **Policy ENV 4 – Flood Risk**

There is no specific policy on reservoirs, protection of flood defence and drainage infrastructure and artificial modification of watercourses.

### ***Chapter 10 – Promoting a green and active place***

#### **Policy OS 1 – Protection of Open Space**

The draft policy wording is not as strong as protection afforded within the SPPS which states (6.201) that a regional strategic objective is to 'safeguard existing open space'. This objective is not clearly articulated within the policy which supports retention and improvement of existing open space.

#### **Policy OS 4 – New open space outside settlements**

The SPPS provides for facilitating **appropriate outdoor recreational activities** in the countryside. Policy OS4 provides for the provision of new open space facilities including for sport and outdoor recreation at **appropriate locations** which has a different emphasis to strategic policy.

#### **Policy OS 5 – intensive sports facilities**

The SPPS provides for intensive sports facilities to be located within settlements with the exception of a sports stadium. The proposed policy departs from strategic policy direction in that it allows for the provision of intensive sports facilities outside settlement limits.

#### **Policy NH 1 – Protection of natural heritage resources**

As highlighted in MIN 1 the issue of ACMD's is not addressed. Although the policy makes reference to environmental designations here it would have been helpful to include them for clarity.

The draft policy proposes to address a number of natural heritage resources together but does not clearly provide a hierarchy of protection.

### **Policy LC 1 - Landscape**

The Department notes that Policy LC1 seeks to 'protect and, where appropriate, restore or improve the quality and amenity of the landscape'. Regional policy within the RDS is firmer, advocating, under RG11, an approach to conserve, protect and where possible enhance our built heritage and our natural environment. The SPPS (6.174) states that Planning Authorities should adopt the precautionary principal when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources and this precautionary approach is not brought forward into the landscape policy. Connected to this the Council has not produced Landscape Character Assessments.

### **Policies LC 1A, B & C - AONBs, AHSVs & LLPAs**

In these policies, it is stated that development which has a significant adverse impact on AONBs, AHSVs and LLPAs will not be supported by the LDP. However, LC1 states that there may be circumstances where development would be considered in these areas. Further clarity on this point would assist practical implementation.

### **Policy LC 4 – Coastal Area**

The draft Plan Strategy lacks discussion on the issues which may affect the coast and in addition there is no distinction between the developed and undeveloped coast.

Policy LC4 provides criteria for the consideration of proposals within the coastal area outside the settlement limit but this does not include a requirement to demonstrate consideration of a feasible alternative within an existing urban area. (SPPS).

As drafted both criteria of the policy are not required to be satisfied which may weaken the intent of the SPPS (6.38).

There is no reference to urban waterfronts within the draft Plan Strategy.

### **Policy DC 1 – All countryside development - general policy principles**

SPPS policy (6.69) states 'The policy approach must be to cluster, consolidate, and group new development with existing established buildings...' however, the LDP states "Where possible and appropriate, permissible new development should seek to cluster with and consolidate existing built development".

### **Policy DC 10 – New dwellings on farms**

The SPPS provides clear direction in relation to Dwellings on Farms with no exceptions.

Within this policy it is not clear what is meant by 'exceptional circumstances' or 'clear operational need' in light of the criteria listed in the policy.

**Policy DC 11 - Agriculture**

The Department considers that the policy would benefit from stronger criteria to reflect the environmental considerations highlighted in the J & A. (paragraph10.5.23)

Additionally, the 6 years stipulation within the SPPS has been omitted from this policy.

**Policy DC 12 - Farm diversification**

In relation to bullet (a) the SPPS stipulates that a business must be active for a minimum of 6 years. This criteria has been omitted from the draft policy.

## 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](http://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](http://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](mailto: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



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

## 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)

**Department for Infrastructure – Transport Strategy Division, Roads and Rivers – Roads, Public Transport Division & Safe and Sustainable Travel Division**

Your Job Title (Required)

**Director of Transport Strategy Division**

Organisation address (if different from above):

**Room 3-09 Clarence Court**

**10-18 Adelaide Street**

**Belfast BT2 8GB**

## 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)

**Client contact details:**

Title

First Name (Required)

Last Name (Required)

Address Line 1 (Required)

Line 2

Line 3

City

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:

## 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?

This should relate to only one section, paragraph or policy of the draft Plan Strategy. 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.

Relevant Section or Paragraph

**Page 34 SP1 – Growth Strategy**

Policy (if relevant)

**SP1 – Growth Strategy**

**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.

P2 – Has the Council prepared its Preferred Options Paper and taken into account any representations made

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

**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.

**P34 SP1 – Growth Strategy**

The Council's growth aspirations are noted and whilst the stated transport elements broadly align with the strategic direction of the draft PfG, the RDS and the new approach it is considered that no demonstrable effort has been made by the Council to provide evidence to show how the transport network has been considered as a facilitator for this growth. The Belfast Metropolitan Transport Strategy was expected to provide this evidence, however in taking the decision to publish the LDP Plan Strategy in advance of this being ready, such evidence has not yet been provided. In the absence of a BMTS the Council would be expected to provide evidence regarding the amount of

travel demand generated and the ability of the transport network to accommodate the demand.

Indications are (from reviews of other POPS) that the growth strategy will be in conflict with the DPDs of neighbouring Councils insofar that all councils within the BMA (with the exception of Ards and North Down who have yet to publish a POP) are seeking growth which exceeds the combined Housing Growth Indicator. It is asserted that there is insufficient evidence to demonstrate that the planned growth, in combination with neighbouring councils can be supported by the transport network.(Test: CE1)

GR1 of the BCC POP stated that phasing ‘to align with infrastructure capacity and provision’ – however there is no evidence in the strategy that this has been further developed. Additionally, The TPMU POP response stated “BCC’s failure to present a range of options limits the public’s (and our) ability to understand what has been considered and to appreciate how they have arrived at the preferred option”. This does not appear to have been addressed (Test: P2).

Given the absence of quantification with regard to the transport network capacity and future transport proposals it is considered that BCC have failed to demonstrate that the Growth Strategy is founded on a robust evidence base. It appears that BCC have made no attempt to mitigate this risk by gathering their own relevant data/ evidence in the absence of the BMTS. (Test: CE2)

**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.

The Department expects a level of quantitative assessment in terms of how the transport network will react to additional travel arising from the proposed development and whether this growth could be accommodated on the existing/ planned transport network. This should also take account of additional development and transport demand arising from neighbouring councils and potential changes in the Department’s transport network and

its management. As previously stated in deciding to publish the Plan Strategy in advance of the BMTS the onus is on the Council to undertake/ gather the evidence to support an approach most likely to be delivered from a transport perspective taking into consideration the amount of travel demand generated and the ability of the transport network to accommodate that demand.

In addition to the very significant issue relating to ‘soundness’ outlined above, the following general comments are offered in relation to the Draft Plan Strategy:

- There is no substantial reference to the need for a change in how people travel to enable the planned growth to be delivered in line with the other Council objectives
- The terms access, accessible, accessibility are used variably across the document with implied different meanings and do not appear in the glossary. In addition, in places where transport travel time accessibility would be expected to appear, it is missing. However, (transport travel time) accessibility is pivotal in designating density of housing/ Location of employment/ Parking standards as the development of locations with good accessibility should ensure that the potential use of sustainable modes is maximised across the plan area.
- There is no clear recognition of the need for or the existence of a Parking Strategy. Parking management is key to stemming increase in car use and facilitating modal switch. From the PoP response (2017), 8.2.4 - DfI Roads should be involved in any parking studies to assess potential for areas of control or parking restrictions.
- There is limited recognition of the issues surrounding trips starting and finishing outside the Council area and how BCC relates to neighbouring Council areas.
- There are aims/objectives/ proposals to reduce greenhouse gases, arising from traffic and local air quality issues but limited appreciation of how this might be achieved

In addition we would make the following specific comments.

## **Chapter 4 – Vision Aims and Objectives**

### **P28 - Building a smart connected and resilient place**

- aims – supports, encourages and promotes sustainable travel but there is not a commitment to positive action such as demand management of private car
- objectives
  - availability of land to facilitate... - this could/ should be stronger. We would hope that the council will prioritise land in accessible locations which would in turn encourage more sustainable transport use.

## **Chapter 5 – Strategic Policies**

### **P41 SP7 – Connectivity**

We would have expected to see reference to ‘densification’ in the justification and amplification of this policy. Increased density at key accessible locations will be key.

## **Chapter 6 – Spatial Development Strategy**

### **P49 SD2 - Settlement Areas designated**

It is noted that Belfast Harbour is designated as a settlement area – however the justification and amplification is silent with regard to density in this area. A clear statement should be included to clarify. In addition a comment regarding how transport capacity would be provided is needed.

### **P55 SD3 – City centre**

Fig 6.3 is difficult to understand. It is not clear what the green and blue infrastructure alignments shown are

## **Chapter 7- Shaping a Liveable Place**

### **P63 HOU2 – Windfall housing**

Reference has been made to the location being accessible. Can the Council confirm how accessibility will be assessed? It would be useful if this had been included in the justification and amplification.

### **Page 94 - Policy DES1 – Principles of urban design – 7.2.14**

Agree, however the Plan Strategy should consider such transport within, and connections to areas outside of the city.

### **Page 96 - Policy DES2 – Masterplanning approach for major development**

Add a bullet point i.e. avoiding prejudice to the local and strategic traffic/road networks, to reduce congestion and promote road safety.

### **Page 101 - Policy DES4 – Advertising and signage**

Add to point (d, or the justification and amplification) – Advertising equipment proposed for footways must be positioned to minimise obstruction to pedestrian movement, having regard for people with visual and mobility impairments.

P103 RD1 – New Residential developments

Bullet point ‘c’ refers to ‘accessible and convenient’. Can Council confirm how accessibility and convenience will be assessed? It would have been useful for this to have been included in the justification and amplification.

Page 103 - Policy RD1 – New residential developments - For new-build apartment developments over 30 units, in addition to the above criteria, planning permission will be granted where: m. Appropriate provision is made for safe, convenient and secure cycle parking;  
Cycle parking should be considered for all new build apartment developments, not just those over 30 units.

P137 HC1 – Promoting healthy communities

The policy refers to “supporting active travel options, improving accessibility to .....”. Can the Council confirm how accessibility will be assessed?

### **Chapter 8 - Creating a vibrant economy**

P149 EC3 – Major employment and strategic employment locations

“Use class B1 (a) shall only be permitted in a MEL or SEL where it cannot be accommodated”.... Does this mean ‘physically’ accommodated or will a broader definition be employed?

“Use class B1(b)..... will be supported in existing employment areas” – has research been completed to ensure that these locations are accessible by sustainable modes?

P152 EC5 – Industry and storage and distribution uses

Is there a definition of “normal planning conditions?”

Paragraph 8.1.33 should also explicitly reference (transport travel time) accessibility.

P161 RET2 – Out of centre development

It is suggested that accessibility should also be included as a criteria in bullet point ‘a’ of this policy.

P163 RET3 – District centres, local centres and city corridors

Bullet point ‘e’ “accessible by foot ....improve accessibility” - it is unclear what this is requiring.

Paragraph beginning “Proposals for retail development...” also applies to many other policies, however has not been included. If it is necessary to state this then it should be replicated in a number of other policies (e.g DES2)

P169 CC1 – Development opportunity sites

This policy should make reference to transport.

### **Chapter 9 – Building a smart connected and resilient place**

9.4.3 Paragraph should also make reference to the departments ‘extant transport plan’.

Page 205 Para 9.4.4 - second sentence should include reference to highway improvements.

Page 205 para 9.4.5 – Council should be aware that buses and trains are sustainable means of transport and they are “motorised transport”.

P207 TRAN1 - Active travel – walking and cycling

Policy wording implies that planning permission will be granted where walking and cycling have been considered. It should be made clear that this just is one consideration.

Bullet point c – could the requirement be broadened to include a ‘buffer’ (i.e. within x m of the site) rather than just where it adjoins?

Page 208 - Policy Tran 1 Implementation – we expect walking and cycling measures to be an integral part of any planning application and should be delivered through planning condition or Section 76 Planning Agreement as appropriate.

P209 TRAN3 - Transport Assessment

DfI Transport Assessment Supplementary Planning Guidance ‘must be considered’ as it sets out the means by which developers are required to provide enough information for the Department to understand how a proposed development is likely to function in transport terms. This is important to ensure that new developments facilitate more sustainable travel patterns – which may include providing improved transport infrastructure and/ or services.

P210 TRAN4 - Travel Plan

It may be useful to refer to Good Practice guides from other jurisdictions for reference.

Page 210 - 9.4.15 - reference should be made to the Council's Draft Developer Contributions Framework, A guide to developer contributions and planning agreements, August 2018 (or the final version).

