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**Independent Examination Report of  
Belfast City Council's Local Development Plan: Plan Strategy**

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**Report by**  
**Commissioner R Daly**  
**Commissioner J de-Courcey**

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## **Main abbreviations used in the report**

<b>ACMD</b>	Areas of Constraint on Mineral Development
<b>AMR</b>	Annual Monitoring Report
<b>ATC</b>	Area of Townscape Character
<b>BCC</b>	Belfast City Council
<b>BCCRIS</b>	Belfast City Centre Regeneration and Investment Strategy
<b>BUAP</b>	Belfast Urban Area Plan 2001
<b>dBMAP</b>	Draft Belfast Metropolitan Area Plan
<b>BOSS</b>	Belfast Open Space Strategy
<b>BMUA</b>	Belfast Metropolitan Urban Area
<b>CA</b>	Conservation Area
<b>DCF</b>	Developer Contributions Framework – A guide to developer contributions and planning agreements January 2020
<b>DAERA</b>	Department of Agriculture Environment and Rural Affairs
<b>Dfi</b>	Department for Infrastructure
<b>DPD</b>	Development Plan Document
<b>DPPN</b>	Development Plan Practice Note
<b>dPS</b>	Draft Plan Strategy
<b>EqIA</b>	Equality Impact Assessment
<b>GBBCA</b>	George Best Belfast City Airport
<b>GBIP</b>	Belfast Green and Blue Infrastructure Plan 2020
<b>HGI</b>	Housing Growth Indicator
<b>HRA</b>	Habitats Regulation Assessment
<b>IE</b>	Independent Examination
<b>J&amp;A</b>	Justification & Amplification
<b>KSR</b>	Key Site Requirements
<b>LAQM</b>	Local Air Quality Management
<b>LB</b>	Listed building
<b>LCA</b>	Landscape Character Assessment
<b>LDP</b>	Local Development Plan
<b>LPP</b>	Local Policies Plan
<b>MASWG</b>	Metropolitan Area Spatial Working Group
<b>MEL</b>	Major Employment Locations

<b>MI</b>	Monitoring Indicator
<b>NI</b>	Northern Ireland
<b>NIEA</b>	Northern Ireland Environment Agency
<b>PAC</b>	Planning Appeals Commission
<b>POP</b>	Preferred Options Paper
<b>PPS</b>	Planning Policy Statement
<b>PSZ</b>	Airport Public Safety Zone
<b>RNIA</b>	Rural Needs Impact Assessment
<b>SA</b>	Sustainability Appraisal
<b>SEA</b>	Strategic Environmental Assessment
<b>SEL</b>	Strategic Employment Locations
<b>SPG</b>	Supplementary Planning Guidance
<b>SPPS</b>	Strategic Planning Policy Statement for Northern Ireland (SPPS): <i>"Planning for Sustainable Development"</i>
<b>RDS</b>	Regional Development Strategy 2035: <i>"Building a Better Future"</i>
<b>TS</b>	Technical Supplement
<b>UCS</b>	Urban Capacity Study

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<sup>1</sup> Document should be read alongside main report.

## 1.0 INTRODUCTION

- 1.1 Under the terms of Section 10 (6) of The Planning Act (Northern Ireland) 2011 as amended (the Act), the purpose of the independent examination (IE) of a Local Development Plan (LDP) is to determine: (a) whether it satisfies the requirements of Sections 7 and 8 of the Act and of Regulations under Section 22; and (b) whether it is sound. The tests of soundness are set out in Development Plan Practice Note 6 “*Soundness*” (DPPN 6) and for ease of reference these are included as Appendix 1 of this report.
- 1.2 Section 6 (2) of the Act states that the development plan documents are: (a) the plan strategy; and (b) the local policies plan. Accordingly, the LDP for the BCC area will comprise two individual documents namely the Plan Strategy (PS) and the Local Policies Plan (LLP). The PS is the first stage of the two stage LDP process. It provides the strategic policy framework for the plan area as a whole across a range of topics. A number of representations cited perceived shortcomings of the two stage process. As the Act clearly defines the two stage process, we have no jurisdiction to consider or comment on its merits or failings.
- 1.3 This report considers: if the Plan satisfies the legal requirements of Section 7 and 8 of the Act and any regulations under Section 22 thereof relating to the preparation of development plan document; and whether the plan is sound. Having assessed those matters, we make recommendations and give reasons for them in accordance with Section 10 (8) of the Act.
- 1.4 The starting point for the IE is the assumption that the local planning authority has submitted what it considers to be a sound plan. The plan was submitted to the Department for Infrastructure (DfI) for IE on 30 August 2019. On 5 December 2019, DfI appointed the Planning Appeals Commission (PAC) to cause an IE. The document that was submitted is the same document that was published for consultation in August 2018 but subject to suggested modifications by Belfast City Council (BCC) that are considered later in this report.
- 1.5 In discharging our role as defined at Section 10 (6) (b) of the Planning Act, we are entitled to raise matters at IE that might determine whether the plan is sound even if they were not the subject of representation. We wrote to BCC on the 3 July 2020 to raise initial concerns in respect of soundness. It responded in writing on 31 July 2020. This correspondence is part of the evidence base of the IE. In the course of the public hearing sessions a number of submissions relating to the clarification of the evidence base were provided by BCC at our invitation. These “Matters Arising” were regularly updated on the Examination Library of the Commission’s web-site and a schedule thereof is contained within Appendix 2. The evidence base comprises all of the written submissions and documentation received throughout the entire IE process and is not solely confined to the issues considered in the oral presentation of evidence during public hearing sessions.

- 1.6 Where documents forming part of BCC’s evidence base are referred to throughout this report, the cited reference numbers are those on its Submission Documents List (AD004) published on BCC’s web-site under the heading “Local development plan Draft plan strategy documents”. A copy of this list is included as Appendix 3 of this report.
- 1.7 All duly made representations and matters raised at the public hearing sessions have been considered. The focus of the IE and this report is on the soundness of the plan and not on individual representations or site-specific matters. Furthermore, it is not the purpose of the IE to make the plan better or more sound. Changes to the plan sought by representors are the subject of recommended amendments only where we have found, on the basis of evidence, that these are necessary for soundness.
- 1.8 In its dPS Public consultation report of August 2019 (SD006), in response to representations, BCC suggested changes to the dPS to address “*Typographical and drafting Errors*” and what it deems “*Minor changes*”. Section 7.1 of the document (page 447) set out the rationale for the changes at sections 7.2 and 7.3 respectively (pages 447 – 466). For ease of reference these are reproduced in Appendix 4 of this report. These are not changes to the dPS submitted for IE only suggested amendments. It is for us to consider whether they are needed to make the dPS sound.
- 1.9 The potential effect of these proposed modifications was the subject of pre-hearing correspondence between us and BCC; see section 10 of our letter of 3 July 2020 and the accompanying 9 page table. BCC addressed these issues at sections 10.1.1, 10.1.2 and 10.2.1 of its response of 31 July 2020. Furthermore, as appropriate to specific issues, the proposed changes were raised at the public hearing sessions. In the course of this report, individual modifications are addressed on an issue-specific basis with separate consideration of their cumulative impact.
- 1.10 Publication of Development Plan Practice Note 10: “*Submitting Development Plan Documents for Independent Examination*” (DPPN 10) in January 2020 followed submission of the dPS for IE. Section 4 of that document makes provision for changes to the dPS following receipt of representations as part of guidance on how a “development plan document” (DPD) progresses from the representation stage to submission to the Department. Albeit that BCC submitted that the proposed amendments all constitute minor changes as defined in DPPN 10 (page 5), given the timing of its publication relative to submission of the dPS to DfI for IE, where we consider that changes are needed in order to make the dPS sound, we will refer to “recommended amendments” (RA).
- 1.11 During the course of the public hearing sessions BCC submitted an amended dPS Appendix A: Existing/draft Policy Designations as it had come to light that there were textual errors therein. This document is attached as Appendix 5. It corrects

references to “*interim designations*” in dBMAP 2015. As these corrections align Appendix A with the provisions of that draft plan, substitution of the corrected Appendix A for that in the dPS is unlikely to cause prejudice to any interested party. The changes set out in BCC’s Table at Appendix 5 are necessary in order to satisfy soundness test CE3 and are the first of our recommended amendments – RA01. This recommendation does not affect our consideration of reliance on designations in dBMAP 2015 pending adoption of the LPP.

- 1.12 The statutory purpose of the IE has been set out at paragraph 1.1 above. In carrying out the duty imposed by Section 10 (6) thereof, we are required to make recommendations and give reasons for them in accordance with Section 10 (8). To that end, where reference is made in the text of this report to recommended amendments, we are carrying out that statutory duty. RA01 – RA78 are recommended amendments that we consider to be necessary in order to make the plan sound. The full details of those RAs are set out in Appendix 6, which should be read alongside this report.

#### **Assessment of Legal and Procedural Compliance and other issues**

- 1.13 As a useful reference point, BCC provided a “*Self - Assessment of Soundness*” (SD004) which included an assessment of compliance with the requirements of the Act and The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 as amended [the Regulations].
- 1.14 The submitted dPS sets out: BCC’s objectives in relation to the development and use of land in the district; and its strategic policies for the implementation of those objectives. Accordingly, it complies with Section 8 of the Act.
- 1.15 Section 8 (4) of the Act states the PS must be prepared in accordance with: (a) the timetable set out in section 7(1); and (b) BCC’s Statement of Community Involvement (SCI).

#### *Timetable*

- 1.16 The timetable was published in June 2016. The first revision was in March 2018 and the second revision in November 2018. BCC consulted the PAC and DfI on each occasion when adjustments were made to the time table. At the public hearing sessions, BCC said they were in the process of reviewing the timetable and would undertake the necessary requirements to re-consult the PAC and other consultees as considered appropriate. Regulation 5 of the Regulations has been met.
- 1.17 The content of the timetable includes the indicative dates for: (a) each stage of the preparation of the LDP including the Preferred Options Paper (POP); publication of the PS and LPP; and adoption of the PS and LPP. The requirements of Regulation 6 (2) (a) have been complied with.

- 1.18 The agreement of the timetable was initially approved by BCC on 4 April 2016. It was submitted to DfI on 11 April 2016 for their agreement. Subsequent adjustments to the timetable were also agreed by BCC and then forwarded to the Department and PAC. The Department approved the initial timetable on the 11 May 2016. The agreement of the timetable accords with Regulation 7.
- 1.19 The timetable was made available for inspection by BCC. It gave notice of this by local advertisement and published the timetable on BCC's web site. The same measures were undertaken in respect of the subsequent adjustments to the timetable. The availability of the timetable complies with Regulation 8.
- 1.20 BCC has prepared and kept its timetable under review. This is a continuous process that extends beyond the dPS stage of the LDP. BCC has met the legal requirements prescribed by Section 7 of the Act and associated Regulations in the preparation of the timetable. The requirements of Section 8 (4) (a) have also been met.

#### *Statement of Community Involvement*

- 1.21 BCC published its SCI along with the timetable in June 2016. The SCI has been prepared as required by Section 4 of the Act and followed the process as set out by The Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015. The document supports and supplements BCC's commitment in their Equality Scheme and responsibility to consult under section 75 of the Northern Ireland Act 1998. The Plan Strategy has been prepared in accordance with the council's statement of community involvement. The requirement of Section 8 (4) (b) of the Act have been met.

#### *Preferred Options Paper*

- 1.22 BCC's preferred options paper (POP) extended to 39 documents that are listed on its website (AD006 Preferred Options Paper Document List). Its POP Public Consultation Report (POP026) comprehensively considered consultation responses. Soundness test P2 requires that BCC prepares a POP and takes into account representations made in respect of it. Many representors indicated that they consider the dPS to fail this test as associated policies run counter to their POP representation. However, the test requires that such submissions are taken account of and not that the dPS incorporate them. BCC considered all representations made on the POP in accordance with Regulation 11 (2) of the LDP Regulations. Accordingly, the dPS evidence base demonstrates that BCC has prepared its POP and taken into account any representations made.
- 1.23 Appendix 6 of BCC's "*Self-Assessment of Soundness*" (SD004) provides a comprehensive list of engagement with consultation bodies before publishing the POP. In this process BCC has taken account of all the representations received from those bodies arising from the pre-POP engagement. Accordingly, Regulation 9 of the Regulations has been satisfied.

- 1.24 Prior to preparation of the dPS, the documents specified by Regulation 10 (a) were made available for inspection during normal office hours at BCC offices. The consultation bodies were duly notified about the POP; notice of it was given by local advertisement and was published on BCC web site. Therefore, Regulation 10 is satisfied.
- 1.25 A 12 week period for public consultation was afforded (from 26 January 2017 until 20 April 2017). BCC presented a Public Consultation Report (POP026), which provides a summary of the representations received to the POP. The requirements of Regulation 11(4) have been met.

*Form and Content of a development plan document*

- 1.26 The dPS accords with the stipulated form and content for a development plan document. Accordingly, Regulation 12 of the Regulations is satisfied.

*Proposals Map*

- 1.27 Regulation 13 of the Regulations states that a development plan document must contain a map or maps (known as “the proposals map”), describing the policies and proposals set out in the development plan document so far as practicable to illustrate such policies or proposals spatially. The proposals map is to be sufficiently detailed so as to enable the location of proposals for the development and use of land to be identified. Section 23.0 of Development Plan Practice Note 7: “*Plan Strategy*” (DPPN7) says that the PS should contain maps which provide clarity on BCC’s strategic policies and proposals where the proposals for development of land can be expressed spatially. It is recommended that the PS should contain an Overview Map to show the plan area boundary and strategic proposals as well as any environmental designations to show specific areas of environmental protection which have been designated by DOE. The PS may also contain other maps, diagrams, illustrations or other descriptive matter that BCC thinks appropriate.
- 1.28 As befitting its strategic role, the plans within the dPS are largely broad-brush, illustrative diagrams that are conceptual in nature. These include Figure 10.1 that shows existing natural heritage designations in the plan area. Although there is no single “Proposals map”, at this stage of the plan process and considered in their totality, the plans and diagrams within the dPS fulfil the statutory requirement. In the two stage plan process, spatial definition of zonings, designations etc to which the strategic policies of the dPS will apply, is a matter for the LPP. Pending adoption of that constituent part of the LDP, there needs to be some interim provisions for spatial application of strategic policy where it does not apply to the entirety of the plan area.
- 1.29 Insofar as it relates to the BCC plan area, the statutory development plan for the city is the Belfast Urban Area Plan 2001. Although passed its stated end date, it remains

the DPD as defined in the Schedule to the Regulations. In paragraphs 3.2.8 – 3.2.11 of the DPS (page 18) and its Technical Supplement 17 – “*Transitional plan period designations*” (DPS023) BCC articulates its reasons for using a number of the designations contained in the draft Belfast Metropolitan Area Plan (dBMAP) 2015, insofar as it relates to the BCC plan area, to form the basis of decision-making until the LDP is adopted in its entirety. The relevant designations are identified in that document and 30 maps also accompany the dPS (DPS023A – DPS023O). In the dPS BCC says that it intends to review the existing settlement boundaries and land use zonings contained in dBMAP 2015 as part of the preparation of the draft LPP (page 319).

- 1.30 In our letter to BCC dated 3 July 2020 concerns were raised about reliance on the provisions of a draft plan albeit that they had been subject to public inquiry. The High Court declared the adoption of dBMAP 2015 unlawful and it is not an LDP or DPD as statutorily defined. BCC addressed this at Section 2 of its response dated 31 July 2020. In the intervening period, there has been no formal resolution of the status of dBMAP 2015 or an advance, in this respect, on the Chief Planner’s update number 4 of 25 November 2019.
- 1.31 It will be for BCC to consider what weight should be given to the dBMAP 2015 designations in implementing the PS policies when adopted. They are part of a draft plan and we consider that they cannot be adopted as part of the PS; they would be read alongside it. This will not afford interested parties the degree of clarity and certainty that the plan-led system aims to provide. However, with the two-stage plan process, the statutory plan being 20 years beyond its stated end date and no indication that dBMAP 2015 will be legally adopted, only adoption of the LPP will resolve this issue.
- 1.32 Notwithstanding the above, we are satisfied that the proposal maps included in the dPS are in accordance with Regulation 13 of the Regulations.

*Additional Matters to be taken into Account*

- 1.33 Regulation 14 of the Regulations requires that other specified matters are taken into account. In the context of Regulation 14 (a), the plan has taken into account objectives of preventing major accidents and limiting the consequences of such accidents. This is demonstrated in the context of: Policy ENV1 - Environmental Quality; and evidence within Technical Supplement 16: “*Environmental Issues*” (DPS022) including the Control Of Major Accident Hazards (COMAH) sites and airport safety zones. It is noted that BCC does and will continue to consult with the relevant authorities regarding development proposals that may impact on such sites.
- 1.34 Policy ENV1 and TS 16 address the requirements of Regulation 14 (b) (i) of the Regulations. The dPS has had regard to these at paragraph 9.5.9 of the J&A to Policy ENV1 Environmental quality. BCC has also stated that such “*appropriate distances*”

will also be an important consideration when allocating land uses and proposal at the LPP stage. In the case of existing establishments, Policy ENV1 states that planning permission will be granted for development which, amongst other things, protects communities from materially harmful development. That strategic policy will be a material consideration when allocating land uses and proposals at the LPP stage. We are satisfied that the dPS is consistent with Regulation 14.

- 1.35 Regulation 15 makes provisions for the availability of a DPD. A copy of the dPS; a copy of the sustainability appraisal; and relevant supporting information were provided at BCC Offices for inspection during normal office hours.
- 1.36 Regulation 15 (b) requires the availability of the documentation to be placed (i) in BCC's principal offices; and (ii) such other places within BCC's district as BCC considers appropriate. BCC opted to place the documentation in its Planning Office, which is located in Belfast City Centre, and on its web-site. Notification of the address to which representations can be sent was also published in local papers. This notification was placed on BCC's website.
- 1.37 Consultation bodies were sent a copy of the documents on 9 August 2018. BCC published notices of the availability of the documentation four weeks prior to the formal consultation period. This was published in the Belfast Gazette and local papers including the Belfast Telegraph, Irish News, Newsletter and the Andersonstown News. The information was also placed on BCC's web site. The public notices advised on: where the documents could be inspected; the period within which representations on the development plan could be made; and the address where such representations should be sent. The availability of the dPS complied with the requirements of Regulation 15.
- 1.38 As confirmed by BCC's letter dated 31 July 2020 (ED0002.B), the statutory 8 week period for public consultation on the dPS commenced on Thursday 20 August 2018 and ended on 15 November 2018. Notice was given of the address to which representations could be sent. Regulation 16 (1) is satisfied.
- 1.39 Public notice of the 8 week statutory period was published in the Belfast Gazette and local press on the week commencing 17 September 2018 and closing dated for submission of representation was the 15 November 2018. A copy of the representations made in respect of the dPS were made available for counter representation. Statutory periods were specified for making counter representations and all representations were published for inspection in accordance with the requirements of Regulation 17. The submission of counter representations to the specified address was invited during the statutory 8 week period from noon Friday 1 March until noon Friday 26 April 2019. The counter representations were made available for inspection at BCC's planning service office and on its web site. The requirements of Regulations 18 and 19 are met.

- 1.40 BCC has submitted all the specified documents for the Independent Examination and made them available in accordance with the Regulations 20 and 21.
- 1.41 Taking account of: commitments set out in the SCI (AD001); BCC's document (SD005) titled "*Compliance with SCI*"; and legislative requirements, we are satisfied that BCC has facilitated public consultation in the preparation of the dPS as statutorily required.

*Sustainability Appraisal/Strategic Environmental Assessment*

- 1.42 Section 8 (6) of the Act requires that BCC must: (a) carry out an appraisal of the sustainability of the plan strategy; and (b) prepare the report of the findings of the appraisal.
- 1.43 The role of the Sustainability Appraisal (SA) is succinctly set out at sections 1.6.4 and 1.6.5 of BCC's dPS – Public consultation report (SD006) at page 7. BCC carried out a SA of its POP [POP003 & 004] and of the dPS [DPS003, 004, 004A, 004B, 004C, 004D, 005 & 005A]. Section 2.5 and Table 4 of the SA of the dPS (DPS004) set out its constituent stages. In section 5 of the aforementioned report (SD006) BCC considered both direct SA responses and those referencing the SA. The issue of SA was raised with BCC in our letter of 3 July 2020 (section 3) and its reply was set out at section 3 of its response of 31 July 2020. In all, the requirements of Section 8 (6) of the Planning Act and Article 15 (a) (ii) of the Regulations have been satisfied.
- 1.44 The plan has been subject to SA including Strategic Environmental Assessment (SEA). Section 2.4 and Table 3 of the SA of the dPS (DPS004) provide a useful summary of how BCC's evidence base addressed the requirements of the Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004 as amended.
- 1.45 Discussion of outstanding matters relating to SA and SEA at the public hearing sessions of the IE clarified matters relating to those issues and BCC helpfully pointed us to where its evidence base addressed our queries.
- 1.46 As BCC undertook a SA and prepared a report on its findings, Regulation 6 (2) (b) of the Regulations has been complied with.

*Habitats Regulation Assessment*

- 1.47 The Habitats Regulations Assessment is required by the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended. The draft HRA Report, published in August 2018 (DPS006), provided an Appropriate Assessment of dPS policies on environmentally sensitive sites within and connected to the plan area, either alone or in combination with, other plans and projects. This comprehensive assessment concluded that, subject to mitigation, the dPS would not

have any adverse effect on the integrity of the European Sites connected to the plan area either alone or in combination with other plans and projects. In section 6 of its dPS Public consultation report (SD006) BCC considered and addressed main issues raised in respect of the dHRA in representations.

- 1.48 The HRA will be finalised following this IE and published alongside the adopted PS. As part of this next step: in-combination and cumulative effects from other plans and projects will be further considered; and mitigation measures will be reviewed and, if necessary, clarified when the HRA is finalised prior to adoption of the PS. If future site-specific evidence and management plans identify climate change adaptation measures, these can be taken into account when the HRA is finalised and at LPP stage. In the interim, we are content that the relevant legal requirements have been observed to date.

#### *Interim Conclusion on Legal and Procedural Compliance*

- 1.49 We are satisfied that the:

- dPS document has been prepared in accordance with BCC's timetable and SCI. Therefore, Section 7 of the Act has been complied with and procedural soundness test P1 has been met;
- Council has prepared its POP and taken into account any representations thereby procedural soundness test P2 has been satisfied;
- dPS document has been subject to a SA and SEA in accordance with Section 8 (6) of the Act and procedural soundness test P3; and
- Council has complied with the Regulations on the form and content of the DPD and procedure for its preparation, thereby procedural soundness test P4 has been complied with.

#### *Equality Impact Assessment*

- 1.50 A council is required to ensure that its DPD is prepared in accordance with Section 75 of the Northern Ireland Act 1998. Consequently, it must undertake an Equality Impact Assessment (EqIA) to determine the potential impacts upon Section 75 groups as a result of the policies and proposals contained in the development plan document.
- 1.51 The first phase EqIA was carried out alongside the POP (POP027). The current phase dEqIA (DPS002) considered how each dPS policy might have an effect on those statutory groups and any potential impacts on good relations having regard to the scope of the LDP and the key inequalities that it can influence. It found that there is unlikely to be any potential discrimination against those groups associated with implementation of the dPS policies. Section 7 of the dEqIA (page 35) sets out "*Further Steps*" including publication of a final EqIA report after public consultation and adoption of the PS.

## *Rural Needs Impact Assessment*

- 1.52 Section 1 (1) of the Rural Needs Act (Northern Ireland) 2016 requires that BCC must have due regard to rural needs when developing or implementing policies. Section 6 thereof defines “*rural needs*” as the social and economic needs of persons in rural areas. BCC observed this statutory duty in its Rural Needs Impact Assessment – Draft Plan Strategy document (DPS032). This comprised a completed Rural Needs Impact Assessment Template that is included in the Department of Agriculture, Environment and Rural Affairs’ guide to the Act for public authorities. At Section 5A thereof BCC concluded that engagement with stakeholders and the evidence gathered in preparation of the dPS gave no indication of any likely significant adverse impacts on rural needs.

### **Approach to consideration of soundness**

- 1.53 Section 8 (5) of the Act sets out what a council must take account of in preparing its PS. These include: (a) the Regional Development Strategy (RDS); (aa) BCC’s current community plan (as amended by Section 77 of the Local Government Act (Northern Ireland) 2014); (b) any policy or advice contained in guidance issued by the Department; and (c) such other matters as the Department may prescribe or, in a particular case direct. Section 8(5)(c) also states that the council may have regard to such other information and considerations as appear to the council to be relevant. The phrase “*take account of*” is not defined in the Act’s Interpretation at Section 250 thereof. Consistency tests C1, C2 and C3 of Development Plan Practice Note 6: “*Soundness*” (DPPN6) mirror these legal requirements. Again, the phrase is not defined.
- 1.54 Section 6 (4) of the Planning Act directs that in making any determination under its provisions, regard is to be had to the LDP and that determination must be made in accordance with the plan unless material considerations indicate otherwise. This establishes the primacy of the LDP in the plan-led system as acknowledged by paragraph 5.11 of the SPPS. In accordance with Sections 6 (4) and 45 (1) of the Planning Act, extant regional policy will remain a material consideration in decision-making. Therefore, if an LDP is silent on a particular issue but regional policy addresses it, then the latter will have to be taken into account by the decision-maker albeit that the LDP has primacy. The plan-led system does not mean that the provisions of the SPPS are no longer a material consideration in decision-making. The primacy that is legally accorded to the LDP means that where there is conflict between its provisions and that of regional policy, any determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 1.55 Many representations considered that elements of the dPS were unsound as they did not replicate provisions and the exact wording of policy and guidance issued by the Department. This was a recurrent theme in discussion of individual issues. Paragraph 5.23 of the SPPS says that the overarching purpose of the PS is to provide

the strategic policy framework for the plan area and to bring forward a local growth strategy. In doing so, councils are required to “*address the range of policy matters set out in the SPPS*”; this is not a requirement to reproduce them in their entirety. Paragraph 6.3 of DPPN7 also affords councils discretion and flexibility in the LDP process. The final sentence thereof is particularly pertinent and it reads: “*Therefore, whilst a council must consider the following topic areas, it may only decide to include strategic policies and proposals to supplement (our emphasis) the requirements of the RDS and SPPS on those topic areas which it considers to be relevant and help achieve its objectives for the local area*”. This policy and guidance support BCC’s consistent stance is that its dPS should align with the core principles and aims of regional policy but, in responding to circumstances in the plan area, not be rigidly constrained by it.

- 1.56 In the absence of a legal or other definition for “*take account of*” and persuasive evidence to the contrary, we agree with BCC’s stance that the requirement does not mean that every provision of regional planning policy must be included within the PS in order to comply with Sections 8 (5) (a) and (b) of the Planning Act.
- 1.57 Section 1.5 of the dPS sets out the structure of the PS. The five constituent parts, listed in paragraph 1.5.1, when read together, represent the strategic policy framework for the area as a whole across a range of topics. The dPS must be read holistically and the entirety of its provisions taken into account when considering whether development proposals are in accordance with it. The “*Topic-based policies*” text of paragraph 1.5.1 unequivocally deals with this point. As the dPS should be read in the round, there is no need to replicate elements of policies relating to one topic in identifying those for another. Such exhaustive cross-referencing and wholly unnecessary repetition of policy would make the dPS unwieldy, confusing and lacking in clarity. Therefore, we have considered the plan “in the round” and this has guided our assessment of whether individual policies within the dPS meet the soundness tests (set out in Appendix 1).
- 1.58 Section 8 (5) (b) of the Act requires that in preparing the PS, account must be taken of any policy or advice contained within guidance issued by the Department. Paragraph 5.4.13 of DPPN 6 acknowledges that a DPD, or its constituent parts, may have implications beyond its area and requires that regard be had to relevant plans, policies and strategies in adjoining areas. Therefore, soundness test C4 requires that the dPS has regard to other relevant plans, policies and strategies relating not only to BCC’s district but also to any adjoining council’s district. That said, there is no statutory duty that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in individual LDPs. The aforementioned procedural tests do not require that Councils’ policies dovetail and align with one another and/or with strategies, policy or plans of government departments or infrastructure providers.

- 1.59 BCC established the Metropolitan Area Spatial Working Group (MASWG) (SD004J & SD004K) in 2017 to bring together representatives from a number of government departments with members and officers from 5 councils namely: BCC, Lisburn & Castlereagh City Council, Antrim & Newtownabbey Borough Council, Ards & Down Borough Council and Mid & East Antrim Borough Council. The MASWG identified potential cross boundary issues on mutual areas of interest along broad planning themes. BCC's document SD004J sets out details of MASWG meetings including matters discussed therein. These included: shared priorities and potential synergies; strategic housing market; population & housing growth; housing needs; distribution of housing growth; transport; and employment & economy. The constituent councils are at different stages in formulating their respective LDPs; with BCC's being the first referred to DfI for IE. In that context, it would be unreasonable to expect that BCC would have clear alignment with or agreement on all matters of a cross boundary strategic nature within the Metropolitan Area. However, the MASWG provided an appropriate forum for discussion of issues pertaining to relevant plans, policies and strategies in adjoining areas in light of the legal duty imposed by Section 8 (5) (b) of the Act.

#### *Supplementary Planning Guidance*

- 1.60 Other than the statement in paragraph 6.142 of the SPPS that supplementary planning guidance (SPG) Concept Master Plans for major development sites should be included in LDPs, regional planning policy and guidance is silent on its role and scope SPG is intrinsically complementary to policy and should assist in its interpretation and implementation; it should not expand the scope of that policy or introduce more onerous obligations or undertakings. SPG is defined in the dPS Glossary (page 301) as: *"Additional guidance which illustrates by example, supports, or clarifies planning policies"*.
- 1.61 BCC has been open and transparent in its intention to prepare SPG over the plan period to supplement policies listed at Appendix E of the dPS. It has also cautioned (page 321) that the list is not exhaustive and is subject to review taking account of business needs and any new regional policy or guidance published in due course. Advice from BCC that draft SPG would be subject to scrutiny by its Members and reviewed subsequent to feedback from a 12 week public consultation period would ensure accountability and provide checks and balances on its scope. This is consistent with BCC's commitment at section 6 of its revised SCI (AD001). On this basis we are content that SPG would not circumvent the provisions for public involvement in the LDP process and/or be a mechanism for making the provisions of policy more onerous. The scope and extent of SPG proposed to support or clarify policy within the dPS is not inconsistent with the plan-led system.

### *Covid 19 pandemic*

- 1.62 The public hearing sessions of the IE into the dPS took place during the Covid-19 pandemic and the issue was raised as to whether it had rendered the plan out of date. The published IE agenda included questions about the potential ramifications of the pandemic for issues such as housing growth, demand for employment, retail and office floor space and impacts on the transportation infrastructure in the city. It is observable that the pandemic has reinforced pre-existing trends towards home working, internet shopping and outdoor exercise. At this point no one can predict the pandemic's lasting implications.
- 1.63 The plan covers a 15 year period where changes in patterns of how people live and work in the city would be likely regardless of this pandemic. Section 21 of the Act requires that BCC must make an annual monitoring report to the Department. This must contain such information as is prescribed as to the extent to which the objectives set out in the LDP are being achieved. Furthermore, section 13 (1) of the Act requires that a council must carry out a review of its LDP at times as the Department may prescribe. Section 14 thereof enables BCC to instigate revision of its PS. Accordingly, there are statutory provisions to require monitoring and review the plan. Implications of the Covid pandemic could either trigger or be included within any review of the plan. Any revised documents would be subject to the same scrutiny as if the plan strategy was made in the first place in accordance with Section 14 (2) of the Act. Sections 11.2 and 11.3 of the dPS specifically deal with monitoring and review mechanisms.
- 1.64 BCC published "*Belfast: Our Recovery*" in September 2020 (see Appendix 2 and MA005). Its Foreword states that the document sets out the areas that BCC needs to focus on in the short-term to drive city recovery during the pandemic phase as well as building foundations for sustained recovery. It concludes that in the face of on-going uncertainty, the document and BCC's corporate approach will remain flexible and will continue to evolve as the pandemic progresses and the effects of COVID-19 on Belfast's economy and city life continue to emerge (page 19). It is simply not known if: the trends observable during the pandemic will continue; there will be a reversion to previous conditions; or other consequences might ensue. On that basis, the pandemic does not provide justification for changing the dPS or halting its adoption. The appropriate response to this issue will be through the legally prescribed annual monitoring process and, if considered appropriate, by early review of the PS. The approach would be wholly consistent with the provisions of paragraphs 5.36 – 5.39 inclusive of the SPPS. And the suite of soundness tests concerned with coherence and effectiveness.

### *Assessment of Soundness*

- 1.65 This report deals with the main issues raised by the representors in respect of the tests of soundness. It does not respond to every point or issue raised by them. Nor

does the report refer to every policy in the dPS; only those that representors have said are unsound.

- 1.66 The report will generally reflect the layout of the dPS. The issue of the growth strategy will be addressed in detail at the outset and will set the scene for the assessment of the strategic policies and allocations which follow. The report will then address other aspects of the dPS upon which the issue of soundness hinges.

## 2.0 Vision, Aims and Objectives

- 2.1 In respect of the Aims for Building a smart connected a resilient place, having considered associated representations, BCC suggested changes to the wording of the second sentence of its first paragraph whereby: support is expressed for demand management measures; and travel by more sustainable modes of transport is to be encouraged rather than promoted (RA02). BCC also requested a change in wording of the second objective on page 28 of the dPS whereby “*appropriate*” rather than “*suitable*” provision for cars would be retained (RA03). This revised wording is cognisant of strategic policy on sustainability, acknowledges that BCC is not the statutory transport authority and provides for flexibility to enable it to do with changing circumstances. RA02 is required in order to satisfy soundness test CE4; and RA03 is necessary in pursuit of the consistency tests for soundness
- 2.2 In its dPS public consultation report (SD006), at pages 26 and 27, BCC addressed representors’ associated concerns with the Vision, Aims and Objectives. We have considered these representations and concur with BCC’s reasoning and conclusions. Subject to RA02, and RA03 the Vision, Aims and Objectives are sound as written.

### 3.0 Strategic policies

- 3.1 In preparation of a Plan Strategy for Belfast, Section 8 of the Act states that a council must set out its objectives in relation to the development and use of land in its district and its strategic policies for the implementation of those objectives. The strategic policies aim to reflect the longer term aspirations for the plan area. They are overarching and cross-cutting, applicable to all development and relate to the topic-based policies within the plan. At the public hearing sessions, BCC confirmed that the order in which the strategic policies appear in the dPS does not give greater weight to their relevance or importance in the plan document. There is no persuasive evidence to the contrary. Accordingly, they are not ranked in order of priority and there is no hierarchy.
- 3.2 The strategic policies embody BCC's growth strategy for its area and embrace core planning principles such as: sustainable development; improving health and wellbeing; community cohesion and good relations; positive placemaking; environmental resilience; connectivity and green and blue infrastructure, that flow from the regional planning framework set out by the RDS and SPPS.
- 3.3 Within its Draft Plan Strategy – Public Consultation Report August 2019 (SD006) BCC acknowledges the important regional gateway role of the broader harbour area, including the port and airport. It recognises that support for this area in the regional economy could be referenced more generally within the introduction to the strategic policies. In consideration of this, BCC suggested changes to the second of paragraph 5.0.3. RA04 is necessary as it makes the wording of this paragraph coherent by taking full account of the role of the harbour area, port and airport in the context of regional policy set out in the RDS.
- 3.4 The vision for Belfast in 2035 is set out in the Belfast Agenda (AD003), which is BCC's first community plan. Delivery of this vision is based on a number of strategic outcomes, together with four bold ambitions to be achieved by 2035. These include an additional 66,000 residents living in the city. The community plan recognises the LDP process as one of the key tools available to shape the physical future of Belfast in a sustainable way.
- 3.5 Policy SP1 – Growth strategy of the dPS sets out the growth strategy for the plan area and takes forward the vision of the Belfast Agenda. The dPS takes account of the vision set out in BCC's community plan. The aspirations of BCC are summarised in the figure at page 34 of the dPS namely: supporting 46,000 additional jobs; increasing the population of the city by 66,000 people; creating 550,000m<sup>2</sup> of employment floor space and delivering 31,600 additional homes over the 15 year plan period.
- 3.6 The RDS sets the spatial framework guidance for the region. The Metropolitan Area centred on Belfast (Belfast Metropolitan Urban Area - BMUA), is one of its five key components. Paragraph 3.36 thereof states that Belfast is the region's largest

employment centre. Paragraph 3.37 of RDS notes that it is the capital of Northern Ireland with a population of 268,000, which has been in decline. It adds that, in the last decade, Belfast has seen significant economic growth with around 26,000 jobs created in the former BCC area. Paragraph 3.42 adds that significant investment will be required to sustain and grow the BMUA. Policy SP1 of the dPS states that BCC's policy seeks to support economic growth over the plan period, allocating sufficient land to accommodate strong job creation to meet the Belfast Agenda vision of supporting 46,000 additional jobs by 2035.

- 3.7 The Ulster University Economic Policy Centre (UUEPC) prepared a paper on BCC's behalf in September 2016 titled: *"Assessing Employment Space Requirements across the City – 2015-2030"* (POP007). The UUEPC forecast demand for employment space included *"baseline"* and *"upper"* scenarios as set out in the report overview on page 1. These were carried through to its Table 3 that summarised demand by Use Class, albeit that Policy EC2 only applies to Class (B) Uses as set out in the Planning Use Classes Order (NI) 2015. Converting those employment projections into an estimate of the demand for employment space suggested that between 540,000 m<sup>2</sup> and 1.18 million m<sup>2</sup> could be required by 2030.
- 3.8 The *"Housing Growth Options Report"* of October 2016 (POP006), prepared for BCC by Turley, considered three potential growth scenarios including Scenario 2 – Supporting Baseline Employment Growth and Scenario 3 – Supporting Higher Employment Growth. It considered the scale of population and labour-force growth that may be necessary to support the correspondent levels of growth forecast by UUEPC. That the reports, produced at different stages of the dPS preparation process, used different time-scales is not fatal to their conclusions and the reliance placed on them. As the initial UUEPC report covered the period to 2030, the ensuing Turley report extrapolated modelling to align with the plan period to 2035. That report comprehensively and cogently considered factors influencing employment-led population growth and evaluated the relevant alternatives. It concluded at paragraph 7.28 that a reasonable and credible level of population and household growth should be nearer Scenario 2 whereby 46,000 new jobs would be supported. Scenarios 2 and 3 were also the subject of sustainability appraisal (DPS004C at pages 197 and 198).
- 3.9 Paragraphs 4.14 – 4.26 inclusive of BCC's Technical Supplement 3 – *"Employment and Economy"* (TS 3) [DPS009] explained how, together with the Urban Capacity Study (UCS) [DPS028], the aforementioned reports informed the forecast need for 550,000m<sup>2</sup> of employment floorspace in order to support the baseline growth scenario of 46,000 additional jobs during the plan period. Whilst the UCS considered the full-range of economic uses, this evidence was supplemented by the August 2018 *"Office Study"* (DPS030) that built on the findings of the UUEPC report. The methodology for the forecasted demand/supply balance assessment is set out at

Section 6 of that report. As with any study there may be a variety of methodologies that could be employed. However, there is nothing therein that suggests that the chosen one is not robust.

- 3.10 Concerns about the availability of committed employment land that helped inform the figure of 550,000m<sup>2</sup> of employment floor space are considered in detail in the context of Policy EC2 – Employment land supply. That allocation is found to be realistic and appropriate. Providing for 1.1 million m<sup>2</sup> of employment land supply in order to provide flexibility in the two stage plan process would be at odds with strategic policy commitments to sustainable development including Policy SP2 – Sustainable development of the dPS.
- 3.11 For the foregoing reasons, the plan’s strategic aspirations for 46,000 additional jobs and 550,00m<sup>2</sup> of employment floor space to 2035 are coherent, realistic, appropriate and founded on a robust evidence base.
- 3.12 SFG2 of the RDS aims to grow the population of the City of Belfast. Paragraph 3.42 thereof states that the population decline of Belfast needs to be reversed in order to have a strong capital city which is the economic driver of Northern Ireland. Policy SP1 of the dPS takes this into account. The “*Housing Growth Options Report*” (POP006) uses a robust methodology to link population and housing growth to economic outcomes, providing comparisons to the Housing Growth Indicators (HGIs) as part of the process. Figure 3.17 of this document illustrates 2014-based and 2012-based sub-national population projections (SNPP). At the time of writing the document, this represented the most up to date official projections for population growth at Local Government District (LGD) level. Based on these figures, the evidence suggests that the official population projection (2014 based) would result in a continuation of the trends of population growth seen over the eight years until 2020. The document also predicted that beyond 2020, the rate of projected growth is anticipated to reduce over the longer term, although growth is suggested to be sustained to 2035.
- 3.13 Taking account of the updated figures, the projections used in the Housing Growth Report are relevant in the consideration of the options presented for population growth. The Housing Growth Report scenarios were also evaluated in Technical Supplement 1 – “*Population*” (TS 1) [DPS007]. It was concluded that a reasonable and credible level of population and housing growth sits some between Scenario 1 and Scenario 2; with evidence implying that this should be nearer to Scenario 2.
- 3.14 Population growth was considered at the public hearing sessions of the IE. Taking into account the timing of the submitted population figures, BCC was able to provide an update on them. This information was presented in written form (Matters Arising document MA004). The document summarised the latest population estimates available for the period up to and including 2019, alongside recent population

projections. Figure 1 of MA004 sets out the Population Estimates and Projections for Belfast and illustrates the trajectory of the various population projections over the plan period. It shows a degree of alignment between historic projections and subsequent population estimates.

- 3.15 The Housing Growth Options Report specifically considered migration flows as part of the development of growth scenarios. BCC states, at page 94 of its Public Consultation Report (SD006), that migration is strongly influenced by the economy and trend-based projections. Growth Scenario 2 was based on a robust methodology that used realistic assumptions around future migration to and from other NI districts, the UK and internationally. This was linked to economic growth rather than being based solely on past trends. Figure 3.22 of the Housing Growth Options Report (POP006) illustrates that natural change (i.e. migration is modelled with a neutral impact) is forecast to represent a significant driver of population growth in the future.
- 3.16 In the more explicit technical clarifications set out in the *“Technical Response to Comments on the Draft Plan Strategy for Belfast, Belfast City Council”*, July 2019, (SD006E) the issue of migration flows, associated with the recommended growth scenarios, is considered in Section 4 thereof. The document, at paragraph 4.18, concludes *“with the city planning for continued economic growth, it would be reasonable to expect such an outflow from Belfast to be offset by a stronger net inflow of people from outside of Northern Ireland, reflecting its regional role and based on consideration of the inflows and outflows that have been recorded historically”*. Therefore, inward migration from the rest of the UK and the world, rather than from other council areas in NI, can ensure that Belfast could achieve and maintain the net inflow (of residents) required for its growth. This would not affect the established trend that has seen other districts continue to receive a net inflow from Belfast over recent years. This is also taken into consideration in the Housing Growth Options report which also recognises that inward migration to Belfast would be from the rest of the UK and the world. Such inward migration would ensure that Belfast could achieve and maintain a net inflow of residents required to grow the population and to counteract the trend of outflow of residents from the city to other districts in the region.
- 3.17 In that context Policy SP1, which seeks to support the Belfast Agenda’s ambition to grow the population of the city by 66,000 people resulting in a total population of 400,000 by 2035, is logical and coherent. ‘Scenario 2’ aims to reverse population decline in order to have a strong capital city. This aspect of Policy SP1 takes account of and reflects the strategic framework guidance of the RDS for Belfast. The evidence base for population growth is founded on a robust evidence base and is realistic.
- 3.18 At paragraph 3.42, the RDS states that key to population growth will be the provision of housing to meet the full range of need. Technical Supplement 2 – *“Housing”* (TS 2)

[DPS008] follows this through and notes that key to population growth will be: the provision of housing to meet the full range of need; and that the HGI is calculated on the basis of growing the population of Belfast, not the projected population which has indicated a decline for the city.

- 3.19 Paragraph 2.9 of TS 2 states that HGI figures were updated in April 2016 to reflect the new District boundaries following local government reform. These figures were calculated on the basis of 2012-based population projections and provide an indicator for each district for 2012-2025. At the time of preparing the dPS, the latest HGI figure for Belfast indicated a need for 13,700 homes between 2012 and 2025, or just over 1,000 homes per annum.
- 3.20 The NI Housing Growth Indicators, 2016-2030 based, were published in September 2019 and updated the 2012 base figures. The updated figures set out an estimated dwelling requirement of 7,400 units for Belfast for the period 2016-2030. This is a marked reduction in the estimated total housing need for Belfast compared to the additional 31,600 homes proposed in the dPS.
- 3.21 As noted above, BCC's rationale for exceeding the HGI of 13,700 (2012-2025) new residential units is set out in the Housing Growth Options Report (POP006). As part of the evidence base, it helpfully addressed this issue in its 31 July 2020 response to matters raised following the PAC's initial assessment of the dPS (ED002a&b). BCC said that the methodology paper associated with the revised 2019 (2016-2030 based) HGIs states that the indicators are produced to provide guidance for those preparing development plans. They are intended to support the development plan process by giving an indication of where development is most likely to be needed given current understanding of population growth. The document states: *"these estimates are purely for guidance and should not be considered as a cap or a target on development and, as such, represent a robust starting point which can be considered while also taking account of the full range of factors that may influence housing requirements over the plan period in terms of how many houses are needed in any area"*. BCC also referred to a letter from the DfI's Chief Planner and Director of Regional Planning, dated 25 September 2019, (ED007.B) where he stated that: *"Rather than accepting the HGI estimate as a target to be planned for, Councils should first consider its applicability to local circumstances in the context ... and other relevant local evidence. This may include, for example, other Council strategies/objectives (for instance in relation to urban regeneration or economic growth)"*.
- 3.22 BCC considered the past trends that established the HGI figure of 13,700 new dwellings (NI HGI 2012 to 2025) for the period up to 2025. It also took account of the updated Regional Growth Comparisons Report (SD006F) to reflect the reduction in the HGI figures. This report outlines how: the housing monitor delivery since 2012 affects the RDS-assigned HGI for Belfast; the proposed growth figures for Belfast compare to those proposed in the other 10 local government districts (LGDs); and the

growth figures proposed across the LGDs compare to the regional targets for the Belfast Metropolitan Area (BMA) and non-BMA as set out in the RDS. It considered information from: the Housing Monitor; the Belfast dPS; and the suite of DPSs and POPs covering the 10 other LGDs. Figure 1.1 of the report outlines the housing monitor delivery since 2012/13 and compares this to the RDS-allocated HGI figure for Belfast and the shortfall to the LDP POP (both calculated on an annual basis). Figure 1.2 sets out a revised HGI figure that takes account of the 15 year plan period and the shortfall in delivery of residential units since 2012. The outworking of this gives a revised HGI of 18,730 residential units for Belfast over the plan period 2020-2035.

- 3.23 Figure 1.3 of the same report sets out a comparison table including the revised HGI of 18,730 new residential units as calculated in the paragraph above; the current housing monitor available potential of 22,074 new residential units; the NIHE HMA affordable need of 23,550 new residential units; the UCS of 27,163 new residential units; and the dPS housing figure of 31,660.
- 3.24 Paragraph 1.6 of the Regional Growth Comparisons Report (SD006F) recognises that the affordable housing need for Belfast over the plan period (23,550) exceeds the RDS assigned (2012-2025 HGI 13,700) by 9,850 units. It also exceeds the report's revised HGI figure (18,730) by 4,820 units. This is before consideration of the demand for homes for market sale over the plan period. The UCS figure of 27,163 new residential units includes already committed sites. These add up to 19,000 new residential units in Belfast. On their own, these exceed the RDS assigned (2012-2025 HGI 13,700) HGI by over 5,000 units and closely correlate with the revised HGI of 18,730. This evidence sets out local circumstances specific to the plan area that take account of: allowances for existing commitments; urban capacity studies; allowance for windfall housing; and housing needs assessment.
- 3.25 Taking account of the outline methodology and rationale, we are satisfied with the evidence base working from the HGIs, which considers specific local circumstances applicable to the Belfast area. We concur with paragraph 4.1.3 of BCC's letter of 30 July 2020 (ED002B) that the updating of the HGIs in 2019 (2016-2030) make little difference to its proposed growth as BCC had already decided to depart from the existing trends. On this basis, Scenario 2, which relates to the provision of between 1,600 – 1,800 additional dwellings per annum over the plan period, appears reasonable in light of the foregoing considerations and the latest available information. Accordingly, the projected population growth presented in the dPS has been founded on a robust evidence base and is realistic and appropriate having considered the relevant alternatives.
- 3.26 Increased opportunities for the creation of more jobs means it will be important to have a wide variety of dwelling types for those wishing to live and work in the city. Providing for a higher level of housing growth would facilitate growth of the labour force, enabling the attraction of new working age residents and the retention of

existing residents who would otherwise move out of Belfast to other parts of NI or overseas. Paragraph 3.44 of the RDS supports a drive to provide additional dwellings in Belfast. Section 4 of TS 2 and section 5 of the Belfast City Population and Housing Growth Report (POP006) presents output and analysis, considering the aforementioned range of scenarios within Belfast. The growth scenarios were also evaluated in the context of the population growth for the district.

- 3.27 The scenarios are focused on the population and housing growth within the district. The need to have regard to other relevant, plans, policies and strategies relating to any adjoining council district has already is considered in the Submission Topic Paper Regional Growth Comparison (SD006F) and in Chapter 1 of this report. In addition to evidence therein about the composition, scope and remit of the MASWG, BCC stated at page 37 of its Public Consultation Report (SD006) that consultations had taken place with the three neighbouring councils (Lisburn and Castlereagh Borough Council; Antrim and Newtownabbey Borough Council; and Ards and North Down Borough Council) and will continue to do so in respect of wider *“cross boundary implications arising from the effective housing market area”*. It also highlighted the potential to explore the prospect with neighbouring councils as regards enabling *“land in these jurisdictions to be used to accommodate some of Belfast’s population growth should there be a residual need once appropriate land is zoned within Belfast district”*. The MASWG also provided on-going opportunities to share information, explore issues and discuss areas of mutual interest through the development of the dPS. It is anticipated that the role of MASWG will continue to evolve as the LDP moves through the relevant stages of the plan process.
- 3.28 In light of the above, we are satisfied that the dPS has had regard to the cumulative impacts of the proposed growth for Belfast in the context of housing growth proposed by other councils within the BMUA. This issue, of itself, does not jeopardise the soundness of the dPS. The advocated approach aligns with the aims of the RDS to strengthen Belfast as the regional economic driver.
- 3.29 Paragraph 4.05 of TS 2 (DPS008) considers build rates. It notes in that 2006/07 and 2007/08, before the economic crash, house building levels were well in excess of the prescribed dPS average (2,110 per annum). Equally, during the period from 2010 until 2017 the house building levels were excessively below the HGI average (1,054 based on the previous [2012-2025] HGI of 13,700). These figures are illustrated at Figure 6, page 24 of that document. It is noted that they relate to the former local government area of Belfast District. Figure 8, page 26, of that document illustrates indicative annual build rates phased over 5 year periods in line with the total housing requirement presented in the dPS. The diagram shows that approximately 2,900 units per annum will be delivered in the final years of the plan period. The annual rates begin with a low base in 2020, which take account of infrastructure constraints. It is impossible to predict if the average build rates of 2006 - 2008 will ever be

repeated, equally the lower build rates of 2010 - 2017 may not reoccur over the plan period. The house building and delivery rates will be monitored throughout the plan period and adjusted accordingly. It is realistic to assume as the economy grows, the level of housing delivery will also step up in pace to meet increasing demand. The evidence demonstrates that any risks to the delivery of house building will be carefully monitored as set out in MI1 and MI4 of Appendix F of the dPS. There are clear mechanisms for implementing and monitoring delivery rates of housing over the plan period.

