

Submitted to **Belfast LDP 2035 - Plan Strategy**
Submitted on **2018-11-13 15:13:22**

Overview

1. Data Protection

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

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?

Yes, with my name and/or organisation

2. 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?

Individual, Organisation or Agent:

Organisation

Q4. What is your name?

Title:

Mr

Full Name:

Owen Williams

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?

No

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

4. Organisation

Q9. If you are responding as a representative of a group or organisation, please provide details below:

Organisation:

Ireland Brownfield Network

Your Job Title:

Committee Member

Address Line 1:

5 Cromac Avenue

Line 2:

The Gasworks

Line 3:

City:

Belfast

Postcode:

BT7 2JA

6. Before you submit your comments

7. 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?

I believe it to be unsound

8b. Unsound

Q14a. To which part of the Plan Strategy does your representation relate?

Relevant Section or Paragraph::

9.5.14

Policy (if relevant):

SP2 Sustainable Development

Q15a. 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:

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?, 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

Q16a. 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.

Please give your reasons:

The Ireland Brownfield Network (IBN) welcomes the opportunity to comment on Belfast City Council's draft Local Development Plan.

The IBN was established in 2012 by a group of brownfield development professionals working in various disciplines throughout the island of Ireland. The network aims to encourage constructive dialogue and interaction between all those involved in the redevelopment of brownfield sites. In doing so, collective learning experiences, best practices and effective strategies can be shared to the betterment of brownfield and urban regeneration. The network is run by a committee of ten volunteers and now has over 440 members www.irelandbrownfieldnetwork.com

The IBN welcomes the focus and attention awarded to encouraging the redevelopment of brownfield sites throughout the city of Belfast. Focussing development strategies on revitalising brownfield sites will play a key role in maintaining and enhancing employment and housing opportunities - attracting further city-wide investment and populace retention and expansion. Focusing regeneration efforts on brownfield sites will ensure that Belfast's redevelopment strategies remain sustainable and appropriate over the forthcoming years.

The IBN also welcomes the Plan's prioritisation of the reuse of brownfield land when identifying and zoning new land for housing. However, within the documents a number of statements and positions are presented that serve to undermine this policy and potentially provide opportunities for inappropriate developments to be advanced on brownfield sites. The IBN bases this opinion on the following observations:

- The definition of Brownfield (previously developed land) provided within the glossary also includes 'infill land'. The adoption of this presented definition has, in other jurisdictions, resulted in privately owned green spaces and gardens being considered 'brownfield' land thereby being able to avail of policies designed to regenerate under-utilised land. The IBN would suggest that a more commonly adopted definition be presented with the specific explanation that such green spaces and gardens would not be considered brownfield. The IBN would therefore recommend that brownfield is defined as that land that has been previously developed and affected by its former use or by the use of its surrounding lands, is derelict and underused, and requires direct intervention to bring it back to beneficial use.
- The Technical Supplement 16 Environmental Issues document makes a number of references to Part III of the Waste and Contaminated Land (NI) Order 1997 (Part III), and Part 2A of the Environmental Protection Act 1990 (Part 2A). Regardless of the fact that both pieces of legislation do not apply to Belfast, neither relate to, or were designed for, dealing with land contamination through the Planning process. Both pieces of legislation deal solely with addressing land contamination risks on existing developed land, and neither makes reference to, or has the function to, deal with such risks on land being processed through the Planning process. The inclusion and reference of such legislation in a Planning-focussed document (such as a LDP) therefore undermines the Council's position as to how it intends to control the risks of developing potentially contaminated sites during the Planning process. Referring to legislation that is designed to retrospectively amend past environmental damage on existing developments has no relevance to a LDP and therefore all reference to Part III and Part 2A should be removed;
- Furthermore, describing and adopting Part III and Part 2A definitions and terminology will jeopardise the Council's ability to ensure that new developments are proven suitable for use and pose minimal risk to future occupiers. Elsewhere in the UK, Local Authorities progressing contaminated sites through the Planning process require the developer to prove that a site is, or can be made, 'safe' for the intended end-use by adopting 'minimal risk levels' based on minimal or tolerable levels of risks based on Health Criteria Values (as defined by Environment Agency's 2009 document Human health toxicological assessment of

contaminants in soil (SR2)). This long-standing minimal risk level for Planning is supported by most practitioners and the Chartered Institute of Environmental Health, and is further supported in documents such as the Ministry of Housing, Communities & Local Government's 2018 National Planning Policy Framework. Belfast City Council's draft LDP appears to adopt a risk level akin to that defined under Part 2A legislation where action is only required when Significant Possibility of Significant Harm is present, where 'significant harm' has a statutory definition consisting of death, birth defects, destruction of property etc. Adopting this level of risk is inconsistent with Planning policies in the rest of the UK and would not generate suitably safe developments for future generations. The IBN contend therefore that the LDP would benefit significantly from a clear statement (making no reference to Part III or Part 2A) as to the level of risk that Belfast City Council would consider acceptable for a site to be proven suitable for its proposed end-use;

- Section 9.5.14 appears to suggest that only those sites involving ground works would require detailed site investigation with accompanying risk assessments. The IBN would recommend that the LDP includes a clear statement that all brownfield sites need to be proven to be, or can be made, suitable for use and, in order to do so, applicants should adopt the Model Procedures for the Management of Land Contamination (CLR11). This risk-based end-use specific procedure adopts a pragmatic approach dependent on site-circumstance and does not commit developers to conducting detailed site investigations unless proven to be necessary; and,
- Section 9.5.16 states that air quality is a material Planning consideration. Considering the potential for inappropriate developments to impact on the health of its occupiers and/or to adversely impact on the environment, the IBN would recommend that this weighting is also included for land contamination and a statement to that fact is inserted in section 9.5.14

The IBN welcomes the opportunity to contribute to this draft LDP and would be willing to engage further with the Council to ensure that the finalised LDP effectively steers brownfield redevelopment opportunities in a sustainable and appropriate manner.

Q17a. 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.

What would make it sound?:

See answer to 16a

Files should be no more than 10MB and in either PDF or Microsoft Word format:

No file was uploaded

Q18a. Would you like to highlight another part of the draft Plan Strategy that you consider to be unsound?

No

9. Type of Procedure

Q18. Please indicate if you would like your representation to be dealt with by:

Written representations