9.4.18 It is noted that developers/ occupiers will be required to monitor the implementation of the Travel Plan – who will this be reported to? How will BCC monitor and manage this? And what enforcement will be taken if the planning condition (i.e. the Travel Plan) is not fully implemented?

Page 213 - Policy Tran 6 Implementation – we expect access arrangements to public roads will be an integral part of any planning application and will be delivered through planning condition or Section 76 Planning Agreement as appropriate.

P213 TRAN 7 – Access to protected routes

Roads colleagues will need to provide input into the amended wording included in bullet b.

9.4.25 Clarification should be provided on what constitutes 'significantly add to congestion'. Is this restricted to the immediate locality or the wider network?

Page 214 para 9.4.27 – Figure 9.3 protected routes map is of Belfast not NI.

Page 214 Para 9.4.29 – Guidance on access arrangements are contained in DCAN 15, which is published by DOE, not DfI.

Page 214 & 215 - Policy TRAN 7 – Access to protected routes

Figure 9.3 is not a clear representation of the protected routes. The Council should refer to DfI's published protected routes maps.

Page 215 – Policy Tran 7 Implementation – We don't expect access onto protected routes to be delivered through Section 76 Planning Agreement.

Page 216 – Policy TRAN 8 – Car parking and servicing arrangements (suggest changing the title to Parking and Servicing Arrangements)

We suggest adding parking policy for Coaches (which have increased in number since BMAP), those visiting e.g. hotels, and tourist attractions in the Council area. The policy should consider on-street, off-street, short-stay and overnight provision.

P216 TRAN8 - Car Parking and Servicing arrangements

The second paragraph and subsequent bullet point

Should a number/ trigger point be set for when electric vehicle charging points are required?

P218 TRAN9 – Parking Standards within areas of parking restraint

This policy refers to existing standards and therefore does not relate to density designations – this is an area that requires further thought/ work

Page 218 - Policy Tran 9 – Need to better define the areas of parking restraint outside Belfast City Centre. Also consider further reduction to parking standards within the area of parking restraint.

Page 219 - Policy TRAN 10 – Design of car parking – for multi-level and basement parking the building at street level must have an active frontage.

P220 TRAN11 – Provision of public and private car parks

This refers to extant transport plan but makes no reference to the Councils Parking Strategy (as per SPPS).

P223 ENV1 – Environmental Quality

What is considered to be ‘unacceptable adverse impact’ re Air Quality? Are thresholds to be proposed or a series of triggers that would constitute ‘unacceptable’?

Pages 320 & 321 - Appendix E: List of Supplementary Planning Guidance

We suggest bringing forward for Supplementary Planning Guidance (SPG), Control of Outdoor Advertisements (an update of PPS 17). Note: reference made to advertisement under policy DES4, page 101.

## 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?

This should relate to only one section, paragraph or policy of the draft Plan Strategy. 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.

Relevant Section or Paragraph

### P60 HOU1 Accommodating new homes

Policy (if relevant)

#### HOU1 Accommodating new homes

**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.*

CE2 - The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base
--

**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.

**P60 HOU1 Accommodating new homes**

It is not clear how the number of homes and their distribution (Figure 7.2) has been arrived at. Whilst the stated transport elements broadly align with the strategic direction of the draft PfG, the RDS and the new approach it is considered that no demonstrable effort has been made by the Council to provide evidence to show how the transport network has been considered as a facilitator for this growth. The Belfast Metropolitan Transport Strategy was expected to provide this evidence, however in taking the decision to publish the LDP Plan Strategy in advance of this being ready, such evidence has not yet been provided.

Given the absence of quantification with regard to the transport network capacity and future transport proposals it is considered that BCC have failed to demonstrate that the Accommodating new homes policy is founded on a robust evidence base. (Test: CE2)

**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.

The Department would have expected some level of quantitative assessment in terms of how the transport network will react to additional travel arising from the proposed development and whether this growth could be accommodated on the network. This should also take account of additional development and transport demand arising from neighbouring councils and potential changes in the Department's transport network and its management.

## 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?

This should relate to only one section, paragraph or policy of the draft Plan Strategy. 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.

Relevant Section or Paragraph

### P147 EC2 Employment land supply

Policy (if relevant)

#### EC2 Employment land supply

**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.

CE2 - The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base
--

**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.

**P147 EC2 Employment land supply**

It is not clear how the employment floorspace and its distribution (Figure 8.1) has been arrived at. No demonstrable effort has been made by the Council to provide evidence to show how the transport network has been considered as a facilitator for this growth. The Belfast Metropolitan Transport Strategy was expected to provide this evidence, however in taking the decision to publish the LDP Plan Strategy in advance of this being ready, such evidence has not yet been provided.

Given the absence of quantification with regard to the transport network capacity and future transport proposals it is considered that BCC have failed to demonstrate that the Employment land supply policy is founded on a robust evidence base. (Test: CE2)

**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.

The Department would have expected some level of quantitative assessment in terms of how the transport network will react to additional travel arising from the proposed development and whether this growth could be accommodated on the network. This should also take account of additional development and transport demand arising from neighbouring councils and potential changes in the Department's transport network and its management.

## 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](http://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](http://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](mailto: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

**Mr John Moore - Department for Infrastructure**

**Q5.** What is your telephone number?

Telephone number [REDACTED]

**Q6.** What is your email address?

Email [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:

## 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) **Department for Infrastructure Rivers**

Your Job Title (Required) **Head of Planning Advisory and Modelling Unit**

Organisation address (if different from above):

**44 Seagoe Industrial Estate, Craigavon, Co Armagh, BT63 5QE**

## 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)

### Client contact details:

Title

First Name (Required)

Last Name (Required)

Address Line 1 (Required)

Line 2

Line 3

City

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)

**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:

## 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?

This should relate to only one section, paragraph or policy of the draft Plan Strategy. 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.

Relevant Section or Paragraph

### **Building a smart connected and resilient place**

Policy (if relevant)

#### **Policy ENV4 – Flood Risk**

**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.

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

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.

**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.

**Dfl Rivers considers the Draft Plan Strategy to be unsound because it does not meet Procedural Test P2.**

Dfl Rivers has serious concerns that Belfast City Council has chosen to use the Strategic Planning Policy Statement for Northern Ireland (SPPS) as its main development management flood risk policy in its Draft Plan Strategy.

This is of particular concern as previously in Section 8.7.5 of the POP on page 100 comments BCC stated “The Council’s view is that the PPS15 should be retained with minor changes identified in the Preferred Option” (SRC 12 on page 95).

Furthermore, in Appendix A: Review of regional Planning Policy Statements on page 138 of the POP, the Council has stated its intention to retain all of the policies of PPS 15, albeit with minor changes to FLD 1, FLD3 and FLD 5.

Dfl Rivers was encouraged by the Council’s approach to PPS 15 at this stage, albeit we raised concerns that the POP, in its more general text, did not adequately address the significant coastal flood risk to Belfast City.

This is evidenced by the summary comments in the Dfl Rivers POP response below:

Summary Comments

*The Belfast City Council (BCC) Preferred Options Paper (POP) contains a number of references to flood risk and flood risk management. Whilst this is encouraging, Rivers Agency (now known as Dfl Rivers) would suggest that dealing with flood risk from all sources (i.e. the sea, rivers, surface water and Controlled Reservoirs) should be given a much greater importance in this document. In particular, Rivers Agency advises that the Council should place a much higher emphasis on dealing with coastal flood risk as significant portions of the City Centre, Strategic Employment Locations and regionally critical infrastructure are at risk from coastal flooding.*

*The LDP will generate significant development, on both green field and brown field sites and this has the potential to increase flood risk. Any increase in flood risk can be mitigated with suitable Local Plan Policies.*

*Rivers Agency is encouraged that the Council has opted to retain the policies in PPS 15 with no or minimal alteration. The forthcoming Local Plan Policies dealing with flood risk will be technically complex and Rivers Agency advises that it is essential that these policies have adequate Justification and Amplification to avoid ambiguity and conflicting interpretations. Rivers Agency specifically requests that the Council works closely with us in transposing the policies of PPS 15 into Local Plan Policies.*

*Rivers Agency would welcome the opportunity to liaise closely with the Council on all aspects dealing with flood risk management in the forthcoming LDP.*

In January 2018, Dfl Rivers learned that the Council decided move away from the approach to flood risk management outlined in the POP and use the SPPS as the source of its flood risk management policies in its Draft Plan Strategy.

DfI Rivers has engaged extensively with the Council to date in its Plan preparation and on numerous occasions has voiced concerns about the Council's proposed strategic approach to flood risk. Notwithstanding these concerns, comments provided on the POP and the publication of DfI Rivers Flood Risk Guidance, the Council has chosen to move away from the recommended local policy approach. In doing so, DfI Rivers considers the draft flood risk policies to be deficient as they do not provide sufficient detail to address the very significant flood risk affecting the heart of Northern Ireland's capital city. DfI Rivers does not consider that the publication of Supplementary Planning Guidance in the future will adequately address this policy shortfall as such a document would have no material policy weight in decision making.

The SPPS provides a 'strategic' framework for the new planning system and 'flexibility' for councils in making planning decisions appropriate to their context. This will be achieved primarily through the formulation of detailed LDP planning policies that reflect the specific economic, social and environmental issues affecting their area. 'Local' operational planning policies must address the range of policy matters set out within the SPPS as per paragraphs 5.23- 5.24, including Flood Risk. In other words the SPPS pitches planning policy at a more strategic level than Planning Policy Statements (such as Revised PPS 15), whilst operational planning policy will be predominantly contained in LDPs. As the LDP process will be the main vehicle for assessing future development proposals, the council must be satisfied that the Local Development Plan provides adequate and appropriate local policy so as to minimise and manage flood risk to people, property and the environment. As per above, the Plan Strategy needs to ensure it provides strategic policy for the council area so as to avoid any policy lacuna after revised PPS 15 ceases to have effect. DfI Rivers does not consider that the draft Plan Strategy is sufficiently robust in this regard.

In light of known local flood risk issues, Policy ENV4 has eight areas of weakness.

1. Development Proposals of Overriding Regional or Sub-Regional Economic Importance within the floodplain - Policy ENV4 does not require demonstration that the proposal requires a location within the flood plain and justification of why possible alternative sites outside the flood plain are unsuitable. This may enable inappropriate development in floodplains. This could result in putting considerably more people at risk.
2. Policy ENV4 does not adequately address residual risk in defended areas. This could result in putting considerably more people at risk.
3. Policy ENV4 does not address significant intensification. This could result in putting considerably more people at risk.
4. Replacement of an existing building in undefended areas – Policy ENV4 does not exclude proposals for essential infrastructure or bespoke accommodation for vulnerable groups or that involve significant intensification. This could result in putting considerably more people (including vulnerable groups) at risk.
5. Policy ENV4 does not adequately ensure that development is steered to those sites at lowest flood risk.
6. Policy ENV4 does not adequately define a flood defence. This may permit consideration of third party flood defences that may not be adequately designed nor maintained.

7. The use of land for sport and outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings in undefended areas - Policy ENV4 does not exclude playgrounds for children.
8. Policy ENV4 does not address replacement buildings within the inundation area of a Controlled Reservoir.

In addition to the eight areas of weakness detailed above, Policy ENV4 and the accompanying Justification and Amplification contain a further significant area of weakness in that there are no additional robust local policies to address the concerns raised in the DfI Rivers POP response about the significant coastal flood risk to Belfast. Given the extent of coastal flood risk to Belfast, DfI Rivers would expect to see additional enhanced local policies to address this risk.

Some of the key areas of weakness are illustrated using the three examples below:

1. **Demonstration of over-riding regional of sub regional importance.**  
The Plan Strategy does not address such matters which could result in landmark buildings or regionally critical infrastructure being exposed to a much higher flood risk than would currently be the case.
2. **Significant intensification in defended areas.**  
DfI Rivers would advise against significant intensification because it exposes significantly more people to residual flood risk. The Plan Strategy does not adequately address such matters.
3. **Replacement of an existing building in an undefended area of flood plain.**  
The Plan Strategy does not adequately contain policy provision to address development proposals that include essential infrastructure or bespoke accommodation for vulnerable groups or that involve significant intensification of use.

### **DfI Rivers considers the Draft Plan Strategy to be unsound because it does not meet Procedural Test C3.**

On 25 June 2018, DfI Rivers circulated a document entitled “DfI Rivers - Guidance on the preparation of LDP policies for flood risk management - June 2018” to the Principal Planning Officers on the LDP Teams of all 11 Councils. This document is attached at Appendix 1.

The purpose of this guidance is to assist Councils with the drafting of sound operational planning policies to be included within the Local Development Plan.

Prior to the introduction of this guidance, Belfast City Council was aware that it was being prepared and advised that their Draft Plan Strategy document was being or was about to be printed and thus it was not possible for them to take cognisance of the guidance in the published Draft Plan Strategy document.