- 3.30 Some representors considered that the higher housing figure of 37,000 units, as indicated in the POP, should be reinstated to provide for greater flexibility. Part 4 of TS 2 (DPS008) explains how the figure of 31,600 additional homes was arrived at. This evidence was formulated on the basis of the considerations and conclusions in the *“Belfast City Population and Housing Growth Study”* (POP006). Paragraph 4.03 of TS 2 refers to the conclusions of this study that *“a reasonable and credible level of population growth sits somewhere between scenario 1 and 2 with evidence implying that this should be nearer to scenario 2”* namely supporting baseline economic growth).
- 3.31 Scenario 2 would require 37,000 new homes over the period 2014 -2035 (21 years); 1,759 dwellings per year. This equates to some 26,430 units over the plan period (2020-2035). The figure has been adjusted to take account of any variance in housing provision in the 6 years preceding the plan period. These annual delivery rates are set out at Figure 5 *“Housing Monitor annual delivery rates and shortfall of HGI and POP”* of TS 2. Adding the shortfall of over 6,400 units to the 26,430 units that is required to support the baseline economic growth, gives a total of 32,872 units over the plan period.
- 3.32 No further or alternative evidence was provided by the representors to justify why the housing figure should be increased to that stated in the POP. Notwithstanding that more housing would facilitate greater flexibility, there is no evidence base to warrant an increase in the rate of housing growth beyond that provided for in the dPS in the context of the overarching policy aim of achieving sustainable development. BCC acknowledges that the rate of growth it proposes is ambitious but is commensurate with the robust evidence base contained within the Housing Growth Options Report. It states that the current rate will provide sufficient flexibility over the plan period, particularly given that higher levels of growth will most likely occur in its latter part. Ongoing monitoring of housing supply and land availability will ensure the maintenance of a 5 year supply of land throughout the plan period, with reviews of policy and allocations if found to be necessary.
- 3.33 TS2, at paragraph 3.15, summarised additional work undertaken in the *“Size and Type of Housing Need, addendum to Belfast City Growth Options Report December 2017”* to provide detail on the size and type of housing likely to be required under Scenario

2. It is notable that one third of housing is expected to be single resident, with a similar proportion containing two adults without children.
- 3.34 In the context of the proposed housing growth and having considered the submitted evidence, BCC has demonstrated how account has been taken of the RDS, SPPS and associated HGIs. Considering local circumstances, exceeding the HGI for the district is not at odds with the RDS as the evidence is sufficiently robust to justify the ambitious growth proposed in the dPS.
- 3.35 Section 1 of the Planning Act compels the Department to formulate and co-ordinate policy for securing the orderly and consistent development of land and the planning of that development. Section 2 (b) requires it to exercise those functions with the objective of furthering sustainable development. Managing growth in a sustainable way is also a core principle of the SPPS. Paragraph 3.5 thereof is especially pertinent where it emphasises the importance of managing housing growth in a sustainable way, placing particular importance of the inter-relationship between the location of housing, jobs, facilities, services and infrastructure.
- 3.36 Paragraph 1.2 of DPPN 7 says that the PS should establish the strategic direction early in the plan process in order to provide a level of certainty on which to base key development decisions as well as the necessary framework for preparation of the LPP. Paragraph 1.3 tasks it with setting out an ambitious but realistic vision for the council area as well as the objectives and strategic policies required to deliver that vision. It adds that: *“The PS should...aim to address the challenges that it faces”*. Paragraph 5.5.2 of DPPN 6 continues in the same vein directing a council to: *“clearly set out a coherent strategy to deliver aims and objectives for its area in the DPD”*. Although deliverability of policy objectives is not included as a test for soundness, from the perspective of achieving sustainable and orderly development, it is a pertinent consideration in the context of law, policy and guidance.
- 3.37 The planned ambitious growth for the BCC area raises critical issues about the capacity of the sewerage system (foul and surface/storm water) that affect both the BCC and wider metropolitan areas. This was an issue considered by the MASWG (SD004J & SD004K). The latter document (pages 24 – 32) gives an extensive overview of, amongst other things, the purpose, scope, structure and governance of the LDP Water, Sewerage & Flood Risk Working Group and the Living with Water Working Group. Representatives of NI Water (NIW), DfI Living With Water (LWW) and DfI Water & Drainage Policy Division (WDPD) were all party to on-going discussion. Neighbouring councils not only had the opportunity to participate in the MASWG but to make representations on the dPS.
- 3.38 In its dPS Public Consultation Report (SD006) BCC considered concerns about delivery of its growth strategy against the background of reducing capacity in the water and sewerage infrastructure at pages 46 - 47, 51 and 334 - 335 inclusive. This was

underpinned by consideration of the matter in the SA/SEA as referenced in paragraph 3.1.1 of BCC's letter of 31 July 2020 to the Commission. The issue was also raised with BCC in the Commission's letter of 3 July 2020 and its response of 31 July 2020 (ED001.A and ED002.B). DfI's 2020 "*Living with Water in Belfast – An Integrated Plan for Drainage and Wastewater Management in Greater Belfast*" consultation document was admitted into the IE process as Matter Arising MA006. We have taken all of these into account together with Technical Supplement 15 – "*Public Utilities*" (TS 15) [DPS021], Submission Topic Paper 2015 Infrastructure Baseline (SD006G), associated representations and discussion at the public hearing sessions when participants had the opportunity to expand on concerns they had about, amongst other things, the factual basis underpinning TS 15 and the later Topic Paper. At that forum, BCC referred to points in its evidence base where consideration was given to sewerage infrastructure in the context of the dPS growth strategy and RG12 of the RDS. Furthermore, comprehensive and compelling oral evidence was received on: the current capacity of wastewater treatment works; associated implications for flooding and discharge quality; issues with legacy under-funding and an on-going deficit in capital investment with attendant constraints on budgeting for capital works; the lag between the grant of funding and improved/new infrastructure being commissioned; and how new works would have to be carefully phased in order to avoid major disruption to traffic flows. In all, there is a robust evidence base on which to consider whether the growth strategy is realistic and appropriate given aforementioned infrastructural concerns.

- 3.39 Paragraph 5.1.4 of the J&A text to Policy SP1 says that the delivery of employment space and homes will be phased to align with infrastructure capacity and investment over the plan period. Nonetheless, at pages 48 and 92 of its Public Consultation Report (SD006), BCC said that the latest housing monitor identified land for over 22,000 units, most of which already have planning approval. In addition, its baseline assessment revealed circa 608,000 m<sup>2</sup> of committed office and employment space. These have already gone through the planning process and involved an assessment of wider infrastructural needs in consultation with the relevant statutory authorities. As the sites are committed, they cannot be subject to phasing. As BCC said in its letter to the Commission of 31 July 2020, phasing can only seek to align any new land identified for zoning with future infrastructure investment. The existing baseline position would require infrastructure investment regardless of the dPS growth strategy and the level of development that it aspires to over the plan period; it cannot be considered solely as a pre-requisite for this new plan. In its aforementioned letter, BCC made the cogent point that it is not a requirement for all infrastructure to be in place for a plan to be sound. Such an approach would have major ramifications for the plan programme across NI whereby rather than being proactively founded on the principle of sustainability, planning would be based on past investment decisions and maintenance of infrastructure.

- 3.40 NI Water confirmed that it has a statutory responsibility to accommodate this committed development notwithstanding the associated significant challenges in so doing. Paragraph 4.19 of the LWWP consultation document reiterates this.
- 3.41 Paragraph 5.1.4 of the dPS says that realising the additional development to which SP1 aspires will necessitate not only that land be zoned for housing, employment and mixed use sites within the LPP but also that its delivery be phased to align with infrastructure capacity and investment over the plan period. BCC committed to this approach at page 48 of document SD006. At the public hearing sessions, it gave evidence on how this might be managed through both the LPP and development management process. It nevertheless maintained its stance that phasing is an issue for the LPP. However, In light of the current issues with capacity in the sewerage system and mindful of the statutory duty imposed by Section 1 of the Act, the dPS does not allay concerns about the deliverability of its growth strategy.
- 3.42 Policy ITU2 – Water and sewerage infrastructure sets out that proposals for such development will be granted where their visual and environmental impact are kept to a minimum. Whilst encouraging the use of associated sustainable initiatives and technologies, Policy ITU2 does not grapple with the wider and more pressing issue of the role that the capacity of the city’s sewerage system has to play in delivering the growth strategy. Albeit that delivery of the necessary infrastructural upgrades is outside BCC’s remit, a strategic policy on phasing is needed within the dPS to flag up the matter – RA05. This would alert developers to the need for associated infrastructure to be available prior to sites being released for housing and employment space notwithstanding that they may be zoned for such in the LPP. This would not require that the infrastructure be in place for the dPS to be considered sound but would put in place a strategic framework for the alignment of the growth strategy with its provision. In order to ensure that potential developers are live to this critical issue, such a policy could comprise:
- a. Committed housing lands and employment floorspace are treated as phase 1 zonings;
  - b. Phase 2 zonings would comprise new zonings in the LPP for housing and employment uses; and
  - c. Phase 2 zonings would only be released for development either after review of the dPS when it is established that sewerage capacity is no longer a potentially limiting issue and/or the necessary water and sewerage infrastructure is in place. The policy could consider situations where (temporary) on-site facilities might be acceptable. This may require the SA/SEA to be revisited.
- 3.43 In order to ensure deliverability of the growth strategy, consideration also needs to be given to inclusion of a public services/utilities policy that is more overarching in nature than Policy ITU 2: whereby it is clearly sets out that all uncommitted land to

be developed during the plan period will be subject to the availability of adequate sewerage infrastructure. This RA06 might not be a stand-alone policy; it could be incorporated into that addressing the issue of phasing.

- 3.44 The potential for conflict between these recommended amendments and the provisions of Policy HOU1 – Accommodating new homes has been considered. Given the quantum of committed dwellings, that would comprise phase 1, and taking account of the dPS Figure 7.2: *“Delivery of housing supply”*, there is no incompatibility between them.
- 3.45 The implementation box at the foot of Policy ITU 2 – Water and sewerage infrastructure has a tick under Section 76 Agreements. That is an operational policy and cannot be reasonably read as indicative that BCC envisions major, strategic upgrades to the city’s water and sewerage system as being privately and incrementally funded through the operation of the development management process. It is acknowledged that such works will be reliant on public funding. That is not to say that the cumulative impact of the dPS suite of environmental resilience operational policies and its Policy GB1 – Green and blue infrastructure network, possibly implemented using developer contributions, could not play a meaningful role in reducing pressure on existing infrastructure and supporting the growth strategy.
- 3.46 Paragraphs 5.26 and 5.36 of the SPPS refer to statutory requirements for monitoring and review of the DPD. Together with: the important role that the LPP and LWWP’s Integrated Plan, when adopted, will have to play in addressing and managing this critical infrastructural issue; and subject to RA05 and RA06, we are satisfied that, with regard to water and sewerage infrastructure, Policy SP1 is realistic and appropriate.
- 3.47 Strategic guidance at paragraph 3.43 of the RDS refers the importance of an efficient transport system to provide connections to jobs, services and amenities. Representors raised concerns relating to the capacity of the transport network and the infrastructure improvements required to facilitate the anticipated growth. Those misgivings are dealt with in the transportation section of this report. However, as already set out, a significant proportion of the proposed growth comprises committed sites for housing and employment floorspace whose associated implications for transportation have already been considered. This commitment provides a baseline for the capacity of the existing transport network to accommodate growth. Phasing additional growth over and above the existing commitments would enable its alignment with improvements to the transportation infrastructure and associated technological/environmental transport innovations. Nonetheless, the scale of delivery and its impact on the transport network will be considered further at the LPP stage and will be subject to ongoing monitoring and review through the plan period.

- 3.48 Taking account of BCC's submissions and having considered the relevant alternatives, subject to RA04 – RA06 inclusive, Policy SP1 is realistic and appropriate and is founded on a robust evidence base. Accordingly, it satisfies the tests of soundness.
- 3.49 The SPPS requires the integration and balancing the three pillars of sustainable development – social, economic and the environment when formulating policies and plan making. It does not seek to promote any one of the three pillars of sustainable development over the other. Sustainable development is a cross-cutting principle in the strategic and operational policies of the dPS. Policy SP2 – Sustainable development is therefore an overarching policy that must be read in conjunction with all other policies in the dPS. It will be instrumental in ensuring the implementation of sustainable development in the plan area.
- 3.50 Paragraph 3.5 of the SPPS recognises housing as a key driver of physical, economic and social change in both urban and rural areas. In furthering sustainable development, the SPPS states it is important to manage housing growth in a sustainable way. Policy HOU1 - Accommodating new homes takes on a plan, monitor and manage approach. The provision of housing in the plan area will also be carefully monitored and managed throughout the plan period. Specific monitoring indicators, MI4 and MI5, are set out in Appendix F for Policy HOU1. This approach takes account of the principle of furthering sustainable development and is consistent with soundness tests C1 & C3.
- 3.51 Paragraph 3.30 of RG11 of the RDS recognises the region's rich and diverse built heritage which contributes to a sense of place and history. The RDS notes that historic buildings and monuments are key elements of the historic landscape. Protecting and enhancing the built and natural environment contributes to the environmental pillar of sustainable development. The SPPS states that this should include heritage assets, landscape and seascape character. Paragraph 5.2.2 of the dPS states that *"In proactively promoting development, the council shall protect and enhance the city's built heritage and the natural environment"*. The words *"natural environment"* encompass landscape and seascape. To highlight the role and importance of heritage assets, the *"minor modification"* suggested by BCC, adding in the word *"historic"* is needed in the interests of consistency, coherence and effectiveness. Therefore, RA07 is necessary in respect of paragraph 5.2.2.
- 3.52 It is not necessary that the sustainability policy in the dPS repeats the exact wording of the SPPS. The wording of paragraphs 3.9 and 5.2.3 of the dPS takes account of and are consistent with the wording of the paragraphs 3.9 and 5.72, respectively, of the SPPS. The wording in the dPS does not conflict with that of regional policy. The precautionary approach is replicated within the operational policies of the dPS such as built heritage and flooding.

- 3.53 The RDS provides a definition for brownfield sites. Accordingly, it not necessary that the dPS should also define what a brownfield site is. The plan should be read in the round within the context of the strategic policy published by the Department. At Paragraph 6.0.2 of the dPS, which relates to the spatial development strategy, it states that the plan's strategic policies are to create a compact city where new development is directed to accessible locations and brownfield sites within Belfast City. This acknowledges and takes account of the strategic approach in respect of brownfield sites in the plan area. This is consistent with regional policy.
- 3.54 In furthering sustainable development, paragraph 3.5 of the SPPS recognises that it is important to successfully integrate transport and land use generally in order to improve connectivity and promote sustainable patterns of transport and travel. Paragraph 5.2.3 of the dPS takes account of this regional policy where BCC will support development that will deliver an efficient, compact city form, which is environmentally attractive, highly accessible and is not demonstrably harmful in meeting its needs now and in the future. Policy SP2 must also be read in conjunction with other policies in the dPS, including Policy SP7 - Connectivity and the suite of transportation policies in section 9.4. A lack of specific reference to matters relating to transportation in Policy SP2 does not mean this policy is unsound. The plan must be read in the round.
- 3.55 In addition to the above, in the dPS Public Consultation Report (SD006) BCC addressed representors' associated concerns at pages 54 to 57. We have considered these and concur with its reasoning. Subject to RA07, Policy SP2 is consistent with regional policies and satisfies the tests of soundness.
- 3.56 Policy SP3 – Improving health and wellbeing is a cross-cutting policy and a variety of the operational policies within the dPS will be instrumental in its implementation; in particular Policy HC1 – Promoting healthy communities and Policy CI1 – Community Infrastructure.
- 3.57 Paragraph 11.2.3 of the dPS says that not all its policies require clear targets or do not easily translate into measurable indicators, so not all policies have an associated indicator set within the monitoring framework. Paragraph 11.2.2 thereof states that the main mechanism for reporting on the performance of the plan will be BCC's Annual Monitoring Report (AMR). Paragraph 11.2.6 of the dPS sets out the broad monitoring framework that will assist in consideration of the effectiveness of strategic policy. The Belfast Agenda (AD003) sets out wide-ranging Population Indicators. Its Appendix 1: Linking population indicators to outcomes is aimed at tracking the progress of this community plan's outcomes over the long-term. This will be an integral tool for monitoring implementation of Policy SP3 together with various Monitoring Indicators at Appendix F of the dPS. By virtue of this combination of monitors, Policy SP3 satisfies soundness test CE3.

- 3.58 In its dPS Public Consultation Report (SD006) BCC addressed respondents' additional concerns in respect of Policy SP3 at pages 58 and 59. We have considered these and we concur with its reasoning and conclusions. Policy SP3 is sound as written.
- 3.59 With regard to on-going problems with the juxtaposition of concentrations of Houses in Multiple Occupation (HMOs) in single person/family unit residential areas, Policy SP4 – Community cohesion and good relations must be considered together with the provisions of Policy HOU10 – Housing management areas (HMAs), Policy HOU11 – Intensive housing nodes and HOU12 – Large scale purposes built managed student accommodation (PBSMA). They provide the associated operational policies to be applied in the development management process in consultation with, amongst others, Environmental Health Officers.
- 3.60 Paragraph 3.2.12 of the dPS sets out the status afforded to and reliance on the Houses in Multiple Occupation (HMOs) Subject Plan for the Belfast City Council Area 2015. Paragraph 1.2.4 of the dPS states that, once adopted, the LDP will replace that plan. Indeed, once the dPS is adopted it will provide strategic policy for HMOs pending adoption of the LPP.
- 3.61 As regards monitoring, Policy SP4 is not at odds with soundness test CE3 for the same reasons set out above in paragraph 3.57 In respect of Policy SP3.
- 3.62 In its dPS Public Consultation Report (SD006), BCC considered respondents' additional concerns in respect of Policy SP4 at pages 61 – 63 and pages 183 – 188 inclusive. We concur with its reasoning and conclusions. Policy SP4 is sound as written.
- 3.63 Good design and positive placemaking in the creation of successful and sustainable places is an overarching policy theme set out by Policy SP5 - Positive placemaking. This is a cross-cutting issue that will be applicable to all areas and types of development in the plan area. Therefore, the policy seeks to promote sustainable forms of development including sustainable neighbourhoods.
- 3.64 Specific design policies for good design are set out in the dPS. Policy DES1 - Principles of urban design deals with issues relating to reinforcing a sense of place including: inclusive design; connected public realm; and healthy and sustainable development. Accordingly, by virtue of its strategic nature, Policy SP5 is underpinned by detailed operational policies elsewhere in the dPS relating to design and placemaking. The SPGs for residential design and urban design, listed at Appendix E of the DPS, will also support the implementation of this strategic policy.
- 3.65 Representations considered that the themes of Policy SP5 contradict the provisions for sustainable development as provided by Policy SP2 - Sustainable development. This concern was not substantiated. The policies should be read together and we find no contradiction or conflict between them.

- 3.66 Policy SP5 does not need to repeat or refer specifically to matters relating to built heritage. The plan should be read in the round. This policy should be considered in the context of overarching strategic policies such as SP2 - Sustainable development and other operational policies in the dPS, particularly those that specifically relate to the historic environment.
- 3.67 At the public hearing sessions, BCC stated that its 2013 Dereliction Study, carried out by its Building Control section, has not been updated. BCC also confirmed there is no obligation for it, in this process, to update this study. However, as noted by paragraph 5.5.2 of Policy SP5, BCC recognises that there are areas of the city that are fractured, disjointed and contain poor quality environments, which in terms of placemaking, create a number of opportunities for the city to embrace and improve upon. This strategic recognition is carried through into the operational policies in the dPS and will be spatially articulated in the LPP document.
- 3.68 Taking account of the issues raised in respect of Policy SP5, including the representations addressed by BCC in its Public Consultation Report (SD006) at pages 64 – 65, it is sound.
- 3.69 At pages 66 and 67 of that same report, BCC comprehensively addressed representors' submissions in respect of Policy SP6 - Environmental resilience. This policy will be implemented via associated operational policy as set out in section 9.5 of the dPS. Where those policies do not have associated Monitoring Indicators, the same review mechanisms identified in respect of Policies SP3 and SP4 will apply (see paragraphs 3.57 and 3.61 above). Matters relating to the environmental impacts of transport are dealt with in operational policies for transportation and environmental resilience. The plan should be read in the round. Therefore, it is not necessary that this strategic policy refers to specific concerns relating to the environmental impacts of transport. We agree with BCC's reasoning and conclusions on Policy SP6 and consider it sound as written.
- 3.69 Policy SP7 - Connectivity is an overarching strategic policy which seeks to support the integration of sustainable transport networks and land use to improve connectivity. At paragraph 5.7.2, the dPS acknowledges poor connectivity in deprived areas of the city due to the dominant road infrastructure and poorly design housing areas. It also acknowledges that promoting sustainable connectivity is vital to social inclusiveness. This theme is carried through into its operational policies such as DES1 - Principles of urban design, TRAN1 - Active travel - walking and cycling and TRAN 2 - Creating an accessible environment. The dPS, when read as a whole, takes account of and aims to address this concern.
- 3.70 Paragraph 5.7.3 of the dPS states that it seeks to promote population growth and new jobs whilst minimising traffic growth. It adds this will require the intensification of mixed used development in accessible locations along existing and planned public

transport corridors such as the Belfast Rapid Transit Routes. This reference covers and promotes densification of development in accessible locations and is consistent with regional policy.

- 3.71 Some of the accessible corridors are within Conservation Areas. Nonetheless, development proposals in such areas will be considered on an individual basis in the context of the site-specific circumstances and prevailing policy and guidance. For example, operational policy such as Policy BH2 - Conservation Areas, along with the provisions of the SPPS, will provide protection for such areas and require that new development, in terms of its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents.
- 3.72 A lack of specific reference to GBBCA in the policy headnote does not, of itself, make Policy SP7 unsound. Matters relating to access to and from the airport can be considered on a site-specific basis at the LPP stage.
- 3.73 During the course of the public hearing sessions BCC provided a copy of its *“Car Parking Strategy and Action Plan”* published in May 2018 (MA003.B). It said that Technical Supplement 14: *“Transportation”* (TS 14) (SD006E) sets out the vision and objectives of the car parking strategy. This has informed the policy approach for a number of the policies within the dPS, including Policy SP7 and the operational policies such as Policy TRAN8 - Car parking and service arrangements and Policy TRAN9 - Parking standards within areas of parking restraint. These issues are considered in further detail within the transportation section of this report. However, at a strategic level, we are satisfied that regard has been given to this strategy in the evidence base of the dPS.
- 3.74 In our consideration of the issues raised in respect of Policy SP7, including representors’ comments addressed in BCC’s Public Consultation Report (SD006) at pages 68 – 65, we consider that it is sound.
- 3.75 BCC’s Green and Blue Infrastructure Plan (GBIP) was published in 2020, subsequent to the dPS. It is available in the Commission’s Examination Library as Document ED007.D. As paragraph 5.8.3 of the dPS refers to the GBIP and its role, it is clearly signposted therein and regard has been had to its provisions. Implementation of a number of the dPS’s operational policies will assist in achieving the vision and strategic principles of the GBIP set out at pages 18 and 19 thereof. Whilst there is synergy between the two documents, the entirety of the GBIP does not need to be incorporated into the dPS in order for Policy SP8 - Green and blue infrastructure network to be sound.
- 3.76 BCC addressed representors’ remaining submissions on Policy SP8 in its Public consultation report (SD006) at pages 71 – 73 inclusive. There was further discussion of securing accessibility through design at the public hearing session. Account was

taken of this. We agree with BCC's response to those representations. Policy SP8 is sound as written.

## 4.0 Spatial Development Strategy

- 4.1 Policy SD1 - Settlement hierarchy identifies four settlements within the plan area. Belfast City is the Principal City together with three Small Settlements namely Edenderry, Hannahstown and Loughview. It is not the purpose of the dPS to: define settlement limits for each settlement in the plan area; revisit specific zonings such as open space; or define arterial routes. These are all site-specific matters that should be brought forward at the LPP stage of the plan process.
- 4.2 Paragraph 6.1.1 of the dPS states that the four settlements within the plan area *“have been designated based on their role, services and facilities available and their potential for accommodating development in accordance with the RDS’ spatial framework”*. Figure 6.1, on page 48 of the dPS, comprises an illustrative map broadly indicating the location of the identified settlements. BCC stated that more detailed maps will be provided at the LPP stage of the plan process. For the reasons set out in the introductory chapter of this report, this is an acceptable and consistent approach to the provision of maps at the dPS stage of the two-stage plan process.
- 4.3 At the public hearing sessions, BCC set out the extent of engagement with surrounding councils in the identification and formulation of the proposed settlement hierarchy presented in the dPS. In respect of the settlement hierarchy and as noted in the ‘Introduction’ part of this report, BCC has had regard to other relevant plans, policies and strategies in its district and to any adjoining council’s district through consultation and discussions with them.
- 4.4 Policy SD2 - Settlement Areas designates eight areas within the Belfast City that have a specific function based on existing development patterns. Within the two stage plan process, it is acceptable that the specific details of each of the identified settlement areas would come forward and logically flow from the dPS to the LPP. Detailed site-specific work is necessary for the demarcation of each of the designated areas including the Belfast Harbour Area and for other proposed designations, if considered justified, in areas such as Sandy Row.
- 4.5 Titanic Quarter forms part of the Belfast Harbour Area as recognised at paragraph 6.2.11 of the dPS. It is coherent and effective in the two-stage plan process that detailed, site-specific work in respect of areas such as Titanic Quarter and other areas will be undertaken at the LLP stage. This will also be subject to public consultation, including community engagement. This approach accords with soundness test CE1.
- 4.6 GBBCA is recognised as an enabler of growth in the city. We have recommended that paragraph 5.0.3, page 32 of the plan is amended to acknowledge that the airport provides a gateway to Britain, Europe and the rest of the world (RA04). In order to take account of the importance of GBBCA and the port in the plan area, BCC also suggested that the last bullet point of paragraph 6.2.1 be extended to include

the following wording: “*and connectivity through and to the port and airport*”. This amendment takes account of the role and contribution of the GBBCA and the port in the city’s spatial context. RA08 is necessary for the policy wording to be consistent and effective. For the same reasons, Figure 6.2 relating to the Illustrative Settlement Areas should also indicate the location of the airport – RA09. Both RA08 and RA09 inclusive are necessary to make the policy effective and coherent and therefore sound.

- 4.7 Consistently throughout section 6.2 of the dPS it indicated that the full extent of each settlement area in the plan will be defined in the LPP. This is in keeping with the two-stage process for plan making in Northern Ireland. Accordingly, it is not necessary that the dPS defines details such as specific land uses for business; that will be for the LDP. The policy is not unsound for this reason.
- 4.8 Airport Public Safety Zones (PSZs) are not designated through the LDP process. The relevance of this designation to the plan document is considered in the context of Policy ITU1 – Telecommunications at Chapter 7 of this report. However, in the strategic context of settlement areas, as set out in the dPS, it is not necessary that such detail is provided at this stage. A lack of reference to the PSZ in the dPS does not give rise to Policy SD2 being unsound.
- 4.9 Policy RET1 - Establishing a centre hierarchy sets out the proposed hierarchy of centres in the plan area. District Centres are listed in this hierarchy. At the public hearing sessions BCC stated that a review of all Local and District centres will be undertaken, informed by a list of pre-defined criteria, as part of the LPP preparation. Figure 6.2 in Policy SD2 – illustrative settlement areas, is diagrammatic and whilst indicates District and Local Centres it is not intended to evaluate these areas in the plan area. It is more a locational indication of their position in the city area. Matters relating to the role of District and Local Centres is considered further in the creating a vibrant economy section of this report. Technical Supplement 4: “*Belfast city centre and retailing*” (TS 4) [DPS010] recognises the supporting services and facilities that District Centres supply to meet the needs of residents and visitors in the city. Paragraph 4.17, states that there is scope at the LPP stage of the plan process to consider rationalising the number of commercial areas/shopping areas into Local Centres to create a better and more sustainable centre hierarchy. This would build on the requirements of the SPPS, as set out at paragraph 6.281, and Policy RET1 of the dPS. Furthermore it is understood that a more in-depth review of the role and function of District Centres, will take place at the LPP stage of the plan process. At the strategic level, such detail is not necessary and could serve to reduce flexibility when dealing with changing circumstances following more in-depth considerations at this next stage of the plan process.
- 4.10 Paragraphs 2.29 to 2.38 of TS 4 demonstrates BCC’s regard to other non-statutory documents. This includes the Belfast City Centre Regeneration and Investment Strategy (BCCRIS) in respect of BCC’s ambition for continued growth and

regeneration of the city core to 2030. It contains policies to guide decision making and key projects to drive economic growth and deliver social benefits. In this respect, the plan has had regard to other relevant strategies relating to BCC's district. This meets the requirements of soundness test C4.

- 4.11 Policy HOU4 - Density of residential development considers density bands for residential development within areas of the city. Policy SD2 - Settlement areas should be read along with this policy and does not need to replicate or provide specific density requirements for one or all of the specified settlement areas. It is coherent and logical that the specific detail relating to each of the settlement areas will be reviewed and come forward at the LPP stage of the plan process. This will facilitate a robust evidence base, inclusive of considerations for employment space in these areas. This applies also to the Belfast Harbour Area. A master plan for Titanic Quarter has been approved and would be a material consideration for any development coming forward in this area. Matters relating to transport capacity are considered in other parts of the dPS, such as Policy SP7 - Connectivity and transportation at section 9.4. It is not necessary for every policy to repeat all such considerations as the plan should be read in the round. A lack of reference to specific density of development or transport capacity in the context of Policy SD2 does not mean this policy is incoherent or ineffective or at odds with the requirements of soundness test CE1.
- 4.12 BCC sets out its vision for the city at page 24 of the dPS. Policy SD3 - City centre provides a holistic vision for its development and seeks to create a compact and vibrant city centre. TS 4 provides an evidence base to inform the preparation of the dPS. It recognises that there are distinct character areas that provide diversity and opportunities for investment and development. The protection of retail facilities in the city centre core accords with the requirements of the SFG3 of the RDS to support and strengthen the distinctive role of Belfast City Centre as the primary retail location in Northern Ireland. Paragraph 6.3.2 of the dPS identifies: city core; the innovation district; mercantile district and waterfront district to encourage new sustainable mixed used development to facilitate population and economic growth. The rationale of this is to attract potential investment where mixed use developments will be encouraged, which would strengthen the city centre's position as the economic driver for the region. Defining these areas does not unintentionally create restrictions or limit perceptions of the purpose and character of the city districts. Master planning in any of the respective districts is a matter that would be addressed outside of this plan-making process and would be subject to the prevailing policies at the time of consideration. The areas in the city have been broadly identified. The character of each does not preclude development in the others nor the type of development therein. This is a coherent and logical approach to supporting a vibrant city centre at a strategic level.
- 4.13 Figure 6.3 shows a concept diagram for the city centre and broadly divides it into four areas namely: the city core; innovation district; mercantile district; and

waterfront district. It is diagrammatic and for illustrative purposes only. It does not define the extent of the city centre boundary or what is included within it. Furthermore, whilst the diagram illustrates the green and blue infrastructure network across the city centre, it is not intended to give detailed alignments of such networks or an indication of what services and facilities that would be included therein. The existence of Belfast Harbour area, including Titanic Quarter, supports the identification of the Waterfront District. It is too early in the plan process to determine if this area should be extended. The purpose of the dPS is not to demarcate, zone or designate areas. Such detail will be set out in the LPP. For the purpose of the dPS, the level of detail provided in Figure 6.3 is sufficient in the strategic context. This approach is coherent and effective and accords with the tests of soundness CE1 and CE2.

- 4.14 The matter of the inclusion of Titanic Quarter in the city centre was considered by the Commission's report in respect of dBMAP. However, such matters must be considered afresh in the context of this plan and its evidence base. SFG1 of the RDS aims to promote urban economic development at key locations throughout the BMUA to ensure that sufficient land is available for jobs. The RDS recognises the Harbour Area in Belfast as one of the major and industrial locations. There is no indication in regional policy that such areas should be within the City Centre. SFG3 of the RDS relates to the role of Belfast City Centre as a regional capital and the focus of administration, commerce, specialised services and cultural amenities. Paragraph 3.46 of the RDS recognises that the regeneration of inner and middle city communities will be strongly influenced by the focus on enhancing existing commercial centres. In the RDS, Titanic Quarter is recognised for its role for enhancing employment potential of Belfast City Centre but that this area, amongst others, must continually take account of their impact on the City Centre as the residential, commercial and leisure potential is realised. Regional policy therefore considers the role of Titanic Quarter as complementary to the role of the City Centre. The extent of the boundary of the city centre in relation to Titanic Quarter is therefore a matter to be considered at the LPP stage. This is a coherent and effective way for designations to flow from the dPS.
- 4.15 Subject to the RA08 and RA09 and taking account of the issues raised in respect of Policies SD1, SD2 and SD3, including comments identified in the Public Consultation Report (SD006) at pages 74 – 81 inclusive, we consider that the 'Spatial development strategy' is sound

## 5.0 Shaping a Liveable Place

### Housing

- 5.1 A representor stated that there was no explicit reference to *“specialist housing”* in the policy aims (paragraph 7.1.5) of the housing strategy. The policy aims should address all forms, types and tenures of housing development. BCC suggested a *“minor modification”* by means of adding an additional bullet point at the end of paragraph 7.1.5 to address this omission. It recommended that a further aim should be to: *“ensure an appropriate supply of housing to provide for those with specialist housing need including specialist residential accommodation and care-related facilities specific accommodation for travellers, shared forms of housing and purpose built student accommodation”*. This suggested amendment informs the overarching context for housing policies to logical flow in the dPS. It provides a coherent strategy for housing provision in the plan. It is therefore recommended that this additional aim is inserted at paragraph 7.1.5 as RA10. It is necessary to make this housing strategy sound.
- 5.2 The SPPS recognises that the planning process has an important role to play in the delivery of good quality housing and supports the creation of more balanced communities. It also advises that a sequential approach should be applied when determining suitable sites for housing in the plan, with previously used land considered first and major expansions and new settlement as a last option.
- 5.3 In order to understand the housing market, at page 88 of the Public Consultation Report (SD006) BCC said that it took account of the NIHE Housing Market Analysis Update (September 2017) and that regard was had to the original *“Belfast Metropolitan Housing Market Area: A Local Housing System Analysis”* (NIHE, 2011). New Housing Market Areas were only published in 2018, so were not available at the time the dPS was drafted. However, BCC states (page 88) that the implications of any up to date housing market analysis for the wider Belfast metropolitan area will be considered when available. It is evident that BCC intends to keep the evidence base relating to housing growth under review and will update it as appropriate. This will also be considered as part of BCC’s routine monitoring when the Plan Strategy is adopted.
- 5.4 BCC acknowledges that housing growth targets and opportunities from neighbouring councils outside Belfast may have implications for the delivery of housing therein. BCC has engaged with neighbouring councils and will continue to do so via the MASWG in order to highlight areas of concern and mutual interest. At page 85 of the Public Consultation Report (SD006) BCC states that it will continue to monitor emerging plans of neighbouring councils and will provide formal comments as part of any consultation process. At page 89 of the Public Consultation Report (SD006) and taking account of Submission Topic Paper Regional Growth Comparison (SD006F), BCC notes that at the time of publication of the dPS, it completed analysis of the

emerging growth projections across the region to ensure cumulative effects were understood. It has had regard to other relevant plans and strategies relating to its district or to any adjoining councils' districts. This approach is consistent with the requirements of soundness test C4.

- 5.5 Some representors raised concerns with the wording of Policy HOU1 where it states at the second sentence: *"This will be delivered in accordance with the requirements set out in the following table"*. This is the table in the headnote of Policy HOU1. The concerns are that this wording is not consistent and coherent. The representors suggested rewording for Policy HOU1 follows the approach set out by the National Planning Policy Framework for England (NPPF) relating to maintaining supply and delivery (paragraph 74 of NPPF). The evidence base for this approach, whilst articulated orally at the hearing sessions, was not presented or backed up with sufficient robust analysis for the consideration of another approach to that already set out in the dPS document. Rather, it represents a different approach to the issue of how to accommodate the supply and new homes in the plan area. Matters relating to the strategic delivery of housing have been considered within Chapter 3 – Strategic Policies of this report. Our RA05 will have implications for Policy HOU1.
- 5.6 The purpose of the IE is to test whether or not the dPS policy is sound. The provisions of the NPPF relates to English planning policies and provides the framework within which locally-prepared plans for housing and other development can be produced. The English planning making system is a single tier plan-making system which differs from the Northern Ireland two-tier LDP process. It is not appropriate when formulating policy to replicate policies from a different jurisdiction without robust evidence to do so. The two tier system in Northern Ireland allows for further consideration, assessment and detail to inform the supply, location and zoning of land at the LPP stage. Such consideration and assessment will also inform whether or not it will be necessary to use employment land for additional homes. This differs from the approach of the NPPF for a single tier local development plan. On balance, and taking the representors' suggested rewording into account in the context of BCC dPS, this does not lead us to conclude that the mechanism for delivery of housing as set out in Policy HOU1 is unsound; rather the suggested rewording represents a different approach.
- 5.7 The delivery and supply of new homes will be monitored and reviewed throughout the plan period. Sections 11.2 and 11.3 of the dPS explain how such monitoring and review will take place. MI4 and M15 for set out targets for housing delivery and appropriate triggers for Policy HOU1. The monitoring process will support the delivery of housing over the plan period.
- 5.8 Figure 7.1 of the dPS relates to an indicative map and details existing sites over 50 units in the plan area. One representor stated there is a shortage of available sites in the south and east of Belfast. The location of housing need and availability of land

are matters that would inform the zoning and designation of sites in the LPP. The omission of such detail in the dPS does not result in it being unsound.

- 5.9 Policy HOU1 sets out how the proposed 31,660 new homes in Belfast will be delivered in the settlement areas of the city. Paragraph 4.02 of TS 2 states that: *“the housing numbers presented in Policy HOU1 are informed by the SPPS requirement to set out the overall housing provision for each settlement over the plan period”*. Policy HOU1 also includes indicative annual rates of housing delivery. Paragraph 4.02 of TS 2 continues to recognise that this will assist in promoting sustainable management of waste and the efficient use of water resources over the plan period; that approach is consistent with the ‘plan, monitor and manage’ approach of the SPPS. This is particularly important in the context of a growing population and existing infrastructure constraints.
- 5.10 At page 85 of the Public Consultation Report (SD006) BCC states that the average rate of housing delivery is comparable with historic build rates recorded through the housing monitor. Figure 6 of TS 2 notes the Plan Strategy average build rate from 1997 to 2017 to be 2,110 units and the housing monitor average to be 1,458. The historic build rates demonstrate that the industry has the ability to sustain a level of house building over and above the level required to achieve the Plan Strategy’s allocation. This was evident during the economic peaks of the mid-2000s. Concerns were raised that the final plan years’ (2030-2035) annual average rates of 2,946 units per annum would be unrealistic. BCC has considered this issue and noted that the economy at present is in recovery. There may be short-term uncertainty concerning Brexit and the pandemic but considers that the overall outlook for the plan period to 2035 is relatively positive. This has been bolstered by the recent City Deal approval. Taking account of the current rate of delivery, although rising, is still below where it needs to be to meet housing need. BCC consider that it is realistic to assume that as the economy improves during the plan period, the level of housing delivery will also step up to meet increasing demand. No evidence to the contrary was presented.
- 5.11 Figure 8 of TS 2 illustrates the trajectory for the Indicative annual rates of delivery phased over 5 year periods in line with the total housing requirement as presented on HOU1 (31,660). This illustrates 1,220 units per annum for 2020/21; 2,286 units per annum for 2026/27 and 2,946 units per annum in the final years of the plan period. Paragraph 4.09 of TS 2 states the annual rate begins with a low base in 2020, which also takes account of infrastructure constraints. We consider that over the lifetime of the plan it is expected build rates will fluctuate. The evidence indicates that the projected house building rates are on the up and will continue to rise through the life time of the plan. Through the plan, monitor and manage approach the strategy provides reasonable flexibility to enable it to deal with changing circumstances in accordance with soundness test C4.
- 5.12 Policy HOU1 identifies the settlement areas in Belfast, which follows on from the settlement hierarchy defined by Policy SD1. Some 29,600 net additional dwellings

will be delivered in Belfast City; 60 net dwellings will be delivered in the small settlements of Edenderry; Hannahstown and Loughview; and some 2,000 net additional units will be delivered through windfall.

- 5.13 Representors raised concerns relating to the delivery of housing in the city especially the delivery of family homes, recognising that medium-high density apartments/flats would not cater for young families. Policy HOU6 of the dPS specifically relates to housing mix and requires a mix of house types and sizes to promote choice and assist meeting community needs. The requirements of this policy should be read in round in the context of Policy HOU1. The exact mix of house type and sizes is a matter to be considered on a case by case basis. In any case, BCC states that the evidence base indicates a greater need for smaller homes across all tenures to meet household needs.
- 5.14 Concerns were raised regarding a zero net provision for additional dwellings in Hannahstown. This was questioned as there is a requirement for 20 additional units to meet affordable housing need and a necessity for more, smaller homes to serve the future demand in the settlement. BCC, at page 97 of its Public Consultation Report (SD006), states that analysis of historic housing monitor data and background research undertaken as part of the UCS process indicated there is capacity within the existing settlement limits of Hannahstown to secure well in excess of 20 units. Furthermore, it adds that providing no specific housing requirement for the settlement will minimise any pressure for its expansion into the countryside, with a particular risk of coalescence between the two distinct parts of the settlement. BCC adds that windfall housing allowance would facilitate any additional requirement for residential units in Hannahstown. Taking account of the windfall provision of 2,000 net additional residential units, a zero provision for additional dwellings in Hannahstown for the period 2020 - 2035 has been substantiated with robust evidence. This approach is coherent and effective in accordance with soundness test CE1 & CE2.
- 5.15 Some 18,100 net additional dwellings have been allocated to the “*Rest of Belfast city*”. Some representors consider this to be too general and that it should be illustrated how this figure will be allocated across the city, with the greatest demand in the north and west Belfast. The UCS undertook a high level review with a broad indication of where future housing may be accommodated. Further detail and analysis will be undertaken to inform the LPP process. Housing need will be factored into such analysis and this will include the prevailing social housing need for 417 new units in the Outer West area of Belfast and 2,136 new units for West Belfast. This is an effective and coherent approach at this stage for the allocation of this figure across the “*Rest of Belfast city*”. It is reasonably also flexible to enable BCC to deal with changing circumstances. The approach accords with soundness test CE1, CE2 and CE4.

- 5.16 BCC stated, page 98 of its Public Consultation Report (SD006), that it intends to take a more coherent approach to identify land, including mixed use development opportunities, within the LPP process. Mixed use opportunities would not be counted in the windfall sites. This will reduce the reliance on windfall supply. BCC states that the windfall allowance made within Policy HOU1 is based on robust analysis of the historic supply of residential units on sites in the UCS. It concludes that below the size threshold for future zoning (i.e. yielding less than 5 units) and the level of delivery has averaged at 94 units per annum (2000-2015). This has been derived from historic housing monitor data, which take account of all development with a net gain in units. This approach is logical and coherent and addresses queries in relation to windfall supply for “*sub-division*”, “*change of use*” and/or “*demolition and redevelopment*” within existing residential areas.
- 5.17 Paragraph 7.1.8 of the dPS notes the windfall allowance is very modest, reflecting the preference for a planned approach in zoning sufficient housing land within the city to meet identified need. As noted above, the windfall allowance is some 2,000 net additional dwellings over the plan period. Some representors considered that this is too low and it is unlikely that sufficient land can be zoned to accommodate the housing requirements without greater reliance on windfall development. Paragraph 4.12 of TS 2 states that it is intended that windfall allowance in the plan would be a modest contribution given the intention to allocate suitable housing land, wherever possible, to assist in meeting growth targets. It added that almost 19,000 homes area already committed i.e. with extant approval. The UCS classifies sites yielding less than 5 units as windfall. The average delivery of windfall sites in the period 2000 - 2015 was 94 units per year. When this figure is multiplied by 15 years of the plan period this equals 1,410 units. A provision of some 600 units allows for sites above 5 units which come forward unexpectedly for housing over the plan period gives a figure of 2,000 units. This provides a robust evidence base for the provision of windfall sites set out in Policy HOU1. This approach is coherent and effective in accordance with soundness test CE2.
- 5.18 Policy HOU2 – Windfall housing provides a general policy for windfall housing development. However it logically flows and is coherent that Policy HOU1 sets the figures for windfall housing. Policy HOU1 should be read in the round with all of the policies in the plan.
- 5.19 Belfast has a significant volume of brownfield land available. Paragraph 4.10 and 4.11 of TS 2 address the matter. The latter notes that the majority of the remaining land supply with the urban footprint is brownfield. In accordance with the SPPS, BCC will follow the sequential approach to regenerate brownfield sites within Belfast rather than rely on greenfield development in peripheral locations of neighbouring districts. Representors raised concerns regarding the need to consider greenfield sites beyond the settlement development limit to facilitate housing growth. The evidence base sets out that Belfast’s housing supply has been consistently in excess of 90% on brownfield land, even during the peak levels of delivery in 2004-2007.

Consideration of the available land will be a matter to take forward at the LPP stage that will take account of the sequential approach outlined in the SPPS. This is consistent with soundness test CE1.

- 5.20 Some representations raised matters relating to zoning and distribution of housing land. The zoning and re-zoning of land, including employment land, will be considered in detail as part of the LPP process. This coherent and in accordance with the two-stage approach to plan making.
- 5.21 Representations were raised in respect of the indicative average annual rates for the three phases (2020 to 2025, 2026-2030, and 2031 to 2035) of the plan period. Some concerns were that the phasing of housing land could prevent the more suitable and viable site being developed and therefore such phasing would affect flexibility. The SPPS, at paragraph 3.5, notes the need to manage growth in a sustainable way, placing emphasis on the importance of the inter-relationship between the location of local housing, jobs and infrastructure. Paragraph 6.140-6.141 of the SPPS sets out the importance of monitoring and review to ensure that, as a minimum, a five year supply of land for housing is maintained. This also promotes the release of land providing for a particular housing need.
- 5.22 BCC stated, at page 92 of the Public Consultation Report (SD006) that without a phased approach for monitoring purposes, there is a risk that annual monitoring could necessitate an early review during the first 5 year period of the plan. Figure 7.2 of Policy HOU1 sets out the delivery of housing supply in each area of Belfast city and the small settlements. It is BCC's view that the indicative average annual rates within Policy HOU1 are therefore clearly articulated as monitoring parameters rather than operational requirements. Furthermore, the latest housing monitor (2018/19) identifies land for over 22,000 housing units, a significant proportion of which have extant planning approval or have been previously zoned. Therefore, it is unlikely that the monitoring phases are going to constrain development in the short term. BCC believes that the broad ranges provided as indicative average annual rates will provide sufficient flexibility over the plan period, particularly given that higher levels of growth will occur most likely in its latter part. A phased release of housing land provides for a managed release of housing land consistent with a 'plan, monitor and manage' approach, which is a core principle of the SPPS. A phasing approach to the release of housing is therefore realistic and appropriate and has been founded on a robust evidence base. No persuasive evidence or arguments have been presented to demonstrate how the removal of phasing would be appropriate in the context of a managed release of housing land as advocated by regional policy.
- 5.23 Paragraph 7.1.9 of the dPS acknowledges that there is no automatic assumption that existing housing land will form part of the formal provision, particularly where detailed analysis identifies constraints affecting availability and deliverability of sites. This paragraph also states that, if necessary, land may be phased to ensure alignment of housing delivery with planning infrastructure investment and

development lead in times. This issue has already been considered within the context of Policy SP1 – Growth strategy (Chapter 3) where we have recommended a phased approach to the release of uncommitted land relative to infrastructure provision.

- 5.24 Accordingly, a phased approach to the delivery of housing is necessary. For the policy to be coherent and realistic, a phased approach should be expressed within the policy headnote, similar to the provisions set out in Figure 7.2 Delivery of housing supply. Therefore, RA11 is necessary to phase the release of housing land in order to meet the soundness tests of C3 and CE2.
- 5.25 Subject to RA11, Policy HOU1 provides strategic policy to ensure an ongoing viable 5 year supply of land for housing in the plan area over the plan period. In its Public Consultation Report (SD006) BCC considered all the representors' concerns at pages 82-101. We have also taken account of the representations and BCC's response. We concur with BCC's reasoning and conclusions. Subject to RA11 Policy HOU1 is sound.
- 5.26 The SPPS states that housing allocations in LDPs should be informed by an allowance for windfall housing. The RDS defines "*Windfall Sites*" as housing sites that were neither zoned nor anticipated during the formulation of the development plan but have become available during the lifetime of the plan. Policy HOU2 – Windfall housing sets out strategic policy for housing development on sites within the existing urban footprint which are not zoned for housing or mixed use (to include an element of housing).
- 5.27 As noted above, Policy HOU1 makes an allowance for a total of 2,000 residential units for the plan period. Some representors consider this to be curtailment on the windfall provision, removing flexibility. BCC has set out a robust evidence base to justify this figure. The intention of BCC is to maximise the housing land available through the use of allocations in a plan-led system. This is good practice and will manage the scale and impacts of housing development on unzoned land. It is not intended that there would be a moratorium on the stated windfall allowance. Like other elements of the dPS, the quantum of windfall housing will be reviewed and monitored through the plan period. MI5 and MI6 of Appendix F of the dPS specifically relate to Policy HOU2. This is a coherent and logical approach to the scale of and allowance for windfall sites.
- 5.28 Some representors state that it is not possible to accommodate all new housing on brownfield land. However, Policy HOU2 as worded does not preclude the provision of some housing on greenfield land. The location of housing land will be considered as part of the LPP process and should take account of the sequential approach outlined by the SPPS. Policy HOU2 therefore only applies to land that is not zoned for residential development. The policy would help manage harmful impact that could arise from the increased pressure for housing development to meet the ambitious growth aspirations.

- 5.29 Representors suggested that policy HOU2 should be removed and replaced with a policy advocating the prioritisation of previously developed land within existing urban footprint when zoning land for housing. The policy, as worded, achieves this outcome.
- 5.30 Matters relating to the reuse of employment land will be considered at the LPP stage. Any windfall development brought forward on zoned employment land outside of the formal LDP process would have to meet the requirements of Policy HOU2 and Policy EC4 – Loss of zoned employment land. Furthermore, the conservation value of all sites is a material consideration for any development proposal. The policy should be read in the round with all associated policies in the plan, such as Policy TRE1 - Trees, Policy NH1 – Protection of natural heritage resources etc. This is a coherent approach to the delivery housing on windfall sites.
- 5.31 Words such as “*suitability*”, “*accessibility*” and “*convenience*” are widely used and understood. To define them could remove flexibility in the policy. In the context of Policy HOU2, they do not need to be specifically defined in order to satisfy soundness test CE3. These are matters of professional judgement and Policy HOU2 strikes an appropriate balance between soundness tests CE3 and CE4 in this respect. Explanation is presented at paragraph 7.1.14 of the justification and amplification of policy. There is no conflict between this wording and it is not at odds with the provisions of the SPPS. For the policy to be sound there is no requirement for it to repeat the exact wording “*unacceptable adverse impact*” as stated in regional policy within planning policy statements and/or the SPPS.
- 5.32 We have considered the representations on Policy HOU2 along with BCC’s response as set out at page 103 – 105 of the Public Consultation Report (SD006). We concur with BCC’s reasoning and conclusions. Policy HOU2 is sound.
- 5.33 Policy HOU3 - Protection of existing residential accommodation seeks to restrict the type of non-residential proposals permitted in established residential areas and areas where higher density residential accommodation is appropriate, such as highly accessible locations fronting onto city corridors.
- 5.34 Appendix B of the dPS provides a definition of an Established Residential Area. This takes account of and aligns with the definition of an established residential area, contained in existing planning policy as set out in Appendix E of the addendum to Planning Policy 7; “*Safeguarding the Character of Established Residential Areas*”. Accordingly, the definition is not overly restrictive. Whilst some representors raised concerns relating to this definition, it has not been demonstrated how it compromises the future sustainable development of existing residential areas especially in light of existing regional policy.
- 5.35 Policy HOU3 does not seek to control the demolition of buildings or remove permitted development rights to demolish existing residential stock. It seeks to set a

clear statement of intent to retain existing residential stock for permanent residential use and legislative provisions are material in that context. The quality of the existing residential stock is a material consideration. Each scheme for redevelopment would also have to meet the requirements of Policy HOU3 in respect of compatibility with adjacent land uses and impacts on amenity. It therefore does not preclude the redevelopment of existing residential sites for residential uses. This is a logical approach for the protection of existing residential stock.