### **DfI Rivers considers the Draft Plan Strategy to be unsound because it does not meet Consistency Test C4.**

Belfast City Council has chosen to rely upon regional strategic flood risk management policies within the SPPS and have not brought forward adequate detailed policy for this subject area. This has the potential to significantly increase flood risk to people and property in some circumstances.

**DfI Rivers considers the Draft Plan Strategy to be unsound because it does not meet Coherence and Effectiveness Test CE1.**

DfI Rivers considers that Belfast City Council has chosen to rely upon regional strategic policy within the SPPS and have not brought forward adequate detailed policy for this subject area.

This cannot be described as a coherent strategy because, as detailed under comments for Procedural Test P2 there are a number of weaknesses in respect of coastal and fluvial policies that have the potential to result in significant numbers of people and properties being put at risk of flooding (that otherwise would not be at risk) if specific policy is not brought forward for development management purposes for this subject area.

DfI Rivers advises that the potential adverse consequences arising from this decision should not be ignored or set aside.

As stated in the comments on Procedural Test P2 (above), DfI Rivers is also unclear as to the Council's logic and thought process in deciding to opt for over-arching regional strategic policies for Belfast rather than carefully crafted bespoke policies designed to meet local requirements (such as the very significant coastal flood risk affecting the heart of Northern Ireland's capital city). DfI Rivers advises that this approach cannot be considered to be a coherent strategy.

**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.

Revert to the approach outlined in the Preferred Options Paper for Flood Risk Management Policies.

Formulate additional robust local policies to address the concerns raised in the DfI Rivers POP response about the significant coastal flood risk to Belfast. Given the extent of coastal flood risk to Belfast, DfI Rivers would expect to see additional enhanced local policies to address this risk.

DfI Rivers is willing to work closely with the Council to this end.



Department for

**Infrastructure**

An Roinn

**Bonneagair**

[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

**APPENDIX 1**

# DfI Rivers

Guidance on the preparation of  
LDP policies for flood risk  
management

# APPENDIX 1

## **DfI Rivers Guidance on the preparation of local operational planning policies for flood risk management.**

### **Introduction**

Under the reformed two-tier planning system introduced in April 2015, Councils have considerably enhanced planning powers, including responsibility for the preparation of new Local Development Plans (LDPs). These reforms significantly enhance local democratic accountability and provide a new planning system that- is more responsive to the priorities and needs of local people.

Whilst Councils have flexibility to bring forward operational policies tailored to local circumstances obviously these will have to be drawn up bearing in mind regional planning policy. In preparing LDPs Councils must take account of the RDS 2035, the Sustainable Development Strategy for Northern Ireland, the SPPS and any other policies or advice in guidance issued by the Department.

It is recognised that LDPs prepared by Councils are a fundamental tool in the implementation of central government policies and strategic objectives on flood risk, climate change etc. It is therefore of critical importance that LDPs provide robust local operational policies and guidance that align with the policies and advice of DfI in relation to flood risk (and climate change).

Furthermore, the Department's 'North West Flooding Review Report' on the unprecedented flooding event which occurred in August 2017, highlights the importance of having and applying robust planning policies that take appropriate consideration of flood risk both in terms of preparing new local policy through LDPs and when taking decisions.

<https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/north-west-flooding-review-2018.pdf>

## APPENDIX 1

Councils are encouraged to engage with the Department to assist them in bringing forward future development and flood risk policies that are robust and integral elements of their new LDPs.

### **Purpose of this guidance**

The purpose of this guidance is to assist Councils with the drafting of sound operational planning policies to be included within the Local Development Plan. While it is material to the preparation of Local Development Plans, it is not intended to inform the consideration of planning applications and will therefore have little operational weight. As such, this guidance will not be subject to public consultation or published but will be provided to Councils by DfI in its capacity as a statutory consultation body in the preparation of the Council's Local Development Plan.

This document provides essential background information and definitions. It also highlights the key considerations that should be taken into account to ensure that robust local operational planning policies are formulated and the reasons why these policy considerations are important. The application of this guidance will be monitored and content will be kept under review.

The guidance recognises that Councils have the flexibility to formulate robust local flood risk management policies that meet their local needs and align with the policy provisions of the SPPS. However, Planning Policy Statement 15 (Revised) 'Planning and Flood Risk' (PPS 15) contains robust flood risk management policies that have been proven to work well since its introduction in 2006. DfI Rivers considers that these policies are seen as exemplar across the United Kingdom and Ireland. These policies are closely replicated (in a strategic way) in the Strategic Planning Policy Statement for Northern Ireland. The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of LDPs and are material to all decisions on individual planning applications and appeals.

The following table sets out the recommended approach to flood risk policy formulation.

**Recommended Approach to Local Flood Risk Policy Formulation**

Key Policy Objective	Key Policy Issue	Best Practice Policy Wording	Explanation and Justification	Link to SPPS
Avoiding development in Fluvial (River) and Coastal Flood Plains	Development not permitted in flood plains	Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy (see Table 1).	<p>Avoiding development in flood plains is the most cost-effective and sustainable method of managing flood risk.</p> <p>Flood plains store and convey water during times of flood. These functions are important in the wider flood management system. New development within a river flood plain will not only be at risk of flooding itself, but it will add to the risk of flooding elsewhere.</p> <p>The cumulative effect of piecemeal development within a river flood plain can also redirect flows and will also undermine its natural function in accommodating and attenuating flood water. Accordingly, to minimise flood risk and help maintain their natural function it is necessary to avoid development within flood plains.</p> <p>The situation with coastal flood plains differs from the above, in that in certain limited circumstances (SPPS paragraph 6.109 refers) infilling in the coastal flood plain is permitted as it will have a negligible effect on its extent and therefore much less likely to cause flooding elsewhere.</p> <p><b>Refer to:</b>  <b>Key Consideration 1 - The Precautionary Approach</b>  <b>Key Consideration 6 - Flood storage and flood plain infilling.</b></p>	6.107 6.109

APPENDIX 1

Key Policy Objective	Key Policy Issue	Best Practice Policy Wording	Explanation and Justification	Link to SPPS
Avoiding development in Fluvial (River) and Coastal Flood Plains	Development permitted within flood plains only by exception	<p>Where the principle of development is accepted by the planning authority through being an exception to policy as detailed in Table 1, the applicant is required to submit a Flood Risk Assessment for all proposals. Planning permission will only be granted if the Flood Risk Assessment demonstrates that:</p> <p>a) All sources of flood risk to and from the proposed development have been identified; and                      b) There are adequate measures to manage and mitigate any increase in flood risk arising from the development.</p>	<p>It is recognised that in certain exceptional circumstances development in a flood plain may be justified. The exceptional circumstances deemed to be acceptable by DfI Rivers are detailed in <b>Table 1</b>.</p> <p><b><u>Granting an exception is the sole responsibility of the Council.</u></b></p> <p><b><u>DfI Rivers reserves the right to advise against granting an exception if it considers that flood risk to the proposed development and elsewhere cannot be adequately managed and mitigated.</u></b></p> <p><b>Refer to:</b>  <b>Key Consideration 6 - Flood Plain Storage and Infilling</b></p>	6.107 & 6.111
Avoiding development in Fluvial (River) and Coastal Flood Plains	Development Proposals of Overriding Regional or Sub-Regional Economic Importance	<p>A development proposal within the floodplain that does not constitute an exception to the policy may be permitted where it is deemed to be of overriding regional or sub regional economic importance and meets both of the following criteria:</p> <ul style="list-style-type: none"> <li>• Demonstration of exceptional benefit to the regional or sub-regional economy;</li> <li>• Demonstration that the proposal requires a location within the flood plain and justification of why possible alternative sites outside the flood plain are unsuitable.</li> </ul> <p>Where the principle of development is established through meeting the above criteria, the Council will steer the development to those sites at lowest flood risk.</p> <p>The applicant is required to submit a Flood Risk Assessment for all proposals.</p>	<p>It is recognised that in certain exceptional circumstances development in a flood plain may be justified.</p> <p>It is the responsibility of the Council to ensure that both criteria are met and then to steer the development to those sites at lowest flood risk.</p> <p><b>Refer to:</b>  <b>Key Consideration 6 - Flood Plain Storage and Infilling</b></p>	<b>6.107 &amp; 6.111</b>
Avoiding development in Fluvial (River) and Coastal Flood Plains	Minor Development	Minor development will be acceptable within defended and undefended flood plains subject to a satisfactory flood risk assessment.	<b>Minor development is defined in Footnote 32 of SPPS.</b> Minor development such as non-residential extensions with a footprint less than 150 sq. metres, alterations to buildings and householder development will generally negligible effect on flood risk.	6.107 & 6.111

APPENDIX 1

Key Policy Objective	Key Policy Issue	Best Practice Policy Wording	Explanation and Justification	Link to SPPS
			The detail and complexity of the FRA should be commensurate with the size and complexity of the development.	
Avoiding development in Fluvial (River) and Coastal Flood Plains	Unacceptable Flood Protection / Management Measures	<p>The following flood protection and management measures proposed as part of the planning application, in order to facilitate development within flood plains, <b>will not be acceptable</b>:</p> <p>1 - new hard engineered or earthen bank flood defences;</p> <p>2 - flood compensation storage works (Note - such works may be acceptable in limited circumstances);</p> <p>3 - land raising (infilling) to elevate a site above the flood level within the undefended fluvial flood plain.</p>	<p>1 – New flood defences cause loss of flood plain storage, increase in flood risk elsewhere, potentially putting more people at risk of flooding (where there was no such risk previously) and residual risk.</p> <p><b>Refer to:</b>  <b>Key Consideration 3 - Residual Risk.</b>  <b>Key Consideration 4 - Significant Intensification.</b>  <b>Key Consideration 6 - Flood storage and flood plain infilling.</b>  <b>Key Consideration 8 – Design Flood Standard.</b></p> <p>2 - <b>Key Consideration 7 - Compensatory Flood Storage</b> provides an explanation as to why flood plain compensation works may be acceptable in limited circumstances.</p> <p>3 – Land raising causes loss of flood plain storage which will increase flood risk elsewhere.</p> <p><b>Refer to:</b>  <b>Key Consideration 6 - Flood storage and flood plain infilling.</b></p>	Bullet point 3 - 6.109. Bullet points 1 & 2 - 6.110.
Acceptable development in defended areas.	Development in brown field defended areas.	<p>Subject to an Exception being granted by the Council (see <b>Table 1, Exception D1</b>), previously developed land protected by existing flood defences, either cored earthen flood banks or hard engineered walls, constructed to the appropriate standard and height, will generally be considered acceptable for development.</p> <p>DfI Climate Change guidance provides details of the freeboard allowances required for flood defences.</p>	<p>Such development should not expose significantly more people to flood risk.</p> <p>Table 1 lists 5 Exclusions to Exception D1.</p> <p><b>Exclusions 1 to 5</b> detail the types of development that <b>should not be permitted</b> in defended areas and in each instance gives the reason(s) why this should be the case.</p> <p><b>Refer to:</b>  <b>Key Consideration 3 - Residual Risk.</b>  <b>Key Concept 4 - Significant Intensification.</b>  <b>Key Consideration 8 – Design Flood Standard.</b></p>	-

APPENDIX 1

Key Policy Objective	Key Policy Issue	Best Practice Policy Wording	Explanation and Justification	Link to SPPS
Acceptable development in defended areas.	Presumption against development in green field defended areas.	Proposed policies should contain a presumption against development of green field sites in defended areas.	As well as exposing more people and property to the residual flood risk, this form of development could remove valuable flood storage should the defences overtop or breach.  <b>Refer to:</b> <b>Key Consideration 3 - Residual Risk.</b> <b>Key Consideration 4 - Significant Intensification.</b> <b>Key Concept 6 - Flood storage and flood plain infilling.</b> <b>Key Consideration 8 – Design Flood Standard.</b>	-
Acceptable development in defended areas.	Council to direct development to minimise flood risk.	Subject to an Exception being granted by the Council for development in brown field defended areas (see <b>Table 1, Exception D1</b> ), it is the role of the Planning Authority to direct developers to use the areas of least risk.	Development close to flood defences will be resisted as such land will often be low lying and therefore the most susceptible to flooding. Also, it may need to be available for temporary flood storage in a flood event.  The Council has a responsibility to direct developers to use the areas of least risk. DfI Rivers will provide advice on this if consulted by the Council.  Before progressing proposals in proximity to flood defences, developers are advised to seek guidance from DfI Rivers on acceptable separation distances.	-
Acceptable development in flood plains.	Development in coastal flood plain.	Proposed policies could permit new development in the undefended coastal flood plain in specific, limited circumstances. Such development should not result in additional flood risk elsewhere in the coastal flood plain. In order to minimise the potential incidence of coastal erosion to the development (or elsewhere as a result of it), particularly in areas of 'soft' coastline, development should only be permitted within settlements where a built footprint will have already been established. Such proposals will need to satisfy normal planning criteria such as access, service provision and acceptable visual and amenity impacts. Importantly, such development should not generate a present or future need for flood defences nor should it exacerbate problems of coastal erosion in	Infilling and land raising to an appropriate level above the flood plain will have a negligible effect on the extent of the coastal flood plain, now or in the future, taking account of anticipated climate change.	6.109

APPENDIX 1

Key Policy Objective	Key Policy Issue	Best Practice Policy Wording	Explanation and Justification	Link to SPPS
		susceptible areas.		
Acceptable development in flood plains.	Replacement buildings in flood plains or defended areas.	<p>Refer to <b>Table 1, Exception U1.</b></p> <p>Replacement of an existing building may be considered on the basis that this should not normally result in any material increase in the flood risk to the development or elsewhere. Suitable flood proofing measures through resistance and resilience construction should be used.</p> <p>There should be a presumption against development where proposals include essential infrastructure, storage of hazardous substances, bespoke accommodation for vulnerable groups or development located close to flood defences.</p> <p>Proposals involving significant intensification of use should be considered on their individual merits and will be informed by the Flood Risk Assessment.</p>	<p>The replacement of a building to provide bespoke accommodation allowing for the introduction of vulnerable groups to the flood risk area is unacceptable.</p> <p>Similarly, replacement of a building to accommodate essential infrastructure will be unacceptable as continual access and egress for operational activities will no longer be possible when the area has been cut off during a flood event.</p> <p>A replacement proposal which involves significant intensification of use, for example through increasing the existing footprint or change of use, will be resisted if this would have the effect of introducing more people to a high flood risk area.</p>	Partially covered by 6.108 & Figure 1.
Acceptable development in flood plains.	Amenity and recreation – General Policy	<p>Refer to <b>Table 1, Exception U4.</b></p> <p>Proposed policies should permit provision of areas for amenity open space, sports, outdoor recreation and nature conservation purposes in flood plains where justified by an acceptable flood risk assessment.</p> <p><b><u>Children’s playgrounds should not be permitted in flood plains as such proposals would have the effect of exposing a vulnerable group to flood risk.</u></b></p> <p>Ancillary development such as changing facilities and job-related accommodation for caretakers and staff (<b><u>but excluding clubhouses and social facilities</u></b>) may be acceptable where justified by the flood risk assessment.</p> <p>The use of synthetic sports surfaces should be resisted. Where this would increase the flood risk to the site or elsewhere. It should</p>	<p>Proposed policies should allow for the provision of areas for amenity open space, sports, outdoor recreation and nature conservation purposes on the basis that such areas are not generally occupied and are unlikely to incur major damage as a result of flood inundation.</p> <p>In some circumstances, it may be possible to incorporate flood alleviation measures to the benefit of the wider community e.g. Connswater Community Greenway in Belfast.</p> <p>Changing rooms are intermittently occupied and can be made resilient against flooding i.e. if they flood, they can be brought back into service quickly and with minimum cost.</p> <p>Clubhouses and social facilities may be occupied for extended periods by many people. Flooding can put these people at risk. Post-flooding repairs can be protracted and expensive.</p> <p>Synthetic sports surfaces may increase the flood</p>	Partially covered by 6.108 & Figure 1.

APPENDIX 1

Key Policy Objective	Key Policy Issue	Best Practice Policy Wording	Explanation and Justification	Link to SPPS
		also be noted that such materials are prone to damage through flooding.	risk to the site or elsewhere. It should also be noted that such synthetic surfaces are prone to damage by flooding and repair can be very expensive or impossible.	
Acceptable development in flood plains.	Amenity and recreation FRA and mitigation	<p>Even though these amenity and recreation areas are intermittently occupied, proposals will be required to demonstrate by means of a Flood Risk Assessment:</p> <ul style="list-style-type: none"> <li>1 - Adequate mitigation measures to ensure there is no increase in flood risk elsewhere.</li> <li>2 – Provision of adequate flood warning procedures and</li> <li>3 - safe means of evacuation from the site.</li> </ul> <p>Open space areas in the undefended flood plain should be suitably contoured to avoid ponding and to allow for the quick recession of flood water.</p>	It is important to consider the safety of the users of such facilities and that the proposed development does not increase flood risk elsewhere.	-
Acceptable development in flood plains.	Use of public open space for flood storage.	<p>Where a proposal for residential development includes land adjacent to or partially within a flood plain, it will normally be acceptable to utilise the flood plain land for public open space associated with the housing.</p> <p>This will only be acceptable where no there is no infilling of the flood plain and suitable mitigation measures such as signage are in place to facilitate safe access and egress.</p>	It is important to consider the safety of using the open space and that the proposed development does not increase flood risk elsewhere.	-
Acceptable development in flood plains.	Publically funded and constructed flood defences	New hard engineered or cored earthen bank flood defences, publically funded and constructed, are seen as a necessary and acceptable flood mitigation method to protect existing property that is already in the flood plain and is liable to repeated flooding and resulting damage.	<p>Publically funded and constructed flood defences are provided for the wider benefit of society to alleviate flooding problems only in circumstances where there is a positive benefit to cost ratio. Such works are not used to facilitate commercial or private development.</p> <p>New hard engineered or earthen bank flood defences, proposed by the applicant, will not be seen as justification to allow development in the flood plain to proceed. This is because the defences will remove valuable flood storage from the flood plain, which may put other locations at increased flood risk, and also introduce people to an area where the threat of residual flooding by overtopping or collapse will always remain.</p>	-

APPENDIX 1

Key Policy Objective	Key Policy Issue	Best Practice Policy Wording	Explanation and Justification	Link to SPPS
			<b>Refer to:</b> <b>Key Consideration 6 – Flood storage and Flood Plain Infilling.</b>	
Flood Management and Mitigation Measures for all development in flood plains	Flood Risk Assessment	Where, by exception or overriding need, built development is acceptable in principle in the flood plain, then a Flood Risk Assessment (FRA) is required.	Dfl Rivers will publish a FRA specification.  A FRA must demonstrate the measures that shall be taken to manage and mitigate the identified risks. These measures will be proportionate to the flood risk and generally will be more rigorous in undefended areas than in defended areas where the flood risk is lesser.	6.111
Protection of Flood Defence and Drainage Infrastructure	Development should not impede effectiveness of flood defence and drainage infrastructure.	Proposed policies should not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.	Where a new development proposal is located near a flood defence, control structure or watercourse it is essential that it should not compromise the function of that structure or the ability to maintain it.  <b>Key Consideration 11 - Maintenance Requirements for Flood Defence and Drainage Infrastructure details the necessary requirements in this area.</b>	6.123
Protection of Flood Defence and Drainage Infrastructure	Presumption against building over the line of a culvert	Proposed policies should contain a general presumption against the erection of buildings or other structures over the line of a culverted watercourse in order to facilitate replacement, maintenance or other necessary operations.	Constructing buildings over culverts could cause structural problems in both the building and the culvert.  Structural damage to the culvert could increase flood risk to the building and elsewhere.  Constructing buildings over culverts could cause problems when carrying out maintenance or effecting repairs.  <b>Refer to:</b> <b>Key Consideration 11 - Maintenance Requirements for Flood Defence and Drainage Infrastructure</b>	6.123
Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains	Thresholds for provision of a Drainage Assessment.	A Drainage Assessment will be required for all development proposals that exceed any of the following thresholds: • A residential development comprising of 10 or more dwelling units; • A development site in excess of 1 hectare; • A change of use involving new buildings and / or hard surfacing exceeding 1000 square metres in area.	Dfl Rivers will publish a Drainage Assessment Specification.  Development with the associated increase in impermeable surfaces increases the amount of surface water runoff which can lead to surface water flooding to both the proposed development and elsewhere if not properly addressed at design stage.	6.114

APPENDIX 1

Key Policy Objective	Key Policy Issue	Best Practice Policy Wording	Explanation and Justification	Link to SPPS
			<p>The purpose of a Drainage Assessment is to consider these risks and provide appropriate mitigation.</p> <p><b>Refer to:</b> <b>Key Consideration 9 - Surface Water Flooding</b></p>	
Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains	Additional criteria for a Drainage Assessment.	<p>A Drainage Assessment will also be required for any development proposal, except for minor development, where:</p> <ul style="list-style-type: none"> <li>• The proposed development is located in an area where there is evidence of a history of surface water flooding.</li> <li>• Surface water run-off from the development may adversely impact upon other development or features of importance to nature conservation, archaeology or the built heritage.</li> </ul>	<p>It is important not to exacerbate existing surface water flooding problems or increase flood risk elsewhere.</p> <p>Unrestricted additional run-off due to development of a site discharging to a watercourse will increase flows and may increase flood risk downstream.</p> <p>A Drainage Assessment will be required when evidence of drainage problems is presented to the Planning Authority, even if the development does not meet the above criteria for a Drainage Assessment.</p> <p><b>Refer to:</b> <b>Key Consideration 1 – The Precautionary Approach</b> <b>Key Consideration 9 - Surface Water Flooding</b></p>	6.114
Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains	Drainage Assessment must demonstrate adequate mitigation.	Development should only be permitted where it is demonstrated through the Drainage Assessment that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere.	Adequate mitigation measures are required not to exacerbate existing surface water flooding problems or increase flood risk elsewhere.	6.114
Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains	Developer's responsibility to assess and mitigate flood risk.	Where a Drainage Assessment is not required by policy but there is potential for surface water flooding as indicated by the surface water layer of the Flood Maps (NI), it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.	Even if a proposed development does not meet the above criteria for a Drainage Assessment, it is the Developer's responsibility to take into account flooding from all sources including surface water.	-

APPENDIX 1

Key Policy Objective	Key Policy Issue	Best Practice Policy Wording	Explanation and Justification	Link to SPPS
Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains	Fluvial and/or coastal flood risk takes precedence.	Where the proposed development is also located within a fluvial or coastal flood plain, then the fluvial and/or coastal policies will take precedence.	Fluvial and Coastal flooding pose a higher risk and thus should take precedence over surface water flooding.	6.115
Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains	Council to consult with DfI Rivers	<p>In assessing the need for a drainage assessment the Council may consult with DfI Rivers.</p> <p>This may be necessary in order to establish whether there is evidence of a history of surface water flooding at a particular location.</p> <p>Consultation will also be carried out as necessary in appraising the drainage assessment. This is necessary not only to assess the adequacy of the proposed control and mitigation measures in the context of the policy, but also to afford the opportunity for such bodies to assess the impact of the measures upon their infrastructure.</p>	Only DfI Rivers has the necessary knowledge and skills to advise on, and assess Drainage Assessments.	-
Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains	Long term maintenance of mitigation measures.	Where a Drainage Assessment for a proposal is acceptable, the Planning Authority will need to be satisfied that suitable arrangements are in place in regard to the long term management and maintenance of the infrastructure on which mitigation depends.	Many mitigation measures require regular maintenance and if that is not provided they will quickly become ineffective thus increasing flood risk to the development and elsewhere.	6.113 (partially)
Artificial Modification of Watercourses	Only in exceptional circumstances.	The Council will only permit the artificial modification of a watercourse, including culverting or canalisation operations, in either of the following exceptional circumstances:	<p>Artificial modification of a watercourse, including culverting or canalisation operations should be resisted as such works can have a significant adverse impact on the environment and can increase flood risk.</p> <p><b>Refer to:</b> <b>Key Consideration 10 - Problems associated with culverting and artificial modification of watercourses</b></p>	6.125
Artificial Modification of Watercourses	Culverting for access	<ul style="list-style-type: none"> <li>Where the culverting of short length (maximum 10 m) of a watercourse is necessary to provide access to a development site or part thereof;</li> </ul>	The length and number of access culverts should be kept to a minimum.	6.125

APPENDIX 1

Key Policy Objective	Key Policy Issue	Best Practice Policy Wording	Explanation and Justification	Link to SPPS
Artificial Modification of Watercourses	Culverting for engineering reasons	<ul style="list-style-type: none"> <li>Where it can be <b>demonstrated to the satisfaction of DfI Rivers</b> that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.</li> </ul>	<p>Based on past experience, DfI Rivers has found many instances where the reasons offered for culverting watercourses could not be considered to be "valid engineering reasons". Accordingly DfI Rivers requests that the specific wording "to the satisfaction of DfI Rivers" is included in any proposed policy.</p>	6.125
Development in Proximity to Reservoirs	New Development	<p>Paragraphs 6.119 to 6.122 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) set out the planning policy for development in proximity to controlled reservoirs (refer to "<b>Definitions</b>").</p> <p>To achieve robust policies, DfI Rivers recommends the following minor additions to the SPPS.</p>	<p>Reservoirs constitute a potential source of flood risk that can have serious consequences. Flooding of downstream areas within what is known as the area of inundation may ensue if the structure fails or is overtopped. Downstream flooding may also arise from the controlled release of water from the reservoir, for example via spillways during periods of high flows due to weather conditions. This is normal practice to avoid capacity exceedance and overtopping. In any of these circumstances there is potential for rapid inundation of downstream areas and response times to flooding are likely to be short. This is especially the case where reservoir failure triggers land slips resulting in a sudden uncontrolled release of water. There are two main considerations when determining planning applications for development within the inundation area of a controlled reservoir:</p> <ol style="list-style-type: none"> <li>1. Condition assurance – With regard to proposed new development the Planning Authority must be assured that the condition, management and maintenance regime of the reservoir are appropriate regarding reservoir safety.</li> <li>2. A Flood Risk Assessment - This, among other things, considers the depth and velocity of flood water at the proposed development site in the event of a dam failure and the measures proposed by the applicant to mitigate the depth and velocity of the flood water.</li> </ol>	6. 119 to 6.122 provides full coverage.