- 5.36 Policy HOU3 address the use of land for residential use, whereas Policy RD1 - New residential development is specifically a design policy for all residential development. The policies work together rather than duplicate each other. Likewise, Policy HOU13 – Short-term let accommodation specifically sets out policy for that tenure. Paragraph 7.1.19 of the J&A, for Policy HOU3, states that such development falls outside the residential use class and would be a change of use which would be considered in respect of any proposal for short-term holiday accommodation. The policies should be considered in the round when assessing such applications.
- 5.37 Policy HOU3 seeks to restrict the type of non-residential proposals permitted in established residential areas and areas where higher density residential is appropriate. We have considered the representations to this policy along with BCC's response as set out at pages 106 – 109 of the public consultation report (SD006). We concur with BCC's reasoning and conclusions. Policy HOU3 is sound.
- 5.38 The SPPS requires that LDPs: "*set density levels for housing sites appropriate to the location of the site and character of the surrounding area*" (paragraph 6.142). Policy HOU4 – Density of residential development sets out density bands for the settlement/character areas across the city. Paragraph 6.139 of the SPPS states that consideration needs to be given to the type of housing density appropriate to each site in order to assess the number of housing units to be generated.
- 5.39 Policy HOU4 requires that development proposals should be brought forward in accordance with the stated density bands. The last sentence of the policy headnote then states that the densities are to be used as guide to inform proposed developments within the relevant settlement areas and that development proposals outside of these bands will be considered on their merits. Some representors consider there is tension in the wording of the policy. BCC stated that the density bands have taken account of the variations in character areas with the use of higher and lower density limits. This is to provide both clarity and flexibility for developers. The final sentence of Policy HOU4 provides additional flexibility allowing for proposals that are outside the density bands to be considered on their own merits. It is a consistent and effective way to manage such development proposals; that balances the requirements of soundness tests CE3 and CE4.
- 5.40 The policy, as worded, allows flexibility to limit the quantum of housing provision. It provides an indication of certainty of acceptable density bands in each of the

respective areas. Policy HOU4 also indicates that consideration is given to type of housing density appropriate to sites. Removal of Policy HOU4 from the dPS would mean that direction prescribed by the SPPS has not been taken into account. It is appropriate that such density bands are included in the dPS in order to emphasise the need for higher density in Belfast without town cramming. This also works towards meeting BCC's aspiration for significant growth.

- 5.41 Policy HOU4 therefore prescribes appropriate densities to enable management of the delivery of housing and it builds in flexibility for consideration on a case by case basis. As stated, at paragraph 7.1.23 of the J&A text, the policy will ensure high density whilst also taking care to ensure local character, environmental quality and amenity are not significantly eroded and the proposed density, together with the form, scale, massing and layout of new development will respect that of adjacent housing, safeguard privacy of existing residents and shall support the development of sustainable balanced communities. This approach is effective and coherent in how to manage the growth of residential development in the plan area over the lifetime of the plan. It takes account of policy and guidance issued by the Department and accords with soundness tests C3 and CE1.
- 5.42 It was suggested that Policy HOU4 should read: *“an increase in density of housing and mixed use developments will be promoted in town and city centres and other locations which benefit from high accessibility to public transport”*. The proposed rewording almost mirrors the wording of the SPPS. There is no requirement for the dPS to repeat this wording. Account has been taken of the SPPS and the policy's wording is in accordance with the local circumstances of the plan area and offers a balance of certainty and flexibility.
- 5.43 BCC stated, at page 113 of the Public Consultation Report (SD006), that the policy as drafted includes a lower limit of 75 dwellings per hectare for the inner city, which reflects existing patterns of development and existing planning approvals. It also considered that the policy as worded builds in flexibility in that proposals outside the broad bands will be considered on their merits, subject to other policy requirements. Accordingly, the proposed density for the inner city would not prohibit or restrict family homes in this area. Going forward, the consideration of site-specific densities can be undertaken at the LPP stage of the plan process, if necessary. The dPS (Appendix E) states that SPG will be prepared in respect of Policy HOU4 and densities. This is a coherent and appropriate approach to achieving suitable densities for individual sites.
- 5.44 Some respondents consider there to be discrepancy between Policy HOU4 and Policy DES3 - Tall buildings in that Policy HOU4 refers to a density-based approach whereas Policy DES3 applies only to buildings above 35 metres in height that will be subject to a criteria-based assessment. BCC advises that reference to *“tall buildings within the city centre”* is a drafting error and that the text should read *“taller buildings within the city centre”*. RA12 clarifies that Policy HOU4 is for taller buildings in the city

centre and not specifically what is defined as a “*tall building*” in the context of Policy DES3. This amendment is necessary for the policies to logically flow. Furthermore, Policy HOU4 relates only to residential development whilst Policy DES3 is for all development types. Therefore, Policy HOU4 does not necessarily have to directly link with Policy DES3.

- 5.45 Taller buildings is not a specific character area defined in Policy HOU4. However, as the plan process evolves through the LPP stage it will take account of locational assessments suitable for taller buildings. This may give rise to the designation or identification of specific character areas for taller buildings. Therefore, the locations to be identified, as stated within Policy HOU4, will be informed by further detailed analysis at the LPP stage. This should be read in the round with criterion d. of Policy DES3, which considers clusters or interesting skylines when grouped together. This is a coherent and effective approach that accords with soundness test CE4.
- 5.46 The inner city boundary is not defined in the dPS. Matters relating to its designation will be addressed at the LPP stage. This is a coherent approach for defining such areas in the two-stage plan process.
- 5.47 Some representors considered that the densities are not high enough and should be increased in the Outer Belfast area. Such opinions were not supported with robust evidence to substantiate an increase in the density or explain why the stated density in the dPS is considered to be unsound. Whereas BCC has provided robust evidence that has assessed existing residential developments, housing monitor (including extant planning approvals) and site-specific studies of housing in this area. Furthermore, the flexibility that is built into the policy would not preclude proposals that involve higher densities than that indicated.
- 5.48 The LPP will define the city corridors, which have been broadly illustrated by Figure 7.3 of page 67 of the dPS. BCC confirmed that flexibility in respect of density will also be afforded to the city corridors.
- 5.49 BCC has not defined specific densities for the Harbour Area. The rationale for this approach is not all of the Harbour Area is suitable or appropriate for residential development. This also takes account that those areas that are likely to accommodate new homes have already been subject to detailed master planning through the Titanic Quarter Development Framework and a number of extant planning consents for residential development. The allocation for the Harbour Area in Policy HOU1 takes account of these commitments. Given the varied nature of the urban landscape, use and development type in the Harbour Area, the dPS adopts a coherent and logical approach to its future by not specifically stating a residential density band for it.
- 5.50 It was suggested that the upper figure of the density bands should be removed to allow greater flexibility and take account of existing commitments where higher

densities have been accepted. Removal of the upper density bands is an option that would facilitate flexibility and delivery of homes in the plan area. Nonetheless the approach set out, with upper density limits, has been presented in the context of BCC's evidence base and founded on the basis of continued monitoring and assessment of existing residential areas. Further details relating to densities will be assessed and considered at the LPP stage of the plan process. This is a logical and coherent approach and the upper bands do not need to be removed in order to make this policy sound.

- 5.51 Some representors suggested exemptions from the policy such as major regeneration or masterplan sites. Policy HOU4 affords flexibility for such areas. Major opportunity sites will be identified with KSRs at the LPP stage of the plan process. Accordingly, for the policy to be sound, it is not necessary for Policy HOU4 to make specific exemptions for such sites.
- 5.52 The term "*town cramming*" is used in regional policy. A broad definition is provided within paragraph 6.137 of the SPPS and a fuller definition is set out in Development Control Advice Note 8: "*Housing in Existing Urban Areas*". It is not necessary that the dPS repeats this definition. Further advice on density will be included in the SPG listed at Appendix E of the dPS. Additionally, Policy HOU4 is not a stand-alone policy; it should be read in the round with other policies in the plan including the residential design, transportation and open space policies. Policy HOU4 does not need to repeat the requirements of other policies in the dPS in order to meet the tests of soundness.
- 5.53 Policy HOU4 seeks to clarify acceptable density bands throughout the plan area. It builds in flexibility to address site-specific requirements. This provides an appropriate balance between managing the delivery of new homes with in-built flexibility. The representations to this policy have been considered along with BCC's response as set out at page 110 – 120 of the Public Consultation Report (SD006) and we concur with BCC's reasoning and conclusions. Policy HOU4, as worded, is sound.
- 5.54 In respect of affordable housing, paragraph 6.143 of the SPPS states that the development plan process will be the primary vehicle to facilitate any identified need by zoning land or by indicating, through key site requirements, where a proportion of a site may be required for social/affordable housing.
- 5.55 At the time of writing the dPS, the SPPS Glossary provided the definition of affordable housing. The SPPS acknowledges that the definition for intermediate housing may change over time. It is not necessary that the dPS should repeat that or present its own definition in order for the policy to be sound.
- 5.56 The evidence base provided at paragraph 4.34 and Figure 18 of TS 2 considers the differing definitions of affordable housing. BCC states that this consideration was on

the basis that the definition may change. It is evident from the wording that Policy HOU5 – Affordable housing has the capability take account of updated definitions.

- 5.57 Balanced communities are a key theme in regional policy. The SPPS, at page 70, states that the provision of good quality housing offering a variety of house types, sizes and tenures to meet different needs, and development that provides opportunities for the community to share in local employment, shopping, leisure and social facilities, is fundamental to the building of more balanced communities. The view that social provision on private schemes reduces delivery of both social and private housing is not consistent with achieving that policy aim. BCC noted in its evidence base that research completed by Department for Communities (DfC) and NIFHA in June 2018 titled *“Mainstreaming Mixed Tenure in Northern Ireland”* notes a *“perception that social housing could negatively impact the demand for, and sales price of new homes”* but instead finds that *“mixed tenure offers the possibility of making housing developments viable”*. Policy HOU5 therefore follows the mixed tenure approach which takes account of the regional policy requirement to deliver balanced communities.
- 5.58 Representors raised concerns that social housing could be subsumed within the broader concept of affordable housing. In response to this concern, BCC stated that precedent from 2013 (set by an appeal decision 2012/A0079) presents significant difficulties in securing social housing on land zoned for social housing where this is not already in public ownership. The rationale of Policy HOU5 is that zoning land for social housing does not necessarily secure its delivery. Whereas the approach presented makes it clear that the mix of affordable housing will be based on an up to date analysis of demand and prevailing housing need, which also reflects social housing need annually over the plan period. Furthermore, a strategic policy rather than a case by case approach provides greater certainty for developers when considering land acquisition and development feasibility. A specific policy such as Policy HOU5 therefore represents a realistic and appropriate approach to managing social housing need in the plan. This approach accords with the coherence and effectiveness test CE1.
- 5.59 The headnote of Policy HOU5 states that planning permission will be granted for residential development on sites greater than 0.1 hectares and/or containing 5 more dwelling units where a minimum of 20% of units are provided as affordable housing. Some representors considered this requirement to be too high and that the evidence to justify such requirements is lacking. Additionally, concerns were raised that such requirements will prohibit the development of sites and the plan’s intention to deliver the required number of houses over the plan period. Paragraphs 4.27 to 4.47 of TS 2 comprehensively set out the evidential basis for the approach in Policy HOU5. The evidence takes account of the NIHE Housing Market Analysis of September 2017. This identifies significant social and intermediate housing need in Belfast over the 15 year plan period requiring some 1,500 units of affordable housing per year. This

equates to around 75% of the total proposed housing growth, which gives an imperative to require the highest possible affordable housing provision.

- 5.60 The evidence base also relies on the DSD publication “*Developer Contributions for Affordable Housing in Northern Ireland - Report of Study*”, Three Dragons Report, 2015 (MA003.C). A number of representors raised concerns regarding this report. BCC at page 148 of the Public Consultation Report (SD006) acknowledges these concerns. It says that whilst the report what written at a point in time and not tailored specifically for Belfast, it notes that changing circumstances (namely the increase in market values) would make the viability of an affordable housing contribution in Belfast more certain. BCC states that given that house prices have risen since 2015, up to date data is unlikely to have a significant impact on the report’s findings. We are satisfied that the findings of this report can be relied upon to appropriately and comprehensively inform the evidence base for affordable housing moreover as the issue is not specific to Belfast. The Three Dragons report considers 20% to be the maximum proportion considered as viable. A lower proportion of affordable housing is not necessary given the flexibility to consider suitable alternatives where viability may be an issue as set out in the headnote of Policy HOU5.
- 5.61 Policy HOU5 takes account of and is in line with the SPPS. The approach has been founded on a robust evidence base that indicates significant affordable housing need throughout Belfast. Due to the local circumstances that indicate an acute level of need, BCC considered that KSRs on zoned land on its own would be insufficient to satisfy it. The evidence base provides justification for the threshold approach to enable flexibility to respond to changes in need over the plan period. Alternatives to this approach were considered in the SA. The provisions of Policy HOU5 set out in the Plan Strategy is an effective and coherent approach that is realistic to meet the affordable housing need in Belfast in accordance with soundness test CE1.
- 5.62 Paragraph 7.1.26 of the justification and amplification text states the policy requires a minimum provision of 20% of units as affordable housing. It adds that where it can be demonstrated that it is necessary and viable to provide a higher proportion of affordable housing, BCC will expect developments to do so. The word “*minimum*” provides flexibility rather than stating a specific amount. BCC says, at page 124 of the Public Consultation Report (SD006), that it therefore reserves the right to adjust the affordable requirement upwards through the use of KSR on larger, strategic sites. Equally, the affordable housing requirement can be reduced where viability is marginal.
- 5.63 BCC intends to provide more guidance on affordable housing with an SPG specifically addressing the issue of viability. It recognises that whilst there may not be a social housing need in all areas of Belfast, there is intermediate housing need across the city and, on this basis, there is a need for affordable housing in all parts of the district. The location of land for housing and its relationship with social housing

need will be considered in detail as part of the LPP process. This is a coherent and effective approach in the two stage plan-making process.

- 5.64 Representors presented alternative approaches as to how to address affordable housing. These included a phased approach with a rising affordable housing provision commensurate with the number of units in the scheme. Taking account of the high number of smaller sites (with less than 10 unit capacity) such an approach would reduce the amount of affordable housing delivered, which would not address the acute need. Flexibility has been built into the policy, which would allow for a period of adjustment where it can be demonstrated that it is not sustainable or viable for a proposed development to meet the requirements of the policy in full. Again, it is not the purpose of the IE to consider how to make the policy sounder but whether the policy in the plan is sound as written. BCC's approach is effective and coherent and accords with the soundness test CE1.
- 5.65 BCC states at page 126 the Public Consultation Report (SD006) that the NIHE Housing Market Analysis rightly notes the importance of larger schemes being mixed tenure, in order to avoid the creation of mono-tenure estates. Notwithstanding the level of threshold applied, the policy does not preclude the provision of reduced numbers of social housing in smaller schemes. As such, this would avoid the creation of large mono-tenure estates.
- 5.66 BCC recognised, at page 129 of the Public Consultation Report (SD006), that whilst planning has an important role in helping to contribute to the challenges of affordability, there are limitations in respect of future property values and costs. It said that BCC will work closely with statutory partners, including DfC and NIHE, to explore mechanisms which would allow for the retention of affordable housing in perpetuity where possible. This will be included in the SPG which will take account of the recent DfC outcomes and recent definition for affordable housing. This is a coherent approach to helping to address the challenges in respect of properties remaining affordable.
- 5.67 Representors cited a number of concerns relating to viability including: increasing costs; Brexit; markets; and the number of small-scale house builders. BCC states, at page 134 of the Public Consultation Report (SD006), that the threshold proposed in Policy HOU5 has taken account of the majority of Belfast's land supply which consists of small sites and that an increase in the threshold to 10 units and above, would remove a large number of sites from the affordable housing market. The evidence base provided by the DSD Three Dragons Report (MA003.C) also advises that 5 units was a "*realistic starting point*" and that a higher threshold (for example 10 units or more) would also remove a number of schemes from the affordable housing requirements due to the Belfast's land supply being characterised by small sites.
- 5.68 Taking a site by site approach to determine affordability would be inconsistent with planning policy issued by the Department and lead to uncertainty for developers.

This goes against the principles of good plan-making. Profitability on sites can vary during the build process, this is a site-specific consideration and is the result of various factors. BBC, at page 136 of the Public Consultation Report (SD006), states that it is not the remit of the plan at this stage to explore what complexities exist, other than to acknowledge the issue of viability and to provide for alternatives where relevant. The dPS is a strategic document and the outlined approach is realistic and coherent in this process and accords with soundness test CE1.

- 5.69 Representors suggested that policy should differentiate between site types (greenfield and brownfield etc) similar to other cities in the UK in order to encourage the provision of affordable housing in new residential developments. This is an alternative approach to that presented by Policy HOU5. It is another way that may achieve provision of affordable housing but it does not mean that the approach taken in the dPS, which allows for flexibility, is not sound because it does not differentiate between site types. BCC said, at page 135 of the Public Consultation Report (SD006) that a separate SPG may also be prepared, specifically addressing the processes and key assumptions to be used by it when viability is identified as an issue. Clear guidance on the issue of viability is necessary for all parties in the process, including BCC who will be responsible for processing such applications. RA13 is that the SPG for Affordable Housing should provide details of the processes and key assumptions to be used when viability is identified as an issue. This is necessary to provide clear mechanisms for implementation of Policy HOU5 as required by soundness test CE3.
- 5.70 The approach set out by Policy HOU5 takes account of non-specific open space when it is read together with the provisions of Policy OS1 – Protection of open space. Facilitating social housing need on certain sites could be considered as having significant community benefit. This is addressed by the dPS when the policy is read in the round.
- 5.71 Details of available intermediate products are set out at paragraph 7.1.32 of the dPS. BCC advises that these are illustrative, not exhaustive, and that further clarification will be provided in the SPG. Furthermore, paragraph 7.1.34, takes account of the longevity of the land and necessary flexibility required to take account of additional products to help meet the affordable housing obligations of this policy for the future. This demonstrates flexibility in the approach taken by Policy HOU5 and accords with soundness test CE4.
- 5.72 The plan indicates that the implementation of this Policy HOU5 will be through Public Sector Intervention, Section 76 Agreements, LPP designations and the SPG. Section 76 agreements can be legally cumbersome and time-consuming. The detail and specific requirements of such Section 76 agreements for affordable housing is outside the remit of the policy provisions in the dPS. BCC has stated the Affordable Housing SPG will provide guidance for Section 76 agreements. Planning conditions could also be used to secure various aspects of any proposed scheme. This is a

matter for BCC to consider in the development management process. Nonetheless, with frequency of use, such planning agreements will become more effective and standardised over time and throughout the plan period. The use of Section 76 agreements, as part of the suite of mechanisms that is available, is a coherent and logical approach to ensure the implementation of affordable housing. This accords with soundness test CE4.

- 5.73 Policy HOU5 has been informed by the most up to date information available at the time of drafting. Monitoring and review of the LDP will keep a check on the provision of affordable housing and show when remedial action is required. This will take account of updates in the complex and dynamic housing market including emerging policies, products, incentives and measures to stimulate the different residential sectors. It will also allow time for the policy to bed in and for its efficacy to be assessed. If necessary, should the proposed threshold prove not to be viable or on target to meet housing need, a review of the policy will be undertaken. A trigger of 10% above/below the proposed target of at least 20% of all new housing built has been set out in Appendix F: Monitoring Indicators of the dPS as MI 8. This approach also accords with soundness test CE4.
- 5.74 BCC has had regard to the NIHE Homelessness Strategy 2017-2022, which it was consulted on. Homelessness is a critical issue and is addressed in the NIHE Housing Needs Assessment which has been used to inform Policy HOU5. Management and measures for supported living can be dealt with on a case by case basis in the context of prevailing policy. It is not necessary that the policy provides for every issue related to the housing market. However, the evidence base demonstrates that BCC has had regard to the issue of homelessness in the formulation of Policy HOU5. This accords with soundness test C4.
- 5.75 Some representors stated that there is no evidence of engagement with neighbouring authorities in terms of comparative policy requirements for affordable housing and consideration of the impact this may have on demand across the wider housing market. BCC recognises, at page 152 of the Public Consultation Report (SD006) that the local housing market extends well beyond the boundary of Belfast. Discussions were had with neighbouring districts through the MASWG. Through this forum BCC has had regard to other relevant plans, policies and strategies relating to adjoining councils' districts in accordance with soundness test C4.
- 5.76 Policy HOU5 seeks to make provision for affordable homes in the plan area. The approach taken has been developed on the basis of numerous factors that have informed the evidence base. The provision of affordable homes within new residential development works towards building balanced communities. The representations to this policy have been considered along with BCC's response set out at page 121 – 154 of the Public Consultation Report (SD006). We concur with BCC's reasoning and conclusions thereon. The approach to affordable housing, set out in Policy HOU5, is sound.

- 5.77 Regional strategic objectives for housing in settlements includes the management of housing growth to achieve sustainable patterns of residential development. The SPPS recognises that the provision of good quality housing offering a mix of houses types to meet different needs is also fundamental to building balanced communities.
- 5.78 Policy HOU6 – Housing mix requires that new residential development on sites greater than 0.1ha and/or containing 5 or more dwelling units provides a mix of house types and sizes to promote choice and assist in meeting community needs. The *“Size and Type of Housing Needed Addendum to the Belfast City Housing Growth Options Report, December 2017”* (DPS0026) sought to: develop a further understanding of the future need for different sizes, types and tenure of housing over the plan period; and establish specific needs of different groups in the housing market. This report was commissioned to inform the preparation of the Housing Needs Assessment by providing additional detail on the size and type of housing likely to be required in Belfast under the recommended growth scenario. A robust evidence base for the policy has been provided that indicates projected change in the household profile that will generate additional demand for different sizes and types of housing over the plan period. Paragraph 9 of the report states that modelling indicates that: around 30% of additional households will require flats, with the remaining 70% requiring houses; and around 40% would be expected to require properties of any type with 1 or 2 bedrooms, with the residual 60% requiring at least 3 bedrooms.
- 5.79 Discussions at the IE public hearings challenged the evidence base and its rationale for smaller homes on the basis that recent transactions for larger homes were some 69% of the total number. However, this figure was for Northern Ireland as a whole and not specific to the local circumstances of Belfast. Reference was made to Paragraph 4.55 of TS 2. It notes that the last 7 years’ completions (2011-2017), taken from Building Control, indicates a 50:50 split of houses to flats. It was stated by the representor that this the evidence was already out of date. Nevertheless, provisions are made for monitoring the implementation of policies over the plan period and, if necessary, appropriate adjustment can be made to reflect the needs of the market.
- 5.80 Paragraph 7.1.42 of the dPS sets out how the size threshold for Policy HOU6 has followed Policy HOU5. BCC outlines at page 161 of the Public Consultation Report (SD006) that the rationale for the threshold is the same at that used for Policy HOU5 and that its application will help ensure consistency and align with Belfast’s land supply being characterised by small sites. Both policies aim to provide housing mix and balanced communities. The thresholds in Policy HOU6 are coherent and effective, taking account of this approach.
- 5.81 Figure 22 of TS 2 sets out the breakdown of Belfast’s housing stock in 2011, which indicates that a smaller proportion is made up of detached and semi-detached houses: apartments and terraced houses are relatively higher. Edge Analytics in the Housing Growth Options Report, Turley (POP006) were commissioned to look as the

mix housing in Belfast in the context of preferred growth scenarios. Figure 23 of TS 2 reflects this and shows that the two sizes of household that are projected to see the largest percentage increase over the plan period are 1 adult with no children and 2 adults with no children. Overall the findings show that there will be a big growth in the number of households requiring smaller units. Paragraph 4.51 of TS 2 states that these findings align with the NIHE Housing Market Analysis (September 2017) which also forecasts that the largest increase to 2037 will be single person and 2 adult households (based on NISRA). Accordingly, there is a need for smaller homes across tenures that stems from demographic evidence of an ageing population and the under-supply of accommodation over the plan period to cater for the forecast reduction in household size.

- 5.82 Page 163 of the Public Consultation Report (SD006), notes that the evidence base prepared to inform the dPS concludes that families will continue to account for a reduced, but sizable proportion of the city's households by the end of the plan period. However, that there is a trend towards smaller households overall and an increase in lone parent households. Therefore, meeting the needs of families will likely require a balanced profile of housing development in Belfast over the plan period. Policy HOU6 has the flexibility to achieve the delivery of the full range of residential development required over the plan period. MI9 and MI10 of Appendix F of the dPS set out clear indicators for monitoring the targets for the provision of housing mix at a district level, with specific correspondent triggers.
- 5.83 The creation of balanced communities is an established concept that is set out in regional policy, which aims to ensure that future housing stock is diverse enough to provide for the district's need. BCC states, at page 157 of the Public Consultation Report (SD006) that it recognises that there may be a transitional period during which the market will adjust to new policy requirements. No provision has been made, nor have intentions been set out, to retrospectively apply this policy to existing, already purchased or partially developed sites. However, the approach of encouraging a broader mix of housing is neither new nor unique to Belfast. The exact mix of housing has been left to be negotiated on a case by case basis. This approach allows for flexibility in the delivery and viability of housing mix in each case and would encourage a broad mix of housing, taking account of market demands. The approach set out in Policy HOU6 takes account of regional policy to seek an appropriate mix of size and specific type of housing.
- 5.84 The policy headnote specifically states that the requirements of Policy HOU5 do not apply to single apartment developments but, that in such cases housing mix will be considered acceptable through greater variety in the size of units. BCC states, at page 157 of the Public Consultation Report (SD006), that this is way of introducing variety in the interests of creating balanced and sustainable communities. Further guidance will be provided on this requirement through the SPG included in Appendix E of the dPS.

- 5.85 The reference to the mix of tenures for apartment development in the policy headnote of Policy HOU6 overlaps the provisions for affordable housing in Policy HOU5. This gives rise to some confusion especially as the plan should be read as whole. Policy HOU5 comprehensively addresses provisions for affordable housing and focuses specifically on the tenure of such development. Requirements for a mix of tenure for apartments, in order to achieve housing mix, should therefore be specified in the context of affordable housing. If a mix of apartment types cannot be achieved on the basis of type and size, it is not necessary to require that the tenure is specified. This is a cumbersome approach to the delivery of such residential development. Each of these cases would have to be assessed on their own merits in the context of the prevailing policy. The policies in the plan should be read together and should both work to achieve housing mix and balanced communities. Repeating requirements in respect of tenure for apartment development in Policy HOU6 is confusing and incoherent. This requirement is not needed to achieve a housing mix specifically for apartment development. Policies should logically flow therefore RA14 is necessary in order to satisfy soundness test CE1.
- 5.86 Matters relating to design considerations will be considered at the LPP stage, through policy provisions or defined Key Site Requirements (KSR) as maybe considered necessary and justified. Considerations of the site's surrounding character will be a consideration for any mix of residential development proposed. This is a requirement of the design policy RD1 - New residential developments which should be read with Policy HOU6.
- 5.87 Subject to RA14 the evidence supports policy provision for housing mix. The proposed policy sets out a clear and flexible approach for the provision of housing mix in the plan area. Representations on this policy and BCC's response as set out at page 155 – 166 of the Public Consultation Report (SD006) have been considered. We concur with BCC's reasoning and conclusions and find Policy HOU6 to be sound subject to RA14.
- 5.88 BCC identified a drafting error in respect of foot note 5, page 76, of policy HOU7 - Adaptable and accessible accommodation. It said that the reference to the English Housing Survey 2012 is not relevant and it therefore should be removed. In order for paragraph 7.1.47 to be coherent, RA15 is necessary whereby this foot note is deleted.
- 5.89 Paragraph 6.136 of the SPPS states that the policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone. Policy HOU7 requires that new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life. The policy headnote sets out six criteria that new housing must meet.
- 5.90 BCC's TS 2 states, at paragraph 4.63, that in formulating the first 6 criteria of Policy HOU7, account has been taken of the 16 Lifetime Home Standards; and, for the

remaining criteria, the Housing Association Guide design standards for wheelchair housing. It also adds, in its Public Consultation Report (SD006) at page 168, that a proactive approach has been adopted towards increased accessibility of housing stock across all tenures. At page 173 thereof it added, that whilst such standards do not necessarily mean an individual will stay in the same home throughout their lifetime, they ensure that housing stock is more flexible and able to adapt to varying requirements throughout its lifetime. A more accessible and adaptable housing stock will therefore also support more balanced and sustainable communities, in line with the objectives of the SPPS. This evidence provides the basis and rationale for the policy in the dPS.

- 5.91 In formulating Policy HOU7, regard was had to the opinions on the principles of 'Life Times Homes' standards. The POP consultation report (POP0026) said that 50% of respondents were in favour of the approach with some 39% being non-committal, citing the need for more detail. BCC has therefore taken the opinions of representors to the POP into account. This has been outlined at pages 168 and 169 of the Public Consultation Report (SD006) and we concur with BCC's response to representators' concerns.
- 5.92 The specific wording and criteria set out by Policy HOU7 is a matter for BCC to decide, mindful of the tests for soundness. It is not necessary that BCC has to repeat all of the criteria stated by the Lifetime Homes or DFC's Housing Association Guidance (HAG) on wheelchair standards in order for the policy to be sound. BCC has demonstrated that it had regard to this guidance in the formulation of the policy.
- 5.93 Paragraph 7.1.48 of the dPS refers to the Lifetime Homes Standards which have been superseded in England and Wales by the Building Regulations (category 2). These have yet to be superseded in NI. However, BCC states that it will continue to monitor this through the plan period. This is an appropriate approach to manage changes to regulations that are outside BCC's control; it accords with soundness test CE4.
- 5.94 Paragraph 7.1.51 of the dPS states the Department for Communities HAG stipulates that 7% of new social housing should be built to wheelchair standard. The policy headnote requires for all residential developments of 10 units or more, at least 10% are wheelchair accessible and designed in accordance with specified criteria (g - o.). The 10% figure also accords with the draft NI Programme for Government outcomes relating to housing. Paragraph 4.65 of TS 2 specifically relates to wheelchair accessible housing and states that the NIHE Housing Market Analysis (HMA) of September 2017 notes that many households in Belfast already require accessible or adapted housing in order to lead dignified and independent lives. It is expected that Belfast's older population will increase to 17% by 2025 and this, along with health problems associated with old age, is likely to lead to increased demand for more accessible properties including wheelchair housing. NIHE also noted that the need for wheelchair accessibility is not only specific to the aging population but there is an

increase in all age groups. The HMA adds that developing new homes to wheelchair standard is significantly cheaper and more effective than providing adaptations to existing unsuitable properties. As set out in TS 2, BCC has provided robust evidence to justify the stipulated wheelchair standards to ensure adaptable and accessible accommodation as required by Policy HOU7.

- 5.95 All proposals for residential development will need to meet the adaptable and accessible homes criteria stipulated by Policy HOU7. It is only schemes of 10 units or more that are required to meet Policy HOU5 and satisfy Policy HOU7's wheelchair accessible requirements. BCC stated at page 171 of its Public Consultation Report (SD006), that in such instances, 10% of the overall development will need to be wheelchair accessible regardless of tenure mix. Therefore, if a greater proportion of affordable housing units are designed to be wheelchair accessible, a lower proportion of the private housing will be required to meet these requirements and vice versa. The policy is therefore consistent with other aspects of the housing strategy.
- 5.96 One respondent sought that the policy should require 10% of new homes to be made available for supported living accommodation. At page 170 of the Public Consultation Report, BCC considered this issue and concluded that it is not necessary or appropriate to apply a threshold for this type of development. We concur with BCC's evidence on this issue. Not adopting this approach does not mean Policy HOU7 is unsound.
- 5.97 Paragraph 7.1.52 of the dPS accepts that there may be some exceptional circumstances where not all of these policy requirements can be accommodated whilst still meeting other planning policy obligations. The wording of the J&A cites the conversion or retrofitting of a historic building for apartment use as such an example. Considering each case on its merits, whilst carefully balancing all policy and other material considerations, provides an appropriate and flexible approach to meeting the requirements of this policy.
- 5.98 Policy HOU7 provides strategic housing policy to help meet the needs of everyone. We have considered the representations to this policy together with BCC's response as set out at page 167 – 175 of the Public Consultation report (SD006). We concur with its reasoning and conclusions. Policy HOU7 is sound.
- 5.99 Paragraph 6.147 of the SPPS relates to supported housing and states that HNA/HMA will only relate to that need which cannot be met through a general needs housing solution but requires the provision of a specialised, accommodation-based solution. Paragraphs 4.70 – 4.72 of TS 2 address specialist residential accommodation and states that it provides for people with specific residential need, particularly in relation to impaired physical and mental health and old age. The J&A text, at paragraph 7.1.54, notes the need for over 820 additional bed spaces in residential care homes for older residents over the plan period. This has been evidenced in the

*“Housing Growth Options Report”* (POP006). The research also suggests that the number of households with specific needs are also likely to increase and recommends on-going monitoring to ensure that supply continues to meet the needs over the plan period. Evidence has therefore been provided in respect of population assessments and growth for the plan period.

- 5.100 The headnote of Policy HOU8 refers to care-related facilities. This would include supported living accommodation, for example, for those fleeing their homes as a result of violence, people in crisis, those receiving floating support and people in supported living programmes, which include those living with addiction. These needs would be addressed by Policy HOU8, rather than Policy HOU7. Figure 30 of TS 2 details specialised housing provision and housing need provided by the NIHE. This specialised need covers many accommodation-based services and floating support services. Policy HOU8 has been worded to take this into account. Overall there is a robust evidence base to justify the inclusion of this policy in the dPS.
- 5.101 Criterion a. of Policy HOU8 requires that need for the proposed homes and/or bed spaces must be demonstrated through a statement of specialist housing need. The content of this document is not prescribed in the policy headnote or within the J&A text. Paragraph 7.1.55 states the LDP seeks to facilitate such specialist residential need with criterion a. seeking to ensure that accommodation provided matches the most up to date evidence of housing need. At the IE public hearing sessions BCC clarified that the content of a statement of specialist need would depend on the nature of the need and include matters such as: the location of the need; size of the development; and specific requirements. BCC stated that this requirement should not be onerous for the applicant and that a SPG will be provided to address the requirements of Policy HOU8. This is set out in Appendix E of the dPS. The requirements of criterion a. are appropriate, coherent and realistic in order to justify the need for specialist residential accommodation.
- 5.102 The wording of Policy HOU8 does not preclude consideration of schemes for private specialist residential accommodation. Furthermore, the policy does not restrict residents from an area wider than local community. As paragraph 7.1.55 states, any speculative private sector developments will also need to demonstrate need associated with their proposed type of accommodation. Leaving this to market forces alone would not necessarily result in sustainable development. This approach is flexible, coherent and appropriate to considering the need for various forms and types of specialist residential accommodation. The policy as worded does not restrict any type of specialist residential accommodation coming forward. Each case can be considered on its own merit in conjunction with criteria a.
- 5.103 Criterion b. of Policy HOU8 seeks to deliver convenient access to relevant local services and facilities. This presents a sustainable form of development creating balanced communities as clearly stipulated for housing in settlements in the SPPS.

This is a logical and coherent approach to providing specialist residential accommodation that takes account of regional policy.

- 5.104 It not necessary that the criteria in Policy HOU8 should specifically require that planning history should be taken into account. Planning history is a material consideration in its own right that should be taken account of regardless of the stated criteria.
- 5.105 We have considered the representations to Policy HOU8 together with BCC's response as set out at pages 176 – 180 of the Public Consultation Report (SD006) and find that it is sound.
- 5.106 Policy HOU9 – Traveller accommodation provides strategic policy for the consideration of proposals for all traveller facilities. Paragraph 7.1.59 of the J&A text outlines three types of traveller facilities. They reflect those listed in the SPPS. One representor stated that *“Emergency Halting Sites”* are not included in the list of facilities. BCC said that such sites do not usually require planning permission due to their temporary nature. If such sites were used more regularly or for longer periods of time, the requirements of policy HOU9 would then apply. To provide clarity on the matter BCC suggested a *“minor modification”* to be inserted before paragraph 7.1.60 of the J&A text to state: *“The Caravans Act (Northern Ireland) 1963 (as amended in 2011) also includes an ‘Emergency Halting Site’ (sometimes referred to as a ‘Temporary Stopping Place’) as a form of traveller facility. However, such a site provides a temporary place for travellers to park (usually for 1 or 2 nights) with appropriate facilities. However, as such a site is in short-term, temporary use (i.e. less than 28 days), this will not normally require planning permission”*. Whilst such development may not require planning permission, such wording inserted in to the J&A demonstrates that BCC has had regard to the type of traveller facility set out in the applicable legislation. This revised wording is necessary to satisfy soundness test CE1. Therefore, RA16 should be inserted into the J&A of Policy HOU9 before paragraph 7.1.60.
- 5.107 Subject to the RA16, Policy HOU9 as written provides strategic policy to enable the consideration of proposals for all traveller facilities over the plan period. In the Public Consultation Report (SD006) BCC considered all the respondents' concerns at pages 181 - 182. We have assessed the representations and considered BCC's response. We concur with its reasoning and conclusions. Policy HOU9 is sound subject to RA16.
- 5.108 Paragraph 6.137 of the SPPS sets out what planning authorities must deliver in respect of housing in settlements when preparing LDPs. Achieving balanced communities and strengthening community cohesion is one of the major themes underpinning the RDS. The provision of good quality housing offering a variety of house types, sizes and tenures to meet different needs is core to developing balanced communities.

- 5.109 Policy HOU10 - Housing management areas (HMAs) sets out policy to carefully manage the variety of house types, sizes and tenures. Paragraph 4.75 of TS 2 recognises a need to meet the demand for shared housing and Houses in Multiple Occupation (HMOs). TS 2, at paragraph 4.76, acknowledges that the proliferation of one type of accommodation can be detrimental to amenity. However, proactive management of the numbers of specific accommodation types helps maintain the amenity of local areas. In the Public Consultation Report (SD006), at page 184, BCC states its approach in the dPS seeks to target HMOs and flat conversions by balancing the desire/need to maintain balanced communities. This will be delivered by the designation of HMAs at the LPP stage of the plan process.
- 5.110 HMOs are currently assessed against policies in the HMO Subject Plan for Belfast City Council Area 2015 which provides an area-based policy for HMOs in Belfast. There are currently 22 HMO areas, within which permission will only be granted for HMOs where the number of HMOs will not exceed 30% of all dwelling units. Policy HOU10 of the dPS changes the threshold to 20%. Paragraph 4.61 of TS 2 says that most of the areas identified in the Subject Plan are now well below the 30% threshold according to the NIHE's HMO Register (Figure 33 of TS 2). At paragraph 4.86 of TS 2, BCC states that, in all cases, the percentage change has fallen and Figure 34 of TS 2 sets the comparisons of policy areas by concentration of HMOs/Sub-divisions. This analysis and BCC's findings were used to inform the methodology for measuring the level of intensive forms of housing within HMAs as set out in the J&A of Policy HOU10. This was also factored into BCC's decision to amend the percentage threshold within HMAs to 20% (as opposed to 30% in the HMO Subject Plan).
- 5.111 BCC is aware of some discrepancy between planning records and the NIHE HMO register. The considerations are based on the best available data on the register. BCC advises that this is something that will be monitored and that, since the publication of the dPS, a new statutory HMO scheme has been introduced to replace the NIHE HMO scheme. The responsibility for HMO registration now rests with BCC. Therefore, going forward, this will allow BCC to review both data sources in detail and necessary actions can be taken to address any discrepancies between the two data sets.
- 5.112 BCC considers that higher thresholds would result in more HMOs/flats in areas where problems already exist and, for this reason, it has presented the reduced threshold in the policy headnote. It acknowledges that the policy seeks to build on existing policies rather than continuing with the existing approach. BCC has provided robust evidence to justify the 20% threshold set out in Policy HOU10. This is a coherent and consistent approach that accords with soundness tests CE1 and CE2.
- 5.113 Anti-social behaviour associated with high concentrations of HMOs is well-documented. Nonetheless, managing such problems cannot be addressed through planning policies alone. The dPS seeks to implement Policy HOU10 together with the provisions of Policy HOU11 - Intensive housing nodes and Policy HOU12 – Large scale

purposes built managed student accommodation (PBMSA). Cumulatively, these policies will direct shared forms of housing to suitable locations that can accommodate higher concentrations of such homes. This is a logical and coherent approach to managing the demand for HMOs and flats in order to help maintain balanced communities.

- 5.114 Matters relating to parking enforcement and property-rating are not matters of planning policy. There is no requirement for the dPS to address such concerns.
- 5.115 Policy HOU10 provides strategic policy for the consideration of HMAs. In the Public Consultation Report (SD006), BCC considered all the respondents' concerns at pages 183 - 188. We have assessed the representations and considered BCC's response. We concur with its reasoning and conclusions. Policy HOU10 is sound.
- 5.116 Policy HOU11 – intensive housing nodes recognises the need and demand for intensive forms of housing. An assessment of need and demand will be considered and intensive housing nodes will be designated and detailed within the LPP. In the Public Consultation Report (SD006), BCC considered all the representors' concerns at pages 189 - 190. We have assessed the representations, considered BCC's response and concur with its reasoning and conclusions. Policy HOU11 is sound.
- 5.117 Policy HOU12 - Large scale purpose built managed student accommodation (PBMSA) sets out five criteria to be met for that type of development. Criterion a. requires that proposals are easily accessible to higher education intuition campuses by sustainable transport modes. BCC has stated that further guidance relating to location and accessibility is provided in current SPG for PBMSA. It will revise this in line with the LDP. There is no requirement for BCC to identify specific sites for PBMSA. Such practice could be restrictive and limit flexibility. Proposals for such development with be considered on a case by case basis in the prevailing policy context.
- 5.118 Paragraph 7.1.78 of the J&A text refers to the negative side effects or '*externalities*' to the presence of a large student population, in particular in relation to pressures on housing, local amenities and other environmental impacts. Criterion a. of Policy HOU12 requires that PBMSA is not within an established residential area as defined in Appendix B of the dPS. This approach does not preclude the delivery of PBMSA in the city centre or other areas accessible to the higher education institutions. This requirement is effective and coherent as it aims to ensure the positive integration of student accommodation and existing communities.
- 5.119 Criterion b. of Policy HOU12 states that the development should consist of a minimum of 200 occupants. This recommendation takes account of Policy HMO7 of the adopted HMO Subject Plan for Belfast 2015. This policy deals with the provision of large scale PBMSA and is currently the principal planning tool available when considering large scale student development in Belfast. TS 2 (paragraph 4.94) states

that the Subject Plan and the current SPG were largely seen as a successful approach and will be incorporated into the new Plan Strategy. BCC has no persuasive reason to change this approach. It does not preclude smaller PBMSA developments, but that developments with less than 200 occupants are considered less likely to require the level of management input to maximise the benefits of PBMSA. These smaller developments can be considered on their own merits. Applying this policy to small developments could result in the policy being cumbersome and restrictive when such level of input and detail is not required to manage schemes of less than 200 occupants. The threshold set by criterion b. is coherent and effective; based on robust evidence developed through the formulation of the HMO Subject Plan.

- 5.120 Criterion e. of Policy HOU12 requires the submission of a statement of student housing need. This is a current requirement for any application for PBMSA. Nonetheless BCC states, at page 193 of the Public Consultation Report (SD006) that this approach is necessary to ensure the right balance between meeting student housing needs and preventing over supply of accommodation. This provides a logical justification for this approach to meet the needs for student accommodation in the city.
- 5.121 Whilst student accommodation is a form of housing, PBMSA does not contribute to the general housing stock. For the policy to logically flow and be coherent it should explicitly state that the requirements of Policy HOU5 do not apply to proposals under Policy HOU12. BCC has suggested a “*minor modification*” to address this issue; namely the addition of the following text (in bold) within paragraph 7.1.80. The paragraph in the J&A would read “*Consequently, occupancy of PBMSA will usually be conditioned to limit occupation to students, particularly during term time. **As such PBMSA developments will not normally be required to meet affordable housing requirements in accordance with Policy HOU5. A management plan will be required to ensure a quality, safe and attractive place for residents...***” This amendment is necessary as it represents an appropriate and coherent approach for this policy; it is needed in order to satisfy soundness test CE1. RA17 should be included within Policy HOU12.
- 5.122 Paragraph 7.1.81 addresses the use of the bed spaces outside of term time to provide short-stay holiday accommodation. Each case would be considered on its own merits. Such short-term uses would be subservient to the main purpose of the accommodation, considered in accordance with Policy HOU12. This is sufficiently addressed in the justification and amplification text. It is not necessary for the policy to be sound that such detail is set out in the policy headnote.
- 5.123 Subject to RA17, Policy HOU12, as written, provides scope to integrate large student accommodation and existing communities. In the Public Consultation Report (SD006), BCC considers all the representors’ concerns at pages 191 and 194. We have assessed the representations and considered BCC’s response. We concur with its reasoning and conclusions. Subject to RA17 Policy HOU12 is sound.

- 5.124 Policy HOU13 – Short-term let accommodation provides operational policy for short term-let accommodation for new build or change of use of existing properties. Proposals must satisfy eight criteria.
- 5.125 One representor sought a definition of “*close proximity*” as stipulated in criterion c. of the policy. BCC considered this point and suggested a “*minor amendment*” whereby “*close proximity*” would refer to a reasonable walking distance to encourage active travel. BCC suggested that paragraph 7.1.85 of the dPS should be amended to read: “*A location within walking distance of an existing visitor attraction will allow relative ease of access promoting walking and cycling*”. This suggested amendment is a coherent approach which is consistent with the sustainability goal of promoting active travel that is aspired to throughout the dPS. Therefore, RA18 is necessary in order to satisfy soundness test CE3.
- 5.126 In its Public Consultation Report (SD006), at pages 195 and 196, BCC considered all the respondents’ concerns in respect of Policy HOU13. We have assessed the representations and considered BCC’s response. We concur with its reasoning and conclusions. Policy HOU13 is sound subject to RA18 and provides sufficient scope and flexibility for proposals relating to short-term let accommodation.

### **Urban Design**

- 5.127 Paragraph 7.2.8 of Policy DES1 – Principles of urban design provides an explanation of the issue of local distinctiveness. This is a key theme throughout the design policies and follows on from strategic Policy SD5 - Positive placemaking. The aim of the policy is to make best use of the city’s unique and distinctive qualities. Policy DES1 recognises that there are different areas of local distinctiveness formed through elements of landscape character, history, buildings, tradition and archaeology. The policy as worded encapsulates and recognises these elements that will be considered across the city. The two-stage plan process will carry through these themes by means of character area studies and locational policies within the LPP stage.
- 5.128 Paragraph 7.2.9 refers to the contribution of shop fronts to the overall character and appearance of an area. BCC suggested a “*minor amendment*” to this paragraph to include reference to Conservation Areas and Areas of Townscape Character. This amendment would not substantially change the J&A text but gives clarity for any proposals within such areas. For the policy to be effective and coherent, RA19 should be incorporated into the J&A.
- 5.129 Criterion h. of Policy DES1 accords with the Programme for Government and SPSS objectives. It is one of a suite of criteria (a.- k.) that will apply to the design principles of all development in the plan area. The policy, as worded, is appropriate. In order for it to be effective, the criterion does not need to have up to date traffic data or surveys of the transport system in the city. It is a strategic policy.

Furthermore, it does not need to outline transportation requirements and/or impacts of specific developments. Such detail can be considered and provided in the context of the site-specific zonings and requirements for development at the LPP stage.

- 5.130 There is no persuasive evidence that the policy should be adapted to enable the removal of trees that do not have Tree Preservation Orders or that the current wording of will greatly hinder development of sites. Paragraph 7.2.12 of the J&A text refers to the added value of trees and landscaping in development proposals. This guidance accords with the principles of sustainability set out in the SPPS.
- 5.131 One representor suggested that the penultimate sentence of paragraph 7.2.14 of the J&A for Policy DES1 should refer to “*within and outside the city*”. In response to this suggestion, BCC stated that this text refers to the localised extent of the city and that the text should remain as drafted. Paragraph 6.300 of the SPPS refers to active travel networks and provide a range of infrastructure improvements to increase the use of transport of more sustainable transport modes. It makes specific reference to “*urban areas*”. As drafted, the wording of the J&A text is consistent with the direction of the SPPS. Whilst the suggested wording could improve the application of the policy to areas outside the city area, it is not necessary to make the plan sound. Furthermore, paragraph 7.2.14 acknowledges the quality of public transport to a development which will be taken into account when considering the provisions for development proposals.
- 5.132 Paragraph 7.2.15 of the dPS seeks to facilitate and encourage greater integration of renewable energy technologies, both in the design of new buildings and through the appropriate retrofitting of existing buildings. The associated economic aspects, including connection to the grid, is one aspect of such initiatives. Taking account of the promotion of renewable energy in the RDS and SPPS (paragraph 6.228) this wording reflects wider renewable energy initiatives and is sound.
- 5.133 Criterion i. of DES1 requires the maximisation of energy efficiencies in buildings. Paragraph 7.2.16 of the J&A supports proposals that incorporate BREEAM (Building Research Establishment Environmental Assessment Method) or comparable standards. The policy incorporation of efficiency standards is consistent with the principles of sustainable development. On this basis, they are justifiably included within the policy requirements. Technical Supplement 6: “*Urban Design and Built Heritage*” (TS 6) [DPS012] at paragraphs 3.34 – 3.44 provides BCC’s evidence base for its rationale for referring to BREEAM to achieve energy efficient design. This approach supports, and is consistent with, the goals and objectives of the RDS and SPPS. BREEAM is a recognised industrial standard and reference to it within the J&A is appropriate as it allows for flexibility in the application of policy in accordance with such standards. Therefore, reference to BREEAM in the policy headnote is not necessary to make the policy sound. BCC stated that further details relating to

BREEAM will be considered in forthcoming SPG relating to urban design that is included within Appendix E of the dPS.

- 5.134 Policy DES1 is one of many policies in respect of design. With regard to matters relating to the incorporation or promotion of biodiversity, there are other policies in the dPS, such as Policy NH1, that should be considered when addressing considerations in respect of biodiversity in the urban context. As already set out, it is not necessary that every policy repeat requirements addressed by other policies.
- 5.135 Paragraph 3.9 of the SPPS sets out the precautionary approach that, where there is significant risk of damage to the environment, its protection will be generally paramount, unless there are imperative reasons of overriding public interest. This is a widely established principle that is recurring in the dPS and does not specifically need referred to within the context of policy DES1, or every policy, to make the plan sound.
- 5.136 Paragraph 7.2.18 of the dPS seeks to ensure that adjoining land or properties are protected from unacceptable overshadowing where possible. Overshadowing is a material consideration in any proposal. This approach is consistent with the provisions of the SPPS for improving health and wellbeing (paragraph 4.12) and does not conflict with other aspects of the plan.
- 5.137 Paragraph 7.2.19 relates to the design of basement or semi-basement car parking in respect of safety and appearance at street level. It makes no reference to other aspects of the car parking requirements, which are clearly addressed in other parts of the dPS, such as in Policies TRAN8 – Car parking and servicing arrangements; TRAN9 – Parking standards within areas of parking restraint; and TRAN10 – Design of car parking. These policies should be read in conjunction with Policy DES1. In order for it to be sound, it not necessary for this policy to repeat the transportation policies in respect of parking requirements.
- 5.138 Design issues are cross-cutting throughout the plan. Each development proposal will be considered on the basis of the site-specific nature of its surroundings and context. TS 6 (DPS012) states that a number of studies were undertaken to provide background data and information relating to urban design including consideration of urban design policies across the UK. Whilst robust baseline indicators would be beneficial to guide and monitor the implementation of the policy, such requirements are not necessary to make the policy sound.
- 5.139 Representations were made in respect of the design considerations of “*problem sites*” in the plan area; this included reference to bonfire sites. A blanket approach would not be appropriate at a strategic level as they should be considered on a site-specific basis. The policy is not unsound on this basis.

- 5.140 BCC considered representors' remaining points in respect of Policy DES1 in its dPS Public Consultation Report (SD006) at pages 197 - 202. We agree with its responses to their concerns and, having taken account of any further discussion at the public hearing sessions, conclude that none of the issues raised therein render Policy DES1 unsound. It is sound as written.
- 5.141 In order to ensure flexibility in the approach of Policy DES2 – Master planning approach for major development, BCC suggested a “*minor amendment*” to the wording of criterion j. to “*seek the retention of existing trees .....*” This RA20 is necessary in order to accord with soundness test CE4.
- 5.142 BCC provided clarification on the term “*major development*” and suggested a change to the wording of paragraph 7.2.21 of the J&A text. This amendment was presented as a Matter Arising (MA007) and reads as follows: “*major development applications*” are as outlined within Regulation 2 of the Planning (Development Management) Regulations (Northern Ireland) 2015. Such clarification helpfully aligns the policy with legislation. For this reason, RA21 should be incorporated in to the wording of paragraph 7.2.21 the J&A of Policy DES2.
- 5.143 Criterion c. aims to maximise solutions to deliver energy efficiencies that seek to achieve BREEAM ‘*excellent*’ or comparable standard. The inclusion of BREEAM within the criterion directs awareness to the integration of sustainable development solutions to tackle climate change. For the purpose of major development in the city this approach is consistent with the sustainable development aims and objectives of the RDS and SPPS.
- 5.144 Policy DES2 should be read in the round with other policies that seek to identify unique parts of the city through the realisation of key landmarks within prominent or gateway locations. The policy does not need to repeat the provisions made in respect of listed buildings in accordance with Policy BH1 - Listed buildings.
- 5.145 Policy DES2 is not a transportation policy. Transportation issues are covered in other areas of the dPS and specifically within the Transportation section at Part 9.4 thereof. Major development schemes by their nature will present transportation challenges, taking into account of the characteristics of the area. There is no dispute that: the impacts of major development should avoid prejudice to the local and strategic traffic; associated road networks; congestion should be reduced; and road safety standards should be met. However, it is not necessary for every policy to repeat other provisions of the plan. Failure to include a specific associated bullet point within the stated criteria of Policy DES2 does not result in this policy being unsound.
- 5.146 It is accepted that some of the major development sites that come forward in the plan area may overlap or include some of the five identified opportunity sites as indicated by Policy CC1 - Development Opportunity Sites. Policy DES 2 does not give

rise to inconsistencies; it sets out masterplan principles that would apply to these areas and complements the detailed criteria of Policy CC1.