APPENDIX 1

Key Policy Objective	Key Policy Issue	Best Practice Policy Wording	Explanation and Justification	Link to SPPS
			<p><b>Refer to:</b>  <b>Key Consideration12 – Implications of development within the flood inundation area of Controlled Reservoirs.</b></p>	
Development in Proximity to Reservoirs	Replacement Buildings	A proposal for the replacement of an existing building within the potential flood inundation area downstream of a controlled reservoir must be accompanied by a Flood Risk Assessment. Planning permission should be granted provided it is demonstrated that there is no material increase in the flood risk to the development or elsewhere.	This is a simple addition to the SPPS.	-

# APPENDIX 1

## **Technical definitions and why they are important.**

To create robust flood risk management policies it is important that there are clear and unambiguous definitions of technical terms. Where definitions are inadequate or absent this creates the opportunity for alternative interpretations which may lead to weakened policies that could potentially result in increased flood risk to people and property. Technical terms are defined in Table 2 of the Annex.

## **Key Considerations**

### **Introduction to Key Considerations**

In preparing your Local Development Plan (LDP), the Council may wish to consider the following:

- 1 - The Precautionary Approach
- 2 – The DfI Rivers flood maps, Flood Maps (NI) change and evolve over time
- 3 - Residual Risk
- 4 - Significant Intensification
- 5 - Flooding and Climate Change
- 6 - Flood storage and flood plain infilling
- 7 – Compensatory Flood Storage
- 8- Design Flood Standard.
- 9 - Surface water flooding
- 10 - Problems associated with culverting and artificial modification of watercourses.
- 11 – Maintenance Requirements for Flood Defence and Drainage Infrastructure
- 12 - Implications of development within the flood inundation area of controlled reservoirs
- 13 - Consideration of hydro-electric power generation schemes

## **APPENDIX 1**

The detailed policies within PPS 15 (and the strategic provisions of the SPPS) are proven to work and DfI Rivers considers that these policies are seen as exemplar across the United Kingdom and Ireland. The above key considerations are at the heart of policies in PPS 15 and the SPPS. It is vitally important that future Local Plan Policies take full account of these key considerations. Not to do so would be a significant backward step that will put more people and property at risk of flooding and could potentially result in a LDP being unsound.

The Key Considerations are presented in this guidance in order to promote understanding of flood risk management and to support the preparation of comprehensive and robust flood risk management policies in LDPs.

### **Key Considerations**

#### **1 - The Precautionary Approach**

Paragraph 6.102 of SPPS states "The Regional Development Strategy 2035 (RDS) ... urges the planning system to adopt a precautionary approach to development in areas of flood risk and the use of the latest flood risk information that is available in order to properly manage development"

#### **2 – The DfI Rivers flood maps, Flood Maps (NI) change and evolve over time**

From a policy perspective, the extent of flood plains is as defined on Flood Maps (NI) (reference: SPPS Paragraph 6.106 Footnote 31 on page 63).

SPPS Paragraph 6.104 states "The regional strategic objectives for the management of flood risk are to .... ensure that the most up to date information on flood risk is taken into account when determining planning applications and zoning / designating land for development in Local Development Plans".

Flood Maps (NI) is an interactive map-viewer that enables the public to access the

## APPENDIX 1

latest flood hazard information available from government.

Flood Maps (NI) can be viewed at: <https://www.infrastructure-ni.gov.uk/topics/rivers-and-flooding/flood-maps-ni>

Flood Maps (NI) highlights the areas throughout Northern Ireland that are prone to flooding and its potential adverse impacts.

The map is designed to:

- Help us and others to plan and manage our work to reduce flood risk.
- Encourage people living and working in areas prone to flooding to find out more and take appropriate action.
- Inform anyone applying for planning permission if flooding is likely to be an important consideration.

Flood Maps (NI) contains indicative flood maps for rivers, coastal and surface water flooding, with both present day and future climate change mapping for each. Flood Maps (NI) also contains details of previously recorded flood events.

The flood maps on Flood Maps (NI) are regularly reviewed and updated for a variety of reasons such as improved understanding of flooding mechanisms after a flood event, improved data sets, improved software and other technical reasons. In addition to this, Flood Maps (NI) is reviewed and updated on a six-yearly cycle to meet the requirements of the Floods Directive.

This results in a series of small incremental changes that are not regionally significant, but may have the potential to affect determination of individual planning applications.

**It is important that Councils are aware that the predicted flood extents depicted on Flood Maps (NI) may change, possibly several times, over the duration of a LDP.**

# APPENDIX 1

## 3 - Residual Risk

When developing flood risk policy, it is important to recognise that whilst a flood defence system is designed to reduce the risk of flooding, it does not prevent it completely and therefore a residual risk remains. Flood defences are designed to protect land from a specific height of flood water such as a 100 year fluvial or 200 year coastal flood event. The possibility of a flood greater than this occurring and overtopping the defences (the residual flood risk) will always remain. Residual risk is that which remains after all risk avoidance, substitution and mitigation measures have been implemented, on the basis that such measures can only reduce risk, not eliminate it.

In addition, the potential for structural collapse and breaching of the defences remains and could result in sudden and rapid inundation of flood water. There is also potential for back drainage systems to become overwhelmed as they are unable to discharge effectively when water levels remain high during flood conditions. In all such circumstances flood water within defended areas is likely to become trapped by the defences, resulting in longer term impacts and may require evacuation and pumping or other engineering solutions to remove.

**Because of this residual flood risk, any proposed policy contained within your LDP should place restrictions on the location and/or type of development relative to flood defences:**

- **Vulnerable groups**

Development proposals involving bespoke accommodation for vulnerable groups should be resisted. Flood warning and evacuation procedures may be difficult to implement for people with disabilities or those whose mobility is otherwise impaired, therefore their risks of injury or fatality are somewhat greater than for the general population. Accordingly, because of the residual flood risk, any proposed policy should operate a presumption against permission being granted for development associated with vulnerable groups. This includes facilities such as children's nurseries, schools, residential care / nursing homes, sheltered housing and hospitals. This list is not exhaustive.

- **Essential Infrastructure**

## APPENDIX 1

Development proposals for essential infrastructure, such as for emergency services / emergency depots, power supply and telecommunications should be resisted because access and uninterrupted operation cannot be guaranteed in locations where there is a residual flood risk.

- **Hazardous materials and potential pollutants**
- **Development proposals involving the storage and processing of hazardous materials and potential pollutants which may be likely to give rise to significant levels of environmental pollution in the event of damage caused by flooding should be discouraged because of the residual flood risk in defended areas. Therefore when preparing policy, Councils may wish to reinforce that proposals for development associated with the storage of hazardous substances, fuel storage depots, sewage treatment works or other development likely to give rise to environmental pollution in the event of flooding should only be granted planning permission where it is demonstrated that an alternative lower risk location is not available and that adequate provision is made for pollution containment so as to prevent a pollution incident in the event of flooding.**

- **Significant Intensification**

Because of residual risk, development involving a significant intensification of use should be resisted.

### **4 - Significant Intensification**

A typical example of significant intensification is the conversion of a single dwelling unit or commercial/industrial premises to a number of dwellings. Such intensification of use exposes more people to the residual flood risk in defended areas.

However, whilst such development is not desirable in the context of flood risk, this factor must be balanced against other material considerations, including the provisions of other subject policies within the SPSS that may support higher density development in urban areas. Accordingly, as there is no precise definition or

## **APPENDIX 1**

quantification of significant intensification, the Council may wish to stress that each application will be determined on its individual merits taking account of the scope for mitigation of the residual flood risk.

DfI Rivers will generally advise against significant intensification as it will expose more people to flood risk.

### **5 - Flooding and Climate Change**

There is an almost universal acceptance amongst leading scientists and governments that climate change caused by human activity is taking place. World-wide, there is much research taking place to try and establish the impact of climate change and how it will affect our world.

Flooding is part of the natural cycle of rivers and the sea. The primary causes of flooding are many and varied and sometimes involve a complex interaction of several contributory factors. Flooding is mainly weather-driven, but can be exacerbated by infrastructure deficiencies and inappropriate development. At present, climate change is not the primary cause of flooding. Councils may however wish to highlight that climate change is a factor that will exacerbate flooding. As climate change has an increasing impact on weather systems over time, it will have more impact on flooding in the future.

### **6 - Flood storage and flood plain infilling**

Paragraph 6.109 of SPPS states "Land raising (also known as infilling), which involves permanently elevating a site to an acceptable level above the fluvial flood plain in order to facilitate development will not be acceptable within the fluvial flood plain, where displacement of flood water would be likely to cause flooding elsewhere".

A flood plain is part of the natural topography of a river system. Its purpose is to occasionally store and convey flood water. River flood plains have a finite capacity to store flood water and this is known as "flood storage".

Councils should be aware that if any built development was to occur in a flood plain, this will cause piecemeal reduction of the volume of flood storage available. This has

## APPENDIX 1

the effect of displacing flood water which will cause or exacerbate flooding elsewhere. Development in river flood plains can also cause damage to river channels and structures due to increased flow velocities and it also has the potential to impair the conveyance function of the flood plain and its ecological integrity. For these reasons, and also the need to limit exposure of people and property to flood risk, draft policies should resist built development and infrastructure works, particularly on green field flood plain sites.

The situation for development in the coastal flood plain differs, permitting infilling in certain circumstances. Paragraph 6.109 of SPPS continues: "Such operations within the coastal flood plain will have a negligible effect on its extent and therefore much less likely to cause flooding elsewhere. Land raising to facilitate development at an appropriate level above the coastal flood plain may therefore be possible. However, this should normally be restricted to settlements and proposals will need to satisfy normal planning criteria such as access, service provision and acceptable visual and amenity impacts. Importantly, such development should not generate a present or future need for flood defences nor should it exacerbate problems of coastal erosion in susceptible areas".

### **7 – Compensatory Flood Storage**

Compensatory flood storage is a means of mitigating the loss of flood plain storage caused by development i.e. flood plain in-filling.

However, compensatory flood storage must become effective at the same point in a flood event as the lost storage would have done. It should also provide the same volume, and be at the same level relative to flood level, as the lost storage. This requirement is often referred to as "level for level" or "direct" compensation.

If the compensatory storage is provided at another level it will already be full (if lower) or still be empty (if higher), when the storage is required, and the characteristics of flood storage at this location will, therefore, be altered. For this reason, the compensatory flood storage must be created adjacent to and be hydraulically connected with the area of development.

Compensatory flood storage should only be acceptable as a mitigation measure after

## APPENDIX 1

the proposed development has been deemed an Exception to the Policy and the principle of development has been established. When developing policy, it is important to emphasise that compensatory flood storage should not be used to justify or facilitate development in the flood plain.

A typical example of where compensatory storage may be acceptable is on strategic road improvement schemes such as the A5, A6, A8 and A26.

### 8- Design Flood Standard

The SPPS defines a river flood plain as the extent of the areas flooded in a 1 in 100 year return period flood (1 in 200 year return period flood for coastal).

It is not uncommon for floods to exceed these return periods. In recent years there have been a number of river floods in Northern Ireland that have been greater than 1:100 years, sometimes by a considerable margin (as was the case in the August 2017 flooding in the North West).

A 1 in 200 year or 1 in 250 year return period flood is a more severe event than a 1 in 100 year flood and it will result in a larger volume of flood water across a wider area which generates higher flood levels. Councils should recognise that there is no linear relationship between a flood's return period and flood levels. Every river's characteristics are different and topography, development and blockages can have a significant impact on flood levels.

In adopting the definition of a flood plain, as detailed in the SPPS, society and government are identifying what could be considered to be an acceptable balance between development need and managing flood risk economically. It is important that policy makers realise that this threshold can be and has been exceeded. Therefore when drafting policy, Councils may wish to make clear that appropriate exceedance measures should be considered by a competent designer. A typical example of exceedance measures is the use of open space for flood storage.