- 5.147 It is not necessary for the policy to specify who will be responsible for producing masterplans. The policy is intended to set out principles that any public or private sector organisation or company should follow to achieve high quality development in the plan area. This is a logical and effective approach to this policy that accords with soundness test CE2.
- 5.148 Criterion d. of Policy DES2 promotes higher density residential and mixed use development along the city corridors and gateway locations. Such aspirations should be read in conjunction with the wider policy provision for housing and specifically Policy HOU4 which indicates recommended density bands throughout the city. Therefore, the policy does not prohibit bringing forward applications on individual sites.
- 5.149 BCC considered representors' remaining points in respect of Policy DES2 in its dPS Public Consultation Report (SD006) at pages 203 -207. We agree with its responses to their concerns and, having taken account of any further discussion at the public hearing sessions, conclude that none of the issues raised therein render Policy DES2 unsound. Subject to the RA20 and RA21 the policy is sound as written.
- 5.150 BCC considered the necessity for a tall building policy in the dPS. At the public hearing sessions, it stated that planning applications for tall buildings on sites throughout the city are regularly received. It is noted the previous planning authority had aimed to address the issue in 2009 with the publication of draft building height guidance. It is noted that this document was reviewed by the BCC Plan Team and will be considered further at the LPP stage. The SA (POP003 - appendix 4 assessment options) also provides an evidence base for the consideration of the necessity for a bespoke tall buildings policy in the dPS. Three options were considered. One of the three options was that that the dPS should have no tall buildings policy. We are satisfied that BCC considered this matter and has provided an evidence base for the rationale of a policy for tall buildings in the form of Policy DES3 – Tall buildings.
- 5.151 The headnote of Policy DES3 provides a definition for tall buildings: "*as any building 35m above ordinance datum (AOD) or taller or those which are significantly higher than their surroundings*". The plan states this in recognition of Belfast being a low-lying city that is relatively sensitive to the impact of tall buildings. Technical Supplement 6: "*Urban Design and Built Heritage*" (DPS0012) provides an analysis of building heights within the city centre and its immediate surroundings. Paragraph 3.25 thereof notes that the average height of buildings in Belfast is between 6-8 storeys and that taller buildings of above 9 or 10 storeys (approx. 35 metres) become more apparent within the city's skyline and feature within long range public views across the city. This provides the justification for the basis for defining the height of

tall buildings in the city centre. Therefore, it was concluded that 35 metres would be an appropriate threshold height in determining a tall building within Belfast. This threshold would trigger assessment under Policy DES3. BCC said that the consideration within TS 6 has been subject to ongoing analysis and review and that this will benefit the next stage of the plan. This work will be ongoing.

- 5.152 Concern was raised with the allegedly subjective wording of the policy headnote in relation to the term “*significantly higher*” and the use of the word “*interesting*” in criterion d., introducing a level of uncertainty to the policy. BCC set out its response to this at page 212 in the Public Consultation Report (SD006). We concur with its response and consider that protection should be afforded to the lower density areas where buildings under 35 metres AOD may represent a comparatively tall building in their context. The word “*significant*” allows for an individual assessment to be made relative to its surroundings. Likewise, the word “*interesting*” allows for the consideration of good design and creation of a legible and varied skyline in the city. The use of such words in Policy DES3 does not give rise to uncertainty in the application of this policy. It is not necessary within the policy headnote or J&A text in order to satisfy soundness test CE3.
- 5.153 Additional analysis was also undertaken by BCC to test the threshold through the utilisation of a VUCITY 3D model of the city. This modelling is used in various cities in the UK to provide an overview of the existing built form of the city centre in order to help inform the policy provisions. BCC accepts that this model has limitations due to inconsistencies in planning applications being modelled at the time of the analysis. The results of this software modelling have not been considered in isolation and are subject to ongoing review and monitoring. It is appreciated that this model is only one tool to undertake assessments and its use does not significantly undermine the evidence base for the rationale of Policy DES3. Accordingly, BCC has provided an appropriate evidence base and rationale for defining what is considered to be a tall building in the plan context as being a building over 35 metres AOD. This accords with soundness test CE2.
- 5.154 The evidence base does not exclude the consideration of any existing and committed tall buildings in the city that exceed 35 metres. As drafted, the policy does not limit the consideration of tall buildings outside of the city centre boundary that may have been committed and are maybe taller than 35 metres. The policy, as worded, is not specific to city centre areas. Therefore, it applies to the plan area in respect of the consideration of applications for tall buildings. All applications will therefore require a locational assessment irrespective of a site’s location inside or outside the city centre boundary. Further details relating to locational assessment will be forthcoming and will be clarified at the LPP stage of the plan process. The SPG on Urban Design will also provide guidance in respect of Policy DES3.
- 5.155 At page 209 of BCC’s Public Consultation Report (SD006) it stated that: “*planning applications have to be considered against all material considerations including*

*policy and planning history*". A locational assessment should therefore take account of planning history as this is a material consideration. However, the plan, when adopted, will contain the most recent expression of policy and appropriate weight must be given to it. Accordingly, it logically flows that the locational assessments will also be considered in that context and that BCC is not duty bound by previous permissions, particularly poor planning decisions. This is a coherent response to the consideration of tall buildings in the plan area and accords with soundness test CE1.

- 5.156 Policy HOU4 - Density of residential development specifies a density band of >350 dwellings per hectare for "*taller*" buildings in the city centre. Taking account of BCC's drafting error, as referred to in Policy HOU4, the associated RA12 clarifies the link between these policies. Policy DES3 therefore relates to those buildings that are defined as tall buildings. The policy is silent on the specific issue of density for tall buildings as density bands for the city have been coherently set out in the context of Policy HOU4. Paragraph 7.2.29 of the dPS provides a balancing evaluation to be made in seeking opportunities for higher densities across the city. It notes that the result may not always be a tall building. Policies HOU4 and DES3 as set out do not conflict with each other. The plan must be read in the round along with future direction in the LPP and SPG on this issue.
- 5.157 The requirements of criteria a. to h. are specific to the issue of tall buildings; nonetheless they must also be considered together with other relevant policies in the plan. Notwithstanding the specified criteria, development proposals will be considered on a case by case basis taking account of the local character and site-specific circumstances in the area. The middle of this sentence doesn't make sense Paragraph 7.2.29 of the dPS also provides for weighing of the criteria in the consideration of tall buildings within their context. This approach is consistent with soundness test CE4.
- 5.158 To provide clarity to the requirements of criterion b. BCC has recommended a "*minor modification*" to the its wording so that it would read "*Do not have an adverse impact on the setting, character and appearance of listed buildings, conservation areas, areas of townscape character (ATCs) and historic monuments/gardens*". RA22 is necessary to be consistent and effective in order to satisfy soundness test CE1
- 5.159 Criterion c. of Policy DES3 should be read in the context of other related built heritage policies contained in the SPPS and dPS. It is not necessary for it to repeat them in order to be sound.
- 5.160 In respect of how further locational based assessments will be carried forward, BCC recommended a "*minor modification*" to the wording of paragraph 7.2.31. The wording is as follows: "*Further locational based policies will be assessed at the LPP stage*" and should be inserted at the end of the paragraph 7.2.31. This wording gives necessary clarification on when the further locational base assessments will happen.

For the policy to logical flow, RA23 is necessary to meet the requirements of soundness test CE1.

- 5.161 A number of representations raised issues in respect of the coherence of the last paragraph of the policy head note of DES3, which states that existing tall buildings in Belfast will not set a policy precedent for similar development on adjacent sites. Conversely, the associated J&A advises that tall buildings will be acceptable in the appropriate context and that they should be generally limited to areas where existing clusters of taller buildings have already been established. The policy as worded means that existing tall buildings do not set a precedent for more of the same. However, BCC also recognises that existing tall buildings in an area represent a material consideration that should be considered in the context of any proposal for a tall building. Any locational assessment would have to take account of tall buildings in that location. The wording of the final paragraph of Policy DES3 does not set aside the consideration of existing built or committed tall buildings in the city when considering applications for new tall buildings. However, of itself, the existence of tall buildings does not set a precedent for another tall building. Matters to be specified in the SPG will inform the consideration of such applications. Accordingly, the policy is sound in this respect.
- 5.162 Should a masterplan involve any building or buildings over 35 metres in height or significantly taller than the surrounding buildings, then Policy DES3 is an applicable consideration in that masterplan. The plan should be read in the round. In order for Policy DES3 to be sound it is not necessary that it specifically refers to or repeats the provisions of Policy DES1 and Policy DES2.
- 5.163 The provisions set out within the built heritage policies of the plan also apply to tall buildings located in Conservation Areas or sited beside buildings of architectural or historical merit. The policy aims for built heritage are set out at paragraph 7.4.3 of the dPS and these apply to any proposal that impacts on issues relating to the built heritage of the city. Paragraph 7.4.4 specifically states that BCC will adopt the precautionary principle when considering the impacts of proposed development on archaeological and built heritage assets. Furthermore, such considerations would form part of any locational based assessment for a proposed tall building in the city. As the plan should be read in the round, it is not necessary for measures addressed by other policies with the dPS to be repeated within the context of Policy DES3.
- 5.164 Paragraph 7.2.31 of Policy DES3 sets out what a tall building design statement should include. BCC stated that SPG for Urban Design will provide more guidance on the detail to be provided in a building design statement. The requirements of paragraph 7.2.31 are effective and are not onerous. The requirement for a building design statement for tall buildings does not make this policy unsound.
- 5.165 Criterion a. of Policy DES 4 – Advertising and signage refers specially to the streetscape and impact on amenity. Notwithstanding the importance and

significance of gateway locations in the city centre, there is persuasive justification to single out a gateway location over and above any other place in the city. The policy, as worded, provides sufficient scope to assess any proposals or development at gateway locations and is consistent with the provisions of the RDS and paragraphs 10 and 11 of Planning Policy Statement 17 – “*Control of Outdoor Advertisements*” (PPS 17). It is therefore not necessary to amend the wording of criterion a. to make this policy consistent with regional policy.

- 5.166 Section 7.4 of the dPS sets out the strategy for built heritage. Paragraph 7.4.4 states that BCC that will have due regard to the relative importance and levels of protection afforded to the hierarchy of designated areas. Any proposal for signage or advertising that relates to a designated site would also be considered in this context. Criterion c. of policy DES4 makes specific reference to impacts on listed buildings, conservation areas and ATCs. Accordingly, reading the plan in the round and alongside regional policies, it is not necessary that Policy DES4 makes specific reference to these designations. Furthermore, any development in such areas, including for signage and advertisement, would be also subject of the statutory consultation process including the Department of Communities Historic Environment Division. Its advice would therefore inform any consideration of such proposals. This approach is consistent with the provisions set out by the SPPS.
- 5.167 The four specified policy criteria of Policy DES4 are applicable to proposals for advertising and signage. They cover a range of considerations including any prejudice to road safety and the convenience of road users. Criterion d. would be pertinent to any proposal for advertisement equipment that would give rise to any obstruction to pedestrian movement. The policy criteria therefore do not require amendment in order to be sound. Moreover, BCC advised that the SPG for urban design would include matters relating to advertisement and signage.
- 5.168 BCC considered representors’ remaining points in respect of Policies DES1, DES2, DES3 and DES4 in its dPS Public Consultation Report (SD006) at pages 197 to 226. We have considered these issues and, having taken account of any further discussion at the public hearing sessions, agree with its responses and conclude that none of the issues raised therein render these policies unsound. Taking account of the above matters and subject to RA19 – RA23, the suite of policies relating to urban design is sound.

### **Residential Design**

- 5.169 The word “*normally*” inserted into first sentence of the policy headnote of Policy RD1 – Residential Design might arguably further flexibility in the implementation of this policy. However, this is one of many polices applicable to the new residential development. The policy, when read in the round, and within the context of the suite of policies for housing, design and residential development already has flexibility that takes into account the characteristics of the surrounding area and

character of the location of the new residential development. The word “normally” does not need to be inserted to make the policy sound.

- 5.170 The headnote of Policy RD1 requires that proposals accord with “*general urban design policies*”. This includes the provisions and requirements of this policy. BCC stated that further details for good design will be included within the SPG for Residential Design as specified in Appendix E of the dPS. This, in conjunction with the suite of design policies in the plan, provides sufficient means for the consideration of good urban design inclusive of residential development. The policy does not require clarification to make it sound.
- 5.171 Criterion c. of policy RD1 policy does not define what is meant by “*accessible and convenient*” nor does it specify distances or times from the desired location to locations of public transport. However, they are widely used terms and do not need to be defined within the policy headnote. They are material considerations on a case by case basis informed by consultation with the transport authority. Should such definitive restrictions be set out in the policy headnote it would give rise to inflexibility in the application of policy. The omission of a definition within the Glossary does not result in the policy being unsound. Furthermore, existing Departmental guidance “*Creating Places: achieving quality in residential developments,*” at paragraph 9.16, provides specific guidance for the location of bus stops. It says that around 100 metres should be a maximum walking distance for the elderly or those whose mobility is impaired and for the majority of other dwellings the distance should be within 200 metres, with a maximum walking distance of 400 metres. Such guidance or direction, if considered necessary, could be brought forward within BCC’s proposed SPG relating to residential design. Paragraph 7.3.7 of the dPS emphasises sustainable patterns of development which reduce the need for motorised transport, encourage active travel and facilitate travel by public transport. These are all matters that can be assessed on a site specific basis and do not need to be defined within the strategic policy.
- 5.172 Representors stated that Policy RD1 conflicts with roads and car parking regulations. They did not substantiate or explain the nature or extent of the perceived conflict. Road and car parking standards are the responsibility of Dfl. There are other policies in the dPS that relate to design and transport and these policies would also have to be considered as part of any proposal. Policy RD1, of itself, does not indicate the implementation of specific standards. Such direction and guidance relating to design standards is an issue that can be addressed in greater detail within the proposed SPG on urban design and residential design.
- 5.173 Appendix C: Space Standards of the dPS sets out the space standards for residential development, wheel chair housing and HMOs. These are take account of existing published standards which are referenced on page 317 of the dPS. In order to promote quality residential development, it is not necessary for the plan to make provision for improving such standards. Should the published standard be amended,

there is provision for the plan to refer to such revised standards at the LPP stage or during any subsequent revision of the dPS. The policy is not unsound for this reason.

- 5.174 Criterion g. of Policy RD1 requires that proposals should not contain any units which are wholly in the rear of the property without direct, safe and secure access from the public street. This is not confusing and broadly aligns with the wording of existing policy contained within Criterion (e) of Policy LC2 of the addendum to Planning Policy Statement 7; *“Safeguarding the Character of Established Residential Areas”* (aPPS7). No further clarification is required to make the wording of this policy sound.
- 5.175 It is recognised that problems exist with residential management companies. Notwithstanding this, criterion i. of Policy RD1 requires that management arrangements are in place to ensure a positive and safe living environment for occupants. The legal structure of residential management companies is outside the responsibility and remit of BCC. It stated that detailed requirements for such management agreements will be addressed within the associated SPG, which is included with Appendix E of the dPS. To provide an SPG on this issue is an effective way to guide management arrangements for new residential developments.
- 5.176 Representors contend that cycle parking should be considered for all new build apartment developments, not just those over 30 units. BCC stated that various options for apartment thresholds were considered as part of the SA (DPS004C). Social, environmental and economic effects were considered against three options for various thresholds. Imposing the requirements on smaller scale development may have impacts on the viability of schemes. The policy is supported with a robust evidence base for the approach to apply further criteria for apartment development over 30 units including matters relating to cycling parking. The requirements of soundness test CE2 are satisfied.
- 5.177 For smaller residential schemes the requirements for cycle parking is contained in *“Creating Places”* at paragraphs 11.03, 11.15 and 20.03. The approach of Policy RD1 is consistent with that guidance. Furthermore, as stated at paragraph 1.14 of the SPPS, *“Creating Places”* remains a material consideration for all residential developments following the adoption of the plan. Furthermore, additional guidance in respect of provision for cycle parking can be brought forward within the context of the SPG on urban design and residential design. Criterion c. of Policy RD1 already requires that proposals make provisions for, or is, accessible and convenient to public transport and walking and cycling infrastructure. To make the policy sound it is not necessary to move criterion m. up in the order of criteria (between a. – h.) so as to make it applicable to all proposals. Furthermore, is it realistic and appropriate that criterion a. – h. is applicable to all residential development schemes. The requirements of soundness test CE2 are satisfied.
- 5.178 Paragraph 7.3.9 provides direction in respect of the provision of private open space. The wording of the J&A is specific on the preferred approach but is sufficiently

flexible to address instances where this is not wholly achievable. The policy, as worded, is not contradictory. Policy OS3 – Ancillary open space addresses the amount of open space within residential developments and Policy HOU4 – Density of residential development sets out the density bands for residential development; both should be read in conjunction with Policy RD1. Each application for residential development would have to be considered in the context of the applicable policy for new residential development and a balance achieved between the provision of open space versus the increasing density in and around the city. The wording of criterion d., requiring the provision of appropriate open space, allows for flexibility to take account of a proposed development’s context. The density of development and provision for open space are not in conflict. A balance can be achieved.

- 5.179 BCC has taken account of the POP consultation. Accessibility has been considered as part of the UCS. The evidence base has been used to inform the policy criteria for Policy RD1. Nonetheless the dPS is not the vehicle to assess current zonings. That should be part of the LPP process following the adoption of the dPS.
- 5.180 The dPS Appendix B: Definition of an Established Residential Area sets out the definition of what is an Established Residential Area. Representors raised concerns relating to the exclusion of HMO areas, such as Stranmillis, from residential areas. To address this concern BCC suggested “*minor modifications*” to the definition to take account of a recognisable form of housing styles and identifiable characters rather than single family housing. These suggested changes to the definition of an established residential area logically flow from policy and are coherent. They take account of mixed housing types in residential areas. They would not exclude HMO areas from the definition of “*an established residential area*”. For the sake of coherence and/or consistency RA24 and RA25 are necessary.
- 5.181 A representor stated that Policy RD2 – Residential Extensions and alterations is too lax in that it does not take account of unlisted buildings with historic character where planning applications will generally need careful examination. The built heritage suite of policies relates to all development within a Conservation Area, Area of Townscape Character or affecting the setting of a listed building. Policy RD2 does not need to repeat the policy requirements or provisions of the built heritage policies to make the plan sound.
- 5.182 Criterion c. of Policy RD3 – Conversion or sub-division of existing buildings for residential use requires that the original property is greater than 150 square meters gross internal floor space in the case of sub-division of an existing dwelling. The requirement takes account of space standards and is justified on this basis to ensure good residential design and to prevent over-intensification of residential units in areas where smaller units are prevalent. The rationale for this criterion is coherent and effective. It accords with soundness test CE1.

- 5.183 The term “*living over the shop*” is couched within existing planning policy. Policy HS1 of PPS12: “*Housing in Settlements*” is titled “*Living Over the Shop*”. The use of the term at paragraph 7.3.29 of the dPS does not render Policy RD3 unsound. Nonetheless, BCC suggested a “*minor modification*” to paragraph 7.3.29 to amend the wording to refer to conversions of floor space above commercial premises. This would eliminate any ambiguity to the reference “*living over the shop*”. RA26 is necessary to satisfy soundness test CE3 and make the policy sound.
- 5.184 BCC considered representors’ remaining points in its Public Consultation Report (SD006) in respect of Policies RD1, RD2 & RD3 at pages 227 to 232. We agree with its responses to their concerns and, having taken account of any further discussion at the public hearing sessions, conclude that none of the issues raised therein render these policies unsound. Taking account of the above matters and subject to RA24, RA25 and RA26 the suite of policies relating to residential design are sound.

### **Built Heritage**

- 5.185 Representors suggested revisions to the wording of the built heritage policies and their J&A text with the aim of making them “*more sound*”. Section 10 (6) (b) of the Act requires us to determine whether the dPS is sound.
- 5.186 The built heritage policies do not need to cite or cross-reference to associated legislative provisions in order to be sound; such statutory requirements will apply regardless. Development Management Practice Note 5: “*Historic Environment*” will continue to apply upon adoption of the dPS. Its Preamble says that it is designed to provide guidance on “*the legislative provisions for the additional controls and considerations related to the historic environment*”. There would be utility in signposting it in the dPS. However, this is not a matter that goes to soundness.
- 5.187 The dPS Glossary defines “*built heritage assets*” as including designated archaeological sites of importance. Taking account of soundness test C3, there is no need to change the title of Section 7.4 of the dPS from “*Built Heritage*” to “*Archaeology & Built Heritage*” as is used in the SPPS and Planning Policy Statement 6: “*Planning, Archaeology and the Built Heritage*” (PPS 6). The terms “*built heritage*” and “*heritage assets*” are used interchangeably throughout Section 7.4 of the dPS. Nevertheless, when read in the round, there are clear mechanisms for implementation and monitoring of associated policy. The term “*built heritage assets*” is used in the SPPS (paragraphs 6.1 & 6.4). In order to satisfy the consistency tests for soundness there is no need to substitute it with “*heritage assets*”; there is no fundamental conflict between the two documents in this respect. When the dPS Glossary definition of built heritage assets and the scope of its built heritage policies are considered holistically, the features referred to in paragraph 6.1 of the SPPS would all come within the ambit of those policies. There is no conflict between the dPS and the SPPS in this respect. The former is not unsound on the basis that it does not replicate SPPS provisions; that is not what soundness test C3 requires.

- 5.188 Terminology used in regional policy and the dPS differs. That BCC has taken account of the latter is evidenced in Technical Supplement 6: “*Urban design and built heritage*” (TS 6) [DPS012]: paragraph 7.4.3 of the dPS and the first bullet point setting out its aims for built heritage policy; and the first two sentences of paragraph 7.4.4 thereof. Differences in wording do not give rise to conflict between the provisions of regional policy and the dPS such that the statutory primacy accorded to the plan policy would weaken the aims of existing strategic policy for heritage assets and/or set a lower threshold of protection for the historic environment.
- 5.189 The more permissive approach to policy wording in the dPS compared to PPS 6 must be considered in the context of the plan when read as a whole and the clear statement in paragraph 7.4.4 of the former. There is no conflict with regional policy in this respect and, taking account soundness test C3, no basis for amending the wording of the dPS to mirror PPS 6.
- 5.190 Although the dPS does not make explicit provision for non-designated heritage assets, this is not to say that BCC did not take account of the provisions of paragraph 6.24 of the SPPS. When read in the round, Policies BH2, BH3, BH5 and DC3 would enable the considerations identified in regional policy to be weighed in application of the dPS policies to individual proposals. Moreover, as there is no conflict between the dPS and SPPS in this respect, paragraph 6.24 of the latter would remain a material consideration. The precautionary principle, as it would be applied to archaeological and built heritage assets, is set out at paragraph 7.4.4 of the dPS where some examples are given. Use of the word “*including*” indicates that those examples are not exhaustive. As non-designated archaeological sites of importance are not excluded from policy, there is no conflict with paragraph 3.9 of the SPPS.
- 5.191 Policies BH1 – Listed buildings (LB), BH2 – Conservation areas (CA) and BH3 – Areas of townscape character (ATC) all refer to development therein having regard to relevant SPG. Soundness test C3 does not require that Policy BH2 mirrors the requirements of paragraph 6.19 of the SPPS whereby proposals therein should conform to guidance set out in any CA design guides. That consideration aside, on a practical level, SPG might extend to more than just a CA design guide and may be applicable in whole or in part to a specific proposal. Stipulating that these 3 policies require conformity with selected SPG could potentially be at odds with soundness tests CE3 and CE4. The wording strikes an appropriate balance between those considerations and, in this respect, the policies do not need to be changed in order to be sound.
- 5.192 The first sentence of paragraph 7.4.8 of the dPS identifies a LB’s setting as an essential part of its character. Whilst the remainder of the paragraph does not specifically refer to the setting of LBs in a rural context, it does not preclude them. The provisions of Policy BH1 under the sub-heading “*New development affecting the setting of listed buildings*” would apply regardless of context. Policy BH6 – Parks, gardens and demesnes of special historic interest would also apply where LBs in rural

settings are sited within such designations. Section 91 (2) of the Act identifies the setting of a LB as a material consideration in assessing proposals for listed building consent whereby special regard must be had to the desirability of preserving the building or its setting. In addition, as there is no conflict between the dPS and paragraphs 6.12 and 6.13 of the SPPS in this respect, the latter would continue to apply upon adoption of the plan. Similarly, Historic Environment Division's "*Guidance on Setting and the Historic Environment*" (February 20i8) would remain a material consideration. That Policy BH1 does not replicate provisions of regional policy does not make it unsound. Therefore, there is no need to change paragraph 7.4.8 of the dPS.

- 5.193 The consistency tests for soundness do not require Policy BH1 to mirror the provisions of regional policy. When its criterion h. is read in conjunction with paragraph 7.4.10 of the dPS, there is no significant divergence from criterion (b) of Policy BH 8 Extension or Alteration of a Listed Building of PPS 6. No associated amendment is needed.
- 5.194 In considering applications for demolition of a LB the J&A text to Policy BH 10 of PPS 6 identifies "*substantial benefits for the community*" as a material consideration. Policy BH1 provides for exceptional circumstances to the stated presumption in favour of retaining LBs. Community benefits could be a material consideration in assessing any such proposal. Policy cannot reasonably be expected to provide for every possible material consideration that might be raised in pursuing an exception to the stated presumption. That specific provision for this issue is not made within policy does not mean that it is at odds with soundness test CE3.
- 5.195 Monitoring Indicator (MI) 14 seeks to provide a tangible marker to inform the statutorily required Annual Monitoring Report (AMR). It is consistent with the Introduction to the Built heritage section of the dPS, which states that the remaining historic environment assumes greater importance in the context where the historic fabric and cohesive character of central Belfast and its immediate environs have been increasingly fragmented from the mid-20<sup>th</sup> century onwards. We concur with the Department for Communities Historic Environment Division (HED) that MI 14 is consistent with RG11 of the RDS and paragraph 6.4 of the SPPS. Where monitoring resources permit, paragraph 11.2.6 of the dPS enables additional considerations to be taken account of such as the number of buildings removed from the Built Heritage at Risk Register due to re-use and regeneration. It is also of note that Policies CC1 – Development Opportunity Sites and RET6 – Temporary and meanwhile uses are supportive of regeneration. MI 14 is consistent with soundness test CE3 and does not need to be revised.
- 5.196 Given the fragmented nature of the city centre's historic fabric and character, as set out in the aforementioned Introduction, the wording of paragraph 7.4.6 of the dPS is consistent and coherent without replacement of the phrase "*historic townscape*" by "*historic landscape*".

- 5.197 The building features cited in paragraph 7.4.14 of the dPS are prefaced by “*such as*” and are therefore not exhaustive. The statutory definition of a “*listed building*” at Section 80 (7) of the Act will apply regardless of the wording of the J&A text in the dPS.
- 5.198 In its dPS Public Consultation Report (SD006) BCC dealt with other representations relating to Policy BH1 at pages 236 and 237. Having taken account of further discussion of those issues at the public hearing sessions, we concur with its reasoning and conclusions.
- 5.199 In that report BCC also proposed amendments to Policy BH2 and its J&A text in order to correct “*typographical and drafting errors*” at pages 447 & 448 and 456 to 458. We agree with its rationale for RA27, RA28, RA29, RA30, RA32, RA34 and RA35 that is set out in not only Section 7.2 and 7.3 of that report but also, where appropriate, at pages 238 - 241 inclusive thereof. These RAs are necessary to address ambiguity and to satisfy soundness test CE3.
- 5.200 In paragraphs 7.4.16 and 7.4.19 there are references to “*area built heritage asset(s)*”. This term is not defined in the Glossary. Therefore, in order to comply with soundness test CE 3 substitution of this reference with “*Conservation Area(s)*” is necessary – RA31 and RA33.
- 5.201 Policy BH1 sets out a presumption in favour of retaining LBs. As the dPS should be read in the round, there is no need for it to be repeated in Policies BH2 and BH3. There is no conflict between the policies in this respect and this consideration is not at odds with the coherence and effectiveness tests for soundness. Therefore, there is no need to delete reference to LBs from Policies BH2 and BH3 in order to make them sound. It is for BCC to consider whether it chooses does so. The same is true of paragraph 7.4.14 where it refers to CAs and ATCs and paragraph 7.4.20 where it refers to LBs.
- 5.202 When read in the context of the preceding two sentences, criterion j. is clearly understood as referring to an existing building and there is no need to amend its wording to explicitly state this.
- 5.203 The statutory requirements for development in CAs will remain regardless of dPS policy. There is no conflict between Policy BH2 and its J&A text, when read in the round, and paragraph 6.18 of the SPPS. Policy cannot anticipate the particular circumstances of every case for demolition within CAs and indicate the weight to be given to competing material considerations; there would inevitably be an element of professional judgement on a case-by-case basis. Our remit is to consider if the policy is sound. In this context, that element of policy strikes an acceptable balance between soundness tests CE3 and CE4 and its provisions for demolition do not need to be altered.

- 5.204 An alternative to MI 17 in Appendix F: Monitoring Indicators of the dPS was suggested. Our role is not to consider whether it would be more appropriate and coherent, it is to decide whether MI 17 satisfies soundness test CE3 in its current form. As that is the case, there is no need for it to be changed.
- 5.205 Section 104 (1) and (2) of the Planning Act empowers councils and the Department to designate CAs. Review of the draft ATCs shown in dBMAP 2015 and consideration as to whether they merit re-designation as CAs is out with the remit of the dPS.
- 5.206 In its dPS Public Consultation Report (SD006) BCC dealt with other representations relating to Policy BH2 at pages 238 - 241 inclusive. Account has been taken of further discussion of those issues at the public hearing sessions. We concur with its reasoning and conclusions.
- 5.207 In Section 7.3 of its Public Consultation Report—(SD006) BCC proposed “*minor changes*” to Policy BH3. For the reasons set out at pages 458 – 460 of that report, we concur with its reasoning as to why the changes are needed to satisfy coherence and effective tests in DPPN 6. They are consistent with paragraph 6.22 of the SPPS and paragraph 2.5 of the Addendum to PPS 6: “*Areas of Townscape Character*”. Therefore, RA37 and RA38 are required in order to make the policy sound.
- 5.208 For the same reasons as RA29 is necessary regarding criterion k of Policy BH2, RA36 is needed in respect of criterion h. of Policy BH3 in order to make it sound.
- 5.209 Paragraph 6.2.16 of the dPS states that frontages onto city corridors can benefit from higher densities of development. Where these come within ATCs, criterion a. of Policy BH3 does not preclude higher densities provided that site context is respected. The balance to be struck between the considerations set out in criterion a. with the role of city corridors set out in Policy SD2 – Settlement Areas is consistent with paragraph 6.21 of the SPPS and Policy ATC 2 – New Development in an Area of Townscape Character in the Addendum to PPS 6. Introducing the word “*normally*” into the first sentence of Policy BH3 would suggest that its requirements might be waived in favour of densification; rather than a balance struck between the two on a case by case basis taking account of the Area’s capacity to absorb a taller building without detriment to overall character. The policy achieves an appropriate balance between soundness tests CE3 and CE4 in these respects and is sound as written.
- 5.210 Uniformity of wording between criterion a. of Policy BH3 and the first sentence of paragraph 7.4.23, where both refer to maintenance of the Area’s distinctive character and appearance, would provide greater ease in interpretation. However, when criterion a. is read in light of its associated J&A text, there is no ambiguity. Therefore, the policy as written as consistent with soundness test C 3 in this respect.

- 5.211 For the same reason as set out in consideration of Policy BH2 (paragraph 5.200 above), RA39 is necessary in respect of paragraph 7.4.28 whereby “*area built heritage asset*” needs to be replaced by “*built heritage asset*”.
- 5.212 MI 15 in Appendix F of the dPS applies to both CAs and ATCs. The wording of the “Trigger” does not make immediate sense. This was not raised with BCC so RA74 is suggested on the basis of what we understand its intent to be. The trigger does not allow for under-performance of BCC’s development management and enforcement functions; it will be charged with applying the relevant legislation, plan policies, regional policy and guidance and its own SPG regardless of the wording of the associated MI. There is no conflict with paragraphs 6.18 to 6.22 inclusive of the SPPS such as would weaken the role of CAs and ATCs in the plan-led system. Vacancy rates could be short-term and reflect market forces rather than poor performance by the local planning authority. At any rate, that suggested trigger would not reflect the legislative and policy requirements for development management in those Areas in the way that MI 15 would. It is consistent with soundness test CE3 and, other than RA74, no further amendment is recommended.
- 5.213 RA73 is necessary as Appendix E lists 3 pieces of SPG that BCC intends to prepare in respect of listed buildings, Conservation Areas and Areas of Townscape Character. The correspondent plan policies were incorrectly identified; instead of HE1, HE2 AND HE3, they should be BH1, BH2 and BH3 respectively.
- 5.213 In its dPS Public Consultation Report (SD006) BCC dealt with other representations relating to Policy BH2 at pages 242-244 inclusive. Having considered further discussion of those issues at the public hearing sessions, we concur with its reasoning and conclusions.
- 5.214 The dPS Glossary defines “*built heritage assets*”. However, the first sentence of Policy BH4 – Works to grounds affecting built heritage assets whilst otherwise reflecting that definition includes the seemingly extraneous words ‘*development in*’. RA40 is necessary for the sake of coherence and clarity.
- 5.215 The permissive wording of the second sentence of Policy BH4 is not at odds with protection afforded to archaeological sites by regional policy as the dPS must be read in the round and Policy BH5 – Archaeology is clear as regards BCC’s approach to development affecting those assets or their settings. The policy is not unsound in this respect.
- 5.216 BH4 says that: “*built heritage assets*” includes development in designated (*our emphasis*) archaeological sites of importance. Criteria b. and d. of Policy BH5 relate to archaeological sites or monuments of local importance or their settings. Reading the provisions of the dPS in the round, it does not weaken protection afforded by the

SPPS to such sites; indeed criterion d. of Policy BH5 largely replicates paragraph 6.9 of the SPPS. In this respect, the policy is not unsound as written.

- 5.217 Policy BH4 does not differentiate between heritage assets in rural and urban areas. Whilst CAs and ATCs, by their nature, will be confined to urban areas, LBs and archaeological sites can be located in both. Again, the plan must be read in the round. Policies such as NH1 – Protection of natural heritage resources, BH5 – Archaeology, BH6 - Parks, gardens and demesnes of special historic interest and landscape and coast policies (Section 10.4 of the dPS) might also apply. Whilst BCC is not required to replicate paragraph 6.1 of the SPPS within its dPS, there is no conflict between the documents in respect of the scope and level of protection afforded to various historic assets. In this respect, Policy BH4 complies with the tests for soundness concerned with consistency, coherence and effectiveness.
- 5.218 As it applies to proposed works within CAs, the provisions of Policy BH4 must be read together with Policy BH2. With regard to new or replacement buildings, criterion a. of the latter encompasses the legal test for development in CAs that is set out at Section 104 (11) of the Act. In this wider context, the reference to *“in keeping with the age and style of the property”* in criterion d. of Policy BH4 would not necessarily preclude the erection of a garage whose design enhances the area but may not mirror that of the host property. Criteria a. and g. of Policy BH1 and criterion a. of Policy BH3, when read together with Policy BH1, would allow for innovative design within the curtilage of LBs and in ATCs. The wording of criterion d. does not need to be changed in order to make the policy sound.
- 5.219 Paragraph 6.8 of the SPPS says that ASAs are archaeological remains of regional importance. On this basis, the first sentence of criterion a. of Policy BH5 would apply to them. However, the use of the word *“comprise”* in the criterion’s second sentence suggests that archaeological remains of regional importance are only those identified therein. There was no suggestion that BCC is seeking to depart from the SPPS definition of archaeological remains of regional importance. Despite reading criterion a. in the round, there is the potential for perceived conflict with the SPPS in this respect. ASAs may not come within the ambit of *“other important sites and monuments which would merit scheduling”* if this is read as a conjunctive description. In the plan-led system this could unintentionally downgrade protection afforded to ASAs. RA41 would ensure that criterion a. of Policy BH5 is consistent with soundness test CE3.
- 5.220 Specific mention of ASAs within Policy BH5 would save cross-referencing to the first sentence of paragraph 6.8 of the SPPS. However, whilst useful, that change is not necessary to make the policy sound in this respect.
- 5.221 Paragraph 4.19 of TS 6 says that the plan area has one Area of Special Archaeological Interest (ASAI) and a potential ASAI. Given that statement and reference to the ASAI proposed in dBMAP in the SA, it is surprising that BCC did not include it within

Appendix A of the dPS and in its map base DPS023A – DPS023Z albeit that it was a designation within a draft plan. Nevertheless, designation of ASAls will be a matter for the LPP; this is consistent with paragraph 6.29 of the SPPS.

- 5.222 In its Public Consultation Report (SD006) BCC dealt with other representations relating to Policy BH5 at pages 248 and 249. Considered together with further associated evidence at the public hearing sessions, we concur with its reasoning and conclusions. Other than RA41 the policy requires no further amendment in order to satisfy soundness tests C1, C3 and CE2.
- 5.223 The wording of Policy BH6 does not mirror that of RG11 of the RDS or paragraphs 6.4, 6.16 and 6.17 of the SPPS. However, the practical outcome would be the same when the policy is read in the context of paragraph 7.4.3 of the dPS. Policy BH6 is not required to “*adhere to*” the provisions of regional policy in order to be sound. Moreover, as there is no conflict with the relevant provisions of the RDS and SPPS, developers would have to satisfy their requirements.
- 5.224 In its dPS public consultation report (SD006) BCC dealt with respondents’ additional concerns at page 250. Whilst consideration was given to further discussion of the issues at the public hearing sessions, we concur with its reasoning and conclusions. As written, Policy BH6 is sound.
- 5.225 Paragraph 6.27 of the SPPS gives a council discretion in whether it brings forward LPP policies in respect of enabling development as defined in the preceding paragraphs. There is no requirement that a DPD includes such policy. The provisions of paragraphs 6.25 and 6.26 of the SPPS would be material considerations in determining any proposal being promoted as enabling development. Paragraph 14.9 of BCC’s Development Contributions Framework 2020 specifically refers to the SPPS when considering enabling development. In this context, that the dPS has not made specific provision for enabling development would not frustrate those aims or the provisions of Table 11 of the Framework. In this respect, the dPS is consistent with soundness tests C3, C4, CE3 and CE4.
- 5.226 Additional monitoring indicators were suggested to make the dPS “*stronger in terms of monitoring of impacts of the plan*”. Clear mechanisms for monitoring the built heritage policies’ implementation are proposed. That there may be alternative, additional and/or more stringent ways of doing so does not alter the assessment that, as written, the proposed MIs are consistent with soundness test CE3.
- 5.227 Subject to the identified recommended amendments, the policies relating to built heritage are sound.

## Community cohesion and good relations

- 5.228 Criterion a. of Policy CGR1 – Community cohesion and good relations is consistent with the provisions of paragraph 4.17 of the SPPS. That BCC proposes to go beyond what it referred to as the “*statutory minimum*” pre-application community consultation required by Section 27 of the Planning Act, chimes with the “*focus on pre-application discussion*” sought by paragraph 5.5 of the SPPS. The provisions of Section 27 (6) of the Act would not achieve the objectives of criterion a. given that they only apply to major development as defined by law. Notwithstanding the potential exceptions to Policy CGR1, there may be local developments, as statutorily defined, that might be considered to impact upon contested community space and have implications for “*legacy issues*”. It is noted that the Department for Communities (DfC) requires additional consultation on behalf of Housing Associations for developments not already subject to the requirements of Section 27 of the Act. That being the case, there is no persuasive evidence that compliance with criterion a. would have resource implications for DfC such as to have major implications for affordable housing supply. At any rate, not all “*local developments*” would be proposed by on or behalf of Housing Associations. In light of the provisions of the SPPS, the requirements of criterion a. are soundly based.
- 5.229 Paragraph 7.5.11 of the dPS elaborates on the reference in Policy CGR1 to minor planning applications likely being exempt from its requirements and the possibility of associated SPG being produced. There would be utility in such SPG given the acknowledged “*complexity of issues involved in addressing community cohesion*”. That said, it could not be definitive and provide blanket exemption for certain types and scale of development as context and location could be determining in its impact on communities. The issue of exemption could be determined by pre-application discussion with BCC. On this basis, the policy strikes an effective balance between soundness tests CE3 and CE4.
- 5.230 When Policy CGR1 is read in the round, criterion b. does not require that potentially affected communities must support a particular proposal as a pre-requisite to it obtaining planning permission. It requires that the statement referred to in the policy’s penultimate paragraph addresses criteria a. to e. inclusive. Criterion b. does not need to be deleted or moved to the J&A text in order to make the policy sound.
- 5.231 Not all barriers to community cohesion and good relations are in the form of peace infrastructure. Roads, landscape buffers, natural features and a development’s layout and design can also give rise to division. With this in mind, and taking account of BCC’s evidence at page 254 of its dPS Public Consultation Report (SD006), suggested revision of criterion c. of Policy CGR1 would weaken its scope and intent; it is unnecessary.
- 5.232 BCC considered representors’ remaining points in its dPS Public Consultation Report (SD006) at pages 253 – 256. We agree with its responses to those concerns and,

having taken account of any further discussion at the public hearing sessions, conclude that none of the issues raised therein render Policy CGR1 unsound. It is sound as written.

### **Promoting healthy communities**

- 5.233 Setting a threshold for the scale of development that would trigger the need for a Health Impact Assessment (HIA) would not take account of material considerations such as the nature, scale and location of the proposal. These particular characteristics need to be considered on a case-by-case basis. The introduction of such prescription into Policy HC1 – Promoting healthy communities would be at odds with soundness test CE4. Both the policy implementation box and Appendix E of the dPS signpost BCC’s intention to bring forward associated SPG. That would be the appropriate mechanism for providing guidance on HIA, which could be specifically tailored to reflect the characteristics of the development proposed. It could include advice on how applications for planning permission for the types of development identified in paragraph 3 of Policy HC1 would be screened to determine whether they have the potential to have a significant adverse effect on public health and wellbeing. Pending publication of such SPG, this determination could be made during pre-application discussion.
- 5.234 BCC considered representors’ remaining points in its dPS Public Consultation Report (SD006) at pages 258 & 259. We concur with its responses to their concerns and, having taken account of any further discussion at the public hearing sessions, conclude that none of the issues raised therein render Policy HC1 unsound.

### **Community Infrastructure**

- 5.235 In the interests of ensuring good accessibility to existing services and facilities designed to serve future residents, it was suggested that the fifth paragraph of Policy CI1 – Community Infrastructure be amended to specify that these should be within either 400m or 5 minutes’ walk from public transport. That particular policy aim could be considered on a case by case basis taking into account the nature, scale and location of the development proposed. Introduction of such prescription into the policy would be at odds with soundness test CE4 and is not necessary.
- 5.236 A blanket requirement that proposals for community infrastructure be subject to a screening by a Health Equity Assessment Tool (HEAT) for determining the impact of new community facilities on reducing health inequalities would require consideration of issues that are beyond the scope of land-use planning and outside the remit of the LDP process. Whilst it may be of wider benefit in informing investment decisions in community project and programme planning, it would not be appropriate in the development management context. Policy HC1 satisfies the soundness tests without incorporation of the requirement for a HEAT.

5.237 BCC considered representors' remaining points in its dPS Public Consultation Report (SD006) at pages 260-262 inclusive. We agree with its responses to their concerns and, having taken account of any further discussion at the public hearing sessions, none of the issues raised therein cause Policy CI1 to be unsound.

## 6.0 Creating a vibrant economy

### Inclusive economic growth

- 6.1 BCC considered the implications of the quantum and strategic distribution of employment land supply for the city's transportation infrastructure based on the evidence available during preparation of the dPS. This included input from the statutory roads authority, the MASWG and the LDP Transport Working Group. There will be similar opportunities for consultation with and input by the statutory undertaker, neighbouring councils, stakeholders and other interested parties at the LLP stage when specific sites are proposed for employment use. Site-specific demand management issues, including parking levies, could be considered as key site requirements at that second stage of the LDP process.
- 6.2 The dPS sets out strategic aims and objectives for building a smart, connected and resilient city. Policies SP2 – Sustainable development and SP5 – Connectivity provide the strategic framework for operational policy concerned with sustainable transport modes, accessible public transport and active travel networks. The suite of policy contained at section 9.4 of the plan contains the operational policies for transportation. The dPS would provide the strategic framework for assessing site suitability for delivering inclusive economic growth including specific transport and infrastructural considerations. Connectivity and likely associated social, economic and environmental effects of the policies in section 8.1 concerned with inclusive economic growth were considered in the draft SA/SEA (DPS004c) at pages 194 – 215 inclusive. None of those policies are unsound on the basis that specific mention is not made of the aforementioned considerations.
- 6.3 Strategic guidance in the SPPS in respect of the implementation of its policy for economic development, industry and commerce is predicated on the "*new two-tier model of delivery*" that its opening paragraph refers to. Although Planning Policy Statement 4: "*Planning and Economic Development*" (PPS 4) will be superseded by the LDP for the BCC area when adopted, its paragraphs 4.19 – 4.21 are a material consideration. However, they have to be interpreted and applied in the context of the current two-tier plan process rather than the previous unitary DPDs. Its provisions were taken account of in: Technical Supplement 3 – *Employment and Economy* (TS 3) [DPS009]; the Urban Capacity Study (DPS028); in establishing an employment monitor in line with the final bullet point of paragraph 4.19 of PPS 4; and in drafting the suite of dPS policies concerned with inclusive economic growth.
- 6.4 The dPS contains no equivalent to Policy PED 8 – Development incompatible with Economic Development Uses of PPS 4. Paragraph 6.90 of the SPPS addresses the issue. As there is no conflict between the documents in this respect, the SPPS provisions would still apply and do not need to be replicated in the dPS. The issue subject of criterion (k) of paragraph 4.21 of PPS4 is most appropriately dealt with at LLP stage. In this respect, the dPS is consistent with soundness test C3.

- 6.5 The dPS contains no equivalent to Policy PED 9 – General Criteria for Economic Development of PPS 4. Section 45 (1) of the Planning Act requires the decision maker to have regard to the LDP and to any other material considerations. Therefore, dependent on the circumstances of any particular case, some or all of the matters flagged up in Policy PED9 of PPS4 would be material even if not addressed by other dPS policies when it is read in the round. Paragraph 6.91 of the SPPS requires that all applications for economic development must be assessed in accordance with normal planning criteria and cites some non-exhaustive examples. As there is no conflict between the dPS and SPPS in this respect, the latter would still apply. The dPS is consistent with soundness test C3 in this respect.
- 6.6 BCC considered representors’ remaining concerns about Policy EC1 - Inclusive economic growth in its dPS Public Consultation Report (SD006) at pages 264 – 267 inclusive. We have also considered these representations, agree with BCC’s response to them and find the policy to be sound as written.
- 6.7 RA42 is necessary for the sake of clarity whereby “*gross developable land*” referred to in the first paragraph of Policy EC2 – Employment land supply should be replaced by “*floorspace*”. For the same reason RA43 is required in order to put beyond reasonable doubt that the “*Rest of Belfast city*” is the area within the settlement development limit for Belfast but excluding the defined city centre and Belfast Harbour.
- 6.8 BCC considered representors’ concerns about Policy EC2 in its dPS Public Consultation Report (SD006) at pages 268 – 274 inclusive. Some of its responses to their issues with Policy EC3 – Major employment and strategic employment locations, at pages 275 – 280 thereof, are also pertinent to the issue of employment land supply. Having taken account of discussion at the public hearing sessions, only some specific points require further consideration. Otherwise, we concur with BCC’s responses.
- 6.9 The evidence referred to earlier in this report when considering the jobs and economic floorspace aspirations of the growth strategy and BCC’s TS 3 were available to the public in order to inform and contextualise representations made on the dPS. For ease of reference these are:
- Ulster University Economic Policy Centre (UUEPC) prepared a paper on BCC’s behalf in September 2016 titled: “*Assessing Employment Space Requirements across the City – 2015-2030*” (POP007);
  - The “*Housing Growth Options Report*” of October 2016 (POP006), prepared for BCC by Turley;
  - August 2018 “*Office Study*” (DPS030);
  - BCC’s Technical Supplement 3 – *Employment and Economy (TS 3)* [DPS009]; and
  - The Urban Capacity Study (DPS028).

They need to be read together and in chronological order. Isolating a single publication, or part thereof, and applying the soundness tests for coherence and effectiveness does not give a complete picture of the evidence base for Policy EC2.

- 6.10 The UCS concluded that there is a “*significant oversupply*” of economic development land. However, this is subject to a number of caveats including:
- a. In addition to sites with planning permission for employment use, sites zoned for that use within dBMAP were considered in the UCS as suitable for development (section 3.2.2). As set out below in the consideration of Policy EC4 – Loss of zoned employment land, there is nothing in the dPS itself that indicates that it would apply to such sites zoned in dBMAP. Therefore, proposals for their (re)development for other uses would not be subject to Policy EC4;
  - b. A site is categorised as unavailable where there is clear evidence that the landowner is not willing to see development come forward. The UCS said that it was not possible to confirm such willingness when it was being complied and that: “*This will be considered further later in the LDP process*” (section 3.2.3);
  - c. With regard to site yield, the UCS stated that calculating the approximate potential yield of a site is a key aspect in helping to understand the development potential of sites. However, it acknowledged that it is a high-level assessment only and that further consideration of net developable areas and appropriate quantum of development should be considered at later stages in the LDP process (section 3.2.6); and
  - d. The “*Summary*” at Section 4.4 of the UCS includes further caveats.
- 6.11 The oversupply of employment land identified in BCC’s evidence base included consideration of sites designated as existing employment areas in dBMAP that straddle the urban footprint. Cumulatively this “*overspill*” amounts to 1.3% of the total area identified by the UCS as being available for employment use. In the context of the overall quantum, by itself, this is not necessarily fatal to the robustness of the dPS evidence base. However, the potential cumulative impact of the various caveats may have implications for the conclusions and recommendations at section 6 of the UCS as they relate to the availability of land for employment uses.
- 6.12 RG1 of the RDS 2035 seeks to ensure an adequate supply of land to facilitate sustainable economic growth. The rationale for the three stage Employment Land Evaluation Framework at Table 3.1 thereof is set out in the preceding bullet point in paragraph 3.3. The RDS 2035 was published in March 2012 and, at paragraph 1.8, referred to the review of public administration and the transfer of planning powers to new councils that subsequently occurred in 2015. Other than that, there is no reference to the current two stage LDP process.

### 6.13 Looking at each of the 3 evaluation stages set out in Table 3.1:

- a. BCC took stock of the existing situation in considering the review of existing employment land supply in the UCS. The investigation set out in column of Stage 1 was not carried out. Paragraph 11.4 of DPPN 7 says that in ensuring that the allocation of employment land is consistent with the role and function of settlements, a council may wish to undertake a survey or review of existing economic development sites to ensure that any baseline information is up to date in order to justify its policy approach towards economic development, industry and commerce for its area. Had such a survey been carried out it would have formed a more robust evidence base for Policy EC2. However, soundness test CE2 requires that the evidence base is robust. That BCC did not undertake further survey or review at this stage, above and beyond the UCS does not set it at odds with the discretionary nature of the guidance in DPPN 7. The considerations set out in column 2 of Stage 1 of Table 3.1 will have to be taken on board at the next stage of the plan process in making site-specific allocations. As the RDS pre-dates the two stage LDP process, the timing of that site-specific review is not fatal to Policy EC2;
- b. How demand for employment space was quantified was considered in the context of Policy SP1 – Growth strategy. The caveats set out on page one of the UUEPC report are noted. It is difficult to accurately predict their spatial ramifications. That submission pre-dated the current pandemic. However, the conclusions reached earlier in this report about its implications for the plan and the manner in which such uncertainty should be addressed, are applicable in respect of changing work patterns and/or changing trends in employment densities over time. The substance of the second caveat has been touched on in respect of stage 1 of Table 3.1 of the RDS. Figure 8.1 of the dPS addresses supply of employment space. This has been informed by the UCS, whose conclusions are summarised at Table 11 thereof. The UUEPC report does not correlate with the second column of Table 3.1 of the RDS. However, considered together with Figure 8.1 of the dPS and its correspondent evidence base in the UCS, it shows that the strategic issues of both demand and supply have been considered at this first stage of the LPP process. This was the best evidence available to BCC when the dPS was being prepared. Factors such as: why committed sites have not been (fully) developed; the suitability of existing employment locations for modern business needs; and allocation of new sites for employment use could only be properly considered at the LPP stage. Where paragraph 6.92 of the SPPS identifies a fundamental role for LDPs in respect of economic development, industry and commerce, it refers to the DPD as a whole and not just the dPS. Therefore, neither of the report’s caveats materially detract from the weight given to it; and
- c. Identification of a “new” portfolio of sites as required by stage 3 of Table 3.1 is squarely a matter for the LPP stage of overall LDP process.

- 6.14 The extent of evaluation required by the RDS in respect of the former unitary area plan system has not yet been carried out. However, the evidence base to date is realistic and appropriate in light of the two-stage LPP process. Only site-specific evaluation can fully address concerns about whether the scale of the identified oversupply is accurate. Nevertheless, there is a marked difference between the magnitude of the identified supply and the quantified need for employment land. Therefore, if any/all of the identified potential weaknesses in the quantification of the oversupply were to reduce the scale of that disparity, they would be unlikely to frustrate the core aim of the growth strategy to support the creation of 46,000 additional jobs over the plan period. Increasing the quantum of employment land supply for fear that the oversupply has been under-estimated and/or for flexibility would be at odds with the pursuit of sustainable development.
- 6.15 Policy EC2 states that: *“The take-up of existing employment land will be monitored and its ongoing supply managed via regular review”*. Paragraph 8.1.19 of the J&A text reiterates that commitment. Sections 11.2 and 11.3 of the dPS set out provisions for its monitoring and review. When the LPP is adopted, subsequent to the aforementioned site-specific work having been carried out during its preparation, were Monitoring Indicator 3 (Appendix F of the dPS) to show there to be a mismatch between what is available on the ground and the identified strategic need for additional employment floorspace, BCC could opt for an early review of the plan. This is consistent with paragraphs 5.36 – 5.39 of the SPPS and the legal and policy framework identified therein. Account has been taken of representors’ repeated points that: once the quantum of land to be zoned for employment purposes is set in the dPS, that all the LPP can do is translate that into spatial designations; and if site-specific consideration of existing employment land, of which the evidence base points to a substantial oversupply, shows that it is not all available and/or suitable then the headline figure cannot be revisited at that stage. However, in the context of the two stage LPP process with the legal and policy emphasis on plan, monitor and review, neither concerns render Policy EC2 at odds with soundness tests CE1 and CE2.
- 6.16 The strategic spatial approach to the allocation of employment land and the complementary role of Belfast Harbour to the city centre is consistent with the provisions of SFG1, paragraph 3.41 and SFG3 of the RDS and paragraph 6.25 of the SPPS.
- 6.17 Subject to RA42 and RA43, Policy EC2 satisfies the tests for soundness.
- 6.18 The dPS is required to take account of the RDS, not slavishly adhere to it. Strategic Employment Locations (SELs) were included in the RDS 2025 (SPG-ECON 4 & 5) but omitted from the 2035 version. RG1 of the RDS 2035 seeks to ensure an adequate supply of land to facilitate sustainable economic growth. Councils have discretion in how the aims of strategic policy are achieved and the rationale for SELs’ designation is consistent with paragraphs 6.89 and 6.92 of the SPPS. Therefore, notwithstanding

the provisions of paragraph 1.1 of the RDS 2035 and/or paragraph 2.8 of PPS 4, the principle of their inclusion in the dPS is not at odds with soundness tests C1 or C3. As required by soundness test CE2, “*reasons for alternatives considered*” is addressed in DPS004C at page 201.

- 6.19 Paragraph 3.41 of the RDS notes that major employment/industrial locations in the Belfast Harbour Area (including Titanic Quarter) will help achieve the aims of SFG1 in promoting urban economic development at key locations throughout the BMUA and ensure sufficient land is available for jobs. However, unlike the provisions for SELs in the RDS 2025 (page 142) there are no identified considerations to be taken into account in their identification. The aforementioned statement in paragraph 1.1 of the RDS 2035 means that the provisions of ECON 4.1 of its predecessor document can carry no weight in the designation of SELs. Paragraph 8.1.24 of the dPS gives direction on development management in Major Employment Locations (MELs) and SELs but provides no indication of how such proposed designations would be selected and defined. BCC gave verbal evidence on what possible distinguishing factors between the proposed designations might be. However, Policy EC3 - Major employment and strategic employment locations is silent on the strategic framework for designation of SELs and MELs in the LPP. There is no definition of either term in the dPS Glossary that would give strategic direction on differentiation between the two designations and consequent implications for site selection.
- 6.20 An integral part of BCC’s evidence base at LPP stage would be a clear framework for designation of areas to which such strategic policies would apply. Representors would have the opportunity to make their views known on not only the spatial implications of the policy but the criteria and/or parameters that guided site selection. In the two-stage plan process, BCC’s approach does not offend the soundness tests for coherence and effectiveness.
- 6.21 In respect of the current plan area, draft BMAP 2015 proposed a MEL at Belfast Harbour Area (including Titanic Quarter), extending to 39 hectares. Despite the dPS references at: paragraph 8.1.20 to existing dBMAP boundaries for SELs; and paragraph 8.1.22 to “*various designated SEL’s (sic) in the city*”, dBMAP made such no provision. Paragraph 8.1.25 of the dPS says that pending adoption of the LPP, “*the existing draft BMAP boundaries of the employment areas will be used*”. DPS0230 Map 15: Employments (*sic*) areas includes extracts of various proposed designations from dBMAP and page 44 thereof refers to “*existing employment land*”. It is not clear what draft designations BCC is referring to in paragraph 8.1.25 and Map 15. It elaborated on the issue at page 282 of its dPS Public consultation Report (SD006) saying that pending adoption of the LPP, Policy EC3 would apply to “*sites of existing employment land zonings*” in dBMAP in addition to the proposed MEL at the Belfast Harbour Area shown on Map No. 3/001 - Belfast Harbour Area of dBMAP 2015. Appendix A of the dPS identifies 4 “*Employment locations*” as interim designations to which Policy EC3 would apply. These are as follows: Zonings BT007 and BT008 that

are proposed zonings for Employment/Industry; and Zonings BT010 and BT011 that are proposed zonings as Existing Employment/Industry.

- 6.22 At the public hearing sessions, BCC said that it would have no difficulty if the J&A text were amended to say that SELs and MELs would be designated the LPP stage. However, the proposed transitional arrangements would remain. Policy EC3 specifically relates to MELs and SELs and there is insufficient coherent and persuasive evidence as to why draft designations in dBMAP 2015, other than the proposed MEL, should come within the ambit of Policy EC3 and, by extension, Policy EC4 - Loss of zoned employment land. For the sake of coherence and in order to satisfy soundness test CE3, RA44 is necessary.
- 6.23 On the face of Policy EC3 and its associated J&A text there is nothing to suggest that the proposed SELs and MELs would have a hierarchical relationship or that a sequential test would be applied in assessing proposals therein. As written, the policy would not support its application in those ways. Therefore, there is no need to amend it in this respect.
- 6.24 “*Complementary*”, “*small scale*”, “*ancillary*” and “*accommodated*” are not defined in the dPS Glossary. BCC referred to various junctures in the SPPS where “*complementary*” is used without definition. As commonly used, it does not necessarily mean that a proposed use must fall within the same Use Class at the primary employment use; the principle of a *sui generis* use is not excluded. Read in context, considered in the round of the overall policy and given their everyday meaning, there is no tautology and the words do not need to be defined in order to satisfy soundness test CE3. Stipulating precise definitions would be at odds with soundness test CE4. An appropriate balance is struck between the two tests in this respect. The potential tension between the two is unlikely to frustrate the overall aims of Policy EC3 or the certainty to be provided in the plan-led system. The policy’s implementation box refers to the preparation of SPG that could provide elaboration if monitoring of its application suggests inconsistency or other associated operational issues. However, the policy is not unsound on this basis.
- 6.25 Paragraph 8.1.23 of the dPS sets out how proposals for *sui generis* uses in SELs and MELs would be considered. This includes compatibility with existing uses and their continuation. This chimes with paragraph 6.90 of the SPPS. No associated amendment is required; the policy not unsound in this respect.
- 6.26 The final paragraph of Policy EC3 cross-references to Policy EC4 - Loss of zoned employment land. It does not add to the ambit of Policy EC4 and its deletion would not materially affect the objectives or implementation of Policy EC3. It is wholly superfluous to requirement. However, looking at the tests for soundness, its deletion is not necessary to make the policy sound.

- 6.27 SELs and MELs would be employment land zoned through the LPP process or, in the interim period and subject to RA44, the MEL at Belfast Harbour Area proposed by dBMAP. On that basis, as there is no indication either in the policy box or J&A text that SELs and MELs would be excluded from its provisions, Policy EC4 – Loss of zoned employment land would apply therein. As written, neither policy is at odds with soundness test CE1 in this respect.
- 6.28 BCC considered representors’ remaining concerns about Policy EC3 in its dPS Public consultation Report (SD006) at pages 275 - 280 inclusive. Some of have already been considered or will be in the context of Policy EC6 – Office development. However, of the remainder and taking account of any further discussion at the public hearing sessions, we concur with its response to them.
- 6.29 Policy EC4 refers to “zoned employment areas” and “zoned employment land and buildings”. Paragraph 3.2.11 of the dPS cross-references to its Appendix A in respect of dBMAP boundaries and designations to form the basis of decision making until the LDP is adopted in its entirety. There is no mention in Appendix A: Existing/draft policy designations of Policy EC4. Account has been taken of the final paragraph of Policy EC3 but it does not assist in this respect. Therefore, pending adoption of the LDP in its entirety, Policy EC4 must logically apply to land and buildings zoned for employment use in the BUAP 2001, which is the statutory DPD.
- 6.30 In the two-stage LDP process the dPS is not required to undertake a review of the suitability of such zoned land for employment use in light of the needs of modern businesses. Land owners will have the opportunity to make representations on the issue of retention of zoned employment land at the LPP stage of the overall process including such sites’ use for residential or mixed use. In this statutory context, Policy EC4 is consistent with soundness test CE2 in this respect.
- 6.31 Policy PED 7 - Retention of Zoned Land and Economic Development Uses of PPS 4 applies not only to the retention of zoned land but also economic development uses on unzoned land; the dPS does not make similar provision. In this respect, Policy PED 7 chimes with one of the regional strategic objectives for facilitating economic development through the planning system at paragraph 6.82 of the SPPS namely supporting the re-use of previously developed economic development sites and buildings where they meet the needs of particular economic sectors.
- 6.32 In light of the identified oversupply of employment land and the inter-dependency between population growth, demand for new homes, job creation and provision of employment floorspace set out in Policy SP1 – Growth strategy, it is prudent to contemplate whether Policy EC4 should be extended to apply to land and/or buildings currently or last used for employment purposes. BCC considered that applications for re-use of such sites for mixed use or uses other than employment, could be considered on a case-by-case basis. This approach is consistent with the 2<sup>nd</sup> bullet point of paragraph 3.3 of the RDS and the final sentence of paragraph 6.89 of

the SPPS. As the dPS is silent on the issue of such land and buildings, those SPPS provisions would still apply upon its adoption. The weighing exercise set out in that final sentence of paragraph 6.89 of the SPPS would have to be undertaken mindful of its regional strategic objectives and irrespective of the final sentence of paragraph 3.26 of BCC's TS 2 (DPS008). One consideration in that balance would be the weight to be given to the UCS conclusions and recommendations in quantifying oversupply of land for employment use. Extending the reach of Policy EC4 to mirror that of PED 7 of PPS 4 would not provide the element of flexibility advocated by paragraph 6.89 of the SPPS. On balance, the case for doing so is not persuasive and the dPS is not unsound without either that amendment or a separate policy to deal with the issue.

- 6.33 The tone of the first paragraph of Policy PED 7 is more restrictive than that of paragraph 6.89 of the SPPS in terms of the alternate use of land and buildings zoned for economic development use. However, in accordance with paragraph 1.12 of the SPPS, this conflict must be resolved in favour of the latter. Considering alternative uses of zoned employment land "*only in exceptional circumstances*" is entirely consistent with the paragraph 3.3, the first bullet point after Table 3.1 in the RDS and the first two sentences of paragraph 6.89 of the SPPS. As Policy EC4 does not put a moratorium on the consideration of alternate uses, it is consistent with soundness test CE4 in this respect.
- 6.34 Concerns about the interpretation and application of criterion a have already been addressed in the context of Policy EC3. It does not need to be amended in order to render Policy E4 sound.
- 6.35 In respect of criterion b.3, at the public hearing sessions BCC referred to similar provisions in LDPs for cities in GB with the minimum period for "*active marketing*" varying from 12 to 24 months. Whilst these may have been influential in its thinking, this is not evident in the submitted evidence base. In respect of criterion c., BCC's LDP team liaised with its Estates Department, which is the second largest commercial landowner in the city. In that context it is reasonable to consider that it is familiar with the nuances in terminology associated with the marketing of commercial land in arriving at the suggested minimum time period for active marketing. It was BCC's prerogative to decide who to best represent it at the public hearing sessions; that a member of its Estates Department did not do so does not undermine its input into the process. The representation made by Invest Northern Ireland (INI) in respect of this policy was also influential. Again, it is reasonable to suppose that INI are familiar with the workings of the commercial property market.
- 6.36 The POP (POP001), at page 62, flagged the issue of evidence of marketing for a "*reasonable period of time*" thereby placing this issue in the public arena for consideration. The overall public consultation process enabled others involved in the commercial letting and marketing of employment land to make their comments known on the criterion's perceived shortcomings and, if desired, to pursue their written submission in person. When the policy is read in the round and in the

context of the dPS as a whole, deleting the criterion would be at odds with its vision, aims and objectives. Based on consultees' advice and exercise of BCC's officers' professional judgement, criterion b.3 strikes a coherent and effective balance between soundness tests CE3 and CE4. No amendment is necessary in this respect.

- 6.37 Paragraph 6.89 of the SPPS says that any decision to reallocate land zoned for economic development use to other uses ought to be made through the LDP process. The suggestion in paragraph 26 of TS 2 (DPS008) that existing or committed employment land may be suitable for residential use would be for consideration during preparation of the LPP. Thereafter, any proposal for housing development on zoned employment land would have to satisfy the cited "*exceptional circumstances*". Paragraph 8.1.27 of the policy's justification and amplification text cannot be divorced from the provisions of Policy EC4 itself. On that basis, concerns that the policy is likely to encourage windfall housing on zoned employment land are not persuasive. In the context of the two stage LDP process, this facet of Policy EC4 does not set it at odds with either regional policy or its own Policy SP1 – Growth Strategy and/or policy HOU2 – Windfall housing. In addition, Monitoring Indicator 21 in Appendix F: Monitoring Indicators sets the "trigger" of approval for non-employment related use on zoned employment land. Therefore, the implementation of Policy EC4 would be subject of the Annual Monitoring Report. MI 21 is not being relied upon in finding the policy to be sound in this respect; it is noted as a check and balance on its interpretation and implementation. Policy EC4 is not at odds with soundness test CE1 in respect of these concerns.
- 6.38 BCC considered representors' remaining concerns about Policy EC4 in its dPS Public Consultation Report (SD006) at pages 281 – 283 inclusive. Taking account of any further discussion at the public hearing sessions, we concur with its response to them.
- 6.39 In light of the foregoing consideration of Policy EC4, the "*exceptional circumstances*" are coherent and effective. The aims of stimulating investment and regeneration, including retail-led schemes, must be balanced against the strategic rationale for retaining zoned employment land for that use. The LPP is the vehicle for considering whether such lands are suited to changing market demands for investors and developers. Notwithstanding the acknowledged shortfall in meeting the demand for social and/or affordable housing, the dPS makes extensive strategic provision for housing in pursuit of the aims and objectives set out at paragraph 7.1.5 thereof. It will be for the LPP to make correspondent site-specific provision. In that context and taking aforementioned regional policy into account in considering Policy EC4, it is reasonably flexible to deal with changing circumstances. When the dPS is read in the round, Policy EC4 is consistent with RG1 and RG7 of the RDS. It is sound as written.
- 6.40 For the sake of coherence, RA45 is needed in respect of Policy EC5 – Industry and storage and distribution uses.

- 6.41 Paragraph 8.1.35 of the dPS says how proposals for economic development purposes would be dealt with in small rural settlements. This is consistent with paragraph 6.86 of the SPPS. In light of the first sentence of paragraph 8.1.33 of the dPS and the provisions of regional policy, this approach is appropriate and complies with soundness test CE4. When the dPS is read in the round, other applicable policies set out the “*normal planning criteria for this type of development*”. Therefore, there is no need to amend Policy EC5 in order to satisfy soundness tests C3 and CE3.
- 6.42 BCC considered representors’ remaining concerns about Policy EC5 in its dPS Public Consultation Report (SD006) at page 284. We concur with its response to them and, having taken account of any further discussion at the public hearing sessions, find that Policy EC5 is sound as written.
- 6.43 Account has been taken of all the representations made in respect of Policy EC6 - Office development including the Belfast Office Needs Assessment submitted as Appendix 6 of that made on behalf of Titanic Quarter Ltd and Belfast Harbour Commissioners. BCC gave comprehensive consideration to representors’ associated concerns at pages 285 – 294 of its dPS Public Consultation Report (SD006) building on its: POP007 Assessing Employment Space Requirements; Urban Capacity Study (DPS028); and Office sector study (DPS030). Subsequent to further discussion of some of those points at the dedicated public hearing session, this report is only addressing what are deemed to be outstanding points. Otherwise, having considered the parties’ oral exchanges, BCC’s evidence in the aforementioned documents is coherent and robust when considered in the round.
- 6.44 Policy EC6 is compatible with SFG3 of the RDS, which says that: “*Belfast City Centre will continue as the primary office location in Northern Ireland*” and “*The City Centre will continue to be the first choice for major office developments*” (page 58). The SPPS chapter on “*Town Centre and Retailing*” promotes a town centre first approach for the location of not only retailing but also other main town centre uses including businesses. Policy EC6 is also consistent with the policy aims of the dPS in respect of the city centre as set out at paragraph 8.3.5, which follow the direction of the SPPS at the 3<sup>rd</sup> and 4<sup>th</sup> sentences of its paragraph 6.95. The sequential test required by Policy EC6 and replicated in Policy EC3, specifically addresses the issue of inward investment and provides reasonable flexibility in that respect. These policies do not preclude office development at Titanic Quarter or other sites outside the City Centre. However, strategic policy is clear that the City Centre has primacy and that such areas should complement and not compete with it.
- 6.45 Document SD004K shows that Invest Northern Ireland were party to the Retail & Economy Working Group that fed into preparation of the dPS. Its Business Strategy 2017 – 2021 does not have the status of planning policy or guidance. However, there is no inconsistency between its ambition and either Policy EC6 or Policy EC3 as it applies to MELs.

- 6.46 BCC published “*Supporting Urban Innovation The Smart Belfast Framework 2017 to 2021*”. Its Foreward makes it clear that it complements the Belfast Agenda. Its Introduction says that it is about harnessing innovation, technology and data science to contribute to the success of that community plan. Policy SD3 – City Centre identifies an Innovation District within the City Centre thereby the dPS addresses the land-use implications of that document and Policy EC6 is consistent with it.
- 6.47 Paragraph 6.85 of the SPPS says that Class B1 business uses should be permitted if located within city and town centres and in other locations that may be specified for such use in an LDP such District and Local Centres. Policy EC6 makes specific provisions for District and Local Centres in this respect and makes a positive statement in support of office development therein of not more than 400 sq.m. gross floorspace. Regional policy does not place a quantitative ceiling on the Class B1 floorspace permissible in such locations. However, consistent with that policy, it is reasonable and appropriate that an upper limit is identified in the plan in order to secure the orderly and consistent development of land and provide clear mechanisms for implementation and monitoring. BCC’s Office Study (DPS030) provides a robust evidence base for the 400 sq.m. ceiling.
- 6.48 Paragraph 6.276 of the SPPS is clear on the role of existing District and Local Centres and their complementary role in relation to town centres. If such Centres are under-performing in that hierarchical role, regional policy does not support increasing the provision of Class B1 floorspace in order to bolster their vitality and viability on an individual basis. Those are concerns that must be considered in the broader policy context. Whilst paragraph 3.45 of the RDS acknowledges that some business uses assist regeneration initiatives, particularly in areas of deprivation beyond the City Centre, SFG3 thereof is clear as to the regional role of Belfast City Centre. As written, Policy EC6 strikes an appropriate balance between the Centres’ respective roles.
- 6.49 The SPPS makes no provision for “Major” District Centres as part of the network and hierarchy of centres set out in the first bullet point of paragraph 6.277. That BCC has not introduced such a designation does not render Policy EC6 unsound.
- 6.50 There is no disparity between the provisions for District and Local centres and the final paragraph of Policy EC6. Proposals for office development therein of more than 400 sq.m. would have to comply with the sequential approach of both the dPS and regional policy. There is no explicit requirement that proposals exceeding that threshold would have to comply with Policy RET2 – Out of centre development. However, the onus would be on the developer to demonstrate that there is not a sequentially preferable site in, or on the edge of, centres having regard to sustainability, availability and viability.
- 6.51 Amending Policy EC6 in order to provide for office development, either new build or upper floor change of use, along city corridors/arterial routes would be contrary to

the regional policy context set out in the preceding paragraphs. Note has been made of the final bullet point on page 37 of the Office Study (DPS030). Whereas regional policy includes local and district centres in the hierarchy for the location of town centre uses, it does not provide for city corridors. That BCC chose not to take on board the report's recommendation in that respect, does not undermine the robustness of the evidence base underpinning Policy EC6, which is properly considered in the round.

- 6.52 Figure 8.3 of the PS is titled "Indicative retail hierarchy" (our emphasis). Consistent with paragraphs 6.274 and 6.277 of the SPPS, consideration should be given at the LPP stage as to whether sites along city corridors/arterial routes merit designation as District or Local Centres. Such designations would have to comply with dPS Policy SP2 – Sustainable development. That concept is concerned with more than just access to transportation; the city/town centre first approach of regional policy and the dPS in respect of office development is in harmony with it.
- 6.53 For the sake of coherence and/or consistency, the following recommended amendments are necessary:
- a. RA46 in respect of paragraph 8.1.39;
  - b. RA75 in respect of Monitoring Indicator 22 – in order to ensure consistency with the second paragraph of Policy EC6; and
  - c. RA76 and RA77 in respect of Monitoring Indicator 22 – in order to ensure consistency with the sixth paragraph of Policy EC6 and paragraphs 8.1.40 and 8.1.41 of the J&A text.
- 6.54 BCC considered representors' concerns about Policy EC7 – Higher education institutions in its dPS Public Consultation Report (SD006) at pages 295 and 296 and pages 430 and 431. We agree with its response to them and consider Policy EC7 to be sound as written.
- 6.55 A representor suggested an amendment to Appendix A: Monitoring Indicators in respect of Policy EC7. Reference has already been made to the provisions of Section 11.2 Monitoring of the dPS in instances where there is no accompanying MI for a specific policy, together with the role of the Belfast Agenda and AMR. The dPS provides strategic direction and an enabling framework for development. The plan can only guide and assist in its delivery. BCC cannot realise such development itself nor secure the implementation of extant planning consents. The dPS is not the appropriate vehicle for setting targets for delivery of BCC's development management function. The suggested MI would not be coherent and effective.
- 6.56 BCC provided specific references to where the Executive's Sustainable Development Strategy "*Everyones' Involved*" had been taken account of its evidence base.

- 6.57 When read in the round and subject to recommended amendments, the dPS aims and policies are consistent with the guiding principle of achieving a sustainable economy. In the context of the two stage LDP process, the dPS is consistent with the requirements of paragraph 5.7 of the SPPS as regards the suite of policies for achieving inclusive economic growth. Subject to the recommended amendments, the raft of policies relating to Inclusive economic growth are sound.

## **Retail**

- 6.58 SFG3 of the RDS seeks to support and strengthen the distinctive role of Belfast City Centre as the primary retail location in Northern Ireland. Paragraph 3.46 of SPG3, first bullet point, states that Belfast City Centre has developed its regional shopping offer and that a precautionary approach needs to be continued in relation to future major retail development proposals based on the likely risk of out of centre shopping developments having an adverse impact on the city centre shopping area. The SPPS, at paragraph 6.270, advocates established town centres as the appropriate first choice location for retailing.
- 6.59 The Urban Capacity Study (DPS028) provides an assessment of potential housing and employment growth. The *“Belfast Retail and Leisure Capacity Study 2035”*, published in 2017 (DPS029) included a Shopping Pattern Survey that was undertaken to inform the LDP. The Retail and Leisure Capacity Study provides guidance on the capacity for new retail and leisure development in Belfast, as well as strategic and operational advice relating to the scale, nature and location of this development in the foreseeable future. In accordance with paragraphs 6.274 and 6.285 of the SPPS, BCC has undertaken an assessment of need and capacity for retail or other main town centre uses across the plan area. This is consistent with the requirements of soundness test C3.
- 6.60 Section 3 of the Retail and Leisure Capacity Study examines the existing retail environment in Belfast. It includes a health check of the City Centre and District Centres. Paragraph 6.285 of the SPPS requires that health checks form part of the evidence base for LDPs and lists a range of indicators to be included. The health check takes account and addresses each of these indicators for Belfast City Centre. It also looks at District Centres. The study provided an overview of the existing retail sector in Belfast, both quantitatively and qualitatively. The conclusions from the study is that some locations are faring better than others. It is also apparent that, based on the distribution, scale and nature of the retail offer available across Belfast, the City Centre is confronted with its own competitive challenges from within the Council area. The Retail and Leisure Capacity study is therefore consistent with the requirements of the SPPS and soundness test C3.
- 6.61 Section 9 of the Retail and Leisure Capacity Study outlines key findings including those from the health check of the existing City Centre and District Centres. This study informed the evidence base and justification for the proposed retail policies.

Paragraph 4.5 of Technical Supplement 4: “*Belfast City Centre and Retailing*” (TS 4) (DPS010) states that background evidence in the Retail and Leisure Capacity Study indicates capacity for further development over the plan period (approximately 10,000 net square metres capacity for additional convenience goods floor space and approximately 50, 000 net square metres for additional comparison goods floor space in Belfast over the plan period excluding the extant permissions). It adds that any projected increase in retail should be directed to Belfast city centre to protect its role and primacy within the region. At the public hearing sessions BCC reiterated the evidence base and stated that, in broad terms for the plan period, there is capacity for up to 6 food superstores and capacity to accommodate a department store-anchored retail and leisure scheme in the heart of Belfast City Centre.

- 6.62 A review of the Retail and Leisure Study was undertaken by one representor. Paragraph 3.3 of TS 4 notes that the study is to provide guidance on the capacity for new retail and leisure development in Belfast, as well as strategic and operational advice relating to the scale, nature and location of this development in the foreseeable future. The representor’s review is a critique of the study, but does not provide any persuasive evidence to undermine its findings. In the two tier plan making system the evidence base for retail need or capacity will evolve through the LDP process. It is not the purpose of the IE to adjudicate on the approaches or methodologies used to establish the evidence base. Its remit is to consider whether the dPS is sound, notably soundness test CE2 in this instance.
- 6.63 At page 302 of the Public Consultation Report (SD006), BCC said that it is satisfied that the Retail and Leisure Capacity Study follows an accepted methodology and that its empirical evidence is robust. There is no persuasive evidence to the contrary. The SPPS stipulates a requirement for a health check of the City Centre only (para 6.274 and 6.285) and not District Centres. The broad-brush health checks of the District Centres carried out in the “*Belfast Retail and Leisure Capacity Study 2035*” need to be viewed in this context.
- 6.64 The dPS, at paragraph 8.2.2, states that in order to maintain viability of the city centre it will adopt a sequential approach to growth. Policy RET1 – Establishing a centre hierarchy seeks to define a network and hierarchy of centres for Belfast. This places Belfast City Centre primary retail core and frontage at the head of the hierarchy, supported by the: City Centre; District Centres; and then Local Centres. Paragraph 6.281 of the SPPS sets out an order of preference for town centre uses namely the: primary retail core; town centre; edge of centre; and out of centre locations, only where sites are accessible by a choice of good public transport modes. At the public hearing session BCC said that with Belfast being a city, its retail hierarchy does not neatly fit with that set out in the SPPS. Local circumstances specific to Belfast are therefore a consideration in establishing a centre hierarchy.
- 6.65 Concerns were raised that paragraph 9.21 of the Belfast Retail and Leisure Study 2035 did not consider alternatives to the retail designations. The issue of

alternatives to the presented network and hierarchy of centres was considered by BCC in the SA, appendices 7 to 9 (DPS004B), at page 177. Two options were considered. Option 1 was to define the network and hierarchy of centres as the best framework for directing future growth. Option 2 was to rely on the SPPS (excluding commercial nodes on arterial routes). The social, economic and environmental effects of each option were considered. Option 1 was selected as the preferred option as it supported the SPPS requirement to define a hierarchy of centres. It promotes the city centre first approach complemented by the out of centre commercial developments as set out in the RDS. The SA is also part of the robust evidence base provided by BCC. It is not meant to be considered in isolation from the Belfast Retail and Leisure Study 2035. Only reasonable alternatives need to be considered and not every single possible option. Therefore, it is not necessary that another option, considering the site-specific circumstance of the Kennedy Centre or other district centres, is considered at this stage in the process. Such detail should logically flow into the LPP stage of the plan process. The concerns raised by the representor in respect of the consideration of alternatives do not undermine the evidence base in relation to the establishing a centre hierarchy.

- 6.66 Accordingly, whilst the centre hierarchy, does not repeat the exact wording of the SPPS, it places the city centre retail core and frontage then the city centre at the top of it and recognises that this area will be the main focus for significant new retail investment. BCC has considered appropriate centres to be defined in the centre hierarchy. This approach is consistent with regional policy and provides an appropriate framework for the consideration of retail proposals over the plan period. It takes account of the local circumstances in the city but respects the town centre first approach as advocated by the SPPS. The dPS retail hierarchy is realistic and appropriate having considered relevant alternatives and is founded on a robust evidence base in accordance with soundness test CE2.
- 6.67 As regards the sequence of the hierarchy set out in Policy RET1, one representor suggested inserting the wording “*of the proposal*” at the end of the first sentence to provide more clarity. The purpose of the IE is not to make the wording of policy better but to consider if the current wording is sound. The suggested wording is not needed to make this policy sound.
- 6.68 Policy RET1 states: “*The sequential approach directs development within centres before considering an edge of centre site*”. BCC acknowledged that this wording departs from previous definitions for the edge of centre sites and may conflict with the SPPS. It suggested alternative wording to address this concern whereby the sentence would read: “*The sequential approach directs development to the town centres before considering an edge of centre site*”. For the policy to be consistent with regional policy the suggested rewording included in RA48 should be incorporated into the headnote of Policy RET1.

- 6.69 We have considered the representations to this policy along with BCC's response as set out at pages 297 - 300 of the Public Consultation Report (SD006). We concur with its reasoning and conclusions. Subject to RA48, Policy RET1 is sound.
- 6.70 Policy RET2 - Out of centre development makes provision for main town centre uses outside of existing centres. In respect of out of centre shopping development paragraph 6.268 of the SPPS promotes a precautionary approach based on the likely risk of development having an adverse impact on the city centre area. The dPS Glossary (page 299) defines out of centre as: "*A location outside a town centre boundary but within defined development limits*". Paragraph 6.279 of the SPPS relates to retail development in the countryside. Whilst this paragraph reinforces that all policies and proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment this paragraph is not directly applicable to out of centre development. Reference to this paragraph by BCC within the evidence base is misplaced. Nonetheless the issue is not so significant to undermined BCC's rationale for Policy RET2.
- 6.71 The headnote of Policy RET2 stipulates that proposals must have regard to criteria of suitability, availability and viability. The J&A text provides further explanation and guidance on these criteria. It does not add additional policy requirements. In its evidence base, BCC explains at paragraph 4.10 of TS 4 that as the SPPS does not clarify the sequential test, it has taken account of the approach established in English policy to provide a clear rationale to assess proposals for of out of centre development. Accordingly, the policy is not contrary to the provisions of paragraph 6.279 of the SPPS but provides greater clarity on the concepts referred to in paragraph 6.289 thereof where it states that: "*Applicants will be expected to identify and fully demonstrates why alternative sites are not suitable, available and viable*". The approach for Policy RET2 is coherent in accordance with soundness test CE1.
- 6.72 Criterion b. of Policy RET2 requires a retail impact assessment and an assessment of need for proposals that have a floor space of 1,000 square metres gross and above. Therefore, proposals over 1,000 square metres gross and above are considered to have an impact on town centres. This is consistent with paragraph 6.283 of the SPPS which directs that all applications for retail or town centre developments above a threshold of 1,000 square metres gross external area that are not in a town centre location should undertake a full assessment of retail impact as well as need. Accordingly, proposals under the threshold of 1,000 square metres will be assessed on their own merits in the context of prevailing policies. Such proposals can be considered without a retail impact assessment.
- 6.73 Retail Impact Assessment (RIA) is a common-place planning tool. Given that their scope and content would vary dependent on the location and scale of a proposed development, that policy RET2 or its J&A text does not include what would be required in RIA does not mean that Policy RET2 is at odds with soundness test CE3 in this respect. The scope of RIA could be explored with BCC during pre-application

discussions. The policy implementation box and Appendix E of the dPS both indicate that SPG will be forthcoming on assessing the impact of new retail development. If considered necessary, this could include guidance on the scope and content of RIA. Meanwhile, the policy is not unsound on this basis.

- 6.74 Policy RET2 is applicable to out of centre development. Whilst city corridors perform a retailing role that complement centres they are not defined as a centre in the retail hierarchy. To be consistent, in accordance with soundness test CE3, policy does not need to refer or relate to city corridors. Furthermore, with regard to proposals for an extension or expansion of existing stores, not within a designated centre, it is also appropriate that such sites should be considered on their own merits including the impacts on the identified centres.
- 6.75 We have considered the representations to Policy RET2 along with BCC's response as set out at pages 301 – 305 of the Public Consultation Report (SD006). We concur with its reasoning and conclusions. Policy RET2 is sound.
- 6.76 Policy RET3 – District centres, local centres and city corridors provides policy for these areas. They provide a local resource and focal point for the communities they serve in addition to shopping and service facilities to meet the needs of residents and visitors to the areas. Paragraph 6.276 of the SPPS states that planning authorities should retain and consolidate existing District and Local Centres as a focus for everyday shopping, and ensure their role is complementary to the role and function of the town centre.
- 6.77 The headnote of Policy RET3 recognises the hierarchy of centres and their specific roles. Paragraph 4.13 of TS 4 states that District Centres should be the first choice for retail outside Belfast city centre. This takes account of the SPPS town centre first approach. A Local Centre is the next step down in the retail hierarchy, offering a smaller range of facilities than those in a District Centre. City corridors (arterial routes) also offer commercial nodes and shopping areas. These areas are recognised by the policy.
- 6.78 The SPPS makes no distinction between the size and performance of different types of District Centres. TS 4, at paragraph 4.13, notes that it is clear from the analysis that some District Centres are performing well whilst others are under-performing. Taking account of the policy provisions in the SPPS there is no indication that dPS should make a distinction between the District Centres or to provide a category for "Major" District Centres. Policy RET3 is not unsound because it doesn't make this provision. Site-specific matters relating to the designation, performance and future outlook for District Centres is a matter to be considered through the LPP stage of the plan process. Additionally, BCC proposed to provide a SPG on assessing the impact of new retail and leisure development. This will cover the provisions of Policy RET3 including District Centres (appendix E of dPS). This approach is coherent and consistent with the provisions of paragraph 6.277 of the SPPS.

- 6.79 Policy RET3 sets out specific criteria for Local Centres. Criterion b. requires that proposals meet a local need or deficiency; and criterion c. stipulates that proposals would not adversely affect the vitality and viability of centres in the catchment. Representations sought that these criteria should be removed. However, they are consistent with the direction and provisions of the SPPS (paragraph 6.277). The requirements of criterion e. are not unclear as it seeks to ensure that proposals for retail development in local centres are easily accessible and improve connectivity; these are common terms in planning policy and their definition is not required in order to satisfy soundness test CE3.
- 6.80 Policy RET3 also provides for exceptional circumstances for retail development in Local Centres. It is coherent that such circumstances would be considered on a case by case basis. The policy headnote makes provision when such circumstances will be considered. It is not necessary to provide any further clarification in order to make the wording of the policy sound.
- 6.81 The SPPS does not define or make any provision for 'city corridors'. However, the DPS Glossary, at page 296, provides a definition. At page 308 of the Public Consultation Report (SD006) BCC states that the identification of city corridors will be progressed as part of the LPP preparation and areas such as the Lisburn Road will be considered as to whether it merits specific status within the retail hierarchy as set out in Policy RET1. It is coherent and effective that site-specific matters are fully considered in the context of the LPP. This approach is supported by the evidence base at paragraph 4.17 of TS 4.
- 6.82 Criterion a. of Policy RET3 sets a restriction that any individual unit created (including extension) does not exceed 500 square metres gross external for convenience or 200 square metres gross external for comparison. Paragraph 4.16 of TS sets out BCC rationale for this restriction stating that this would ensure that proposals for larger stores would be directed to the City Centre or District Centres thus protecting the overall retail hierarchy whilst allowing for tempered growth of local centres. The introduction of a 500 square metres net convenience floor space limit for city corridors, as suggested by a representor, is contrary to the desire to concentrate retailing in local centres in accordance with the identified hierarchy. The approach set out in criterion a. of Policy RET3 is appropriate and realistic and accords with soundness test CE2.
- 6.83 It is not the responsibility or purpose of the dPS to make policy provision or guidance for other District Centres in other council areas that overlap with the trade of district centres in Belfast. Such considerations should be taken into account within any retail impact assessment. This lack of provision does not result in the policy being unsound.

- 6.84 We have considered the representations to this policy along with BCC's response as set out at pages 306 – 313 of the Public Consultation Report (SD006). We concur with its reasoning and conclusions. Policy RET3 is sound.
- 6.85 Paragraph 4.19 of TS4 states the largest concentration of retailing outside the city centre and other designations is within Boucher Industrial Estate and Holywood Exchange with a footprint comparable to the PRC of Belfast (145,000 gross square metres). Policy RET4 - Retail warehousing seeks to make policy provision to avoid trade diversion that could have an adverse impact upon centres within the hierarchy as the focus of retailing and other town centre uses. At page 315 of the Public Consultation Report (SD006) BCC states that Belfast City Centre faces significant competition from retail warehousing, notably at Boucher Road. This state of affairs is accentuated by the blurring of the lines between the definition of bulky comparison goods and non-bulky comparison goods.
- 6.86 The policy headnote for RET4 sets out thresholds to manage and control the scale, size and type of development in such areas. The thresholds are justified taking account of the local circumstances that have occurred in respect of the retail warehousing areas. Policy RET4 provides a coherent and effective response to managing trade diversion from the city centre and other centres in the plan. Retail warehousing does not fall within the retail hierarchy as set out in the SPPS and/or Policy RET1 and accordingly it is appropriate that the dPS does not seek to apply the sequential tests set out in the SPPS to these areas.
- 6.87 Policy RET4 provides strategic policy for considering retail warehousing in the plan area. Accordingly, a standalone approach to these areas of retail warehousing is a coherent and effective approach to manage them. The policy is a particular response to local circumstances. We have considered the representations to this policy together with BCC's response as set out at pages 314 – 316 of the Public Consultation Report (SD006). We concur with its reasoning and conclusions. Policy RET4 is sound.
- 6.88 Policy RET5 - Primary retail area provides strategic policy for the primary retail area and Primary Retail Frontage (PRF) that will be spatially defined in the LPP. The policy is clear, concise and its aim is that the area will be the focus for Class A1 Shops. Any other use will have to be considered on its own merits, including cafés and restaurants. We have considered the representations to this policy along with BCC's response as set out at pages 317 – 318 of the Public Consultation Report (SD006). We concur with its reasoning and conclusions. Policy RET5 is sound.
- 6.89 Policy RET6 - Temporary and meanwhile uses provides policy to consider proposal for such uses outside of the PRF in the defined retail hierarchy. The policy criteria, together with the J&A text, seek to provide safeguards to ensure the overall retail function is not undermined. Paragraphs 4.29 to 4.32 of TS 4 provide a robust rationale and evidence base for the policy, taking account of local circumstances.

- 6.90 Criterion f. of Policy RET6 places a one year restriction on such development. The rationale for this restriction is to prevent temporary uses becoming long-term or permanent. This is a coherent and effective way to manage temporary development without undermining the retail hierarchy. It allows for flexibility to enable changing circumstances to be considered and accords with soundness test CE4. We have considered the representations to this policy together with BCC's response as set out at pages 319 – 320 of the Public Consultation Report (SD006). We concur with its reasoning and conclusions. Policy RET6 is sound.

### **City Centre**

- 6.91 The strategic policy approach for the city centre is set out in section 8.3 of the dPS. Paragraph 8.3.4 of the J&A states that Policy CC1 – Development opportunity sites is focused on promoting sustainable growth, facilitating mixed use regeneration schemes within the city centre character areas to strengthen and diversify the overall offer of Belfast. The policy CC1 therefore supports mixed use development within development opportunity sites that is consistent with the stated principles in the policy headnote.
- 6.92 In response to representations BCC said at page 321 of the Public Consultation Report (SD006) that Sprucefield is the only regional shopping centre in Northern Ireland, but that it lies outside the plan area. It does not fall within the BCC district. Accordingly, it would not be appropriate for the dPS to provide strategic direction on the regional shopping centre or on development proposals outside the district boundary.
- 6.93 The Belfast City Centre Regeneration and Investment Strategy 2015 (BCCRIS) promotes BCC's ambition to regenerate the city centre to secure socially inclusive economic growth up to 2030. BCCRIS has identified five Special Action Areas, which will be given special attention. These are: Inner North; Inner West; North East Quarter; Transport Hub and South Centre Oxford Street; and the Eastern Bank.
- 6.94 A number of masterplans and frameworks have been prepared to progress the BCCRIS by BCC and the Department for Communities. These are listed respectively at paragraphs 4.41 and 4.42 of TS 4. Policy CC1 directs new developments towards sites within the development opportunities sites. Criterion a. of Policy CC1 lists five opportunity areas. The background and evidence base to identify these areas had regard to the BCCRIS, which identifies five Special Action Areas to promote the ambition to regenerate that city centre to secure socially inclusive economic growth up to 2030. Paragraph 8.3.8 of the justification and amplification text states that the LDP provides overarching statutory policies to guide potential development proposals for individual sites within the broad development opportunity areas. Identification of the five opportunity areas in Policy CC1 has been founded on a robust evidence base and accords with soundness test CE2.

- 6.95 Policy CC1 therefore provides direction and guidance for future development opportunities in the city centre especially those sites that have remained undeveloped. Whilst criterion a. directs new development towards sites within development opportunity areas and lists five such areas, the policy is not intended to be site-specific. Figure 8.4 of the dPS illustrates Existing City Centre Master Plan Areas. This is diagrammatic and does not constitute a map for designation purposes. The identification of the sites will form part of the LPP where appropriate land uses will be identified, taking account of the evidence base. This is a coherent and effective approach to the formulation and designation of development opportunity sites in the plan area.
- 6.96 Consideration of the inclusion of Titanic Quarter within the City Centre has been addressed with the context of the Policy SD3. For the purpose of this policy, Titanic Quarter is not within the City Centre. Policy DES2 - Masterplanning approach for major development makes provisions for master planning for all major development sites regardless of their location inside or outside of the city centre and in the plan area. That policy is therefore not exclusive to the development opportunity sites identified in Policy CC1. Criterion b. of Policy CC1 should be read in the context of Policy DES2. It is not necessary for Policy CC1 to repeat or provide details of the nature and extent of information that should be included in a master plan in the justification and amplification of this policy.
- 6.97 At the public hearing sessions BCC stated that since the master plan for the Gasworks Northern Fringe has been finalised, it is likely it will be added to the illustrative diagram at Figure 8.4. The LPP will set out updated maps and provide details and KSR for all the opportunity sites, including the Gasworks Northern Fringe. No amendment is necessary to the dPS to take account of this.
- 6.98 Connectivity and transportation will be material considerations for all development proposals including those in the city centre and those that are part of any master plan. The dPS sets out detailed transportation policies namely Policies TRAN1 – TRAN12 to address these matters. It is not necessary for Policy CC1 to reinforce or repeat these policies as the dPS should be read in the round. Likewise, other policies in the plan aim to protect the natural, historic and built environment and should be read in round with Policy CC1. Therefore, a statement requiring that Policy CC1 will be subject to meeting other policy requirements is not necessary.
- 6.99 We have considered the representations to Policy CC1 together with BCC's response as set out at pages 319 – 324 of the Public Consultation Report (SD006). We concur with its reasoning and conclusions. Policy CC1 is sound.

#### **Tourism, leisure and culture**

- 6.100 BCC considered regional and corporate policy relating to tourism in its Technical Supplement 5: "*Tourism*". Paragraph 1.6 thereof specifically acknowledges policy

that advocates a sustainable approach to the provision and protection of tourism infrastructure. Policy SP2 of the dPS sets the presumption in favour of sustainable development. The policy aims for tourism, leisure and culture (TLC), at paragraph 8.4.3 of the dPS, are prefaced by mention of sustainable growth in this sector of the economy; and the 1<sup>st</sup>, 3<sup>rd</sup>, 5<sup>th</sup> and 8<sup>th</sup> bullet points are especially pertinent. The economic role of a sustainable tourism industry is acknowledged in the final sentences of paragraphs 8.4.4 and 8.4.5 thereof. BCC gave detailed verbal evidence as to where the requirements of paragraph 6.263 of the SPPS had been incorporated into its TLC policies and associated J&A text. We are satisfied that account has been taken of, amongst other things, the first bullet point of paragraph 6.256 of the SPPS.

- 6.101 At the associated public hearing session, BCC sign-posted where specific consideration had been given to paragraph 2.264 of the SPPS and Policies TSM 1- 7 inclusive of Planning Policy Statement 16: “*Tourism*” (PPS 16), where relevant, in its evidence base. Account was taken of its submission that Policies TSM 2 – 6 inclusive relate to tourism in the countryside and that the plan area is unlikely to be subject to many such proposals. Nevertheless, a number of the suite of policies for development in the countryside in Section 10.5 of the dPS would apply to any such schemes (Policies DC1, 4, 7, 12 and/or 13). These are consistent with paragraphs 6.260 and 6.261 of the SPPS.
- 6.102 Elements of other dPS policies such as urban design, built heritage, natural heritage, landscape and coast, environmental resilience and transport policies might also apply to proposals for tourism development. Therefore, although there is no overarching policy setting out criteria for tourism development in the same manner as Policy TSM 7 of PPS 6, when the dPS is read in its totality, it provides clear mechanisms for implementation of the TLC policies. As the dPS must be read in the round, there is no need to replace “*particularly*” with “*such as*” in the final sentence of Policy TLC1 or the third paragraph of Policy TLC3 – Overnight Visitor Accommodation. The weight attached to any such considerations in development management would vary from case to case. At any rate, the first part of those sentences refers to all (*our emphasis*) policy requirements; there is no ambiguity.
- 6.103 Those other dPS policies would also be material considerations in the implementation of all the TLC policies, where appropriate. When the dPS is read in the round, together with Policy TLC2, it makes provision for safeguarding tourism assets albeit that it does not mirror the language of paragraph 6.262 of the SPPS.
- 6.104 BCC’s verbal evidence on where it took account of RG4 of the RDS in terms of its Tourist Signature Destination, namely Titanic and Maritime Belfast, was persuasive. It is alert to the role of the Masterplan for Titanic Quarter in developing and capitalising on the potential regeneration and economic spin-offs of this Destination.
- 6.105 In respect of Policy TLC2, RA47 is necessary for the sake of clarity.

- 6.106 As the dPS must be read holistically, Policy TLC2 does not need to be amended to state that planning permission will be subject to meeting all other policy requirements. That Policy TLC1 does so, does not alter this conclusion.
- 6.107 Section 2 of TS 5 shows that BCC has taken account of regional policy including RG4 of the RDS. As set out in the opening chapter of this report, the consistency tests for soundness do not require the provisions of existing regional policy to be replicated in the dPS. BCC can tailor its policy to meet its own strategic aims and objectives which, in this case, includes Policy SP2 – Sustainable development.
- 6.108 The evidence base for BCC’s city centre first approach to new overnight visitor accommodation is provided within TS 5, principally at paragraphs 3.7 – 3.11 inclusive and 4.8 & 4.9. The needs of the various tourism sectors were comprehensively considered at paragraphs 3.13 – 3.55 inclusive of TS 5. BCC assessed an alternative to the chosen locational approach and the reasons for adopting it are set out at page 72 of the Interim Report into the SA (POP003). The SA is only required to consider reasonable alternatives and not exhaustively examine every possible approach to provision for visitor accommodation within the city as a whole. The chosen approach is consistent with SFG3 of the RDS and the provisions of regional and dPS policy for sustainable development. Planning policy is unlikely to be the main determinant in balancing supply with demand for such new accommodation within the city centre; market forces are likely to be decisive, thereby avoiding an over-supply of bed space.
- 6.109 The definition of an “*existing tourism cluster*” was considered in BCC’s TS 5 principally at paragraphs 3.29 & 3.30. It is an easily understood concept whereby there is physical and economic synergy between visitor attractions. Such clusters would evolve over the plan’s 15 year life-time and be dynamic in nature. Therefore, inclusion of a prescriptive definition in the dPS Glossary would be at odds with soundness test CE4. Each proposal for overnight visitor accommodation would be considered on its merits in light of prevailing circumstances at that point in time. In this respect, Policy TLC3 strikes an appropriate balance between soundness tests CE3 and CE4.
- 6.110 BCC pointed to various junctures in the SPPS where the phrase “*adjacent to*” is used without being defined. The 5<sup>th</sup> bullet point of the policy aims for TLC, set out in paragraph 8.4.3 of the dPS and paragraph 8.4.11 of the J&A text, are consistent with the provisions of paragraph 6.263 of the SPPS. When the phrase is considered in the context of the strategic aims of not only TLC policy but also Policy SP2, it is not at odds with soundness test CE3.
- 6.111 The second paragraph of policy TLC3 would permit proposals for overnight visitor accommodation adjacent to the Lagan Valley Regional Park if it were demonstrated that there are specific locational requirements for it to be sited there and it was consistent with other dPS policies including Policy LC2 – Lagan valley regional park.

This is in harmony with the aims of the dPS and regional policy for sustainable development.

6.112 The same policy provision would apply to proposals for overnight visitor accommodation at GBBCA, which is described as a high quality gateway for visitors and tourists at paragraph 6.2.12 of the dPS, consistent with regional policy. At page 326 of its dPS Public consultation Report (SD006) BCC described GBBCA as “*an important part of the tourism infrastructure in Belfast*” and in oral evidence as a “*visitor attraction*”. It is understandable that GBBCA would welcome the reassurance of this acknowledgement either within Policy TLC3 or its J&A text. However, as Policy TLC3 is in keeping with regional policy and soundness tests CE3 and CE4 in this respect, a correspondent amendment is not necessary in order for the policy to be sound.

6.113 BCC considered representors’ remaining concerns in its dPS Public consultation Report (SD006) at pages 325 – 328 inclusive. Whilst account has been taken of further discussion at the public hearing session, we concur with its response to them.