Refer also to the definition of freeboard, climate change and Key Consideration 3 - Residual Risk and Key Consideration 5 – Flooding.

## APPENDIX 1

### 9 - Surface water flooding

Pluvial or surface water flooding occurs as a result of high intensity rainfall which overwhelms natural or man-made drainage systems resulting in water flowing overland and ponding in depressions in the ground. It is a particular problem in urban areas which are often dominated by non-permeable surfaces (e.g. roofs, roads and car parks). Such development inhibits the natural run-off process, often by removing opportunities for surface water storage and restricting infiltration of water into the ground. Surface water runoff and flooding has increased steadily with the expansion of urban areas, the infilling of green spaces and the cumulative effects of minor development such as house extensions and the paving of gardens to provide for patios and car parking.

All of these factors have combined to intensify surface water runoff and place additional pressures on the drainage network, particularly during prolonged periods of high intensity rainfall. It is not uncommon for drainage systems to be overwhelmed during such rainfall events, particularly where blockages occur. The problem is exacerbated in many areas by an outdated drainage infrastructure that has not been upgraded to cope with the rate of development. However, even modern urban drainage systems are designed only to cope with a 1 in 30 year rainfall event while older parts of the network will invariably be operating to a much lower standard.

Damage from pluvial flooding has been a major factor in recent significant flood events in Northern Ireland. In recent flood events it is estimated that up to 80% of the respective total economic damages were attributable to surface water flooding. Although generally localised, this type of flooding may be extended in duration through water being trapped in low lying areas, thus causing more damage to property and greater hardship to the people affected. A flood event caused by an artificial drainage system surcharge can also pose public health risks through foul water contamination.

Areas of predicted surface water flooding and where there is a history of surface water flooding are detailed on the Planning Portal and Flood Maps (NI). Flood Maps (NI) can also assist developers in identifying broad locations where surface water flooding could be a potential problem.

## APPENDIX 1

Flood Maps (NI) indicates that approximately 20,000 or 2.5% of the properties in Northern Ireland are sited in an area that is shown to be at risk of flooding from a 1 in 200 year (0.5% AEP) pluvial event greater than 300 mm deep, albeit that many of these properties would already be at risk from fluvial and / or coastal flooding. As a consequence of the predicted increase in the frequency and intensity of extreme rainfall events due to climate change, urban areas are susceptible to an increasing risk of this type of flooding.

### **10 - Problems associated with culverting and artificial modification of watercourses**

A culvert is defined as an enclosed structure that channels water with integral sides, soffit and invert, including a pipe that contains a watercourse as it passes through or beneath a road, railway, building, embankment etc., or below ground.

The artificial modification of watercourses is likely to have impacts which run contrary to the objectives of sustainable development as embodied in the Water Framework Directive, the Floods Directive and the Northern Ireland Sustainable Development Strategy.

Culverting and canalisation are generally considered to be environmentally unsustainable as such operations can adversely impact upon visual amenity in the built environment and can damage or impair the landscape quality, ecological integrity and biodiversity of watercourses. Culverting creates barriers to the passage of fish, while the higher flow velocities generated cause the unnatural movement of sediment, increased erosion downstream and hinder the future recovery of the watercourse.

Whilst culverting may in some instances alleviate local flood risk, it can increase flood risk downstream by the accumulation of higher flows. The installation of protective grilles at culvert inlets may reduce the incidence of blockages within the culvert, but can often become blocked themselves and cause flooding as a result of a high intensity rainfall event or lack of maintenance. Culverting therefore does not completely remove the potential for local flooding.

## APPENDIX 1

All new development should aim to be in harmony with the water environment. Good layout and design should promote the retention of open watercourses as a central amenity feature, although re-alignment or diversion to enhance the quality of the site layout will normally be acceptable where there are no overriding environmental concerns. Incorporating watercourses into the open space requirements for new residential development will be preferred to locating them to the rear of properties where they are difficult to maintain or can become dumping grounds contributing to flood risk. Councils may wish to reinforce that where possible the removal of culverts and the re-introduction of the natural watercourse should be encouraged.

Councils should be aware that the adoption of sustainable drainage solutions (SuDS) for the disposal of storm water may be a much more sustainable alternative than culverting or other options involving the artificial modification of watercourses. The use of SuDS source control solutions such as ponds and swales and their integration into new development schemes as amenity features should therefore be encouraged. Such solutions, by negating increased site discharges may reduce the need for flood alleviation/culverting works downstream and any associated maintenance.

It is acknowledged that in exceptional circumstances, culverting of a section of a watercourse may be unavoidable. This may apply where there are insurmountable inherent structural problems such as slope stability and land slippage. However, even in such circumstances, other solutions such as bank reinforcement, gabion wall construction and underpinning should be considered first, as they will usually have lesser long term environmental / ecological impacts. Similarly, where there are health and safety concerns arising from open access to watercourses or hazardous riverbanks, the construction of solid barriers such as fencing, or planting of 'soft' landscape barriers, should be considered as alternatives to culverting.

Policy makers should note that the culverting of short lengths of the watercourse (usually less than 10m) is acceptable to enable access to and from the development as required. The site design however should aim to keep the number of crossings to a minimum.

## APPENDIX 1

### 11 – Maintenance Requirements for Flood Defence and Drainage Infrastructure

Flood defence and drainage infrastructure are critical in providing a level of flood protection to people and property and adequate land drainage. Where a new development proposal is located beside a flood defence, control structure or watercourse, it is essential that an adjacent working strip is retained to facilitate future maintenance by DfI Rivers, other statutory undertakers or the riparian landowners. It is important to consider the following when formulating policy:

**Flood Defences & Control Structures:** The working strip should have a minimum width of 5 metres, but up to 10 metres where considered necessary, and be provided with clear access and egress at all times. Any variation from the 5 metre wide working strip must be agreed in advance with the relevant local DfI Rivers Area Office.

**Open channel watercourses:** In the majority of cases, the working strip should extend 5 metres from top of bank on an open watercourse. The working strip should be wide enough to give adequate space from the top of the bank for suitable sized plant to carry out maintenance. Occasionally, there may be reasons for increasing the width of a working strip up to 10 metres, e.g. to facilitate a long reach excavator or where excavator mats are required. On occasion, there may be instances with small urban watercourses where less than 5 metres may suffice. Any variation from the 5 metre wide working strip must be agreed in advance with the relevant DfI Rivers Area Office.

**Culverted watercourses:** A working strip of minimum 5 metres width is required over the line of the pipe but frequently, more is required, (up to the 10 metres) depending on pipe size and depth of the culvert, in order to give sufficient scope to allow maintenance including replacement or upgrading to a larger culvert.

In addition to the above, the retention of a working strip along watercourses will have further benefits, including general amenity, enhanced biodiversity and increased control over water pollution, the latter assisting in the implementation of the Water Framework Directive.

## APPENDIX 1

Councils are reminded that there is a general presumption against the erection of buildings or other structures over the line of a culverted watercourse in order to facilitate replacement, maintenance or other necessary operations.

### **12 - Implications of development within the flood inundation area of Controlled Reservoirs**

The Reservoirs Act (Northern Ireland) 2015 (the Act) provides a proportionate regulatory framework for the maintenance and management of controlled reservoirs in order to protect people, economic activity, the environment and cultural heritage from flooding caused by an uncontrolled release of water due to reservoir failure. The introduction of this regulatory framework is dependent upon the commencement of relevant sections of the Act and the making of subordinate legislation.

A controlled reservoir is defined by the Act as any structure or area that is capable of holding 10,000 cubic metres or more of water above the natural level of any part of the surrounding land.

Councils should make clear aware that any new reservoirs that are constructed or existing reservoirs altered, for whatever purpose, and are capable of holding 10,000 cubic metres or more of water above natural ground level, for example hydroelectric power generation or amenity purposes such as boating or fishing, will be subject to the provisions of the Act.

Paragraphs 6.119 to 6.122 of the SPPS outline the strategic planning policy for development anywhere in the inundation area of a controlled reservoir. When formulating policy, Councils may wish to highlight that there are two main considerations when determining planning applications for such development. These are:

1. Condition Assurance - With regard to proposed new development the Council must be assured that the condition, management and maintenance regime of the reservoir are appropriate regarding reservoir safety.
2. A Flood Risk Assessment - This, among other things, considers the depth and velocity of flood water at the proposed development site in the event of a dam

## APPENDIX 1

failure and the measures proposed by the applicant to mitigate the depth and velocity of the flood water.

This may result in restrictions on future development within the inundation zone of the controlled reservoir.

When obtaining assurance regarding the management and maintenance regime of a controlled reservoir with regard to reservoir safety, the developer should engage with the reservoir manager (if it is a different party). This will also provide an opportunity for the manager and developer to jointly consider any structural improvement works required to make the reservoir safe or other implications the development may have for the reservoir manager. The funding of such works is a private matter between the developer and the reservoir manager.

Even in circumstances where a reservoir does not fall within the policy, because it is not capable of holding 10,000 cubic metres or more of water above any part of the surrounding land, it remains the responsibility of the applicant (or suitably qualified person with demonstrable experience in flood risk management) to consider and assess the flood risk and drainage impact of the proposed development and to mitigate the risk to the development and that beyond the site.

Dfl is currently drafting, with the help of Councils, guidance on the Practical Application of Strategic Planning Policy for Development in Proximity to Reservoirs. The purpose of the guidance is to provide further information on the requirements of this Policy and clarification on its application.

Reservoir flood extent maps may be viewed at:

<https://dfl-i.maps.arcgis.com/apps/webappviewer/index.html?id=006872dcdd7b43b89d352e0b93190e67>

## APPENDIX 1

### 13 - Consideration of hydro-electric power generation schemes

Dfl Rivers recognises and supports the need to generate electricity in a sustainable and environmentally friendly way. However, in some instances, proposals for hydro-electric power generation schemes can pose significant problems for Dfl Rivers.

These are set out below:

#### **Key issues with respect to Hydro Power Schemes:**

1. **Flood risk** - Generally hydro schemes require construction in the river channel such as a weir to facilitate abstraction of water. Such constructions can cause river levels and flood levels to increase for a considerable distance upstream. Increased water levels can be evident for up to 1.5 km upstream, depending on channel morphology. On occasion, such construction can also increase flood risk downstream for a considerable distance, typically up to 1.5 km.
2. **Erosion of river banks and river bed** - Impoundment structures and discharge structures may cause damage to river channels and river banks due to fast-flowing turbulent water. The length of the downstream turbulent zone is dependent on the size and nature of the scheme and gradient of the channel but typically the downstream effect is around 1.5 km.
3. **Proximity to river flow gauging stations** - Dfl Rivers maintains a network of 150 river monitoring stations to collect river flow data which is used locally and nationally for a variety of uses including the assessment and management of water resources, to inform on the design of structures in and around the floodplain and also crucially in flood estimation. Hydro Power Schemes may adversely impact upon a river flow gauging station by removing and returning water at a different rate and direction than under natural conditions thus rendering potentially decades of data collection useless and compromising flood estimation capabilities both locally and nationally. The loss of this information will reduce the pool of information used for flood estimation in the United Kingdom. This has the potential to lead to less accurate flood estimations and subsequently an increase in flood risk.

**Creation of new reservoirs** - Creation of new reservoirs for hydroelectric power generation which are capable of holding 10,000 cubic metres or more of water above

## APPENDIX 1

the natural level of any part of the surrounding land will be controlled reservoirs and subject to the provisions of the Reservoirs Act (Northern Ireland) 2015. It should be noted that in addition to planning permission, many elements in the construction of Hydro Power Schemes will require approval from DfI Rivers under Schedule 6 of the Drainage (NI) Order 1973.

### **DfI Guidance on Climate change.**

DfI Water and Drainage Policy Division will shortly release new technical guidance in relation to allowances for Climate Change in Northern Ireland. This will include guidance for DfI Rivers, DfI Roads and Northern Ireland Water.

Climate change flood maps will move from 2030 Epoch to 2080 Epoch. DfI Rivers will use the 2080 climate change maps in order to provide the most up to date information on flood risk. The 2080 maps should be used in Local Development Plan preparation and for development management purposes.

### **Sustainable Drainage Systems (SuDS).**

DfI Rivers endorses the use of Sustainable Drainage Systems (SuDS).

SuDS provide benefits such as reducing flood risk, and they can improve water quality, amenity and biodiversity.

Policy makers should be aware that when assessing a Drainage Assessment which proposes the use of SuDS elements, the main areas of concern for DfI Rivers are:

1. **Attenuation volume** – The Drainage Assessment should demonstrate that there will be sufficient attenuation volume.
2. **Discharge rate** – The Drainage Assessment should demonstrate that there is a suitable mechanism in place to restrict discharge to the stated rate.
3. **Safe disposal of surface water** - The Drainage Assessment should provide documentary evidence that surface water can safely be discharged to a watercourse (Schedule 6 Consent to Discharge) or NIW storm sewer (Article 161 Consent).