6.114 Subject to RA47, the suite of TLC policies is sound.

## 7.0 Building a smart connected and resilient place

### Infrastructure, telecoms and utilities

- 7.1 Policy ITU1 – Telecommunications development was subject to sustainability appraisal (SA). As no reasonable alternatives were identified, only one realistic option was considered (DPS004C pages 250 – 252). Account has been taken of the objectives and geographical scope of the plan and the policy direction set out in the SPPS and Planning Policy Statement 10: *“Telecommunications”*. In identifying no reasonable alternatives, the SA does not fall foul of Article 11 (2) (b) of the Environmental Assessment of Plans Programmes Regulations (Northern Ireland) 2004 or soundness test CE2.
- 7.2 The SPPS glossary contains a definition of the term Airport Public Safety Zones (PSZs) and the *“Control of Development in Airport Public Safety Zones”* contains the government’s general policy advice thereon. It sets out the planning controls that will apply to development within these zones and includes maps of the PSZs. Paragraph 1.14 of the SPPS says that it will continue to be treated as a material consideration after the dPS and LDP are adopted. Paragraph 6.248 thereof says that LDPs should highlight PSZs where appropriate and that, within such zones, a general presumption against development will apply. BCC’s evidence base included consideration of this issue at: SD004, page 12; SD006, pages 76, 77 & 333; POP022; and DPS020.
- 7.3 The PSZs are defined outwith the planning process and are under review. As there is no conflict between the provisions of the dPS, SPPS and aforementioned document in respect of PSZs, the existing provisions for air safety issues will continue to apply. Given the current review, if the PSZs are to be included within the LDP for illustrative purposes, the LPP would be the more appropriate place to do so. BCC will continue to consult the relevant authorities regarding development proposals that may impact these sites. There was no suggestion that omission of specific mention of the PSZ for George Best Belfast City Airport (GBBCA) within the dPS would prejudice public safety. There would be utility in making reference to the *“Control of Development in Airport Public Safety Zones”* within the dPS as it would flag up the material consideration of aviation safety without recourse to other policy documents. However, its omission does not render Policy ITU1 unsound.
- 7.4 Whereas PSZs are concerned with protecting the public from an airport’s operations, airport safeguarding ensures that development in the vicinity of airports that could have an impact on the continuity of their safe operations, accords with aeronautical legislation. In respect of GBBCA, 5 maps set out criteria for consulting it on planning applications in different zones of the safeguarding area. There was no suggestion that the current practice is ineffective. Antrim & Newtownabbey’s dPS includes an Airport Safeguarding policy in respect of both NI’s airports (DM 13.5 Airport Safeguarding, page 125). That dPS will be subject to independent examination. At

any rate, it does not set a precedent for how BCC chooses to deal with the issue. Account has also been taken of inclusion of the Airport Safeguarding policy within both dBMAP published in 2004 and the 2015 version that was unlawfully adopted (BHA 05 & 02 respectively). That the dPS omits a specific policy for airport safeguarding does not set it at odds with soundness test C4.

- 7.5 There is no reference to Airport Safeguarding Zones within regional planning policy or guidance. Account has been taken of criterion h of Policy DES3 – Tall buildings that requires such proposals to comply with all necessary civil aviation requirements and not to interfere, to an unacceptable degree, with telecommunications, television and radio transmission networks. Note was also made of BCC’s intention to acknowledge the implications of the material consideration of airport safeguarding at the LPP stage when zoning land. There would be merit in flagging up airport safeguarding as a potential constraint on development deemed to be a navigational obstruction as a strategic issue within the dPS. However, omission of such a policy does not make it unsound.
- 7.6 Paragraph 9.1.16 of the dPS notes that the Strategic Energy Framework for NI is under review. That is the appropriate vehicle for setting regional energy policy; not the LDP. Paragraphs 9.1.15 - 9.1.16 and 9.18 – 9.1.20 inclusive of the dPS acknowledge the benefits of energy from renewable sources and BCC’s commitment to its promotion. As regional planning policy acknowledges (RG5, paragraphs 3.8 and 3.23 of the RDS and the SPPS at paragraph 3.7), infrastructure for electricity and natural gas distribution has a critical role to play in further developing renewable energy sources. Policy ITU3 – Electricity and gas infrastructure allows for work to the networks to enable continuity of supply during the transition to carbon-free energy generation. It is not committing to or encouraging energy generation from fossil fuels. Policy ITU3 is wholly consistent with the aims of associated strategic energy policy and is sound.
- 7.7 Policy ITU4 – Renewable energy development applies to all such forms including emergent technologies. The policy’s J&A text acknowledges the benefits of such technology and expresses support for energy generation from renewable sources including micro generation and passive design. In addition, criterion j of Policy DES1 of the dPS relates to passive design and energy efficiency in buildings; the dPS is to be read in the round. Its provisions in respect of renewable energy are consistent with paragraph 6.221 of the SPPS.
- 7.8 In assessing proposals for renewable energy development, paragraph 9.1.18 of the J&A text states that consideration will be given to “*relevant environmental and planning issues in accordance with the SPPS*”. These include those set out at paragraphs 6.225 and 6.229 thereof. Paragraphs 9.1.21 and 9.1.23 of the J&A text, although not specifying the weight to be given to a proposal’s economic, social or environmental benefits, do not conflict with the SPPS provisions in this respect. Therefore, even in the plan-led system, they would continue to be accorded

*“appropriate weight”*. Policy ITU4 does not need to replicate paragraph 6.225 of the SPPS in order to be sound.

- 7.9 Paragraph 1.14 of the SPPS lists the Best Practice Guidance to PPS 18 *“Renewable Energy”* as one of the planning documents that will continue to be treated as material considerations after the dPS is adopted. It contains a range of issues that might be pertinent when developing various forms of renewable energy. This supplements those examples given at paragraph 6.229 of the SPPS. There is no conflict between this strategic policy, associated guidance and Policy ITU4. Therefore, as this provision of the SPPS will continue to apply; there is no need to replicate it in the dPS.
- 7.10 Paragraph 6.217 of the SPPS lists the main current sources of renewable energy. Policy ITU4 applies to all such development yet criterion g relates only to the cumulative impact of wind energy development. An application for a solar farm, for example, would also have to take account of dPS policies relating to natural and built heritage and landscape. As it is not in conflict with the dPS, paragraph 6.218 of the SPPS would continue to apply after adoption of the LDP. It says that its aim is to facilitate the siting of renewable energy generating facilities in appropriate locations without compromising other environmental assets of acknowledged importance. Paragraph 6.198 of the SPPS adds that planning authorities should ensure that the potential effects on landscape and natural heritage, including the cumulative effect of development, are considered. If the concern about the cumulative impact of renewable energy development related to impact on public safety, human health or residential amenity, then criterion a. of Policy ITU4 would apply. Whilst inclusion of this issue in the dPS might be useful for ease of reference, it would nevertheless continue to be a material consideration. The policy is not unsound without it.
- 7.11 Criterion c. of Policy ITU4 aims to avoid unacceptable adverse impact on biodiversity and nature conservation. The first sentence of paragraph 3 and the policy’s fourth paragraph would also apply to proposals for renewable energy that may involve habitat loss. Although the dPS does not replicate the statement made at paragraph 6.226 of the SPPS as regards active peatland, the cited provision of Policy ITU4 illustrates that there is no conflict between the two documents in respect of that environmental asset. Such proposals would also be subject to Policy NH1 of the dPS and its J&A text (paragraph 10.2.8) includes a statement about the application of policy in the SPPS in respect of natural heritage designations and assets. It also expresses support for policy concerned with protection of natural heritage resources in the SPPS (paragraph 10.2.29 of the dPS). Those provisions of the SPPS would continue to apply and the Policy ITU4 does not need to reproduce them in order to be sound.
- 7.12 Policy ITU4 identifies a proposal’s impact on visual amenity and landscape character as material considerations in assessing proposals for renewable energy development. In addition to Policy ITU4, such proposals in Areas of Outstanding

Natural Beauty (AONBs) would also have to comply with the requirements of Policies LC1- Landscape and LC1A – AONBs of the dPS. The latter states that the LDP will not support development proposals that do not satisfactorily integrate with “*this sensitive landscape*” and have an adverse impact on, amongst other considerations, the character, quality and value of AONBs. Although the dPS does not advocate a “*cautious approach*” to renewable energy proposals in AONBs, the applicable provisions of the dPS, when read in the round, equate to a comparable level of restraint being applied under its auspices alone. As there is no tension between the provisions of the SPPS and dPS in this respect, there is no need to transpose paragraph 6.223 of the SPPS into Policy ITU4 in order for the latter to be rendered sound.

- 7.13 In addition to criterion c. of Policy ITU4, Policies NH1 and, as appropriate, the suite of built heritage and landscape policies in the dPS would also apply to proposals for renewable energy development in AONBs. Therefore, the dPS makes provision for the issues addressed in paragraph 6.187 of the SPPS; there is no need to replicate it in Policy ITU4.
- 7.14 The guidance cited in paragraph 6.188 of the SPPS would still be material in considering proposals for renewable energy development in AONBs. Therefore, Policy ITU4 does not need to reproduce it in order to be sound.
- 7.15 Dependent on the nature and scale of the proposal, its local context and the relevant provisions of the dPS, there may be areas within designated landscapes that could accommodate renewable energy development whilst consistent with Policy ITU4, as written, together with Policy LC1 and any of the additional dPS landscape policies applicable to the designation. Each case would have to be considered on its own merits. The inclusion of a presumption against renewable energy development within designated landscapes of significant value, unless the proposal would cause no harm to the character of the landscape, would be inconsistent with paragraph 6.224 of the SPPS. That seeks to avoid unacceptable adverse impact on a range of planning considerations including visual amenity and landscape character rather than introduce a moratorium on such development therein. Moreover, the inclusion of such a presumption would be at odds with strategic aims for decarbonisation of energy generation and with soundness test CE4.
- 7.16 In considering proposals for energy generation from renewable sources, paragraph 6.224 of the SPPS lists planning considerations that include water quality or quantity. Save for one partial omission, Policy ITU4 replicates the five criteria. Whilst the SPPS will remain a material consideration, where such conflict arises, in the plan-led system more weight would be attached to the provisions of the LDP. Therefore, RA49 is necessary so that criterion d of Policy ITU4 includes water quantity in addition to quality; both are environmental assets.

- 7.17 Albeit that different weight might be given to issues such as impact on landscape, built heritage or impact on residential amenity, proposals to re-power or re-equip existing wind turbines and/or wind farms would entail largely the same material considerations as new installations. Paragraph 4.17 of retained Planning Policy Statement 18: “*Renewable Energy*” says that there are obvious advantages in utilising established sites but adds that such cases will have to be determined on their individual merit and in the light of the then prevailing policy and other relevant considerations. Accordingly, Policy ITU4 is not unsound without specifically mentioning such proposals.
- 7.18 Existing and future legislation, where applicable to proposals for renewable energy development, would be a material consideration in considering such schemes. Therefore, there is no need to amend paragraph 9.1.24 of the dPS to refer to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 and the statutory requirement of Appropriate Assessment.
- 7.19 Qualification of the need for details of site decommissioning after restoration, as required by criterion I of Policy ITU4, by inclusion of the words “*where appropriate*” in paragraph 9.1.24 of its J&A text does not conflict with paragraph 6.223 of the SPPS. The scale of renewable energy technologies that the policy applies to ranges from wind farms to micro-generation. The caveat accords with soundness test CE4 as there may be instances that such remedial works may not be necessary due to the scale and nature of the installation. The implementation section of Policy ITU4 indicates that planning permission for renewable energy development may be subject to legal agreement. As there is no conflict between the dPS and paragraph 6.233 of the SPPS in this respect, Policy ITU 4 needs no associated amendment.
- 7.20 Subject RA49, the suite of policies relating to Infrastructure, telecoms and utilities is sound.

### **Waste infrastructure**

- 7.21 Paragraphs 9.2.1 and 9.2.2 of the dPS set the context for the policies relating to waste infrastructure and include reference to government and regional policy whose direction is to move towards a more sustainable waste management system and circular economy. Amongst other things, the dPS is the vehicle for managing the land use implications of government, regional and BCC’s policy in respect of waste management; it is not the means for exploring alternative means of dealing with and disposing of waste to achieve reduction in landfill. That it fails to do so does not render the dPS unsound in this respect.
- 7.22 In light of the statutory meaning of “*development*” and no statement to the contrary within the dPS, it is reasonable to assume that Policy W1 – Environmental impact of a waste management facility would apply to both new facilities and extensions to existing sites. Criterion b thereof is concerned with a proposal’s compatibility with

the character of the surrounding area and adjacent land uses. As this consideration is included within the policy, it does not need to be repeated in paragraph 9.2.9 of the associated J&A text.

- 7.23 Criterion j of Policy W1 is consistent with RG9 of the RDS (paragraph 3.27, 3<sup>rd</sup> bullet point) that seeks to minimise development in areas at risk from flooding from rivers, the sea and surface-water run-off and urges a precautionary approach to development in areas of flood risk. Planning Policy Statement 15 (Revised): *“Planning and Flood Risk”* also advocates a precautionary approach (4<sup>th</sup> paragraph of Preamble) to development and use of land. It takes account of climate change and emerging information relating to flood risk. The policy’s primary aim is to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere (paragraph 1.8). Paragraph 4.11 says that development plans will apply a precautionary approach to development in areas that may be subject to flood risk presently or in the future. The SPPS also advocates a precautionary approach to flooding; the main references are at paragraphs 3.3, 3.13, 6.42, 6.103, 6.106 and 6.127. In addition, criterion j of the dPS’s Policy W1 replicates the 10<sup>th</sup> criterion of the identically named Policy WM 1 in Planning Policy Statement 11: *“Planning & Waste Management”*. Criterion b. 1. of Policy W2 - Waste collection and treatment facilities of the former mirrors the first bullet point of criterion (c) of PPS 11’s Policy WM 2 of the same title. Criterion j of Policy W1 therefore takes account of the range of strategic guidance. It does not need to be amended; in this respect, the policy is sound.
- 7.24 Paragraph 6.107 of the SPPS sets out exceptional circumstances where built development within flood plains may be acceptable. This would enable the requirements of criterion j of Policy W1 to be balanced with the provisions of Policy W2 - Waste Collection and Treatment Facilities in respect of proposals for their provision within port areas. In the context of prevailing regional policy in respect of flooding, this would facilitate the merits of such proposals to be considered on a case by case basis. In this context, Policy W1 satisfies soundness tests CE2 and CE4.
- 7.25 The dPS contains a suite of policy concerned with built and natural heritage. As the document must be read in the round, there is no need to repeat such provisions in policies relating to waste infrastructure. Soundness test C3 does not require Policy W3 – Waste disposal to mirror the language of the applicable provisions of the SPPS with regard to those issues, merely to take account of them. The policy is not unsound on that basis.
- 7.26 The suite of policies relating to waste infrastructure are sound as written.

### **Minerals**

- 7.27 Account was taken of the regional context of the minerals industry when preparing the dPS as evidenced in section 3 of BCC’s Technical Supplement 11: *“Minerals”*

(DPS017). The Department for the Economy's (DfE) Resources Working Group was established after the dPS was published for public consultation. That is the appropriate regional forum for plugging the evidential gap identified in the second sentence of paragraph 3.23 of TS 11. Its out-workings can feed into monitoring and review of this element of the dPS. Meanwhile, BCC has been party to the Minerals Working Group that considers the industry's cross-boundary implications. The dPS approach to minerals planning was considered in section 3 of TS 11 and section E2 of the SA of the dPS (DPS004A) on pages 161-163 inclusive thereof. There is nothing in regional policy that requires BCC to submit evidence that the regional minerals resource that would be needed to implement its ambitious growth strategy for the plan area to 2035 will be available and that the demand from this council area would not frustrate others' plans. That perceived short-coming goes beyond the remit of soundness tests C4, CE1 and CE2. Accordingly, account has been taken of the provisions of the first bullet point of paragraph 6.155 of the SPPS.

- 7.28 The second bullet point of paragraph 6.155 of the SPPS says that LDPs should (*our emphasis*) safeguard mineral resources and ensure that workable deposits are not sterilised. Information provided by DfE's Mineral Resources Map of NI was considered in BCC's aforementioned TS 11 (section 2 & Appendix 3) as advised by paragraph 14.4 of DPPN 7. Public consultation on the dPS gave local minerals industries the opportunity to advise on reserves and safeguarding issues.
- 7.29 Section 3.17 of TS 11 advised that there are no active quarries within the plan area. Much of the area outside settlement development limits but within the plan area's extent is subject to protective designations be it for its landscape, scientific and/or natural heritage value. In that context, planning policy for development in the countryside and protection of landscape and environmental assets would limit the incidence and scale of new development therein that might prejudice future minerals exploitation. The first sentence of paragraph 6.155 of the SPPS says that: *"In preparing LDPs, councils should bring forward appropriate policies and proposals that must reflect the policy approach of the SPPS, tailored to the specific circumstances of the area"*. In tailoring the regional policy approach to the specific circumstances of this plan area, Policy M1 does not fall foul of soundness test C3 in not specifically making provision for bullet point 2 of paragraph 6.155 of the SPPS and associated guidance in section 14 of DPPN 7. Its aims would be achieved by the operation of the suite of dPS policy applicable to development in its rural area.
- 7.30 The third consideration that paragraph 6.155 of the SPPS says that LDPs should (*our emphasis*) address is the identification of areas to be protected from minerals development because of their intrinsic landscape, amenity, scientific or heritage value; with a general presumption against such development in those areas – Areas of Constraint on Mineral Development (ACMD). Whilst the dPS does not include an ACMD, it is evident from paragraph 2.7 of BCC's Technical Supplement 11: *"Minerals"* (DPS017) that account was taken of the SPPS in that respect.

- 7.31 Paragraph 6.154 of the SPPS says that the policy approach for minerals development must be to balance the need for mineral resources against the need to protect and conserve the environment. The dPS contains policies relating to natural and built heritage, landscape and environmental quality. When read holistically, these provide a comprehensive policy basis for environmental protection and conservation; even where they do not specifically state that their provisions apply to minerals development. Their requirements do not need to be replicated in Policy M1 or cited in its J&A text in order to be material considerations when considering such proposals. Reading the plan's provisions in the round would ensure, amongst other things, the restoration of mineral workings would include the consideration of nature conservation interests.
- 7.32 The SPPS says that there should be a general presumption against minerals development in ACMDs; that does not amount to a moratorium. Indeed, provision is made for parts of Areas of Outstanding Natural Beauty to be identified for minerals extraction. The wording in the first sentence of the 4<sup>th</sup> paragraph of Policy M1 does not replicate the wording of the SPPS but their intent is broadly aligned. As required in the first sentence of paragraph 6.155 of the SPPS, the dPS reflects the former's policy approach; soundness test C3 does not require that they mirror one another. The dPS is not at odds with guidance at Section 14 of DPPN7. BCC's decision not to designate an ACMD in the dPS does not render Policy M1 or its provisions for minerals planning unsound. When read in the round, it is consistent with paragraphs 6.152 - 6.154 inclusive of the SPPS.
- 7.33 Proposals to which Policy M1 applies would have to be screened against the provisions of Regulation 2 (2) and Schedule 2 of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. These legislative requirements apply irrespective of the dPS. Therefore, policy M1 is not unsound in respect of the issue of EIA.
- 7.34 BCC considered an additional point in its dPS Public Consultation Report (SD006) at pages 346; and we concur with its position. Policy M1 – Minerals is sound as written.

### **Transportation**

- 7.35 RG2 of the RDS seeks to deliver a balanced approach to transport infrastructure and SFG4 of the RDS seeks to manage the movement of people and goods within the BMUA. The SPPS highlights the importance of successfully integrating transport and land use generally in order to improve connectivity and promote more sustainable patterns of transport and travel.
- 7.36 Paragraph 9.4.3 of the dPS states that the RDS and "*Ensuring a Sustainable Transport Future: A New approach to Regional Transportation*" sets out a vision "*to have a modern, safe transportation system which benefits society, the economy and the*

*environment and which will actively contribute to social inclusion and everyone's quality of life".* Unlike the Regional Transport Strategy (RTS), the emphasis in this document is a move away from road building schemes and with the drive for sustainability in travel choices at its core.

- 7.37 The Belfast Metropolitan Transport Plan (BMTP) was launched in 2004. This plan was to take forward the strategic initiatives of the Regional Transport Strategy (RTS). BCC's evidence base acknowledges that this document is out of date. The dPS states, at paragraph 9.4.3, that DfI is the statutory authority with the responsibility for developing strategic planning, transport policy and delivering infrastructure projects. BCC recognises that, in making transport policy in the dPS, it must therefore work closely with DfI to incorporate transport policy and initiatives into the plan.
- 7.38 As preparatory work for the dPS, BCC in consultation with DfI, undertook a baseline analysis. This is set out in *"The Submission Topic Paper 2015 – Transportation Baseline"* (SD006C). The purpose of this document was to consider the proposed growth figures set out in the dPS and provide an up to date position on growth potential based on a robust planning assessment. Paragraph 1.2 of this document notes that DfI had stated that it would undertake a transport study, as part of a parallel approach to developing the dPS. As the plan process progressed, work relating to the DfI transport study fell behind schedule. In the absence of the new Transport Plan/Study, BCC said that it continued to work with the current BMTP 2004, alongside existing policy documents including: the RDS; the SPPS; and PPSs. It also participated in the different transport studies with DfI. These studies included: the Belfast City Centre Transport Framework 2017 - 2020, June 2017 (MA003.D) and the published *"Belfast Car Parking Strategy and Action Plan"* in May 2018 (MA003.B). Copies of these documents were provided during the hearing sessions as Matters Arising.
- 7.39 Paragraph 10.2 of *The Submission Topic Paper 2015 – Transportation Baseline* (SD006C) also notes that the Sustainability Appraisal considered all relevant transport implications of the dPS policies with a clear view to delivering sustainable patterns of development in order to reduce the need to travel and prioritise active travel and public transport. This included the correlation between location of new homes and subsequent impact on existing infrastructure. The evidence base has therefore considered relevant alternatives.
- 7.40 Since publication of the dPS, *"The Belfast Metropolitan Transport Plan – Transport Study"* (BMTP TS) was published in October 2020. A copy of this and associated documents were provided by BCC during the public hearing sessions of the IE (MA010.A, MA010B & MA010.C). Paragraph 1.1.1, of the BMTP TS, states that the purpose of the transport study is to undertake transport modelling to understand the potential effects of different transport measures that might be considered to support the future development for the LDP period to 2035 in the BMTP area.

- 7.41 Concerns were raised that the transportation policies in the plan have been formulated without taking account of the BMTP TS. At the public hearing sessions of the IE it was stated by the representor that BCC had always known that the transport study was required and that it took a risk by proceeding to publish the dPS. The BMTP 2004 is out of date as it falls short in providing spatial detail in how to take account of the growth proposed by the dPS in terms of managing congestion in the city. The concern therefore is that by not taking account of the most up to date BMTP TS, the evidence base in the preparation of the dPS, is undermined.
- 7.42 Considering the evidence base, both written and oral, there is no dispute that BCC was not aware of the intended publication of the BMTP TS. BCC reiterated that the purpose of the dPS is to set out strategic policies for the implementation of its objectives; therefore, there was no requirement for the spatial detail contained in the BMTP TS to be included at this stage of the two-part plan process. Furthermore, as summarised at paragraph 10.3 in The Submission Topic Paper 2015 Transportation Baseline (SD006C), as statutory consultees in the development management process, a significant number of infrastructure requirements have already been considered by the relevant infrastructure providers through direct consideration of individual proposals prior to planning applications being approved. The evidence base indicates that DfI must already have had an appreciation of the likely impacts and significance of the planned growth for the city given some 19,000 housing units are ready committed i.e. with extant approval (paragraph 4.12 of TS 2).
- 7.43 The evidence base indicates that, at the time of formulating the policy, BCC had regard to the extant transport plan, relevant guidance, baseline analysis, accessibility studies and transport studies including recent assessments embodied in the Belfast City Centre Transport Framework 2017-2020. BCC noted its statutory duty to work with DfI in the publication of transportation policies. However, holding back the publication of the dPS until October 2020 whilst awaiting the publication of BMTP TS would have had a significant knock on impact, of almost 2 years, on the timetable BCC's programme for the production of the LDP. At page 349 of the Public Consultation Document (SD006) BCC states it was hoped that the dPS would be developed in parallel with the review of the BMTP or a new transport strategy which would commission parking studies by DfI to assess the potential to extend/amend areas of parking control and parking restrictions. As this was not possible, any proposed refinement or further designations would be appropriately addressed at the LPP stage of the process.
- 7.44 The two stage plan process does not close the door for BCC to take account of the measures stated in BMTP TS. Now that it issued in final form, the policies and guidance therein must be taken into account when BCC prepares the LPP. Whilst it is unfortunate that the BMT TS was not published in parallel with the dPS, BCC proceeding to issue the dPS without the publication of this document does not fundamentally undermine the evidence base used to inform its transportation policies. The evidence base robustly demonstrates that updated information such as

the Belfast City Centre Transport Framework 2017 -2020, June 2017 (MA003.D) and the published “*Belfast Car Parking Strategy and Action Plan*” in May 2018 (MA003.B), along with regional and strategic policies have been taken into account the in formulation of the transportation aims and polices in the dPS.

- 7.45 BCC proposed a “*minor modification*” at paragraph 9.4.3 to state “*The Department’s extant Transport Plan will be the main source for transport policy and initiatives for the plan area*”. In recognition of the evolving nature of the publication of policy and in the interests of consistency throughout the plan period, this wording is necessary and appropriate. RA50 is required in order to satisfy soundness test CE2.
- 7.46 Policy TRAN5 – New transport schemes makes operational policy to safeguard land for planned improvements to the transportation network. As this is already addressed by this policy, it is not necessary that paragraph 9.4.4 of the dPS makes specific reference to highway improvements. The plan should be read in the round.
- 7.47 Concerns were raised that the policy aims for transport, at paragraph 9.4.5, did not differentiate between motorised forms of transport. In order to reflect sustainable strategic aims it was suggested by BCC, at the public hearing sessions, that clarity should be provided by adding “*in preference to the private car*” to the first bullet point. RA51 is necessary pursuant to the consistency tests for soundness.
- 7.48 General concerns were raised that terms such as “*access*”, “*accessible*” and “*accessibility*” are used in the transportation policies with implied different meanings. At page 348 of the Public Consultation Report (SD006) BCC stated that these words are used in the same manner as they appear in the RDS, SPPS, Planning Policy Statement 3: “*Access, Movement and Parking*” (PPS 3) and Planning Policy Statement 13: “*Transportation and Land Use*” (PPS 13). As such terms are well-established in existing published policies, it is not necessary that they should be defined in the dPS in order for the policy to be sound.
- 7.49 Details such as accessibility in respect of designating densities is a matter for zoning and designating land at LPP stage of the LDP process. Furthermore, the responsibility for designating areas and implementing residents’ parking schemes lies with the DFI, not the LDP. The transportation policy aims are not unsound for this reason.
- 7.50 At page 349 of the Public Consultation Report (SD006) BCC recognised the role of parking management in influencing modal shift and encouraging the use of more sustainable travel. Nonetheless, it is the statutory role of the Department to deliver transportation infrastructure projects and initiatives such as public transport enhancements, Park & Ride and Residents’ Parking Schemes. These will be key to delivering future modal shift and, in particular, discouraging the adverse impacts of commuting into the city by single occupancy vehicles. The transportation policy aims are not unsound because they do not make such provisions.

- 7.51 BCC undertook engagement with its neighbouring councils in the delivery of the transportation policies in the dPS. The nature of this engagement is set out in documents SD004J and SD004K. BCC stated that this included recognition of issues surrounding trips starting and finishing outside its area and how this relates to neighbouring councils. The policy aims seek to deliver sustainable patterns of development that will reduce the need for motorised transport and give priority to active travel by public transport throughout the city and areas beyond. They take account of the DfI approach in regional policy by placing residential development within urban areas and closer to employment opportunities and other trip-generating developments. This approach is consistent with published advice and guidance published by the Department.
- 7.52 As the dPS should be read in the round it is not necessary for the aims of the transportation policies to also repeat those of Policy ENV1 – Environmental quality in order for the former to be sound.
- 7.53 In recognition of the gateway role of the GBBCA within Belfast’s transportation network it is appropriate that Figure 9.2 is updated to indicate its location. RA52 is necessary in accordance with soundness test CE2. Protecting and optimising access to and from the airport is a site-specific matter that should be considered in the LPP stage of the LDP process.
- 7.54 In the dPS Public Consultation Report (SD006), at pages 347 to 354, BCC addressed representors’ associated concerns with general transportation issues. We have considered these representations and concur with BCC’s reasoning and conclusions. It has been demonstrated that the transportation policies are realistic and appropriate having considered relevant alternatives and are founded on a robust evidence base. Inability to take full account of the BMTP TS at the time of formulation the dPS does not undermine the evidence base. Subject to RA52 the Transportation section at pages 205 and 206 are sound as written.
- 7.55 Policy TRAN1 – Active Travel – walking and cycling makes policy provision for walkers and cyclists as part of major development proposals. The policy should be read in the round with the suite of transportation policies and the other provisions for development proposals in the plan. Therefore, it is not necessary to remind the reader of the policy that TRAN1 is not considered in isolation from other policies in the plan. BCC stated at page 356 of the Public Consultation Report (SD006) that the application of this policy should be appropriate and proportionate to a particular development proposal in order to encourage active travel. It is not appropriate to apply it to all development proposals. This approach facilitates flexibility and is a logical response given that major development proposals are those that will generate greater levels of travel. The policy provides a means to shift to more sustainable travel modes and takes account of regional policy as expressed in the SPPS at paragraph 6.301.

- 7.56 Representations considered that criterion (c) of policy TRAN1 should be broaden to include “*a buffer of x metres of the site*” rather than just where it adjoins the site. BCC considered this issue in its response at page 355 of the Public Consultation Report (SD006) stating that such a requirement would be too prescriptive and that current DfI Guidance on the preparation of LDP policies for transport do not prescribe such detail. There is no evidential basis for BCC to introduce this approach. The lack of this requirement within criterion c. does not result in the policy being unsound.
- 7.57 Policy TRAN1 promotes the move to sustainable modes of transport and can improve health and wellbeing of citizens. The policy, as worded, is sound.
- 7.58 One representor suggested that Policy TRAN2 – Creating an accessible environment should apply to arterial routes in addition to public buildings and education/employment uses. Policy TRAN2 as worded applies to development proposals open to the public or to be used for employment or education purposes where it is designed to provide suitable access for all. The policy already covers the plan area and this would include development proposals along arterial routes. An amendment to the wording of this policy is not required to make it sound.
- 7.59 Where development proposals are likely to have significant travel-generating uses, a transport assessment is required in order to evaluate transport implications in accordance with Policy TRAN3 – Transport assessment. The last sentence of the associated J&A text states that: “*The DfI’s Transport Assessment Supplementary Plan Guidance for Development Proposals will provide detailed information on the process and should be considered*”. DfI is the statutory consultee for transport matters. DfI are and will be the consultee on any development proposal that requires a transport assessment. It has the expertise to consider and assess such information and advise BCC accordingly. It is not necessary that this wording should be changed to say “*must be considered*” given the statutory consultation process.
- 7.60 The provisions of Policy TRAN4 – Travel Plan require that development proposals with significant travel generating uses will require a travel plan. BCC in its response to representation at page 359 of the Public Consultation Report (SD006) stated that the requirements of Policy TRAN4 will ensure the assessment of all travel modes but that initial emphasis will be on sustainable modes such as walking, cycling and public transport. Monitoring indicator 32 is set in Appendix 4 in order to monitor an increase in the number of people using sustainable modes. The policy should be read in the round together with Policy GB1 – Green and blue infrastructure network, which will contribute to linking up Belfast and creating further linkages to the Belfast Bicycle Network. The policy is logical and coherent taking into account the delivery of more sustainable travel patterns.
- 7.61 Whilst it may be helpful, it is not necessary that the policy provides direction on ‘good practice guides’ for the formulation of travel plans in order for it to be sound.

Such guidance may be appropriate in the proposed SPG (Appendix E) for active travel walking and cycling. This is matter for BCC to consider. The policy approach for travel plans is set out in Policy TRAN4 and is consistent, coherent and sound.

- 7.62 Policy TRAN5 - New transport schemes seeks to safeguard land required to implement new transport proposals or planned improvements to the transport network as identified in the DFI's extant transport plan. Concerns were raised in the respect of the availability of an up to date transport survey to inform the policy to safeguard land required to implement new transport proposals or planned improvements to public transport services, park and ride proposals and road schemes. This is a strategic policy that is overarching that affords protection for new transport schemes over the lifetime of the plan. Concerns relating to the provision of a BMTP TS have already been addressed by this report. The policy is worded to take account of the extant transport plan. This wording is flexible so that it can apply to any subsequent DfI transport plan that may emerge over the plan period. In BCC's response to associated representations, set out at page 360 of the Public Consultation Report (SD006), it said that the policy, as written, is consistent with strategic policy in the RDS and SPPS and also current operational policy contained in PPS 3. We concur with this conclusion and find that the wording of Policy TRAN5 is sound.
- 7.63 Policy TRAN6 – Access to public roads makes strategic provision to ensure that new access arrangements for development proposals are safe for all road users and would not have a detrimental impact on the movement of traffic. A safe access is often an integral part of any development proposal and the provision of this is normally secured by conditions on a planning consent. There is no dispute that such requirements can also be implemented by means of a planning agreement as indicated by the implementation box on page 213. Each case can be considered on its own merits and the appropriate mechanism(s) to secure a safe access can be decided in the development management process. The policy, as worded, is sound.
- 7.64 Policy TRAN7 – Access to protected routes sets out BCC's policy to restrict the number of new accesses and control the level of use of existing accesses onto protected routes. It highlighted a typographical error at paragraph 9.4.27 where it refers to "*Northern Ireland*" instead of "*Belfast*". Figure 9.3 is a diagrammatic map of Belfast's protected routes. To be consistent and effective, RA53 is necessary In order to comply with soundness test CE3.
- 7.65 BCC suggested a "*minor modification*" by removing the tick under S76 Planning Agreements in the implementation box. It is not necessary or logical to expect that access onto a protected route would be delivered by means of a planning agreement. This amendment is necessary to provide clear direction on the implementation of the policy as required by soundness test CE3. Accordingly, RA54 is necessary to remove the tick from S76 of the implementation box.

- 7.66 Paragraph 9.4.28 of the J&A for Policy TRAN7 states that it is important that a new access *“does not significantly add to congestion”*. This requires a judgement that would be based on the site-specific nature of the road junction along with the scale and nature of the proposed development. The term takes account of and reflects the wording taken directly from PPS 3 (Clarification) and Policy AMP 3 – Access to Protected Routes. This wording is sound.
- 7.67 At the hearing sessions BCC suggested a *“minor modification”* to the J&A text at paragraph 9.4.29 of the dPS to state that *“Access arrangements must be in accordance with the most up to date published guidance from the Department”*. Given the longevity of the plan, it is appropriate that flexibility is built in for changing circumstances, such as new guidelines, rather than linking the wording of policy to existing published guidance at the time the plan is published. RA55 is necessary to allow policies to logically flow and be appropriate over the life time of the plan.
- 7.68 The dPS does not include site-specific zonings therefore it is not necessary for this policy to provide accessibility analysis in the location and design of development, as directed by Planning Policy Statement 13 Transportation and Land Use (PPS13). BCC said at page 363 of the Public Consultation Report (SD006) that under the two-tier LDP process, more detailed analysis of transport impacts associated with specific sites will be carried out at the LPP stage. This approach is consistent with soundness test CE1. Subject to RA53 – RA55 inclusive, Policy TRAN7 as written is sound.
- 7.69 BCC pointed to an *“error”* in the wording of Policy TRAN8 – Car parking and servicing arrangements whereby the reference in the third paragraph of the policy headnote to *“the DfI’s published standards”* should be changed to *“the published standards”*. This RA56 is necessary in order to comply with soundness test CE3.
- 7.70 Paragraph 6.301 of the SPPS lists transportation issues to be address in the LDP. Car parking is one such. The headnote of Policy TRAN8 states that the emphasis will be to allow parking provision that will assist in reducing the reliance on the private car in particular commuting into the city, help tackle growing congestion and bring about a change in travel behaviour. This takes account of the regional strategic objectives to promote parking policies that will assist in reducing reliance on the private car and help tackle growing congestion.
- 7.71 The headnote of Policy TRAN8 also states that the precise amount of car parking for development proposals will be determined according to the specific characteristics of the development and its location having regard to the published standards or any reduction provided for in an area of parking restraint (Policy TRAN9). This permits flexibility to consider proposals in respect of their site-specific characteristics. For sites beyond areas of parking restraint, the headnote of Policy TRAN8 also builds in flexibility for a reduced level of car parking subject to circumstances set out in criteria a. to e. The policy, as worded, does not prevent car-free residential developments in appropriate locations. Guidance contained in *“Creating Places”* is

not superseded by the policies in the dPS and would still be a material consideration. Promoting reduced car parking requirements recognises the role of car parking in influencing a modal shift and encouraging the use of more sustainable travel forms. Accordingly, no amendment of the policy is required for a flexible approach when considering development proposals.

- 7.72 Paragraph 9.4.31 of the J&A text states that the priority is to ensure that car parking policies and provisions do not incentivise the use of the car over the use of sustainable transport modes. This approach does not need to go any further as it takes account of the regional strategic objectives and the issues that the SPPS indicated at paragraph 6.301, bullet 6, should be included in an LDP. The approach does not contradict the incentive to move away from the use of the car over the use of sustainable transport modes. The wording of paragraph 9.4.31 is sound.
- 7.73 Policy TRAN8, as worded, takes account of exiting operational policy contained in PPS 3. BCC, at page 367 of the Public Consultation Report (SD006), states that there is no change in policy approach from that set out in PPS 3. This policy has taken account of existing policy issued by the Department and is consistent with it.
- 7.74 Details such as the location or number of electric vehicles do not need to be specified in the dPS in order for the policy to be sound. Such issues would be taken into account in the consideration of the characteristics of a development proposal in the development management process.
- 7.75 At the public hearing sessions, it was considered whether the title of the policy should be changed to read "*Parking and servicing arrangements*" rather than "*Car parking and servicing arrangements*". The wording of Policy TRAN9 takes account of existing published policy and guidance. Policy AMP7 - Car Parking and Servicing Arrangements of PPS 3 refers to car parking and paragraph 6.3.01 of the SPPS also refers to car parking. The points made by the representor are valid in respect of various vehicles, such as buses, lorries and therefore not just cars. Nevertheless, the title of the policy is consistent with policy issued by the Department. It is not necessary to change the title of the policy to make it sound.
- 7.76 Representors raised concerns that Policy TRAN8 makes no specific provision for parking of coaches on-street and off-street and short-stay and long-stay in Belfast. As already noted, BCC took account of the emerging "*Belfast Car Parking Strategy and Action Plan*", April 2018 at the time of formulating policy. Page 21 of this strategy states that the tourism and coach industry is vital to both sustaining and growing the Northern Ireland economy. It adds that there are some nineteen coach parking bays in the city and, while they are essential for short-term city centre parking, particularly for day-time parking, demand regularly exceeds supply. The strategy notes that there is a need for off-street coach parking facilities so as to attract further visitors. However, it specifically states that an objective to support its vision includes identifying opportunities to provide secure bicycle and coach parking

in appropriate city centre locations. Whilst there maybe merit for Policy TRAN8 to refer to provision of coach parking, the evidence base does not indicate a need or specific requirement for a bespoke policy to address this consideration. Provision of coach parking will be dictated by a need in the market to provide such a requirement. Therefore, such specific parking requirements can be considered on their own merits in accordance with the published standards through the development management process. Accordingly, the policy is not unsound for this reason.

- 7.77 At page 368 of the Public Consultation Report (SD006) BCC stated that policies from PPS 3 and PPS 13, in addition to work done creating policies for BMAP, have all been taken into account and have contributed to the creation of Policy TRAN9 - Parking standards within areas of parking restraint. We agree that this satisfies the requirements of soundness test C3.
- 7.78 The dPS does not contain specific zonings for areas of parking restraint. BBC stated, at page 369 of the Public Consultation Report (SD006) that this will be carried out at the LPP stage of the plan process. In doing so, BCC will build on existing evidence to zone areas of parking restraint. This is a coherent and effective approach to this policy.
- 7.79 Policy TRAN9 does not prevent car-free residential developments in appropriate locations. The issue of higher density development proposals with no car parking spaces would be a matter to be considered on a site-specific basis through the development management process.
- 7.80 Supporting good design and positive placemaking is a core planning principle of the SPPS. Policy TRAN10 - Design of car parking takes account of this as it says that a high standard of design, layout and landscaping to accompany all proposals for car parking will be expected. A representor said that multi-level and basement car parking, the building must have an active frontage at street level. Policy DES1 - Principles of urban design provides criteria to consider: the design and appearance of new development; promotion of uses that provide active frontages; and inclusive design that supports safety in order to reduce crime and anti-social behaviour. It is not necessary that the dPS repeats detailed design criteria specific to car parking in the transportation policies. The plan should be read in the round.
- 7.81 The Belfast Agenda recognises and is committed to the increased use of cycling and the expansion of the Belfast Bikes Scheme. Whilst the expansion this Scheme could fill gaps between the park and ride facilities and the city centre it is not the remit of the LDP process to make this provision.
- 7.82 A regional strategic objective for transportation, as stated at paragraph 6.297 of the SPPS, is to promote parking policies that will assist in reducing the reliance on the private car and help tackle congestion. The *“Belfast Car Parking Strategy and Action*

*Plan*”, April 2018 (MA003.B) recognises the role of car parking to the success of the city. The rationale for the Strategy is to ensure that parking supports the local economy by making it easy for shoppers and tourists to visit Belfast and provide access to key services and facilities for special needs groups and the mobility impaired. The “*Belfast Car Parking Strategy and Action Plan*” sets out a vision for Belfast along with four objectives. At the time of drafting the dPS, the Car Parking Strategy and Action Plan was a draft document and has since been adopted. However, at paragraph 3.30 of TS 14, BCC said that its recommendations have been used as evidence for drafting policies in the dPS relating to car parking. The plan has had regard to this Strategy.

- 7.83 Policy TRAN11 - Provision of public and private car parks is in line with one of the regional strategic objectives of the SPPS for transportation and land-use planning and has regard to the objectives of the “*Belfast Car Parking Strategy and Action Plan*”. The policy relates to provision of the development of new car parking and not to existing car parking provision in Belfast. The dPS recognises that car parking in suitable amounts and locations is vital for the city centre to function properly but that a balance is necessary between car parking and other transport modes and also between the needs of short stay and long stay parking users. Car parking provision for development types will be assessed on the site-specific merits of a scheme and its location. In order for the policy to be sound, it is not necessary that the dPS stipulates the form and type of car parking.
- 7.84 In respect of the provision of Park and Ride facilities, BCC at page 375 of the Public Consultation Report (SD006), stated that a co-ordinated cross-boundary approach was facilitated through the statutory consultation process and the MASWG. This was to ensure that consideration was given to the issue of sustainable transport options for commuting to Belfast. This approach is consistent with soundness test C4. The policy is sound.
- 7.85 We have considered the suite of transportation policies, the representations to them and BCC’s response at pages 347 – 376 of the Public Consultation Report (SD006). We concur with its reasoning and conclusions and are satisfied, subject to RA53 – RA56 inclusive, that Policies TRAN1 to TRAN12 are sound.

### **Environmental Resilience**

- 7.86 Following on from the overarching Policy SP6 – Environmental resilience the dPS addresses the issues around environmental constraints. This is generally through three groupings namely environmental quality; environmental change; and flood risk. These are dealt with at dPS Section 9.5 Environmental resilience.
- 7.87 The head note of Policy ENV1 – Environmental quality makes provision for the consideration of ground contamination; air quality; water quality; noise and light pollution. Representors sought clarification of the term “*unacceptable adverse*”

*impact*” in the policy headnote. BCC stated that such terminology is well established and is already used in the context of published planning policies including the SPPS. The term is used at paragraphs 6.192, 6.224 & 6.279 of the SPPS. Reference to this term is consistent with the policy issued by the Department and no further action is required in this respect.

- 7.88 Policy ENV1 does not set out specific standards, triggers or thresholds for when development proposals are considered to give rise to an unacceptable adverse impact on the environment. BCC said that this approach is not inappropriate for the consideration of development proposals and is widely used in the suite of planning policy statements issued by the Department. Often such considerations are made in consultation with experts and specialists who assess the technical impacts of the development proposal. Planning policy can be supplemented with guidance to address such technical considerations. One example in the SPPS is Annex A: Managing Noise and Improving Air Quality. In respect of this policy, the proposed SPG for Environmental Quality, included in Appendix E of the dPS, would provide such guidance. Setting specific standards, triggers or thresholds would also be overly restrictive and remove flexibility in the considerations of development proposals. Furthermore, it would also limit consideration of these issues to the applicable standards and specifications at the time the policy was formulated. We concur with BCC in this respect and consider BCC that, in this respect, the policy is coherent, effective and satisfies soundness test CE4.
- 7.89 The headnote of Policy ENV1 states that “*The council will also require development to positively address the following:*” it then lists criteria a. to d. BCC, at page 379 of the Public Consultation Report (SD006), says that it is not intended that new development should result in betterment; rather proposals should take full account of the city’s designated quiet areas and quiet times. BCC suggested removing the word “*positively*” from the headnote of Policy ENV1. As there is no evidence base to demonstrate a requirement for improvement or betterment, RA57 is necessary for the policy to be coherent, effective and to meet the requirement of soundness test CE2.
- 7.90 Paragraph 9.5.18 of the dPS reflects BBC’s approach to air pollution. Page 118 of the SPPS states that planning authorities should consider the location of development which may give rise to air pollution. Paragraph 3.3 of Technical Supplement 16: “*Environmental issues*” (TS 16) states that BCC has a statutory duty to annually review, assess and report on air quality across the city under the Local Air Quality Management (LAQM) regime. This is provided for in Part 3 of the Environment (Northern Ireland) Order 2002 and the relevant policy and technical guidance. The LAQM is also reviewed by Department of Agriculture Environment and Rural Affairs (DAERA). The Belfast City Council Air Quality Action Plan 2015-2020 aims to confirm measures that will be implemented throughout the city to improve air quality for the citizens of Belfast. BCC has declared four air quality management areas in the plan area. These are: the M1/Westlink Corridor; Cormac Street/Albertbridge Road; the

Upper Newtownards Road; and the Ormeau Road. Paragraph 3.9 of TS 16 states that the 2010 detailed review considers the potential for exceedance of the nitrogen dioxide objectives at a number of further locations. However, it adds that areas are monitored but reviews and assessments have identified there is no relevant public exposure at these locations and, as a consequence, there is no need to designate these areas. On-going monitoring will continue. A common theme in the dPS, which takes account of regional policy, is the reduction in the use of the car through policies to support active travel, public transport and the integration of land uses and transportation. At page 378 of the Public Consultation Report (SD006) BCC states that its Air Quality Management Plan includes measures to help tackle air quality through reducing the use of the private car. In respect of air quality, the dPS has regard to other relevant policies and strategies relating to BCC's district in accordance with soundness test C4.

- 7.91 The Waste and Contaminated Land (Northern Ireland) Order 1997 (WCLO) sets out legal provisions for the introduction of a Contaminated Land Regime for NI. Paragraph 3.40 of TS16 BCC notes that within Northern Ireland, land contamination was administered via Part III of the WCLO. Even though the Order was made on 26<sup>th</sup> November 1997, a commencement order for Part III has not been issued. The commencement of this legislation is outside the control of the plan process. Whilst this legislation relates to the enforcement and control of contaminated sites, which is a retrospective control, BCC at page 380 of the Public Consultation Report (SD006), said that known or suspected contamination will be considered at the LLP stage in the zoning of land and may be included as Key Site Requirements (KSR). Accordingly, each site with suspected contamination will be considered on its own merits. Reference to the WCLO legislation is not inappropriate or misplaced in TS16. BCC has appropriately demonstrated it has had regard to this legislation. Any reference to it does not undermine BCC's position as to how it intends to manage the risks of developing potentially contaminated site during the planning process.
- 7.92 Representations identified some incorrect references in TS 16 in respect of contaminated land & the environmental protection legislation. If there are any concerns over and above that set out at page 380 of the Public Consultation Report (SD006), BCC said that it will correct any inaccuracies and update such legislation to the technical supplement. Such incorrect references can be corrected and therefore do not fundamentally undermine the evidence base.
- 7.92 Concerns were raised that the policy limits consideration of water quality to inland water and excludes "*transitional and coastal waters*". BCC stated that this was not intentional. It suggested amended wording for the J&A to include "*coastal and transitional waters*". As the policy is not intended to be limited to inland waters it is appropriate that such wording is inserted in the paragraph relating to water quality on page 226 of the dPS (paragraph 9.5.20 of the printed version of the dPS paragraph 9.5.17 of the web version) of the J&A. RA58 is necessary for the policy to be coherent and effective and accord with soundness test CE3.

- 7.93 The opening sentence for Water Quality on pages 226 and 227 of the dPS refers to the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2003 and notes its requirements. Concerns were raised that the J&A does not refer to the Marine Strategy Framework Directive which requires the UK to put in place measures to achieve or maintain good environmental status in the marine environment by 2020 and secure good ecological status. This Directive has been transposed into domestic law, for the whole of the UK, by the Marine Strategy Regulations 2010. The J&A text, paragraph 10.4.20, of Policy LC4 – Coastal Areas states that proposals will be assessed against the Marine Policy Statement and any Marine Plan. This is for all coastal areas. Any development proposals in a coastal area would therefore be assessed against these requirements. Parties with statutory responsibility for, or an interest in, the marine environment would have the opportunity to be involved in that process and make their views known on the spatial extent of the area to which the policy should apply. It is not necessary that every policy should repeat the requirements of other policies in the plan. Matters relating to the ecological status of bodies of water will also be considered in that context. The words “*conservation status*” is an umbrella term that would also cover matters of ecological status. A lack of reference to the Marine Policy Statement and any Marine Plan in policy ENV1 does not make it unsound.
- 7.94 Policy ENV1, as worded, applies to all development irrespective of the site conditions. It is appropriate that each site, regardless of its ‘brownfield’ status is considered on its own merits in the context of Policy ENV1. Accordingly, for the policy ENV1 to be sound it is not necessary for it to make specific provisions for brownfield sites.
- 7.95 Having considered the representations to Policy ENV1 along with BCC’s response as set out at pages 377 – 380 of the Public Consultation Report (SD006), we concur with its reasoning and conclusions. We are satisfied, subject to the recommended amendments RA57 and RA58, that Policy ENV1 is sound.
- 7.96 We have also considered the representations to Policy ENV2 - Mitigating environmental change along with BCC’s response set out on page 381 of the Public Consultation Report (SD006). We concur with its reasoning and conclusions and are satisfied that Policy ENV2 is sound.
- 7.97 Policy ENV3 - Adapting to environmental change does not need to repeat the provisions of other policies in the dPS that address sustainable development and quality design. The approach set out in this policy is to help mitigate and adapt to environmental change. This approach takes account of the central challenge in furthering sustainable development as recognised at paragraph 3.10 of the SPPS. In line with the principles of sustainability, Policy ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change. The policy sets out criteria a. to d. which include measures to help adapt environmental changes. To strengthen the policy BCC suggested that “*managing coastal erosion, land instability,*” should be inserted into the criterion a.

Such wording takes account of the provisions of the SPPS, at paragraph 6.42, which indicates that development will not be permitted in areas of the coast known to be at risk from flooding, coastal erosion, or land stability. RA59 is necessary to ensure the wording of Policy ENV3 takes full account of these areas of environmental change and in order to satisfy soundness test CE2.