## APPENDIX 1

4. **Long-term maintenance** - The Drainage Assessment should provide evidence that a suitable long term maintenance arrangement is in place.

Guidance developed by DfI Water and Drainage Policy Division should be read in conjunction with this document.

# APPENDIX 1

## APPENDIX

Table 1

### Recommended exceptions to Policy on avoiding development in Fluvial (River) and Coastal Flood Plains

Exception to Policy	Explanation and Justification
<p><b><u>D1 - Defended Areas</u></b></p> <p>Previously developed land protected by flood defences, provided that the proposed development does not fall into any of the following categories:</p> <p><b>Exclusion 1</b> - essential infrastructure such as power supply and emergency services;</p> <p><b>Exclusion 2</b> - development for the storage of hazardous substances;</p> <p><b>Exclusion 3</b> - bespoke accommodation for vulnerable groups, such as schools, residential / nursing homes, sheltered housing;</p> <p><b>Exclusion 4</b> - any development located close to flood defences.</p>	<p>Flood defences should be confirmed by DfI Rivers, as the competent authority, as structurally adequate and provide a minimum standard of 1 in 100 year fluvial or 1 in 200 year coastal flood protection.</p> <p><b>Reasons:</b> residual risk, need to maintain access and continuity of service in the event of a flood.</p> <p><b>Reasons:</b> residual risk and flooding could lead to pollution and environmental damage.</p> <p><b>Reasons:</b> residual risk and putting vulnerable groups at risk: Vulnerable groups may not be able to evacuate themselves and it may be difficult for emergency services themselves at greater risk.</p> <p><b>Reasons:</b> residual risk and the need to have adequate space to maintain flood defences. Development located close to flood defences could adversely affect their stability.</p>
<p><b>Exclusion 5</b> - Proposals involving significant intensification of use will be considered on their individual merits and will be informed by the Flood Risk Assessment.</p> <p><b><u>Undefended Areas</u></b></p> <p>The types of development listed at Exception U1 to U5 below are acceptable in undefended flood plains.</p>	<p><b>Reasons:</b> residual risk and putting more people at risk than would have previously been the case.</p> <p>It is important to consider the safety of the users of such developments and that the proposed development is not at an unacceptable risk of flooding and does not increase flood risk elsewhere.</p> <p>Such development may also require to be constructed with resistance measures to stop the ingress of flood water or resilience measures to ensure that in the event of a flood, the development can be quickly and cheaply become operational again.</p>

## APPENDIX 1

Exception to Policy	Explanation and Justification
<p><b>U1</b> - Replacement of an existing building. Proposals that include essential infrastructure, storage of hazardous materials or bespoke accommodation for vulnerable groups or that involve significant intensification of use should be avoided.</p>	<p><b>Essential Infrastructure - Reasons:</b> residual risk, need to maintain access and continuity of service in the event of a flood.</p> <p><b>Hazardous materials - Reasons:</b> residual risk and flooding could lead to pollution and environmental damage.</p> <p><b>Bespoke accommodation for vulnerable groups - Reasons:</b> residual risk and putting vulnerable groups at risk. Vulnerable groups may not be able to evacuate themselves and it may be difficult for emergency services to evacuate them. This may put emergency services themselves at greater risk.</p>
<p><b>U2</b> - Development for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located within the flood plain.</p>	<p>It is important to consider the safety of the users of such facilities and that the proposed development does not increase flood risk elsewhere.</p>
<p><b>U3</b> - Water compatible development such as for boat mooring, navigation and water based recreational use, which for operational reasons has to be located within the flood plain.</p>	<p>It is important to consider the safety of the users of such facilities and that the proposed development does not increase flood risk elsewhere.</p>
<p><b>U4</b> - The use of land for sport and outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings.</p> <p><b>This exception does not include playgrounds for children.</b></p>	<p>It is important to consider the safety of the users of such facilities and that the proposed development does not increase flood risk elsewhere.</p> <p><b>Children's playgrounds should not be located in flood plains as this puts vulnerable groups at risk.</b></p>
<p><b>U5</b> - The extraction of mineral deposits and necessary ancillary development.</p>	<p>It is important to consider the safety of the users and operators of such facilities and that the proposed development does not increase flood risk elsewhere.</p>

## APPENDIX 1

**Table 2**

### Technical Definitions

Term	Definition
Annual Exceedance Probability (AEP)	Annual Exceedance Probability – The annual probability of a flood exceeding the peak floodwater level.
Catchment	The area drained, either naturally or with artificial assistance, by a watercourse, including all drainage channels, tributaries, floodplains, estuaries and areas of water storage
Climate change	Climate change in Inter-governmental Panel on Climate Change (IPCC) usage refers to a change in the state of the climate that can be identified (e.g. using statistical tests) by changes in the mean and/or the variability of its properties, and that persists for an extended period, typically decades or longer. It refers to any change in climate over time, whether due to natural variability or as a result of human activity.
Coastal Flooding	Flooding from sea water, often arising through storm surge
Controlled Reservoir	A Controlled Reservoir as defined by the Reservoirs Act (Northern Ireland) 2015 is any structure or area that is capable of holding 10,000 cubic metres or more of water above the natural level of any part of the surrounding land.
Culvert	An enclosed structure that channels water with integral sides, soffit and invert, including a pipe that contains a watercourse as it passes through or beneath a road, railway, building, embankment etc., or below ground.
Defended area	A 'Defended Area' is that part of the flood plain where flooding would normally occur except for the presence of flood defences. The location of the flood defences and the areas benefiting from their protection are shown on Flood Maps (NI). Flood Maps (NI) can be viewed at: <a href="https://www.infrastructure-ni.gov.uk/topics/rivers-and-flooding/flood-maps-ni">https://www.infrastructure-ni.gov.uk/topics/rivers-and-flooding/flood-maps-ni</a>
Drainage Assessment	A statement of the drainage issues relevant to a development proposal and the measures to provide the appropriate standard of drainage. The detail of the assessment will be proportionate to the nature of the proposal. (It may also be called a Drainage Impact Assessment).
Drainage Infrastructure	Equipment such as culverts, weirs and sluices provided to facilitate drainage.
Estuarine flooding	Estuarine flooding can originate from a combination of both river and coastal sources. In such areas the greatest flood risk, normally the higher flood level and greater area of flood inundation will be considered.

## APPENDIX 1

Term	Definition
Flood defence	A structure or works designed to prevent the inundation of land and property from watercourses and/or the sea. Such defences may take the form of floodwalls or embankments or the management of water levels through drainage works. Such flood defences must be publically funded, constructed and maintained by a statutory body such as DfI Rivers.
Flood defence - definition of good condition	A flood defence structure assessed as Structural Grade 1, 2 or 3 by a suitably accredited person using the (UK) Environment Agency T98 methodology. A suitably accredited person is one who is certified as competent in the use of the Environment Agency T98 methodology.
Flood Hazard	The features of flooding which have harmful impacts on people, property or the environment (such as the depth of water, speed of flow, rate of onset, duration, water quality etc.).
Flood Maps (NI)	Flood Maps (NI) is an interactive map-viewer that enables users to access the latest flood hazard information available from government. <a href="https://www.infrastructure-ni.gov.uk/node/459#toc-0">https://www.infrastructure-ni.gov.uk/node/459#toc-0</a>
Flood plain	The generally flat areas adjacent to a watercourse or the sea where water flows in a flood, or would flow, but for the presence of flood defences. The limits of the flood plain are defined by the peak water level of an appropriate return period event (currently defined as 1 in 100 year or AEP of 1% for the river or fluvial flood plain and 1 in 200 year or AEP of 0.5% for the coastal flood plain). <b>Flood plains as so defined are depicted on Flood Maps (NI).</b> Flood Maps (NI) can be viewed at: <a href="https://www.infrastructure-ni.gov.uk/topics/rivers-and-flooding/flood-maps-ni">https://www.infrastructure-ni.gov.uk/topics/rivers-and-flooding/flood-maps-ni</a>
Flood Risk	The statistical probability of an event occurring combined with the scale of the potential consequences of that event.
Flood Risk Assessment	A flood risk assessment (FRA) is an assessment of the risk of flooding from all flooding mechanisms, the identification of flood mitigation measures and should provide advice on actions to be taken before and during a flood.
Flood Storage	An area, usually within floodplain where water is stored in time of flood.
Fluvial Flooding	Flooding from a river or other watercourse.
Freeboard	Freeboard is an uncertainty allowance. It is a height (recommended minimum 600mm) added to the predicted level of flood to take account of uncertainty in flood estimation. Flood estimation uses many datasets and complex software all of which have varying degrees of inherent uncertainty. Freeboard may also allow for limited exceedance and also the uncertainty caused by some external factors which may increase flood levels e.g. blocked drainage infrastructure, inappropriate development etc. In coastal situations freeboard allows for wave action, local bathymetric conditions and changes caused by erosion and settlement.

## APPENDIX 1

Term	Definition
Groundwater	Water below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil.
Inundation Areas	Areas susceptible to flooding from the 4 main sources, ie rivers, the sea, surface water and reservoirs
Minor development	<p>Non-residential extensions (Industrial/Commercial/Leisure etc.) with a footprint less than 150 sq. metres.</p> <p>Alterations: development that does not increase the size of buildings, e.g. alterations to external finishes.</p> <p>'Householder' development: e.g. sheds, garages, games rooms etc. within the curtilage of the existing dwelling in addition to extensions to the existing dwelling. This excludes any proposed development that would create a separate dwelling within the curtilage of the existing dwelling e.g. subdivision of a dwelling house into flats.</p>
Pluvial Flooding	Usually associated with convective summer thunderstorms or high intensity rainfall cells within longer duration events, pluvial flooding is a result of rainfall-generated overland flows which arise before run-off enters any watercourse or sewer. The intensity of rainfall can be such that the run-off totally overwhelms surface water and underground drainage systems.
Precautionary Approach	The approach to be used in the assessment of flood risk which requires that lack of full scientific certainty, shall not be used to assume flood hazard or risk does not exist, or as a reason for postponing cost-effective measures to avoid or manage flood risk.
Reservoir	Any structure or area that is capable of holding water above the natural level of any part of the surrounding land. See also "Controlled Reservoir".
Resilience	Sometimes known as 'wet-proofing', resilience relates to how a building is constructed in such a way that, although flood water may enter the building, its impact is minimised, structural integrity is maintained, and repair, drying & cleaning and subsequent re-occupation are facilitated.
Resistance	Sometimes known as 'dry-proofing', this relates to how a building is constructed to prevent flood water entering the building or damaging its fabric.
River Basin	See catchment.
Run-off	That proportion of rainfall which is not absorbed into the ground and finds its way, by surface water drainage systems or overland flow, into watercourses and eventually discharges into the sea.

## APPENDIX 1

Term	Definition
Sea level rise	A <i>sea level rise</i> is an increase in the volume of water in the world's oceans, resulting in an increase in global mean <i>sea level</i> . <i>Sea level rise</i> is usually attributed to global climate <i>change</i> by thermal expansion of the water in the oceans and by melting of ice sheets and glaciers on land.
Significant intensification	A proposal that exposes significantly more people to flood risk than the present use of the site. As a general rule, proposals should be equal or less vulnerable than the existing land use. Typical examples of significant intensification are replacing a single dwelling with ten apartments or conversion of commercial/industrial premises to housing. As there is no precise definition or quantification of significant intensification, the Council should determine each application on its individual merits taking account of the scope for mitigation of the residual flood risk.
Storm surge	The increase in sea level caused by the combined effects of low atmospheric pressure and wind.
Storm water	Surface water in abnormal quantities resulting from heavy falls of rain or snow. Storm water that does not infiltrate into the ground becomes surface runoff.
Surface water flooding	Surface water flooding is caused when the volume of rainwater falling does not drain away through the existing drainage systems or soak into the ground, but lies on or flows over the ground instead. This type of flooding is usually short lived and associated with heavy downpours of rain, thunder storms etc.
Sustainable Drainage Systems (SuDS)	A form of drainage that aims to control run-off as close to its source as possible using a sequence of management practices and control structures designed to drain surface water in a more sustainable fashion than some conventional techniques such as storm water networks.
Undefended Area	An 'Undefended Area' is an area within the flood plain that is not protected by flood defences. This applies to the vast majority of fluvial and coastal flood plains. Undefended areas are at much higher flood risk than defended areas, although the flooded areas are usually more predictable and flood water usually recedes more quickly.

## APPENDIX 1

Vulnerable groups	<p>Vulnerable groups include children under the age of 18 years old, the elderly and those with limited mobility and/or special needs.</p> <p>Flood warning and evacuation procedures may be difficult to implement for people with disabilities or those whose mobility is otherwise impaired, therefore their risks of injury or fatality are somewhat greater than for the general population. Accordingly, because of the residual flood risk, there should be a presumption against permission being granted for development associated with vulnerable groups. This includes facilities such as children's nurseries, schools, residential care / nursing homes, sheltered housing and hospitals. This list is not exhaustive.</p>
-------------------	--

Term	Definition
Watercourse	A river, stream, canal, ditch, culvert and surface water drainage systems. Water mains and sewers are not included in this definition.