- 7.98 Considering the representations to Policy ENV3 along with BCC's response as set out at pages 382 - 383 of the Public Consultation Report (SD006), we concur with its reasoning and conclusions. We are satisfied, subject to RA59, that Policy ENV3 is sound.
- 7.99 The overarching strategic policies Policy SP2 - Sustainable development and Policy SP6 – Environmental resilience, support development that includes measures to adapt environmental change, including flood risk. Technical Supplement 9: "*Flood Risk*" (TS 9), at paragraph 4.6, states these issues are addressed in two policies namely: Policy ENV4 – Flood risk; and ENV5 – Sustainable drainage systems (SuDS).
- 7.100 Policy ENV4 states that BCC will adopt a precautionary approach in assessing development proposals in areas that may be subject to flood risk presently or in the future as a result of environmental change. Paragraph 6.105 of the SPPS sets out strategic policy that must be taken into account in the preparation of the LDPs and in the determination of applications. Rather than repeating these policies in the dPS, Policy ENV4 refers to the planning policies set out in the SPPS. In support of this approach, at page 384 of the Public Consultation Report (SD006), BBC says that the SPPS has a statutory basis under Part 1(1) of the Planning (Act) 2011. Paragraph 1.4 of the SPPS repeats the statutory basis that requires the Department to formulate and co-ordinate policy for securing the orderly and consistent development of land and the planning of that development. The SPPS has formulated policy for that purpose.
- 7.101 At page 385 of the Public Consultation Report (SD006), BCC stated that the policies in the SPPS and the dPS should be considered together with the proposed SPG for flood risk, providing further detail and guidance in relation to flood risk and taking account of current flood policy (Planning Policy Statement 15 (Revised): "*Planning and Flood Risk*" [PPS 15]). The SPG for flood risk, which has been drafted in consultation with DfI Rivers, will also be a material consideration when published. Paragraph 2.17 of TS 9 notes that that much of the policy content of PPS 15 is incorporated into the SPPS. Consideration was therefore given to the published policy contained in this document. The SPPS makes policy provision for development in proximity to reservoirs, flood defences and artificial watercourses. All these SPPS policies will still apply together with the provisions of Policy ENV4. BCC has therefore taken account of policy and guidance issued by the Department as required by soundness test C3.
- 7.102 DfI Rivers document "*Guidance on the preparation of LDP policies and Flood Management*" was issued in final form on 25 June 2018. The timing of which broadly

coincided with the publication of the dPS August 2018. A copy of this guidance was provided as part of the representation on the plan from DfI Rivers. In having regard to this representation, BCC had an opportunity to consider the document. The purpose of this guidance is to assist councils with the drafting of sound operational policies to be included in a LDP. The guidance has not been the subject of a public consultation process. The document states it provides essential background information and definitions. It recognises that councils have flexibility to formulate robust local flood risk management policies that meet their local needs and align with the policy provision of the SPPS. The guidance notes that the policies contained in PPS 15 are seen as exemplar across the UK. It adds that that the policies of PPS 15 are closely replicated in strategic way in the SPPS, they must be taken into account in the preparation of the LDPs and are material to all decisions on individual planning applications.

- 7.103 At the public hearing sessions BCC stated that it was aware of the guidance and that much of the information in the document had been discussed as part of focused engagement with DfI Rivers in preparing the dPS. It also confirmed that the SPG for flood risk, included in Appendix E of the dPS, has been drafted in consultation with the relevant statutory bodies and therefore takes account of this guidance. The approach of Policy ENV4 does not conflict with the guidance. At the public hearing sessions, BCC confirmed that the SPG will set out details in respect of Flood Risk Assessments and follow DfI guidance in this respect. Accordingly, we are satisfied that BCC has taken account of the guidance issued by the Department in accordance with soundness test C3.
- 7.104 In reaching the above policy approach, at the public hearing sessions, BCC stated that it had taken account of the representations made to the POP in formulating Policy ENV4. As provisions for flooding in PPS 15 are closely replicated in the SPPS, BCC opted to align the policy to the latter. The SPPS is the most recent expression of policy published by the Department so it logically flows that BCC should have opted to align with it. Nonetheless, it is evident that BCC took account of the POP and any associated representations but it has the flexibility to formulate local policy that meet its needs and takes account of published policy. Not reflecting the comments of the representations in the wording of the policy does not mean the policy is unsound on the basis of procedural test P2. The approach for Policy ENV4 is realistic and appropriate having considered alternatives and is founded on a robust evidence base in accordance with soundness test CE2.
- 7.105 The headnote of Policy ENV4 also states that all applications to be determined with reference to the most up to date flood risk information available and in consultation with DfI Rivers and other relevant bodies as appropriate. Accordingly, parties with a statutory responsibility for, or an interest in, rivers and coast will have the opportunity to be involved in that process as consultees.

- 7.106 In the formulation of Policy ENV4, BCC demonstrated that it has taken account of policy and guidance issued by the Department. The policy in the dPS reflects a precautionary approach that seeks to ensure environmental resilience, including climate change and flood risk. The policy, as worded, is realistic and appropriate and is consistent and effective in accordance soundness tests CE1 and CE2.
- 7.107 Policy ENV5 – Sustainable drainage systems (SuDs) promotes the incorporation of SuDs measures into development proposals. Paragraph 6.118 of the SPPS states that in managing development, particularly in areas susceptible to surface water flooding, planning authorities should encourage developers to use SuDs as the preferred drainage solution. The policy headnote takes account of this and states that all development should include, where appropriate, SuDs measures to manage surface water effectively on site. The use of the term “*where appropriate*” allows for flexibility to be considered in the development management process as each case is considered on its own merits. Likewise, the SuDs measures will be appropriate to the nature scale and location of the proposal. Account will be given to existing characteristic of the site, including if is a ‘brownfield’ site. This is set out at paragraph 9.5.41 of the J&A. The policy is realistic and appropriate.
- 7.108 Paragraph 9.5.46 of the dPS states that onus will be on the applicant/developer to demonstrate that SuDs have been considered and appropriate measures have been incorporated into the design of the proposal. This is a realistic and appropriate approach for policy to allow for flexibility in how SuDs can be incorporated into development proposals.
- 7.109 Paragraph 9.5.46 of the J&A text states that a range of maintenance and management options will be explored with the council. These measures are necessary to ensure that appropriate maintenance and management arrangements, which are essential to ensure the effective future operation of SuDs, are put in place. Planning conditions and/or Section 76 agreements will be used to secure effective future maintenance. The policy implementation box does not specifically identify Public Sector Intervention. BCC states, at 389 of the Public Consultation Report (SD006), that this box would be used when significant intervention is required such as in a master plans/development briefs proposal. Even though such large-scale proposals would have to consider appropriate SuDs measures, the lack of a tick in the Public Intervention Box does not impact on the soundness of this policy. Furthermore, it is not necessary for the policy to be sound that it must cross reference to the legislative requirement of the Water and Sewage Services Act (Northern Ireland) 2016; these will apply regardless.
- 7.110 The policy headnote requires that a two stage SuDs treatment should be used where possible. At page 388 of the Public Consultation Report (SD006) BCC stated that a two stage SuDs process generally relates to enhancing water quality through a filtration process and that additional detail such as this can be provided in the SPG.

7.111 We have considered the representations to Policies ENV4 and ENV5 along with BCC's response as set out at pages 384–389 of the Public Consultation Report (SD006). We concur with its reasoning and conclusions and are satisfied that Policy ENV4 and ENV5 are sound.

## 8.0 Promoting a Green and active place

### Open space

- 8.1 The open space policies in the dPS follow on from the strategic provisions of Policy SP8 - Green and blue infrastructure network. Policy GB1 – Green and blue infrastructure network recognises that open space forms an integral part of the green and blue infrastructure for the plan area. The dPS aims to provide standards for open space and also sets out expectations for green and blue infrastructure in all new development.
- 8.2 The SPPS sets out the regional strategic objectives for open space at paragraph 6.201. Technical Supplement 8: *“Open space, Sport and Outdoor Recreation”* (TS 8) [DPS014] notes that the SPPS provides guidance on the preparation of LDPs. This encompasses consideration of an open space strategy, including an assessment of existing open space provision and future needs. The evidence base also has regard to the strategic principles contained in BCC’s Green and Blue Infrastructure Plan (GBIP) and the guidance set out in the main principles and standards in relation to its Developer Contribution Framework (DCF) guidance document.
- 8.3 BCC’s Topic Paper: *“Open space, sport & outdoor recreation”* (POP016) provides the initial evidence base relating to open space. It establishes the baseline position in respect of open space and identifies key issues to be addressed in the LDP process. At the public hearing session of the IE, BCC stated that it was in possession of a significant body of evidence because of the background work for the draft BMAP; and, for the purpose of open space, most of this information is still relevant. This information has been supplemented with a review and audit of the open space to benchmark the consistency of the approach of the proposed open space policy with the provisions in the SPPS. Paragraphs 2.33 to 2.64 of the topic paper (POP016) outline the approach taken to devise the open space strategy for the dPS including reviews of a wide range of strategies such as Sports NI publications relevant to the plan area or adjoining council districts. In doing this, BCC has taken account of policy and guidance issued by the Department and has had regard to other relevant plans, policies and strategies relating to its district. This approach accords with soundness tests C3 and C4.
- 8.4 TS 8 draws together the evidence base used to inform the LDP process. It follows the thematic approach proposed in the POP. This approach received significant public support in the POP consultation. Taken together, both papers (POP0016 and DPS0014) consider the open space provision in Belfast, including different types of facilities and activities available to residents of, and visitors to, the city.
- 8.5 Appendices 1 to 7 of TS 8 provides an audit of the open space types, facilities, pitches, playgrounds, parks outdoor activities and community gardens in Belfast. BCC’s audit of open space was considered against the quantitative standards devised

by the National Playing Fields Association. Regard was also taken of the more recent Fields in Trust guidance for outdoor sport and play. The audit has been used to inform the open space strategy rather than for the purpose of designating open space in the plan area. It identifies and quantifies the existing provision of the variety of open space across the city. Regard has therefore been taken of the provision and role of different forms of open space; and the distribution and accessibility of such spaces and facilities.

- 8.6 BCC issued a draft for consultation of the Belfast Open Space Strategy (BOSS) dated June – September 2019. At the public hearing sessions of the IE, it advised that the BOSS has now been adopted. Copies of the consultation and decision schedule were provided, as Matter Arising (MA001a, MA001b, MA001c and MA001d) to demonstrate the adoption process of this document. BCC stated that the adopted BOSS, whilst not a planning document, is a material consideration that it will have regard to and that will inform the land use zonings, designations and KSR in the LPP stage of the plan process.
- 8.7 Paragraph 10.1.14 of the dPS does not indicate a blanket approach to the retention and enhancement of important areas of open space in the plan area as the dPS does not include any zonings or designations areas of open space. Policy OS1 – Protection of open space provides a strategic policy to be considered when such zoning and designations are made. It is appropriate that open space designations will be considered in further detail in the LPP stage of the plan process and that those designations will continue to build on the evidence base to date. This represents a coherent and effective approach, founded on a robust evidence base.
- 8.8 Future SPG and KSR at the LPP stage will help to clarify the requirements for new green and blue infrastructure including any improved access to such areas. Issues relating to: standards for access to open space and green infrastructure; and the designation of areas of land, such as the playing fields at Belfast Royal Academy, are site-specific matters for consideration at the LPP stage of the plan process.
- 8.9 Policy OS1 supports the retention and improvement of existing open space throughout the plan area. The wording of the policy takes account of the SPPS objectives to safeguard open space and sites identified for such future provision. The planned ambitious growth for the plan area will place additional demands on existing areas of open space and it is likely that additional areas of open space will be necessary. TS 8 recognises that developing new open space in an existing urban area is difficult and, in some cases, it may be more advantageous to enhance existing open space and create attractive linkages between such areas, through approaches and greenways. This approach takes cognisance of the Belfast Agenda and the Belfast City Centre Regeneration and Investment Strategy, as noted by paragraphs 2.33 and 2.35 of TS 8. The policy approach aims to ensure adequate provision for new and improved open space that seeks to enhance and extend the green and blue infrastructure network, which will be of benefit to the city as a whole.

- 8.10 The presumption against the loss of open space to competing land uses, irrespective of its physical condition and appearance, has been incorporated within the policy. Exceptions to this have been set out emphasising that any loss of open space should not result in detriment to the overall green infrastructure provision. The use of any land, including areas of open space for bonfires, is outside the scope the LDP process. TS 8 recognises that the policy framework is to generally resist the loss of open space that meets current local needs, save in exceptional circumstances where the land or facility is not needed and another use can be justified. This policy approach is established by the SPPS. It is not necessary for the policy to be sound that its wording follows exactly that of the SPPS. Nevertheless, the policy allows for exceptions to the overriding presumption for the retention of and improvement of existing open space. The policy, as worded, provides flexibility for sites where it is demonstrated their loss would have no significant detrimental impact on the amenity, character or biodiversity of an area. Accordingly, the wording of Policy OS1 allows for the consideration of loss of open space in certain circumstances.
- 8.11 The BOSS and future SPG will help to inform the next stage of the LDP process. Matters relating to a qualitative assessment, including the identification of the types of open space deficiencies, will inform the land use zonings, designation and KSR in the LPP. A requirement for a qualitative assessment in the context of the dPS is not necessary to provide a coherent and approach to the open space provisions for the plan area. In all, Policy OS1 is sound.
- 8.12 Policy OS3 – Ancillary open space requires that all development proposals include appropriate provision for open space. It applies to all development proposals across the plan area, including the city centre. The evidence base for this approach has been demonstrated in TS 8, which recognises that good quality open space makes the city an attractive and healthier place to live. The policy also reiterates the SPPS objectives of ensuring that areas of open space are provided as an integral part of new residential development. Paragraph 6.206 of the SPPS specifically requires that councils must bring forward policy to require new residential development of an appropriate scale (generally 25 or more units or on sites of one hectare and above) to provide adequate and well-designed open space as an integral part of development. This requirement is included in Policy OS3 and it is sound in this respect.
- 8.13 The first sentence of the policy headnote Policy OS3 relates to “*all new development proposals*”. The J&A text at paragraph 10.1.17 underpins this where it states that the policy seeks to ensure that the provision of open space is integrated into the design for new residential and large commercial developments and is provided on-site. The second paragraph of the policy headnote, as written, relates to new residential developments of 25 or more units. The third paragraph also relates to residential development in the form of apartment development or specialised housing. The fourth paragraph relates then to all development and refers to criteria a. to e. Criterion a. appears to relate to all development proposals and criteria b., c.,

d. and e. refer to and relate to residential proposals. The wording of policy and its criteria do not raised any concerns in respect of soundness. However, the structure and layout of the policy headnote does not logically flow and is therefore not coherent. In order for the policy to be coherent so that future allocations logically flow, the criteria should be clearly defined for all types of development proposals and then for all residential development proposals. RA60 is necessary to provide clarity in the structure of this policy by clearly defining the separate requirements for all development proposals as opposed to residential proposals. This is necessary in order to satisfy soundness test CE3.

- 8.14 Policy OS3 does not provide a specific definition for “*complementary and ancillary equipment*” as stated at criterion d. Such complementary and ancillary equipment will be dependent on the nature, design and specific characteristics of development proposals. The proposed SPG and potential KSR in the LPP would provide clarification on appropriate types of complementary and ancillary equipment relative to specific sites. Therefore, this lack of definition does not render the policy unsound.
- 8.15 Ancillary open space management arrangements will be specific to individual development proposals. The dPS identifies all means for the implementation of ancillary open space requirements. No further clarification is necessary for the future management arrangements and impacts of ancillary open space.
- 8.16 BCC suggested a “*minor amendment*” to the wording of Policy OS4 – New open space outside settlements in order to aid clarity. Insertion of the word “*appropriate*” allows for judgment to be made in respect of the provision of open space facilities outside a settlement. Such wording would allow flexibility in the consideration of policy and is necessary in accordance with soundness test CE4. RA61 is needed to make this policy sound.
- 8.17 BCC said that it was not intended that Policy OS4 and OS5 - Intensive sports facilities differ in respect of sports stadia. BCC suggested a “*minor amendment*” to the wording of Policy OS5 in order to provide clarity. The suggested change takes account of the provisions of the SPPS and RA62 is necessary to satisfy soundness test CE3.
- 8.18 Subject to RA60, RA61 and RA62 the proposed open space strategy takes account of the aims, objectives and policy approach of the SPPS, tailored to the specific local circumstances of the plan area. We have considered the representations to this policy together with BCC’s response as set out at pages 390 – 400 of the Public Consultation Report (SD006). Policies GB1, OS1, OS2, OS3, OS4, OS5, OS6 and OS7 satisfy the tests of soundness.

## Natural Heritage

- 8.19 Not only is the precautionary principle a well-established concept in planning policy but paragraph 3.9 of the SPPS defines the “*precautionary approach*”. As there is no conflict between the dPS and SPPS in this respect, the provisions of the latter will continue to apply and Regulation 3 (b) of the Schedule to the LDP Regulations would not engage. Therefore, the definition does not need to be replicated in Policy NH1 - Protection of natural heritage resources in order to satisfy soundness test C3.
- 8.20 The first sentence of the third paragraph of Policy NH1 acknowledges the hierarchy of protection for natural heritage resources. The second sentence of paragraph 10.2.8 of the dPS specifically cross-references to SPPS policy and paragraph 10.2.9 states that: “*The LDP policy supports the policies set out in the SPPS*”. As there is no conflict between the SPPS and Policy NH1, the former will still apply. Again, the dPS policy is not unsound in that it does not replicate the provisions of paragraphs 6.175 – 6.193 inclusive of the SPPS. It is not inconsistent with paragraph 5.23 of the SPPS in this respect.
- 8.21 The fifth paragraph of Policy NH1 addresses exceptional situations where potential adverse impacts that cannot be avoided may be considered acceptable subject to adequate mitigation or alternative measures being put in place. In such cases, paragraphs 6.184 and 6.190 of the SPPS, where they refer to national and local designations respectively, require appropriate mitigation and/or compensatory measures. This is consistent with Policies NH1 – NH5 inclusive of Planning Policy Statement 2; “*Natural Heritage*” (PPS 2). Mitigation and compensation are distinct requirements. Notwithstanding that soundness test C3 does not require the dPS to replicate existing policy, in this instance, the difference in language is not mere semantics that would have no practical import. “*Alternative measures*” referred to in the dPS as a substitute for mitigation might include compensation. Paragraph 10.2.9 of the J&A text refers to “*mitigation and compensatory measures*” and BCC confirmed that is the intent of policy; it does not seek to diverge from the SPPS in this respect. The reference in the J&A text arguably puts it in conflict with that in the policy box even when the entirety of the Natural Heritage section 10.2 of the dPS is read in the round. For the sake of clarity, and bearing in mind that the plan would have primacy where seen to conflict with the SPPS, RA63 is required to satisfy soundness test CE3.
- 8.22 Whether the “*exceptional circumstances*” together with mitigation and/or compensation measures would remedy the potential adverse impact on natural heritage considerations, would be a matter for the decision-maker and is not something that the dPS can prescribe. The decision-maker would also have to take account of evolving legal precedent to determine the point in the decision-making process that such ameliorative measures would be weighed when assessing environmental impact. These issues do not go to the soundness of Policy NH1.

- 8.23 The final sentence of the policy's final paragraph, although caveated by the word "*normally*", specifies a minimum 5 metre development set-back from watercourses and waterbodies. There is no comparable provision in the SPPS or PPS 2. The dPS is not fettered by the scope of existing policy and can tailor its provisions to reflect the particular circumstances of the plan area. However, it must satisfy soundness test CE2.
- 8.24 At our request BCC forwarded a consultation response from the Department of Agriculture, Environment and Rural Affairs whereby, in respect of proposals adjacent to rivers and other water bodies, it was asked to consider: "*putting in a minimum distance of 5m where appropriate in order to protect biodiversity and water quality*". There was no explanation as to: why 5m was considered the required/optimum setback; where such a setback might be considered "*appropriate*"; or where exceptions might be merited (see the reference to Matters arising document MA002.B in Appendix 2). There is no indication what, if any, relevant alternatives were considered in respect of this facet of policy. This single sentence does not constitute a robust evidence base.
- 8.25 The discretionary nature of the 5m setback suggests that the appropriate distance could be determined on a case-by-case basis. Such judgement would be subject to: the opening sentence of Policy NH1 with reference to the precautionary principle; and the end of the sentence relating to setback whereby the applicant is required, in all cases, to demonstrate that the proposal will not adversely impact on watercourses and waterbodies. Those provisions could be exercised to safeguard interests of acknowledged importance, including the public interest. RA64 would not be inconsistent with soundness test CE3 as the issue of setback is flagged up as a material consideration.
- 8.26 The following considerations, when taken individually or cumulatively, do not render Policy NH1 unsound:
- a. When the policy is read in the round together with its J&A text and also the policy aims set out in paragraph 10.2.6 of the dPS, it is consistent with soundness tests CE3 and CE4 without specifically defining what is meant by "*other important nature conservation and biodiversity interests and ecological habitats*";
  - b. Mention of "*unacceptable effect*" in that same second paragraph of policy does not need to be qualified by reference to the SPPS and associated legislative provisions; both will continue to apply and the phrase is readily understood in that context;
  - c. There is no conflict between the second sentence of the policy's third paragraph and the requirements of the Conservation (Natural Habitats, etc) Regulations

(Northern Ireland) 1995 [Conservation Regulations], as amended: the policy does not need to cite that legislation in order to satisfy soundness test CE3;

- d. As the dPS is not required to mirror the provisions of the SPPS and Policy NH4 of PPS 2, that Policy NH1 refers to avoidance of “*significant adverse effect*” on a local site as opposed to “*significant adverse impact*” does not render the policy at odds with soundness test C3;
- e. Reading the policy in the round, it is clear from paragraph 3 that “*the site*” referred to in paragraph 5 could be of international, national or local designated importance. The second sentence of paragraph 10.2.9 of the J&A text places this beyond reasonable doubt and there is no conflict with soundness test CE3;
- f. The policy’s fifth paragraph refers to “*the relative importance and level of protection of the site*” and “*relative legislative provisions*”. These will continue to apply and the dPS cannot alter their requirements and obligations. The Conservation Regulations include a section setting out general provisions for protection of European sites. Regulation 44 thereof deals with considerations of overriding public interest and Regulation 48 with compensatory measures. On this basis, Policy NH1 is not at odds with soundness test C3 in that it does not replicate Policy NH1 of PPS2 specifically the three bullet points relating to policy exception in European or Ramsar sites;
- g. The final line of the policy refers to “*no adverse impact*” but this is not defined. The SPPS uses phrases such as “*unacceptable adverse impact*”, “*significant adverse impact*” and “*adversely affect*” without definition in its Glossary. The concept is readily understood in the context of relevant legislation;
- h. The policy text makes several references to protected species. Paragraph 10.2.8 of the J&A text, second sentence, cross-references to the SPPS provisions for protected species and states that “*BCC will take full account of these in assessing development proposals*”. As there is no conflict with the SPPS in this respect, there is no need to repeat paragraphs 6.179 in order to satisfy soundness test C3;
- i. Regardless of whether the final sentence of paragraph 10.2.8 of the J&A text remains in that location or is moved to the policy box, the specified provisions of the SPPS will remain material considerations. The policy does not offend soundness test CE3 in this respect; and
- j. Appendix D: Natural Heritage Designations identifies such environmental assets within the plan area. These do not need to be included within Policy NH1 or its J&A text for the latter to be sound.

- 8.27 Monitoring Indicator 26 at Appendix F of the dPS relates to Policy NH1. RA78 is necessary as the “Trigger” mistakenly refers to DfI Rivers advice instead of NIEA.
- 8.28 Subject to RA63, RA64 and RA78, Policy NH1 is sound.

### **Trees and woodland**

- 8.29 BCC considered the issue of trees and (community) woodlands at: POP003, section 4.5.4; POP005 sections 2.4.5 & 2.4.6 and page 17; POP015 at paragraphs 4.115 – 4.119; POP016 at paragraphs 4.44 – 4.60; and POP025 paragraphs 3.43 – 3.51; and DPS013 paragraphs 3.44 & 3.45.
- 8.30 Strategic Objective 10 of the SA is to maintain and enhance biodiversity assets and protect habitats and species (DPS004, page 60). In pursuit of this, seven associated decision-making criteria are listed including not only the preservation and conservation of environmental assets, including woodland cover and trees, but also their enhancement and management. Two alternative associated policies were considered. Option 1 aligned with what became Policy TRE1 and Option 2 focussed on protecting existing trees considered to be of special value in terms of amenity, history or rarity, with Tree Preservation Orders (TPOs). DPS004B at pages 232-236 inclusive sets out the cogent reasons for the selection of Option 1. This is a robust evidence base.
- 8.31 As it relates to securing a net gain in tree numbers, Policy TRE1 is consistent with the dPS’s strategic aims and objectives in respect of: promoting a green and active place; supporting sustainable development; environmental resilience; biodiversity; mitigating climate change; and improving air quality, health and well-being. It is also in harmony with RG11 of the RDS. Section 121 (a) of the Planning Act requires BCC to ensure, wherever it is appropriate, that in granting planning permission for any development, adequate provision is made, by the imposition of conditions, for the preservation or planting (*our emphasis*) of trees. As the aim of the policy extends beyond the protection of existing trees, reliance on the use of TPOs alone would not: realise the objectives of Policy TRE1: be consistent with both the first and second bullet points of paragraph 6.172 of the SPPS; and satisfy BCC’s statutory duty.
- 8.32 There is no requirement in regional policy or the DPPNs that the dPS must include an Ancient Tree Inventory as part of its evidence base. Policy TRE1 does not differentiate between individual and groups of trees; it would apply to ancient/veteran trees and woodland. Policy NH1 – Protection of natural heritage resources would also be a material consideration in assessing proposals that might affect ancient woodland. The third sentence of paragraph 10.2.5 of the dPS acknowledges that some important natural heritage features and assets may occur outside designated sites. Paragraph 10.2.10 expands on this point. Both policies are concerned with development’s impact on biodiversity, regardless of a site’s conservation status. Policy TRE1 encompasses the precautionary principle. At any

rate, as there is no conflict between Policy TRE1 and the provisions of the fourth and final bullet points of paragraph 6.192 of the SPPS, the impact on those environmental assets would be explicit material considerations in assessing any development likely to affect ancient and/or long-established woodland. The dPS is required to take account of existing regional policy, not replicate it.

- 8.33 The policy's third paragraph provides sufficient flexibility to enable it to pragmatically deal with exceptional and/or changing circumstances. As written, it facilitates consideration of protection of ancient and long-established woodland on a case-by-case basis. Policy TRE1 does not need to specify wholly exceptional circumstances or prescribe a standard buffer zone between that environmental asset and new development in order to be sound. Read in tandem with the requirement that additional tree planting should be appropriate to the nature, scale and location of the development, there is no persuasive evidence to suggest that Policy TRE1 would frustrate the plan's ambitious growth strategy.
- 8.34 Paragraph 11.2.3 of the dPS states that not all policies within the plan require clear targets or do not easily translate into measurable indicators, so not all policies have an associated indicator set within the monitoring framework. Scrutiny of compliance with conditions attached to planning consents in pursuit of the objectives of Policy TRE1 would provide a clear mechanism for implementation and monitoring.
- 8.35 Policy TRE1 – Trees is sound and should be retained as written.

### **Landscape and coast**

- 8.36 Paragraph 5.16 of the SPPS says that in preparing LDPs, councils must take account of guidance issued by the Department such as Landscape Character Assessments (LCAs). Paragraph 6.76 thereof adds that landscape assessment will contribute to the evidence base for bringing forward an appropriate policy approach to development in the countryside and that this should take into account LCAs. This does not equate to an unequivocal policy requirement that BCC's evidence base must include an LCA that was up to date at the time the dPS was being drafted.
- 8.37 BCC's Technical Supplement 12: "*Development in the countryside*" (TS 12) [DPS0018] included a rural development pressure analysis (paragraphs 3.14 – 3.19 inclusive). Figure 1 thereof shows that between 2004/05 and 2017/18 a total of 81 new (including replacement) dwellings, were approved in the BCC rural area. The associated spatial analysis (paragraphs 3.20 & 3.21) illustrates limited ongoing development pressure in the area of countryside within BCC's jurisdiction. Also pertinent is the consideration that much of the rural area is covered by landscape and natural heritage designations. The NI LCA dates from the year 2000 and the NI Regional LCA was published in 2016. BCC's Technical Supplement 7: "*Natural Heritage*" (TS 7) [DPS013] at, paragraphs 2.23 – 2.28 inclusive, paragraphs 3.51 – 3.60 inclusive and Appendices 1 & 2, illustrates that consideration of both

publications formed part of its evidence base. BCC's conclusion on the issue at paragraph 3.60 thereof is persuasive. Account has been taken of the submission about that the sizeable amount, nature and scale and amount of development within the city in the same period, albeit that it was not evident what its ramifications are for the perceived need for an up to date LCA to underpin the policy for development in the countryside. Taking into account: BCC's evidence base; its intention to carry out an LCA to inform site-specific designations in the LPP; and the role that the SPPS identifies for LCAs as part of the LDP process, the lack of an up to date LCA is not fatal to the robustness of the dPS's evidence base in respect of Policy LC1 – Landscape.

- 8.38 RG11 of the RDS sets the strategic approach to the natural environment as being to conserve, protect and, where possible, enhance it. Policy LC1 specifically refers to “protect”; “improve” is consistent with “enhance”. Many dictionary definitions of “conserve” give “protect” as a synonym. Policy LC1 does not fail soundness test C3 by not mirroring the wording of RG11. It has taken account of its provisions in this respect and is consistent with them.
- 8.39 The SPPS (paragraph 3.9) advocates and defines the precautionary approach in formulating policy. It makes no distinction between areas subject to a protective designation and those that are not. Policies LC1A – AONBs, LC1B – AHSVs and LC1C – LLPAs implicitly incorporate the precautionary approach albeit that they do not mention the exception to it. In non-designated areas, paragraph 3.9 of the SPPS would remain a material consideration in assessing the landscape impact of development proposals. However, in the plan-led system the omission of its mention or even implicit reference to its thrust in Policy LC1, coupled with the apparent tension with the policies cited above, may not provide a sufficiently clear mechanism for implementation. RA65 is needed for the sake of coherence and satisfying soundness test CE3.
- 8.40 As with all site-specific issues, the review of local landscape designations is a matter for the LPP. In accordance with Part IV of The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985, BCC has no statutory authority to designate National Parks or Areas of Outstanding Natural Beauty (AONBs). Therefore, the dPS is not unsound on the basis of omitting to consider the spatial extent of such designations.
- 8.41 Paragraph 10.4.15 of the DPS says that “*The SPPS sets out the planning policy that applies to AONBs and BCC will take full account of this in assessing development proposals*”. Whether this remains in the J&A text or is included within the text of Policy LC1A – AONBs, the associated SPPS provision would still be a material consideration in determining planning applications therein. Notwithstanding that the suggested amendment would be consistent with the third paragraph of Policy ENV4 – Flood risk, this inconsistency does not render Policy LC1A – AONBs unsound.

- 8.42 SFG5 of the RDS seeks to protect and enhance the quality of the setting of the Belfast Metropolitan Urban Area (BMUA) and its environmental assets; one way of achieving this is by protecting and enhancing the network of open spaces in the BMUA. Landscape wedges are identified as part of the network and are described as important recreational facilities that help to define a sense of place and character for urban communities. Paragraph 2.10 of the SPPS describes them as areas of open space that perform a strategic function in urban areas. Amending Policy LC1D – Landscape Wedges by deleting criteria b, d and e would fundamentally conflict with their function as envisaged by strategic policy. Settlement limits and the extent of landscape wedges are site-specific matters for consideration at the second stage of the plan process; that is the appropriate forum for consideration of rounding-off urban form. As written, the policy would provide for exceptions to its provisions, were they considered to be in the public interest. Deletion of the word “*normally*” from Policy LC1D would be at odds with soundness test CE4.
- 8.43 Appendix F of the dPS contains no Monitoring Indicators specific to the landscape and coast policies; this is consistent with its paragraph 11.2.3. However, Indicators 26, 33 and 34 are pertinent and would assist in monitoring landscape change and development affecting coastal areas. Paragraphs 11.2.6 and 11.2.7 also provide for more widespread monitoring than set out in specific Indicators. As planning permission would only be granted for development proposals outside settlement boundaries and within the Belfast Hills provided that it meets criteria a-g inclusive of Policy LC3 – Belfast Hills, there is no need to replicate them as monitoring indicators. On this basis, the suite of landscape and coast policies are consistent with soundness test CE3.
- 8.44 Soundness test CE2 requires a robust evidence base for policy; it does not stipulate that the issues informing the policy be included in the dPS. No deficiency was identified in the evidence base and we perceive none.
- 8.45 BCC said that Policy LC4 – Coastal area applies only to the undeveloped coast. That being the case, for the sake of clarity and implementation, the policy text should be amended by way of RA66. On this basis, the provisions of the SPPS would apply to proposals affecting the developed coast, including urban waterfronts; these do not need to be replicated in the dPS in order to meet soundness test C3.
- 8.46 The coastal area subject of Policy LC4 and settlement limits will be defined at the LPP stage. Parties with statutory responsibility for, or an interest in, the marine environment will have the opportunity to be involved in that process and make their views known on the spatial extent of the area to which the policy should apply. Whilst they may consider transitional provisions to be unacceptable, the extent of site-specific designations is not pertinent to the soundness of the dPS. In the interim, even if their site were outside the area to which Policy LC4 would apply, developers would still have to comply with applicable provisions of marine and/or natural heritage legislation. The same is true of the Marine Policy Statement or any

Marine Plan as is set out at paragraph 6.50 of the SPPS in respect of both authorisation and enforcement decisions that affect or might affect the UK marine area. This is reiterated at paragraph 10.4.20 of the dPS. The final sentence of 10.4.20 does not need to: be moved into the policy box; or expanded to include the precise wording of marine legislation in order to be consistent with soundness tests C3 and C4.

- 8.47 There is no fundamental conflict between the provisions of paragraphs 6.37 and 6.38 of the SPPS and both Policy LC4 and its J&A text. However, the second sentence of paragraph 6.38 of the SPPS is more prescriptive than criterion a of Policy LC4 in that exception to the policy would only be permitted where there is no feasible alternative site within an existing urban area within the locality. In the plan-led system, omission of this definitive provision of regional policy from the body of policy LC4 and its inclusion within the J&A text, could be read as diluting the requirements of the SPPS in this particular respect. RA67 is necessary in order to provide a clear mechanism for implementation.
- 8.48 Account has been taken of BCC's stance that criteria a and b of Policy LC4 apply a disjunctive test in order to allow for some minor developments such as those referred to in the second sentence of paragraph 10.4.21 of the dPS. However, use of the word "or" rather than "and" between the criteria suggests that any development, regardless of scale, would be acceptable provided that it satisfies criterion b only. This would be at odds with the aforementioned provision of paragraph 6.38 of the SPPS. RA68 is needed in order to address this anomaly.
- 8.49 Subject to the RA65 to RA68 inclusive, the suite of policies relating to the landscape and coast is sound.

#### **Development in the Countryside**

- 8.50 Policy DC1 – All countryside development – general policy principles (third paragraph) states that all such proposals must meet other planning and environmental considerations. It includes some examples but these are not exhaustive. The dPS includes other policies that relate to the impact of development in the countryside on environmental quality, landscape and natural and built heritage. The document should be read in the round and it is unnecessary to duplicate policy considerations throughout. Considered holistically, the dPS provides a policy basis for assessment of, amongst other things, the potential impact of ammonia emissions from agricultural activities associated with proposed development on farms.
- 8.51 Paragraph 6.73 of the SPPS requires that strategic policy for development in the countryside should be taken into account in the preparation of LDPs; it does not say that it must be reproduced in the dPS. By virtue of paragraphs 6.64 and 6.68 thereof, the aims, objectives and policy approach of the SPPS may be tailored to the

specific circumstances of the plan area to reflect differences within the region. Policy for the management of development in the countryside that is more onerous than regional policy is not necessarily at odds with soundness test C3 provided there is an associated robust evidence base. In respect of Policies DC3 – Replacement dwellings, DC7 – Ribbon development and DC10 – New dwellings on farms this has been provided in BCC’s Technical Supplement 12: “*Development in the countryside*” (TS 12) [DPS0018] specifically at: paragraphs 3.14 – 3.19 inclusive (rural development pressure analysis); paragraphs 3.20 – 3.21 (spatial analysis); and section 4, particularly paragraphs 4.8 and 4.9. The requirement that certain development proposals should be supported by a justification of rural locational and site-specific need is consistent with the legislative objective of furthering sustainable development that is set out in Section 5 of the Planning Act. Policy SP2 - Sustainable development incorporates this into the dPS.

- 8.52 The J&A text of Policy DC1, particularly paragraph 10.5.7, provides additional clarification on implementation of its requirement that development proposals should be supported by a justification of rural locational and site-specific need. These would vary from case to case. Making the policy more prescriptive in this respect would impinge on its flexibility and responsiveness to a particular set of circumstances. The same is true of stipulating that all residential development in the countryside would be subject to an occupancy clause and/or associated legal agreement. As written, Policy DC1 strikes an appropriate balance between soundness tests CE3 and CE4.
- 8.53 Paragraph 6.69 of the SPPS is prescriptive where it says that the policy approach to development in the countryside must (*our emphasis*) be to cluster, consolidate and group new buildings with existing established buildings. There is no evidence base for making specific provision for exceptions to this strategic policy; it is not BCC’s intention to do so. At any rate, the weighing of material considerations would always allow for the consideration of exceptional circumstances in decision-making. On this basis, RA69 would align Policy DC1 with regional policy. Similarly, RA70 would be consistent with the provisions of paragraph 6.73 of the SPPS as they relate to dwellings on farms, which BCC is not seeking to diverge from.
- 8.54 Monitoring Indicator 33 at Appendix F of the dPS identifies the trigger for review of the impact of new dwellings in the countryside. Together with associated regional policy, such evidence would contribute to a robust basis for considering whether the provisions of the first sentence of the final paragraph of Policy DC10 should be reviewed. Meanwhile, it is consistent with soundness test CE2 in this respect.
- 8.55 As it applies to farm diversification and agriculture and forestry development, paragraph 6.73 of the SPPS stipulates that the business or enterprise must be active and established for a minimum of 6 years. BCC is not seeking to depart from these aspects of regional policy. However, without an amendment to insert this requirement into Policies DC11 - Agriculture and DC12 – Farm diversification, in the

plan-led system, conflict between the provisions of the dPS and SPPS would be resolved in favour of the former. Therefore, RA71 and RA72 are necessary to clarify BCC's intentions in respect of these policies and to satisfy soundness test CE3.

- 8.56 BCC considered representors' additional points in its dPS Public Consultation Report (SD006) at pages 413 – 417 inclusive and we concur with its position. Subject to RA69 – RA72, the suite of policies for development in the countryside is sound.

## 9.0 Delivery

- 9.1. Policy-specific representations relating to soundness test CE3 have been dealt with in the preceding topics. More general concerns about deliverability of the strategic aims and objectives of the dPS were addressed in BCC's dPS Public Consultation Report (SD006) at pages 428 – 432 inclusive. We have considered this and concur with its conclusions. No associated amendments are needed to make the dPS sound in these respects.
- 9.2. The suggestion was made that the dPS should set quantitative commitments to be achieved in the 5 years following its adoption; examples of such were given. The dPS provides strategic direction and an enabling framework for development.
- 9.3. Section 11 of the dPS addresses how it will be implemented, monitored and reviewed. Operational policies are accompanied by an implementation box providing an indication of the key mechanisms that will be used to achieve their realisation. The main device for reporting on the performance of the plan will be BCC's Annual Monitoring Report (AMR). Appendix F: Monitoring Indicators, subject to our associated recommended amendments, sets out the indicators that will be used in monitoring the plan. The indicators are bench-marked against identified targets with an associated 'trigger'. The dPS, at paragraph 11.2.3, advises that not all policies have associated indicators within the monitoring framework. The plan will be reviewed, or partially reviewed, to take account of changing conditions. This is also a statutory duty in accordance with Section 13 of the Planning Act (NI) 2011. The plan is one vehicle to guide and assist in its delivery.
- 9.4. It was suggested that that the dPS should set quantitative commitments to be achieved in the 5 years following its adoption; examples of such were given. The dPS provides strategic direction and an enabling framework for development. BCC cannot realise such development itself or secure the implementation of extant planning consents. Therefore, of themselves, dPS policies could not achieve quantitative goals in respect of its operational policies. As the dPS provides clear mechanisms for implementation, monitoring and review the suggested amendment is not needed in order for the dPs to be sound.
- 9.5. Policy-specific representations relating to soundness test CE3 have been dealt with in the preceding topics. More general concerns about deliverability of the strategic aims and objectives of the dPS were addressed in BCC's dPS Public Consultation Report (SD006) at pages 428 – 432 inclusive. We have considered this and concur with its conclusions. No associated amendments are needed to make the dPS sound in these respects.

## 10.0 Recommended Amendments

- 10.1 BCC's raft of "*Errors and suggested minor modifications*", set out at Section 7 of BCC's dPS Public Consultation Report (SD006), have been considered on an individual basis throughout this report.
- 10.2 DPPN 10 only provides guidance on submitting DPDs for IE after its publication. It is silent on this one-off instance whereby this dPS was submitted prior to the issue of such guidance and how proposed changes to this plan, subsequent to receipt of representations, should be dealt with. Only those parties eligible to participate in the public hearing sessions had the opportunity to comment on BCC's suggested changes, be they "*errors*" or "*minor modifications*". There has been no opportunity for those who may have wished to make representations on policies subject of those proposed revisions either on an issue-specific basis or the potential ramifications of their cumulative impact but were not eligible to participate in the public hearing sessions.
- 10.3 The examiners' role in the IE process was set out in the opening chapter of this report. There is nothing in the associated legislative compliance or soundness tests that requires or enables us to deal with the principle of the "*Errors and suggested minor modifications*" including the issue of any further opportunity for public comment thereon. On this basis it is for the Department to consider whether our associated recommended amendments need to be subject of further public consultation and, if so, how that is to be accommodated within the IE process. It is also outwith our remit to conclude on whether they have implications for the HRA, SA/SEA, EqIA and/or RNIA.

## 11.0 Overall Conclusion

11.1 In paragraph 1.49 of the introductory chapter of this report, we made an interim conclusion on legal and procedural compliance. Having considered the plan policies in the preceding chapters, BCC's evidence base demonstrates that:

- The dPS has taken account of the regional development strategy; the council's current community plan "The Belfast Agenda"; any policy or advice contained in guidance issued by the Department; and other matters prescribed by the Department such as the applicable Development Plan Practice Notes and the latest HGIs. Furthermore, the dPS has had regard to such other information and consideration as appear to the council to be relevant. In all, we are satisfied that Section 8 of the Act has been complied with; and
- Subject to the recommended amendments identified in this report and set out in Appendix 6, the dPS also satisfies the requirements of Section 10 (6) of the Act.

11.2 Subject to our recommended amendments, the dPS satisfies all the legislative requirements and the procedural, consistency and coherence and effectiveness tests of soundness set out in DPPN 6. On that basis, the dPS is sound subject to those recommended amendments.

**Planning Appeals Commission**

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## **Appendix 1 – Tests of soundness for development plan documents (DPPN6)**

### Procedural tests

- P1** Has the 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?

### Consistency tests

- 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?

### Coherence and effectiveness tests

- 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; and
- CE4** It is reasonably flexible to enable it to deal with changing circumstances.

## Appendix 2 – Matters arising documents\*

Document Number	Document
MA001.A	<i>"Belfast Open Spaces Strategy"</i> Draft for consultation 17 June – 6 September 2019
MA001.B	BCC Strategic Policy & Resources Committee report dated 20 <sup>th</sup> March 2020
MA001.C	Proposed amendments/actions in Appendix to the BCC Strategic Policy & Resources Committee report dated 20 <sup>th</sup> March 2020
MA001.D	BCC – Decisions taken by the Chief Executive for the Strategic Policy and Resources Committee on 20 <sup>th</sup> March 2020
MA002.A	Document SD004K in BCC LDP Document Library
MA002.B	NIEA email dated 27 <sup>th</sup> October 2017
MA003.A	Overview & Critique of the HGI Methodology, Briefing for BCC prepared by Turley
MA003.B	BCC <i>"Belfast Car Parking Strategy and Action Plan"</i> April 2018
MA003.C	<i>"Developer Contributions for Affordable Housing in Northern Ireland"</i> , Report of Study, December 2015 by Three Dragons, Heriot-Watt University on behalf of Department for Social Development
MA003.D	<i>"Belfast City Centre Transport Framework 2017 – 2020"</i>
MA004	BCC summary of updated population data, January 2021
MA005	BCC <i>"Belfast: Our Recovery"</i> , September 2020
MA006	DfI <i>"2020 Living With Water In Belfast An Integrated Plan for Drainage and Wastewater Management in Greater Belfast"</i>
MA007	Topic 15, Question 7 – BCC provides statutory reference to define <i>"major development"</i>
MA008	Topic 15, Question 28 – BCC suggested 3 no. <i>"minor changes"</i> arising from typographical errors

MA009	BCC Typographical errors and suggested minor modifications to Appendix A: Existing / Draft Policy Designations - see Appendix 5
MA010.A	Screen-print of <i>"Belfast Metropolitan Transport Study"</i> from DfI web-site
MA010.B	<i>"The Belfast Metropolitan Transport Plan Transport Study"</i> October 2020, DfI
MA010.C	<i>"The Belfast Metropolitan Transport Study, Modelling Report"</i> May 2020, Atkins on behalf of DfI

\*      Hyperlinks to all documents available at [www.pacni.gov.uk](http://www.pacni.gov.uk), Local Development Plans, Belfast City Council, BCC Matters Arising

## Appendix 3 – BCC Draft Plan Strategy Submission Documents

1. Draft Plan Strategy Documents	File Size (MB)
DPS001_Local Development Plan Draft Plan Strategy	16.7
DPS002_Draft Equality Impact Assessment	1.4
DPS003_Sustainability Appraisal Non technical summary (August 2018)	1.2
DPS004_Sustainability Appraisal Report (August 2018)	5.0
DPS004A_Sustainability Appraisal Report Appendices 1-6 (August 2018)	4.9
DPS004B_Sustainability Appraisal Report Appendices 7-9 (August 2018)	4.2
DPS004C_Sustainability Appraisal Report Appendices 10-11 (August 2018)	6.4
DPS004D_Sustainability Appraisal Report Appendices 12 (August 2018)	1.1
DPS005_Sustainability Appraisal Scoping Report (August 2018)	2.5
DPS005A_Sustainability Appraisal Scoping Report Appendices (August 2018)	10.1
DPS006_Draft Habitat Regulations Assessment Report (August 2018)	5.6
DPS007_Technical Supplement 1- Population	3.6
DPS008_Technical Supplement 2- Housing	4.1
DPS009_Technical Supplement 3- Employment and economy	4.9
DPS010_Technical Supplement 4- Belfast city centre and retailing	1.4
DPS011_Technical Supplement 5- Tourism	1.8
DPS012_Technical Supplement 6- Urban design and built heritage	3.2
DPS013_Technical Supplement 7- Natural heritage	2.0
DPS014_Technical Supplement 8- Open space, sport and outdoor recreation	2.0
DPS015_Technical Supplement 9- Flood risk	2.1
DPS016_Technical Supplement 10- Public services (health, education and community)	1.6
DPS017_Technical Supplement 11- Minerals	2.1
DPS018_Technical Supplement 12- Development in the countryside	1.9
DPS019_Technical Supplement 13- Renewable energy	1.5
DPS020_Technical Supplement 14- Transportation	1.4
DPS021_Technical Supplement 15- Public utilities	1.4
DPS022_Technical Supplement 16- Environmental issues	2.6
DPS023_Technical Supplement 17- Transitional plan period designations	0.8
DPS023A_Map 01: Areas of high scenic value	10.8

DPS023AA_Map 27: Settlement developments limits	6.2
DPS023AB_Map 28: Shopping and commercial areas on arterial routes	9.0
DPS023AC_Map 29: Sites of local nature conservation importance	15.0
DPS023AD_Map 30: Stormont Office node	0.3
DPS023B_Map 02: Areas of outstanding natural beauty	7.3
DPS023C_Map 03: Areas of parking restraint (city core)	2.3
DPS023D_Map 04: Areas of parking restraint (fringe area)	10.9
DPS023E_Map 05: Areas of townscape character	14.5
DPS023F_Map 06: Arterial routes	11.3
DPS023G_Map 07: Belfast harbour area	4.2

DPS023H_Map 08: Belfast hills access points	1.8
DPS023I_Map 09: Belfast hills operational area	15.4
DPS023J_Map 10: Belfast metropolitan area coastal area	1.6
DPS023K_Map 11: City centre	3.0
DPS023L_Map 12: Commercial nodes and area of parking restraint on arterial routes	2.6
DPS023M_Map 13: Community greenways	2.1
DPS023N_Map 14: District centres	1.3
DPS023O_Map 15: Employments areas	12.8
DPS023P_Map 16: Houses in Multiple Occupation (HMO) development nodes	6.0
DPS023Q_Map 17: Houses in Multiple Occupation (HMO) policy areas	6.3
DPS023R_Map 18: Lagan Valley Regional Park area	5.5
DPS023S_Map 19: Lagan Valley Regional Park nodes	0.7
DPS023T_Map 20: Landscape wedges	7.5
DPS023U_Map 21: Local centres	0.5
DPS023V_Map 22: Local landscape policy areas	20.2
DPS023W_Map 23: Local nature reserves	1.1
DPS023X_Map 24: Primary retail core	0.6
DPS023Y_Map 25: Primary retail frontage	0.4
DPS023Z_Map 26: Queens office area	1.3
<b>2. Draft Plan Strategy Evidence</b>	<b>File Size (MB)</b>
DPS024_Housing Market Analysis Update	2.7
DPS026_Size and type of housing needed- Addendum	1.5

DPS027_Residential densities: A comparative study	9.0
DPS028_Urban Capacity study	1.1
DPS028A_Urban Capacity Study Appendix D- Drawings	2.8
DPS028B_Appendix F- Summary Spreadsheet	0.8
POP006_Housing growth options report	3.5
SD013A_Appendix G- Housing Monitor pro formas P1	13.0
SD013B_Appendix G- Housing Monitor pro formas P2	18.9
DPS029_Retail and leisure capacity study	12.7
SD013C_Appendix G- Approved Employment Sites pro formas	15.2
DPS030_Office sector study	2.8
DPS032_Rural Needs Impact Assessment	1.0
POP005_Countryside Assessment	5.2
POP007_Assessing Employment Space requirements	0.9
AD003_The Belfast Agenda	6.7
SD008_Housing Land Availability Summary Report 2015-2016	1.1
SD009_Housing Land Availability Summary Report 2016-2017	0.8
SD010_Housing Land Availability Summary Report 2017-2018	1.5
SD011_Housing Land Availability Summary Report 2018-2019	1.5
<b>3. Self-Assessment Documents</b>	<b>File Size (MB)</b>
SD004_Self- assessment of soundness	1.0
SD004A_Appendix 1: Full list of tests set out within DPP note 6	0.7

AD004

SD004B_Appendix 2: The Planning (LDP) Regulations (NI) 2015 Tests	0.8
SD004C_Appendix 3: LDP Timetables	2.0
SD004D_Appendix 4: LDP Timetables- DFI approved letters	0.7
SD004E_Appendix 5: Public Notices	2.8
SD004F_Appendix 6: Engagement with consultation bodies before publishing POP	0.5
SD004G_Appendix 7: Notification to consultation bodies regarding availability of the POP	0.4
SD004H_Appendix 8: Notification to consultation bodies regarding availability of the DPS	0.5
SD004I_Appendix 9: Notification to consultation bodies regarding availability of representation on DPS	0.3
SD004J_Appendix 10- Regard to other plans, policies and strategies (adjoining councils)	0.6
SD004K_Appendix 11- Thematic Working groups and other meetings with consultation bodies in preparing DPS	1.2

SD005_LDP compliance report with SCI	1.3
AD001_Statement of Community Involvement (Revised March 2018)	1.6
AD002_Belfast Local Development Plan Timetable (Revised November 2018)	0.7
<b>4.Preferred Options Paper Documents</b>	<i>File Size (MB)</i>
POP001_Preferred Options Paper (POP)	8.9
POP001A_Preferred option Paper summary	2.6
POP001B_Preferred Options Paper youth summary	3.3
POP001C_Preferred Options Paper leaflet	1.1
POP003_Sustainability Appraisal Interim Report (POP)	7.8
POP004_Sustainability Appraisal Interim Report (POP) Non technical summary	1.6
POP026_Preferred Options Paper Consultation Report	10.0
<b>5. Draft Plan Strategy Consultation Reports</b>	<i>File Size (MB)</i>
SD006_Draft Plan Strategy public consultation report & Appendices A, B, C & D 1-6	6.2
SD006A_ConRep Appendix D1 - Belfast LDP Submission Topic Paper- 2015 employment baseline	2.7
SD006B_ConRep Appendix D2 -Belfast LDP Submission Topic Paper- 2015 housing baseline	5.1
SD006C_ConRep Appendix D3 -Transport	22.6
SD006D_ConRep Appendix D4 -Market Impact Report (April 2019)	1.0
SD006E_ConRep Appendix D5 -Technical Response to comments on the Draft Plan Strategy for Belfast	1.0
SD006F_ConRep Appendix D6 -Belfast LDP Submission Topic Paper- Regional growth comparison	1.4
SD006G_ConRep Appendix D7 -Belfast LDP Submission Topic Paper- Infrastructure	1.2
SD007_DPS counter-representations report	1.7
<b>6. Draft Plan Strategy Representations</b>	<i>File Size (MB)</i>
SD012_Representations Contents	0.1
Copies of all Representations (Link)	Link
Copies of all Counter Representations (Link)	Link

## Appendix 4

### 7. Errors and suggested minor modifications

#### 7.1 Introduction

Following on from the consultations and engagement process a number comments were received which do not go to the heart of the plan or the tests of soundness. These have been categorised under typographical and drafting errors and minor changes. The errors were identified by respondents and ongoing internal review processes. Having considered representations the Council has compiled a table of what are considered to be minor changes which add clarity in some areas but which are not of significance, either individually or cumulatively, in terms of the soundness of the plan.