## 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](http://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](http://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](mailto: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

First Name (Required)

Last Name (Required)

**Q5.** What is your telephone number?

Telephone number

**Q6.** What is your email address?

Email

**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:

## 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)

### Client contact details:

Title

First Name (Required)

Last Name (Required)

Address Line 1 (Required)

Line 2

Line 3

City

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)

**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.

The Department for Infrastructure's (DfI) Water and Drainage Policy Division (WDPD) believes the projected population growth in the Draft Plan Strategy, over 19% increase over the plan period, to be unsound. This is based on the NISRA growth projections for Belfast which estimate an increase in the population of 3.9% up to 2041. The Council needs to clearly set out its evidence and rationale to justify that its growth predictions are realistically achievable and affordable to all infrastructure partners that will need to help facilitate growth.

In determining the projected growth for Belfast, it is unclear whether the Council has consulted with neighbouring councils, to establish how their growth aspirations will be affected or whether, along with neighbouring councils, collective growth predictions have been established.

Belfast growth projections have major implications for NI Water in respect of meeting the future demand for wastewater treatment, especially given the severe pressure which currently exists on the wastewater network in the Belfast area. The Council is a partner in the Living with Water Programme, which aims to address the already significant drainage issues in Belfast and to deliver a strategic drainage infrastructure plan for the city. However, the timescales and level of funding to deliver to the programme have not yet been agreed. In light of this, future development will need to be carefully managed and therefore a Memorandum of Understanding (MOU) between the Council and NI Water should be established, to set out how best to work together and share information, to help deliver and manage future development.

In Figure 7.2 (page 62), the table highlights the need for an additional 18,100 houses in the "Rest of Belfast City", over the plan period. The Council needs to be more specific as to where these houses will be located, so that NI Water can determine if there is available capacity in the wastewater treatment network to facilitate growth in specific areas.

With regard to reservoirs, DfI WDPD believes this aspect of the plan is unsound because there is no evidence that it has properly understood the reservoirs safety policy provided for by the Reservoirs (NI) Act 2015 or its relationship with Planning Policy Statement 15 FLD5. This is particularly concerning given that just over 8,000 residential and non-residential properties are at risk of flooding from the 13 controlled reservoirs in the Council area and the 6 reservoirs located outside the Council area.

On a more general point, there seems to be a lack of cohesion between the draft Plan Strategy and Technical Supplement 15: Public Utilities, especially with regard to available capacity in Belfast's wastewater treatment network and the Living with Water Programme. Given the current limited available capacity in Belfast's wastewater treatment network and the uncertainty around the funding and timescales for the delivery of the Living with Water Programme, it would be prudent for these risks to growth and economic development to be set out more clearly in the draft Plan Strategy.

In addition to the issues highlighted above, there are a number of other issues the Council need to consider. These are set out in the response to Question 17.

**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?

This should relate to only one section, paragraph or policy of the draft Plan Strategy. 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.

Relevant Section or Paragraph

Policy (if relevant)

EC1 – Delivering inclusive economic growth

S76 Planning Agreements

ENV 4 - Flood Risk

ENV5 - Sustainable Development Systems (SuDS)

OS3 – Ancillary open space

Coastal Erosion

Technical Supplement 1: Population Profile and Growth

Technical Supplement 9: Flood Risk

Technical Supplement 15: Public Utilities

Sustainability Appraisal Appendices 10-11 (SP1 Growth Strategy - SA Objective 16)

Sustainability Appraisal Appendices 10-11 (SP2 Growth Strategy - SA Objective 16)

**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.

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

The Council has not provided evidence of discussions on growth predictions with neighbouring councils and if collective growth figures have been agreed regarding population. Such a collective approach would be beneficial to NI Water and other infrastructure partners.

CE2 - The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base

There is no evidence that the Council's predicted population growth is based on robust evidence.

CE3 - There are clear mechanisms for implementation and monitoring

The Council has not clearly demonstrated how Sustainable Drainage Systems (SuDS) will be implemented through the planning application process.

DfI WDPD is unsure how the Council intends to include sewerage related improvements within Section 76 planning agreements. The Council needs to provide further information and examples of how this will work in practice.

**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.

**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.

To make the plan sound, the Council should review its population growth predictions, to ensure final growth predictions are based on sound, robust evidence which can be shared with stakeholders. The Council should also demonstrate that it has discussed population growth predictions with neighbouring councils and that collective growth figures are realistic and can be accommodated by infrastructure partners.

In addition, the Council should also provide more detail as to where growth is targeted and on what scale, to help NI Water and other infrastructure partners assess if they can facilitate future growth and help deliver the plan.

### **EC1 – Delivering inclusive economic growth**

The Council has stated that it wants to support the development of business sectors with strong growth potential and will do so by aiming to cluster high growth sectors and directing them to zoned employment areas. This targeted approach is to be welcomed, however, it will be important for the Council to liaise closely with NI Water regarding proposed future development, given the existing wastewater capacity constraints in the Belfast area.

### **S76 Planning Agreements**

DfI WDPD is unsure how the Council intends to include sewerage-related improvements within Section 76 Planning Agreements. It may be unrealistic to seek developer contributions to deliver large sewerage infrastructure projects such as those needed to underpin Belfast's current growth projections. This potentially sizeable additional expense for developers, could mean proposed developments may not be financially viable.

DfI WDPD would welcome more detailed information on how the Council intends to include sewerage-related improvements within Section 76 Planning Agreements. It should be noted that any such proposals relating to the sewerage network would need to be carefully assessed by NI Water before a final solution was agreed.

### **ENV4 – Flood risk**

- ENV4 relates to planning applications in flood risk areas and states that they must be accompanied by an assessment of the flood risk in the form of a Flood Risk Assessment (FRA).
- ENV4 does not consider the need to evaluate the impact of any proposed development on any area, not just a flood risk area, downstream of the proposed development.

### **SuDS**

#### **ENV5 – Sustainable Development Systems (SuDS)**

- Whilst this policy is welcomed, it is unclear how some aspects of the policy will work in practice:
- The policy states that all developments should include SuDS where appropriate. How is the Council going to ensure that this happens?

- It is not clear what is meant by a two stage SuDS process?
- The policy states that the Council will require to see and approve a maintenance and management plan for all SuDS and a S76 agreement. Does this mean that if a maintenance agreement is not included, the Council will not approve an application? How will this be included as maintenance issues will be included within a NI Water Article 161 agreement which happens following planning approval has been granted?
- It is presumed that as the majority of development within Belfast will be brownfield. SuDS will be required to be incorporated within the development site, more likely to be green roof, water butts, rainwater recycling or permeable paving. Can this be confirmed?
- ENV5 references some soft SuDS measures to assist in minimising flood risk (e.g. green roofs, swales etc). Should there be a general line in this to state that all forms attenuation should be considered, not just soft SuDS?
- Paragraph 9.5.46 contradicts ENV5. ENV5 states All build development should **include**, where appropriate, SuDS measures) Para 9.5.46 states “The onus will be on the applicant/developer to demonstrate that SuDS have been **considered** and appropriate measures have been incorporated.
- The Council proposes that management companies or public authorities could take on the responsibility for SuDS maintenance. How would this be dealt with through the planning process? There is a need to include reference to the Water & Sewerage Services Act (Northern Ireland) 2016 which states that a connection to a public sewer can be refused when the mode of construction or condition of the drain or sewer, or any associated sustainable drainage system, does not satisfy the standards reasonably required by the undertaker. Developers are, therefore, required to consider SuDS for all new developments
- Should the ‘Public Sector Intervention’ box be ticked if councils/ public authorities are potentially going to adopt and maintain soft SuDS under certain circumstances?.

#### Policy OS3 – Ancillary Open Space

- We note the inclusion that the Council will require a legal agreement for open space to either: transfer ownership to the council, a charitable trust or a residents’ association management company. We would welcome clarity on how this will influence a planning application and specifically how it will be refused if this is not included?

### **COASTAL EROSION**

A baseline study and gap analysis of coastal erosion risk is currently progressing and a report is expected during 2018. This work will inform consideration of future policy in this area. It should be stated within the Plan Strategy that, going forward, there will be alignment with any central policy emerging on the management of coastal change.

### **RESERVOIRS**

#### Env 4 – Flood Risk

1. While it is encouraging to note that developers/applicants will be encouraged to engage with DfI Rivers at an early stage of the proposed development and that the Council will take full account of flood risk planning policies when assessing development proposals, it is noted that no mention is made of the risk of flooding from controlled reservoirs. This

is concerning given that there are 13 controlled reservoirs in the Council area, 4 of which are the responsibility of the Council. The inundation from a further 6 controlled reservoirs, which are located outside the Council area, will also flood part of the Council area.

2. The largest controlled reservoir in the Council area is capable of holding 198,000m<sup>3</sup> and the smallest is capable of holding 11,000m<sup>3</sup>, of water. The average volume of the controlled reservoirs that would inundate the Council area is 38,000m<sup>3</sup>, which is nearly 4 times the 10,000m<sup>3</sup> threshold for a controlled reservoir.
3. To set this in context, 5.3km<sup>2</sup> (3.68%) of the Council area, would be inundated by flooding from the 19 controlled reservoirs. 5.14% (7,158) of residential and 6.61% (868) of non-residential properties that would be inundated.
4. The link to the DfI Rivers flood maps in the footer on page 232 is incorrect and should be replaced with <http://dfi-ni.maps.arcgis.com/home/index.html>

#### Technical Supplement 9: Flood Risk

5. This supplement is more encouraging as it recognises reservoir breach as one of the four main sources. It goes on to advise that Local Development Plans have to consider, amongst other matters, development in proximity to reservoirs.
6. However, it then fails to acknowledge that the aims of Planning Policy Statement (PPS15) also include the need to consider applications for development in proximity to controlled reservoirs the details of which are set out in FLD5.
7. Para 2.17 advises that '*Much of the policy content of PPS15 is incorporated into the SPPS. The PPS also includes a number of annexes that provide additional information and clarification on important issues, such as climate change, SuDS and flood risk assessment. These annexes have been extracted from the PPS and are attached to this technical supplement as they remain valuable and relevant.*' However, there is no reference to PPS 15 FLD 5.
8. The Reservoirs Act is referenced at Para 2.40. It advises that '*The legislation will apply to all reservoirs with a capacity greater than 10,000 cubic metres above the natural level of any part of the surrounding land.*' This is incorrect. The Act applies to all reservoirs that are capable of holding 10,000 cubic metres *or more* of water above the natural level of any part of the surrounding land.
9. Para 2.41 goes on to advise that '*The control and maintenance of reservoirs now falls under the remit of DfI Rivers.*' This is also incorrect. The control and maintenance of reservoirs rests with the reservoir manager, and not DfI Rivers.
10. The list of reservoirs at Appendix D does not tally with the DfI list of controlled reservoirs.
11. In light of the above, the Department considers the reservoirs aspect of the plan to be unsound because there is no evidence that it has properly understood the reservoirs safety policy provided for by the Reservoirs (NI) Act 2015 or its relationship with Planning Policy Statement 15 FLD5. This is particularly concerning given that just over 8,000 residential and non-residential properties are at risk of flooding from the 13 controlled reservoirs in the Council area and the 6 reservoirs located outside the Council area.

### **Sustainability Appraisal Appendices 10-11 (SP1 Growth Strategy - SA Objective 16)**

The section highlights capacity issues in the existing wastewater treatment network in Belfast could prove to be a risk in the short term and that effective management of infrastructure throughout the plan period, as development progresses, should ensure quality and efficiency is maintained in the long term.

The Council should note that the funding and delivery timescales for the Living with Water Programme have not yet been agreed and therefore wastewater treatment capacity in Belfast has the potential to be a risk in the 'long term'. Although NI Water will continue to do its best to facilitate development, competing priorities and funding constraints may affect future development proposals.

### **Sustainability Appraisal Appendices 10-11 (SP2 Growth Strategy - SA Objective 16)**

The section states the Living with Water Programme has highlighted capacity issues in the existing wastewater treatment network in Belfast which could prove to be a risk in the short term and that effective management of infrastructure throughout the plan period as development progresses should ensure quality and efficiency is maintained in the long term.

The Council should note that the funding and delivery timescales for the Living with Water Programme have not yet been agreed and therefore wastewater treatment capacity in Belfast has the potential to be a risk in the 'long term'. Although NI Water will continue to do its best to facilitate development, competing priorities and funding constraints may affect future development proposals.

## **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.

[Redacted]

[Redacted]

[Redacted]