#### 7.2 Typographical and drafting Errors

Policy or Section	Issue	Change
HOU4	A number of respondents note a discrepancy between Policy HOU4 and DES3 Tall Buildings. HOU4 refers to a density based policy approach whereas DES3 only applies to buildings over 35 metres in height, which will be assessed against a criteria based assessment.	Reference to 'Tall buildings within city centre' is a drafting error. Replacement of text to read 'Taller buildings within city centre'.
HOU7	Evidence regarding the accessibility of existing stock is from an English housing survey and therefore not relevant to Northern Ireland.	The footnote reference to the English Housing Survey was a drafting error and can be removed
BH2	Two respondents have commented that clarity is required between criteria j. and k. as there is potential for confusion in their interpretation.	This test should not be optional and can be amended as follows: <ul style="list-style-type: none"><li>• The term '<i>and/or</i>' should be replaced with '<b><i>and</i></b>'</li></ul> Criterion k. should be amended to:  <i>k. The <b>design quality of the proposed redevelopment</b> is considered to enhance the overall</i>

## Errors and suggested minor modifications

Policy or Section	Issue	Change
		<i>character of the conservation area paying due regard to viability of retention or restoration of the existing.</i>
BH2	Highlight erroneous reference to 'HE2A' within policy text.	Reference to 'criteria in HE2a' is a typing error referring to an earlier iteration of draft Policy RD2 'Residential extensions and alterations'. Replacement of text to read ' <b>Policy RD2</b> ' is a minor change.
TRAN7	A respondent stated that guidance on access arrangements are contained in DCAN 15, which was published by DOE, not Dfl.	The reference is a drafting error and will be amended. The following amendment will be made to Para 9.4.29 <i>"Access arrangements must be in accordance with the <del>Dfl's</del> <b>published guidance</b>"</i>
TRAN 7	A respondent stated that the text reference to Figure 9.3 protected routes map is incorrect as the map relates to Belfast not Northern Ireland.	The following amendment will be made to text in Para 9.4.27 <i>"Figure 9.3 contains an up to date map identifying existing roads throughout <del>Northern Ireland</del> <b>Belfast</b>, established as protected routes."</i>
TRAN8	A respondent stated that the term 'Dfl standards' is incorrect and should be replaced with 'published standards'.	The reference is a drafting error and will be amended. Paragraph 4 in the Policy TRAN 8 box will state the following <i>"Proposals involving car parking in excess of the <del>Dfl's</del> <b>published standards</b> will only be permitted in exceptional circumstances"</i>
Infrastructure General	One respondent has stated that Technical Supplement 15 Public Utilities contains information on wastewater system capacity provided for BMAP in Appendix D which is out of date. It is stated that TS 15 should be amended to take account and refer to NI Water wastewater system capacity information provided to the	Technical Supplement 15 contains the latest advice in the main body of the document provided to the Council from NI Water at the time of publication in August 2018. The information is outlined in Para 3.26 and was provided by NI Water in February 2017. A further update was subsequently provided to the Council by NI Water in October 2018

## Errors and suggested minor modifications

Policy or Section	Issue	Change
	<p>Council most recently updated in September 2018.</p>	<p>after the publication of the draft Plan Strategy.</p> <p>However, there is a drafting error in Appendix D. Appendix B contains the extract from the BMAP Public Services and Utilities Strategy, Water and Sewerage. This is provided for background policy context purposes only. Appendix B also refers to Appendix D stating that “details of the current programme of upgrade to sewerage infrastructure are provided in Appendix D. This table lists each Waste Water Treatment Works throughout the Plan Area in five categories based on their capacity”.</p> <p>An editing error at the time of the TS collation and finalisation resulted in this table being extracted and mistakenly reproduced as a standalone appendix entitled Appendix D. An amendment will be made to delete Appendix D and incorporate the table into BMAP text outlined Appendix B.</p>
Delivery	<p>Highlight erroneous reference to ‘Dfl Rivers’ rather than ‘NIEA’ in indicator 26 of Appendix F.</p>	<p>Typographical error. Replacement of text is a minor change.</p>

### 7.3 Minor Changes

Policy or Section	Issue	Change
Chapter 4 Vision, Aims and Objectives	Concern was raised that there was not a commitment to positive action such as demand management of the private car.	The Council suggest the following minor amendment to the 2 <sup>nd</sup> objective for Building a smart connected and resilient place. <i>“To ensure availability of land to facilitate sustainable patterns of development <b>whilst supporting demand management measures</b> and promote to <b>encourage</b> travel by more sustainable modes of transport”.</i>
Chapter 4 Vision, Aims and Objectives	A change in wording was requested in relation to car parking, to change 'suitable' to 'appropriate'	A minor amendment to wording to use the terminology 'appropriate' rather than 'suitable' can be made without affecting the soundness of the plan as follow:  <i>“And promote increased use of public transport whilst retaining <del>suitable</del> <b>appropriate</b> provision for cars.”</i>
Strategic Policies	George Best Belfast City Airport highlighted the role of the airport as an enabler of growth.	Although the role of George Best Belfast City Airport is acknowledged as part of the spatial development strategy (see Policy SD2: Settlement areas), the important 'regional gateway' role of the broader harbour area, including the port and airport and their support for the regional economy could be referenced more generally within the introduction to the strategic policies and at the LPP stage.
SP1	George Best City Airport suggest that justification and amplification to accompany this policy should acknowledge that the Airport's strategic role as a key gateway and driver of regional economic development. They note the importance of optimising existing airport capacity and suggest a need for reference to the potential for airport growth over the Plan period.	The Council suggest the following text be added as a second sentence within Paragraph 5.0.3:  <i>“Belfast's harbour area, via the port and Belfast City Airport, provides a</i>

## Errors and suggested minor modifications

Policy or Section	Issue	Change
		<p><i>gateway to Britain, Europe and the rest of the world. They will continue to act as an enabler of wider economic growth throughout the plan period."</i></p>
SP2	<p>Role of the historic and natural environment recognised in creating sustainable development. The term historic environment should be included in the definition to make the policy sounder.</p>	<p>In paragraph 5.2.2 The Council suggest the following words (in bold) are added:</p> <p>"...the Council shall protect and enhance the city's built heritage and the natural <b>and historic</b> environment".</p> <p>"...careful stewardship of the built heritage and the natural <b>and historic</b> environment".</p>
HOU9	<p>Emergency halting sites are not included in the list of Traveller facilities.</p>	<p>An 'Emergency Halting Site', do not usually require planning permission due to the temporary nature of their use. If such a site is to be used more regularly or for longer periods of time, Policy HOU9 would apply. To aid clarity, the Council suggest the following additional justification and amplification text before Paragraph 7.1.60:</p> <p><i>"The Caravans Act (Northern Ireland) 1963 (as amended in 2011) also includes an 'Emergency Halting Site' (sometimes referred to as a 'Temporary Stopping Place') as a form of traveller facility. However, such a site provides a temporary place for travellers to park (usually for 1 or 2 nights) with appropriate facilities. However, as such a site is in short-term, temporary use (i.e. less than 28 days), this will not normally require planning permission."</i></p>

## Errors and suggested minor modifications

Policy or Section	Issue	Change
HOU12	There is no explicit reference to 'specialist housing' in the Policy Aims (Para. 7.1.5). An additional policy aim was proposed to address this, referring to specialist housing needs, shared housing, student accommodation and traveller accommodation.	<p>The addition of a policy aim in line with the wording suggested by the respondent has merit and is a minor amendment for clarity. The following text should be inserted at the end of the bullet point list under Paragraph 7.1.5:</p> <p><i>"Ensure an appropriate supply of housing to provide for those with specialist housing needs including specialist residential accommodation and care-related facilities, specific accommodation for travellers, shared forms of housing and purpose built student accommodation."</i></p>
HOU12	The justification and amplification should clarify that HOU5 does not apply to proposals under Policy HOU12.	<p>In addition to the clarity that will be provided by the proposed SPG on affordable housing, clarification that affordable housing requirements would not apply in the case of PBMSA could also be made through a minor amendment to the justification and amplification text. We therefore suggest the addition of the following text (in bold) within Paragraph 7.1.80:</p> <p><i>"Consequently, occupancy of PBMSA will usually be conditioned to limit occupation to students, particularly during term times. <b>As such PBMSA developments will not normally be required to meet affordable housing requirements in accordance with Policy HOU5.</b> A management plan will be required to ensure a quality, safe and attractive place for residents..."</i></p>
HOU13	Supported the siting approach of criterion C, but suggested the	<p>Defining 'close proximity' has merit as a minor amendment to aid clarity. The intention is that close proximity</p>

## Errors and suggested minor modifications

Policy or Section	Issue	Change
	<p>policy could be more effective if 'close proximity' was defined.</p>	<p>would refer to a reasonable walking distance to encourage active travel. As this distance may vary in different circumstances, it is suggested that a minor change be made to the justification and amplification text. We therefore suggest the following text (in bold) be added to Paragraph 7.1.85:</p> <p><i>"As part of the tourism offer of the city, the policy also aims to ensure that short-term let accommodation is conveniently located within existing tourism clusters and in close proximity to visitor attractions. <b>A location within walking distance of an existing visitor attraction will allow relative ease of access, promoting walking and cycling.</b> In line with wider sustainability goals, there should also be good access to public transport."</i></p>
DES1	<p>Minor amendments to justification text (7.2.9) regarding listed buildings and built heritage areas to include <i>"areas of built heritage, including conservation areas and areas of townscape character"</i></p>	<p>An amendment of the Plan to this effect within the justification text is considered to have merit as a means of clarification. We therefore suggest the following text (in bold) to be added to paragraph 7.2.9:</p> <p><i>"New and replacement shopfronts should complement the design of the host building and relate to the elevational qualities of the upper floors and where appropriate characteristics and detailing of neighbouring shopfronts, particularly in the case of listed buildings and areas of built heritage <b>including conservation areas and areas of townscape character.</b>"</i></p>

## Errors and suggested minor modifications

Policy or Section	Issue	Change
DES2	It has been suggested that justification text 7.2.27 should replace the policy criteria (j).	A minor amendment of the nature suggested has merit as a means of clarification. We therefore suggest the following wording (in bold) to be added to policy criteria (j);  <i><b>“Seek the retention of existing trees within and around the site and make adequate provision to allow them to mature while ensuring the continuance of tree cover through new planting.”</b></i>
DES2	The policy should be clarified as to when this policy applies. It is likely that a larger site hectare as opposed to unit numbers would facilitate a proper masterplan.”	Further clarification on what constitutes ‘major development’ can be added to justification and amplification text. we therefore suggest the following wording (in bold) to be added to the justification text paragraph 7.2.21 <i>“The LDP sets out a masterplanning approach in order to effectively manage the form, appearance and phasing of new major developments <b>(major development is defined as those ‘major development applications’ defined by section 26(1) of The Planning Act (Northern Ireland) 2011).</b>”</i>
DES3	Criteria (b) – one response suggested the inclusion of the word ‘setting’ and removal of word ‘designated’ so that it reads ‘Do not have an adverse impact on the setting, character and appearance of listed buildings, <del>designated</del> conservation areas, areas of townscape character (ATC’s) and historic monuments /gardens’.	An amendment of the Plan to this effect is An amendment of the Plan to this effect is could provide greater clarity without changing the emphasis of policy or consideration. We therefore suggest the following wording (in bold) to be added to criteria (b):  <i>“Do not have an adverse impact on the <b>setting</b>, character and appearance of listed buildings, <del>designated</del> conservation areas, areas</i>

## Errors and suggested minor modifications

Policy or Section	Issue	Change
		<i>of townscape character (ATCs) and historic monuments/gardens;”</i>
DES3	Text within the dPS makes no reference to any locational based assessment in the future however Technical Supplement No.6 states that further detailed analysis will be carried out at LPP stage. Clarification sought.	<p>An amendment which seeks to clarify locational based policies at LPP stage within the justification text. We therefore suggest the following wording to be added to the justification text within paragraph 7.2.31;</p> <p><i>Further locational based policies will be assessed at LPP stage.</i></p>
RD1	Objection to the apparent exclusion of HMO areas (e.g. Stranmillis) as residential areas and does not seek to address residential areas that are primarily of a HMO nature.	<p>A review of the proposed definition at Appendix B has merit to help provide greater clarity. Such a minor amendment can be made without affecting the overall soundness of the plan. The first two paragraphs of Appendix B should therefore be amended as follows:</p> <p><i>“An established residential area is normally taken to mean residential neighbourhoods dominated by <b>a recognisable form of</b> <del>single family</del> housing <b>styles</b> with associated private amenity space or gardens. These areas may include buildings in commercial, retail or leisure services use, usually clustered together and proportionate in scale to the size of the neighbourhood being served.</i></p> <p><i>Within Belfast City, established residential areas often display a clear spatial structure. Building forms, plot sizes and shapes are sometimes similar with a well defined pattern of local development. Properties may exhibit comparable design styles including common architectural</i></p>

## Errors and suggested minor modifications

Policy or Section	Issue	Change
		<p><i>detailing and treatments, <b>and areas of both public and private</b> amenity space and together with the private gardens of properties <b>can share an identifiable character.</b> are frequently defined with mature trees, shrubs and hedgerow planting. The overall spatial structure is often..."</i></p> <p>The remaining text within the Appendix would remain unchanged.</p>
RD3	<p>At para 7.3.29, reference is made to "living over the shop", a grant scheme which closed some years ago. This reference should be removed on the basis that it falls within the broader aim to facilitate city centre living.</p>	<p>The removal of the reference to 'living over the shops' would help provide greater clarity and is a minor amendment. The Council suggest that Paragraph 7.3.29 be reworded as follows:</p> <p><i>"Conversions of <del>upper</del> floorspace above commercial premises for residential use, sometimes referred to as 'living over the shop', can make a small but valuable contribution to the promotion of high-density development in key locations such as city centre, local and district centres and city corridors..."</i></p>
BH2	<p>Two respondents have provided comments suggesting that specific amendments are required to provide further clarity and strength to the draft policy. In particular it was noted that the policy fails to explain the term 'prior agreement' under draft Policy BH2, and have suggested the rewording of text to provide better clarity.</p>	<p>Whilst it is considered that the policy approach is consistent with regional policy and the draft policy adequately secures the protection of conservation areas, minor rewording to the policy and the J&amp;A would assist its interpretation.</p> <p>The Council suggests that the final sentence under Policy BH2, subheading 'Demolition' be reworded as follows:</p>

## Errors and suggested minor modifications

Policy or Section	Issue	Change
		<p><i>"Where consent is granted for demolition this will <b>normally</b> be conditional on prior agreement for the redevelopment of the site, and appropriate arrangements for recording the building before its demolition."</i></p> <p>Paragraph 7.4.20 should then include the following, additional point of clarification:</p> <p><b><i>"Where consent is granted for demolition this will normally be conditional on prior agreement for the redevelopment of the site; prohibition of demolition until contracts have been signed for the approved redevelopment of the site; and, where appropriate, the recording of the building prior to its demolition."</i></b></p>
BH2	One respondent has highlighted the need to include the word 'Patina' with regards to how new buildings are to reflect historical buildings.	<p>The Council suggests that the last line of Paragraph 7.4.18 be reworded to include reference to 'patina' as follows:</p> <p><i>"...elevational form / appearance as ascribed by composition and architectural detailing of elements (doors / windows, bay rhythm, cornices, roof silhouette, <b>patina</b> etc.)."</i></p>
BH2	One respondent has noted that there is no justification why façade retention will not generally be permitted in conservation areas.	<p>Whilst it is considered that the policy approach is consistent, and the draft policy adequately secures the protection of conservation areas, minor rewording would assist its interpretation.</p> <p>The Council suggests that Paragraph 7.4.21 be reworded as follows:</p>

## Errors and suggested minor modifications

Policy or Section	Issue	Change
		<p><i>'Façade retention will not generally be permitted in conservation areas and where <b>of a building which makes a contribution to the character and appearance of the conservation area will only be acceptable in exceptional circumstances, provided the scale of the overall development proposal will not be detrimental to the character or appearance of the area, and the scheme can be implemented without serious risk to the retained structure.</b> Where a case is made for total or partial demolition...'</i></p>
BH2	<p>One respondent has indicated that there is a conflict between Policies BH2 and BH3 with regards to demolition consent and agreements prior the redevelopment of a site.</p>	<p>Whilst it is considered that the policy approach is consistent, minor amendments to wording relating to demolition can be made as a means of consistency or clarification. These amendments have been addressed in full in relation to Policy BH2 above, and below in relation to Policy BH3.</p> <p>BCC does not agree that the reference to signing a contract should be removed altogether, rather a minor amendment to wording will enable an element of flexibility whereby such a requirement can be requested where the council deems it appropriate.</p>
BH3	<p>Two respondents have provided comments suggesting amendments to the draft policy. Comments highlight that the wording and inclusion of "Where demolition consent is granted this will be conditional</p>	<p>As with Policy BH2, whilst it is considered that the policy approach is consistent with regional policy and the draft policy adequately secures the protection of Areas of Townscape Character; minor rewording would assist its interpretation.</p>

## Errors and suggested minor modifications

Policy or Section	Issue	Change
	<p>on prior agreement for the development of the site, including prohibition of demolition until contracts have been signed for the approved redevelopment of the site” is an onerous test and request its removal from the policy.</p>	<p>The Council suggests that the final sentence under Policy BH3, subheading ‘Demolition’ be reworded as follows:</p> <p><i>“Where consent is granted for demolition this will <b>normally</b> be conditional on prior agreement for the redevelopment of the site, <b>and appropriate arrangements for recording the building before its demolition.</b>”</i></p> <p>Paragraph 7.4.25 should then include the following, additional point of clarification:</p> <p><i>“Where consent is granted for demolition this will normally be conditional on prior agreement for the redevelopment of the site; prohibition of demolition until contracts have been signed for the approved redevelopment of the site; and, where appropriate, the recording of the building prior to its demolition.”</i></p> <p>BCC does not agree that the reference to signing a contract should be removed altogether, rather a minor amendment to wording will enable an element of flexibility whereby such a requirement can be requested where the council deems it appropriate.</p>
BH3	<p>One respondent has indicated that there is a conflict between BH2 and BH3 with regards to demolition consent and</p>	<p>Making the minor amendments noted above will remove any conflict between Policy BH2 and Policy BH3.</p>

## Errors and suggested minor modifications

Policy or Section	Issue	Change
	agreements prior the redevelopment of a site. It is suggested that the reference to the signing of a contract should be excluded from Policy BH3 and, in line with Policy BH2, replaced with 'appropriate arrangements for the redevelopment of the site'.	As noted BCC does not agree that the reference to signing a contract should be removed from either policy, rather minor amendments to wording will enable an element of flexibility whereby such a requirement can be requested where the council deems it appropriate.
BH3	One respondent has requested that clarification is provided in the justification and amplification text for Policy BH2 and BH3 regarding demolition.	Making the minor amendments noted above will provide suitable clarification for both policies.
EC 2	Clarification as to whether the quantum within this policy relates to developable land or employment floorspace.	The Council suggest that first line of the policy be reworded as follows:  <i>A total of 550,000sq. m of gross <del>developable land</del> <b>floorspace</b> for employment uses (B Uses as set out in the Planning Use Classes Order (NI) 2015) shall be provided over the plan period to meet the needs of the city.</i>
RET 1	Definition of edge of centre departs from previous definition in that it includes District/Local Centres. This conflicts with SPPS, where edge of centre locations considered to be 300m from Town Centre Boundary.	To provide greater clarity the Council suggest that the second paragraph of the policy be reworded as follows:  <i>The sequential approach directs development <del>within</del> <b>to the town</b> centre before considering an edge of centre site. Consideration will be given to an edge of centre location before considering an out of centre site.</i>
Transportation	Respondent stated the importance of the airport as a key gateway which has a regional role, providing strong connectivity to locations outside of Belfast to the rest of the UK	The map in Figure 9.2 is illustrative and can be updated to include the airport. This is a minor amendment in line with the policy approach outlined in dPS.

## Errors and suggested minor modifications

Policy or Section	Issue	Change
	and beyond. The RDS seeks to deliver a balanced approach to transportation infrastructure by improving connectivity and this should be reflected in the LDP aims. Figure 9.2 should be updated to include the airport.	
Transportation	9.4.3 Paragraph should also make reference to the departments extant transport plan.	The proposed addition will provide clarification to the transportation section and will state the following: <b><i>“The Departments extant Transport Plan will be the main source for transport policy and initiatives for the plan area”.</i></b>
TRAN7	One respondent stated that it is not expected to deliver access onto protected routes through Section 76 Planning Agreements.	The tick can be removed from the table, indicating the potential for delivery through Section 76 Planning Agreements. This is a minor amendment.
ITU4	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.	Policy ITU 4 can be amended to include a reference to water quantity in line with SPPS. The proposed change is considered a minor amendment. Criteria (d) will state <i>“local natural resources, such as air quality, <del>or</del> water quality <b>or quantity</b>; and”</i>
ENV1	Policy specifically appears to limit the consideration of water quality to inland water and excludes "transitional and coastal waters", particularly in relation to the Water Framework Directive.	It is not the intention to limit the policy to inland water only and the policy applies to all water environments. This could be clarified in the supporting narrative as follows:  <i>9.5.20 The Water Framework Directive.... All development must have regard to the potential impacts on the quality of the water environment, including <b>coastal and transitional waters,</b></i>

## Errors and suggested minor modifications

Policy or Section	Issue	Change
		<i>rivers, lakes, reservoirs and groundwater. In addition, .....</i>
ENV1	Removal of the wording 'positively address' in relation to the protection of the city's designated quiet areas.	<p>It is not intended that new development should result in betterment, rather that the proposals take full account of any quiet area designation. The wording could be clarified to omit "positively" as it is superfluous in its context and the remaining policy wording still requires the listed matters to be addressed, as follows:</p> <p><b>Draft Policy ENV1</b>  <i>....The council will also require development to <del>positively</del> address the following: ....</i></p>
ENV3	Need to strengthen wording in line with SPPS to include the wording "coastal erosion and land instability".	<p>Whilst this is set out in the SPPS, the wording "coastal erosion and land instability" could be added to the listed matters in the interests of clarity, as follows:</p> <p><b>Draft Policy ENV3</b>  <i>Planning permission will be granted....  Measures to help adapt to the potential impacts may include the following:</i></p> <ol style="list-style-type: none"> <li data-bbox="879 1532 1401 1653">a. <i>Managing <b>coastal erosion, land instability</b>, flood risk and promoting SuDS;</i></li> <li data-bbox="879 1659 1401 1697">b. <i>Protecting and enhancing....</i></li> </ol> <p><i>In order to minimise the impact of extreme weather conditions, new developments should also embed resilience to current and future climates, including: .....</i></p>

## Errors and suggested minor modifications

Policy or Section	Issue	Change
		<p><i>i. Demonstrate how the development is resilient to flood events, <b>coastal erosion and land instability</b></i></p>
OS4	<p>The policy has different wording emphasis from SPPS in relation to ‘appropriate activities’ and ‘appropriate locations’.</p>	<p>It is not intended that the policy approach should infer a change in emphasis from the SPPS. The suggested minor amendment to wording could aid clarity, as follows:</p> <p><b>Draft Policy OS4</b>  <i>Planning permission will be granted for the provision of <del>new</del> <b>appropriate</b> open space facilities, including for sport and outdoor recreation, at appropriate locations in the countryside area of the district where it is demonstrated that that it is acceptable in terms of environment and rural amenity and would not be better located within settlement limits or on previously developed land. All the following criteria must also be met:.....</i></p>
OS5	<p>OS5 policy needs to accord more closely with SPPS wording for sports stadia outside settlement limits in particular.</p>	<p>It is not intended that the policy approach in both OS4 and OS5 is different in relation to sports stadia. Whilst both policies may be applied where relevant, the suggested minor amendment to wording could aid clarity, as follows:</p> <p><b>Existing draft Policy OS5</b>  <i>Planning permission will be granted for the provision of new or extended intensive sports facilities where these are located at appropriate and accessible locations within settlement limits. <b>In exceptional cases a stadium may be considered</b> <del>where intensive sports facilities are proposed outside settlement limits</del></i></p>

## Errors and suggested minor modifications

Policy or Section	Issue	Change
		<b><i>where the following criteria are met:.....</i></b>
LC1	Omission of precautionary approach & LC1A, B & C - needs further clarity on criteria as may conflict with LC1.	<p>Whilst it is considered that the policy approach is consistent between the different landscape designations, the precautionary approach could be included into the policy in aid of clarity, as follows:</p> <p><b><i>Draft Policy LC1</i></b>  <i>New development should seek to protect and, where appropriate, restore or improve the quality and amenity of the landscape. <b>The council will adopt the precautionary approach</b> in assessing development proposals in any designated landscape, and will give careful consideration to the following:....</i></p>
DC1	Policy not in line with SPPS in relation to clustering of development as it allows exemptions by stating "where possible and appropriate". (6.69)	<p>The wording of the policy does not diverge from the SPPS policy approach. The words "where possible and appropriate", are superfluous and there may be merit in the suggested minor re-wording to remove them as follows:</p> <p><b><i>Draft Policy DC1</i></b>  <i>All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations, including for environmental protection, water quality and drainage, access and road safety. <del>Where possible and appropriate, permissible.</del> <b>New</b> development should seek to cluster with and consolidate existing built development.</i></p>

## Errors and suggested minor modifications

Policy or Section	Issue	Change
DC10	Should be no exceptions to 10year rule to be consistent with SPPS	<p>It is not intended that the policy diverges from the SPPS approach, and provides for new dwellings on farms, without exceptions to the 10year rule. There may be merit to omit the wording "exceptional circumstances" or "clear operational need" to clarify this, as follows:</p> <p><b>Draft Policy DC10</b>  <i>.....Planning permission granted under this policy will only be forthcoming once every 10 years. <del>unless there are exceptional circumstances that demonstrate clear operational need.</del></i></p>
DC11	The 6 years rule in SPPS has been omitted from the policy	<p>It is not intended to diverge from the SPPS approach on the 6-year rule. Nevertheless, there may be merit in incorporating the rule in the interests of clarity, as follows:</p> <p><b>Draft Policy DC11</b>  <i>Planning permission will be granted for development proposals on an active and established <b>(for a minimum of 6 years)</b> agricultural or forestry holding where it is demonstrated that it is necessary for the efficient use of the agricultural holding or forestry enterprise....</i></p>
DC12	The 6 year rule in SPPS has been omitted from the policy	<p>It is not intended to diverge from the SPPS approach on the 6-year rule. Nevertheless, there may be merit in incorporating the rule in the interests of clarity, as follows:</p> <p><b>Draft Policy DC12 ....</b>  <i>a. The farm or forestry business is currently active and established <b>(for a minimum of 6 years)</b> and it is</i></p>

## Errors and suggested minor modifications

Policy or Section	Issue	Change
		<i>demonstrated that the proposed use/development will be run in conjunction with the agricultural operations on the farm.....</i>



## Appendix 5: BCC's Typographical errors and suggested minor modifications to Appendix A: Existing / Draft

### Policy Designations Table A1: Draft Policy Designations

dPS page	Plan Strategy Policy	Designation	Interim designation	Justification
303	SD2 HOU4	Settlement Development Limits for Belfast City	Designations BT 001, <b>MND 01 and parts of MCH 01, ML 01</b> , draft Belfast Metropolitan Area Plan (BMAP)	<p>The Settlement Development Limits outlined within draft BMAP for the Belfast Metropolitan Area (insofar as they relate to the Belfast district) are similar to the limit set within the extant Belfast Urban Area Plan (BUAP), as amended by Alteration Number 2 to include additional lands for housing at Lagmore. Within draft BMAP, however, the Settlement Development Limits have been updated in a number of locations to reflect new development and wider environmental designations since the adoption of the BUAP.</p> <p>If considering any planning applications for development that falls outside of the BUAP development limit but within the draft BMAP development limit, or which fall within the BUAP development limit but outside of the BMAP development limit, both boundaries and any wider designations or proposed draft BMAP designations should all be referenced as relevant material considerations.</p>
305	SD2, HOU4	Belfast Harbour Area	Zoning BHA <del>01</del> , draft BMAP	See Policy EC3
305	SD2, HOU4	District Centres	Designations BT 010 and <b>ML 09</b> , draft BMAP	See Policy RET1
305	SD2, HOU4	Local Centres	<p>Local Centres - Designations MCH 17, ML <del>17</del> <b>10</b>, draft BMAP</p> <p>Commercial Nodes on Arterial Routes - Designation AR 02, draft BMAP</p> <p>Shopping/Commercial Areas on Arterial Routes –Designation AR <del>04</del> <b>03</b>, draft BMAP</p>	See Policy RET1
311	RET 1, RET 3	District Centres	Designation BT <del>017</del> <b>010</b> and <b>ML 09</b> , Draft BMAP	The <del>five</del> <b>Seven</b> district centres were designated in dBMAP. As <del>it was</del> <b>they were</b> not designated in the BUAP the boundaries should be that as set out in dBMAP as they reflect the current overarching policy direction set out in the SPPS

dPS page	Plan Strategy Policy	Designation	Interim designation	Justification
312	RET 1, RET 3	Local Centres	Local Centres -Designations MCH 17, ML <del>17</del> <b>10</b> , draft BMAP	Local centres were designated in dBMAP only. As these serve a local need to support the broader role of the City Centre and reflect the broader approach of the SPPS the boundaries of those district and local centres should be those as defined in dBMAP.
312	RET 3	Arterial Routes	Commercial Nodes on Arterial Routes - Designation AR 02, draft BMAP  Shopping/Commercial Areas on Arterial Routes – Designation AR <del>04</del> <b>03</b> , draft BMAP	dBMAP designated a number of arterial routes. These have been used to inform planning decisions and are more reflective of current policy as the focus for local community and commercial life providing a range of land uses required to meet local needs. It is therefore considered that the designation of the arterial routes should be those identified in dBMAP.
312	EC 3	<b>Belfast</b> Harbour Area	Zoning BHA <del>01</del> , draft BMAP	The <b>Belfast</b> Harbour Area as defined in the Belfast Harbour Local Plan 19952005 shows a larger zoning than that identified in dBMAP. It encompasses part of the City Centre as defined in dBMAP (City Quays and the Odyssey Complex). The boundary of the harbour area should be that of dBMAP. It is considered appropriate to reflect the designation of dBMAP as the plan with the most updated evidence base given the evolution of the harbour and the City since publication of the BUAP.
313	EC 3	Employment locations	Zonings <del>BT007, BT008, BT010, BT011</del> <b>BHA 06, BT 004, BT 005, MCH 09, MCH 10, MCH 11, ML 05, ML 07 and ML 08</b> , Draft BMAP	dBMAP is the more detailed and up-to-date plan used to make decisions over the past number of years. It is more reflective of the circumstances on the ground. It is therefore considered that the boundaries of the employment locations should be those as defined in dBMAP.
313	EC 6	Stormont Office Node	Designation BT <del>018</del> <b>012</b> , Draft BMAP	The Stormont Office Node is designated in dBMAP. As it was not designated in the BUAP the boundary should be that as set out in dBMAP.

**Table A2: Existing Policy Designations**

dPS page	Plan Strategy	Existing policy document	Policy Designation
315	Local Centres	Draft Belfast Metropolitan Area Plan	Local Centres (MCH 17, ML <del>17</del> <b>10</b> ) Commercial Nodes on Arterial Routes (AR 02) Shopping/Commercial Areas on Arterial Routes (AR <del>04</del> <b>03</b> )

**APPENDIX 6 - Belfast Local Plan draft Plan Strategy 2035, Schedule of Recommended Amendments, September 2021**

<b>Recommended Amendment Number</b>	<b>Policy, section or paragraph number of dPS</b>	<b>Page Number</b>	<b>Recommended Amendment</b> <b>Red text to be deleted</b>
<b>Section 1 - Introduction</b>			
RA01	Appendix A: Existing/draft Policy Designations	303 - 315	Incorporate the amendments set out in BCC's Table A1: Draft Policy Designations & Table A2: Existing Policy Designations included as Appendix 6 to this report
<b>Section 2- Vision, aims and objectives</b>			
RA02	Building a smart connected and resilient place - "Aims" first paragraph, second sentence	28	The plan will encourage the expansion of green infrastructure networks for walking and cycling to encourage active travel and improve air quality and promote increased use of public transport whilst retaining <del>suitable</del> <u>appropriate</u> provision for cars.
RA03	Building a smart connected and resilient place - "Objectives" 2 <sup>nd</sup> box	28	To ensure availability of land to facilitate sustainable patterns of development <del>and promote travel</del> <u>whilst supporting demand management measures to encourage</u> by more sustainable modes of transport.
<b>Section 3 - Strategic policies</b>			
RA04	Strategic Policies - Introduction	33	The following sentence is added to as a second sentence is added within Paragraph 5.0.3: <b><i>"Belfast's harbour area via the port and Belfast City Airport, provides a gateway to Britain, Europe and the rest of the world. They will continue to act as an enabler of wider economic growth throughout the plan period."</i></b>
RA05	Policy SP1 - Growth strategy	35	Inclusion of a strategic policy on phasing as outlined in paragraph 3.42 of this report.

**APPENDIX 6 - Belfast Local Plan draft Plan Strategy 2035, Schedule of Recommended Amendments, September 2021**

<b>Recommended Amendment Number</b>	<b>Policy, section or paragraph number of dPS</b>	<b>Page Number</b>	<b>Recommended Amendment</b> <b>Red text to be deleted</b>
RA06	Policy SP1 – Growth strategy	35	Inclusion of a policy relating to public services/utilities as set out in paragraph 3.43 of this report.
RA07	Policy SP2 – Sustainable development Paragraph 5.2.2	35	In proactively promoting development, the council shall protect and enhance the city’s built heritage and the natural <b>and historic</b> environment. It is important to secure the orderly and consistent development of land to deliver the council’s social and economic priorities alongside the careful stewardship of the built heritage and natural <b>and historic</b> environment.
<b>Section 4 - Spatial development Strategy</b>			
RA08	Policy SD2 – Settlement Areas	49	Paragraph 6.2.1, the last bullet point should be amended to include the wording at the end of the sentence.  Ensure better integration between land use planning and transportation, particularly sustainable transport modes such as walking cycling and public transport and <b>connectivity through and to the port and airport.</b>
RA09	Policy SD2 – Settlement Areas	51	Figure 6.2 should indicate the location of George Best Belfast City Airport
<b>Section 5 - Shaping a liveable place</b>			
RA10	Housing- Introduction	59	Paragraph 7.1.5, additional bullet point should state:  <ul style="list-style-type: none"> <li>▪ ensure an appropriate supply of housing to provide for those with specialist housing need including specialist residential accommodation and care-related facilities specific accommodation for travellers, shared forms of housing and purpose built student accommodation.</li> </ul>

**APPENDIX 6 - Belfast Local Plan draft Plan Strategy 2035, Schedule of Recommended Amendments, September 2021**

Recommended Amendment Number	Policy, section or paragraph number of dPS	Page Number	Recommended Amendment <b>Red text to be deleted</b>
RA11	Policy HOU1 – Accommodating new homes	60	Policy HOU1 shall define a phased approach to the release of housing to ensure alignment of housing delivery with planned infrastructure investment and development lead-times.
RA12	Policy HOU4 – Density of residential development	66	Reference to Tall buildings in the policy head note should read: <del>Tall</del> <b>Taller</b> buildings with in the city centre.
RA13	Policy HOU5 - Affordable Housing, Appendix E SPG	329	SPG for Affordable Housing should provide details of the processes and key assumptions to be used when viability is identified as an issue.
RA14	Policy HOU6 - Housing mix	73	Remove wording from the last sentence of Policy HOU6 <del>as well as an appropriate mix of tenure required under affordable housing policy.</del>
RA15	Policy HOU7 – Adaptable and accessible accommodation	76	Remove reference to the English Housing Survey 2012 from paragraph 7.1.47 of the J&A and foot note 5.
RA16	Policy HOU9 – Traveller accommodation	81	Insertion of the following wording into the J&A before paragraph 7.1.60:  The Caravans Act (Northern Ireland) 1963 (as amended in 2011) also includes an ‘Emergency Halting Site’ (sometimes referred to as a ‘Temporary Stopping Place’) as a form of traveller facility. However, such a site provides a temporary place for travellers to park (usually for 1 or 2 nights) with appropriate facilities. However, as such a site is in short-term, temporary use (i.e. less than 28 days), this will not normally require planning permission.

**APPENDIX 6 - Belfast Local Plan draft Plan Strategy 2035, Schedule of Recommended Amendments, September 2021**

Recommended Amendment Number	Policy, section or paragraph number of dPS	Page Number	Recommended Amendment <b>Red text to be deleted</b>
RA17	HOU12 – PBMSA	87	<p>Paragraph 7.1.80 of Policy HOU12 should state:</p> <p>Consequently, occupancy of PBMSA will usually be conditioned to limit occupation to students, particularly during term time. <u>As such PBMSA developments will not normally be required to meet affordable housing requirements in accordance with Policy HOU5.</u> A management plan will be required to ensure a quality, safe and attractive place for residents.....</p>
RA18	HOU13 – Short-term let accommodation	89	<p>Paragraph 7.1.85 to include:</p> <p><u>A location within walking distance of an existing visitor attraction will allow relative ease of access promoting walking and cycling.</u></p>
RA19	DES1 – Principles of urban design	93	<p>The last sentence of paragraph 7.2.9 of the J&amp;A should read:</p> <p>New and replacement shopfronts should complement the design of the host building and relate to the elevational qualities of the upper floors and where appropriate characteristics and detailing of neighbouring shopfronts particularly in the case of listed buildings and areas of built heritage <u>including conservation areas and areas of townscape character.</u></p>
RA20	DES2 – Masterplanning approach for major development	96	<p>Criterion j. should state:</p> <p><b>Retain</b> <u>Seek the retention of existing trees within and around the site .....</u></p>

**APPENDIX 6 - Belfast Local Plan draft Plan Strategy 2035, Schedule of Recommended Amendments, September 2021**

Recommended Amendment Number	Policy, section or paragraph number of dPS	Page Number	Recommended Amendment <b>Red text to be deleted</b>
RA21	DES2 – Masterplanning approach for major development	97	Paragraph 7.2.21 of the J&A for Policy DES2 should include definition for major development as follows:  (Major development applications are as outlined within Regulation 2 of the Planning (Development Management) Regulations (Northern Ireland) 2015).
RA22	DES3 - Tall Buildings, Headnote	99	Criterion b. of DES3 to be amended to state:  Do not have an adverse impact on the <u>setting</u> , character and appearance of listed buildings, <del>designated</del> conservation areas, areas of townscape character (ATCs) and historic monuments/gardens.
RA23	DES3 - Tall Buildings	101	Additional sentence at the end of paragraph 7.2.31 to state:  Further locational based policies will be assessed at the LPP stage.
RA24	Appendix B: Definition of an Established Residential Area	316	First paragraph of definition should read:  An established residential area is normally taken to mean residential neighbourhoods dominated by a <u>recognisable form of</u> <del>single family</del> housing <u>styles with associated</u> private amenity space or gardens. These areas may include buildings in commercial, retail or leisure service use, usually clustered together and proportionate in scale to the size of the neighbourhood being served.

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

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Recommended Amendment Number	Policy, section or paragraph number of dPS	Page Number	Recommended Amendment <b>Red text to be deleted</b>
RA28	Policy BH2 – Conservation areas	118	Criterion j: It makes either a negative or no material contribution to the character and appearance of the area; and <del>or</del>
RA29	Policy BH2 – Conservation areas	118	Criterion k: The <del>quality of</del> design <b>quality of the proposed building</b> is considered to enhance the overall character of the conservation area paying due regard to viability of retention or restoration of the existing <b>building</b> .
RA30	Policy BH2 – Conservation areas	118	Sentence after criterion k: Where consent is granted for demolition this will <b>normally</b> be conditional on prior agreement for the redevelopment of the site and appropriate arrangement for recording the building before its demolition.
RA31	7.4.16	119	Third sentence: New development should not compromise key views within, into and out of the <del>built heritage asset</del> <b>conservation</b> area.
RA32	7.4.18	119	The end of the final sentence: (doors/windows, bay rhythm, cornices, roof silhouette, <b>patina</b> etc.)
RA33	7.4.19	121	Paragraph's 4 <sup>th</sup> sentence: These spaces between dwellings provide many interesting micro views within these <del>area-built heritage assets</del> <b>conservation areas</b> allowing appreciation of.....

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Recommended Amendment Number	Policy, section or paragraph number of dPS	Page Number	Recommended Amendment <b>Red text to be deleted</b>
RA34	7.4.20	121	<p>Add final sentence:</p> <p><b><u>Where consent is granted for demolition this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition.</u></b></p>
RA35	7.4.21	121	<p>Replace current first sentence and add additional sentence so the paragraph reads:</p> <p><b><u>Façade retention of a building which makes a contribution to the character and appearance of the conservation area will only be acceptable in exceptional circumstances, provided the scale of the overall development proposal will not be detrimental to the character or appearance of the area and the scheme can be implemented without serious risk to the retained structure. Where a case is made for total or partial demolition in a conservation area, structural issues will not be given substantive weight where these have arisen due to neglect of a building through lack of maintenance or failure to secure by current or previous owners.</u></b> Evidence will also be required that all efforts have been made to retain the building through finding an alternative use, which may not be the preferred use of the developer.</p>
RA36	Policy BH3 – Areas of townscape character	122	<p>Criterion h:</p> <p>The <del>quality of</del> design <b><u>quality of the proposed redevelopment</u></b> is considered to enhance the overall character of the area.</p>

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Recommended Amendment Number	Policy, section or paragraph number of dPS	Page Number	Recommended Amendment <b>Red text to be deleted</b>
RA37	Policy BH3 – Areas of townscape character	122	Final sentence:  Where <del>demolition</del> consent is granted <u>for demolition</u> this will <u>normally</u> be conditional on prior agreement for the redevelopment of the site, <del>including prohibition of demolition until contracts have been signed for the approved redevelopment of the site</del> and appropriate arrangements for recording the building before its demolition.
RA38	7.4.25	122	Add final sentence:  <u>Where consent is granted for demolition his will normally be conditional on prior agreement for the redevelopment of the site; prohibition of demolition until contracts have been signed for the approved redevelopment of the site; and, where appropriate, the recording of the building before demolition</u>
RA39	7.4.28	125	Third line:  .../architectural and historic interest of the <del>area</del> built heritage asset created by the...
RA40	Policy BH4 – Works to grounds affecting built heritage assets	124	First sentence:  Built heritage assets refers to <del>development in</del> designated archaeological sites of importance, listed buildings, conservation areas and areas of townscape character.
RA41	Policy BH5 - Archaeology	126	Criterion a., second sentence:  Archaeological remains of regional importance and their settings <del>comprise</del> <u>include</u> monuments in state care, scheduled monuments and other important sites and monuments that would merit scheduling.

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Recommended Amendment Number	Policy, section or paragraph number of dPS	Page Number	Recommended Amendment <b>Red text to be deleted</b>
<b>Section 6 - Creating a vibrant economy</b>			
RA42	Policy EC2 – Employment land supply	147	First paragraph: A total of 550, 000sq.m of <del>gross developable land</del> <b>floorspace</b> for employment uses (B Uses as set out in the Planning Use Classes Order (NI) 2015) shall be provided over the plan period to meet the needs of the city
RA43	Policy EC2 – Employment land supply	147	In either Policy EC2, it’s associated J&A text or the Glossary a definition should be provided for the “Rest of Belfast city” as being the area within the settlement development limit for Belfast but outwith the city centre and Belfast Harbour.
RA44	8.1.25	151	<del>The boundaries of the existing designations will be reviewed as part of the LPP. In the interim period prior to the adoption of the LPP. The existing draft BMAP boundaries of the employment areas will be used.</del>  <b><u>Save for the MEL at Belfast Harbour Area that was proposed in dBMAP, the SELs and MELs to which this policy will apply will be designated in the LPP.</u></b>
RA45	Policy EC5 – Industry and storage and distribution uses	152	Second paragraph: Planning permission will also be granted for development proposals in Class B2 light industrial use, Class B3 general industrial use and Class B4 storage or distribution within the settlement limits of designated rural settlements <del>use</del> provided the scale, nature and design of the proposal are appropriate to the character of the settlement and meets normal planning considerations.
RA46	8.1.39	155	Proposals for office development outside designated centres or other specified areas will be required to comply with the sequential <b>test</b> and those above 1000sq.m gross floorspace with the impact tests set out in policy RET 2.

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Recommended Amendment Number	Policy, section or paragraph number of dPS	Page Number	Recommended Amendment <b>Red text to be deleted</b>
RA47	Policy TLC2 – Existing tourism leisure and cultural facilities and assets	174	First sentence:  The council will protect existing tourism, leisure and cultural provision and assets from being adversely affected <b>by</b> new development.
RA48	Policy RET1- Establishing a centre hierarchy.	159	Head note of Policy RET1 should state:  The sequential approach directs development <del>within-centres</del> <u>to the town</u> centre before considering an edge of centre site.
<b>Section 7 - Building a smart connected and resilient place</b>			
RA49	Policy ITU4 – Renewable energy development	187	Criterion d:  Local natural resources, such as air quality or water quality <b>or quantity;</b> and
RA50	Transportation – Introduction	205	Paragraph 9.4.3 should state:  The Department’s extant Transport Plan will be the main source for transport policy and initiatives for the plan area.
RA51	Transportation – Introduction	205	Paragraph 9.4.5 the wording of the first aim should state:  Deliver sustainable patterns of development which reduce the need for motorised transport and prioritise active travel and travel by public <u>transport in preference to the private car</u>
RA52	Transportation – Introduction	206	Figure 9.2 should indicate the location of GBBCA in the context of Belfast’s transportation network.

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Recommended Amendment Number	Policy, section or paragraph number of dPS	Page Number	Recommended Amendment <b>Red text to be deleted</b>
RA53	Policy TRAN7 – Access to protected routes	214	<p>J&amp;A text, paragraph 9.4.27 should be amended to state:</p> <p>Figure 9.3 contains an up to date map identifying existing roads throughout <del>Northern Ireland</del> <u>Belfast</u> established as protected routes. Any future alteration .....</p>
RA54	Policy TRAN7 – Access to protected routes	215	<p>Removing the tick under S76 Planning Agreements in the implementation box</p>
RA55	Policy TRAN7 – Access to protected routes	214	<p>J&amp;A text, paragraph 9.4.29 should state:</p> <p>Access arrangements must be in accordance with the <del>Dfi’s published guidance</del> <u>most up to date published guidance from the Department.</u></p>
RA56	Policy TRAN8 – Car parking and servicing arrangements	216	<p>The third paragraph of the policy headnote should state:</p> <p>Proposals involving car parking in excess of the <del>Dfi’s</del> <u>published standards</u> will only be permitted in exceptional circumstances.</p>
RA57	Policy ENV1 – Environmental Quality	224	<p>Amend the Policy headnote to read:</p> <p>The council will also require development to <del>positively</del> address the following:</p>

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Recommended Amendment Number	Policy, section or paragraph number of dPS	Page Number	Recommended Amendment <b>Red text to be deleted</b>
RA58	Policy ENV1 – Adapting to environmental change	226  /227	J&A Paragraph relating to water quality on page 226 of the dPS (paragraph 9.5.20 of the printed version of the dPS paragraph 9.5.17 of the web version) should state:  ..... requires monitoring and improvement of water quality of all inland waters <u>and coastal and transitional waters</u> . This includes ..... All development must have regard to the potential impacts on the quality of the water environment, including <u>coastal and transitional waters</u> , rivers lakes, reservoirs and groundwater.
RA59	ENV3 – Adapting to environmental change	230	Amend policy headnote criterion a. to state: a. Managing <u>coastal erosion, land instability</u> , flood risk and promoting SuDS;
<b>Section 8 - Promoting a Green and Active Place</b>			
RA60	Policy OS3 – Ancillary open space	245	Policy headnote shall be restructured to clearly define the open space requirements of all development proposals. Then a subsection in the policy headnote shall specifically set out the open space requirements for all residential development proposals.
RA61	Policy OS4 – New open space outside settlements	248	Amend policy headnote to state:  Planning permission will be granted for the provision of <del>new</del> <b>appropriate</b> open space facilities, including sport and outdoor recreation, at appropriate locations in the countryside area of the district where it is demonstrated that that it is acceptable in terms of environment and rural amenity and would not be better located within settlement limits or on previously developed land. All the following criteria must also be met.....
RA62	Policy OS5 – Intensive sports facilities	250	Amend policy headnote to state:  Planning permission will be granted for the provision of new or extended intensive sports facilities where these are located at appropriate and accessible locations within settlement limits. <u>In exceptional cases a stadium may be considered</u> <del>where intensive sports facilities are proposed</del> <b>outside</b> settlement limits where the following criteria are met.....

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Recommended Amendment Number	Policy, section or paragraph number of dPS	Page Number	Recommended Amendment <b>Red text to be deleted</b>
RA63	Policy NH1 – Protection of natural heritage resources	256	Fifth paragraph, end of final sentence:  .....and that adequate mitigation <del>or alternative</del> <b>and/or compensation</b> measures will be put in place
RA64	Policy NH1 – Protection of natural heritage resources	256	Final paragraph, final sentence:  The provision of adequate development setback, <del>normally a minimum of 5 metres,</del> from watercourses and waterbodies will be required and in all cases the applicant shall demonstrate that no adverse impact will be caused.
RA65	Policy LC1 - Landscape	263	First paragraph, second sentence:  <b>The council will adopt the precautionary approach</b> in assessing development proposals in any designated landscape, <del>the council</del> <b>and</b> will give careful consideration to the following:
RA66	Policy LC4 - Coastal area	271	First sentence:  In assessing new development proposals <b>affecting the undeveloped coast</b> , the council will seek to ensure the protection and enhancement of the district’s coastal area.
RA67	Policy LC4 - Coastal area	271	Criterion a:  The proposed development is of such national or regional importance as to outweigh any detrimental impact on the coastal environment <b>and where there is no feasible alternative site within an existing urban area in the locality;</b> or
RA68	Policy LC4 - Coastal area	271	Criterion b:  <b>Minor development may be acceptable provided</b> it can be demonstrated that any proposal will not harm the qualities of the coastal landscape, while still protecting nature conservation value.

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Recommended Amendment Number	Policy, section or paragraph number of dPS	Page Number	Recommended Amendment <b>Red text to be deleted</b>
RA69	Policy DC1- All countryside development – general policy principles	273	Final sentence of third paragraph:  <del>Where possible and appropriate, permissible</del> New development should seek to cluster with and consolidate existing built development.
RA70	Policy DC10 – New dwellings on farms	284	Third paragraph, first sentence:  Planning permission granted under this policy will only be forthcoming once every 10 years. <del>unless there are exceptional circumstances that demonstrate clear operational need.</del>
RA71	Policy DC11 - Agriculture	286	First paragraph:  Planning permission will be granted for development proposals on an active and established <b>(for a minimum of 6 years)</b> agricultural or forestry holding where it is demonstrated that it is necessary for the efficient use of the agricultural holding or forestry enterprise.
RA72	Policy DC12 – Farm diversification	287	Criterion a:  The farm or forestry business is currently active and established <b>(for a minimum of 6 years)</b> and it is demonstrated that the proposed use/development will be run in conjunction with the agricultural operations on the farm.
<b>Appendix E: List of Supplementary Planning Guidance</b>			
RA73	Appendix E: List of Supplementary Planning Guidance	320	Listed are 3 pieces of SPG that BCC intends to prepare in respect of listed buildings, Conservation Areas and Areas of Townscape Character. The correspondent plan policies were incorrectly identified; instead of HE1, HE2 AND HE3, they should be BH1, BH2 and BH3 respectively.

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<b>Appendix F: Monitoring Indicators</b>			
RA74	Appendix F: Monitoring Indicators	Ref. 15	Trigger: Loss of <u>designations</u> ' geographic area <del>designated</del> recommended by a boundary review of these designations from the date of plan adoption.
RA75	Appendix F: Monitoring Indicators	Ref. 22	Second of three targets: Within Queens Office Area, proposals for Use Class B1 (a) and A2 will not exceed <del>400sqm</del> <u>200sqm</u> .
RA76 & RA 77	Appendix F: Monitoring Indicators	Ref. 22	First and second rows of Trigger: Office approvals exceeding <del>1000sqm</del> <u>400sqm</u> . outside of the City Centre. Any proposed planning application over <del>400sqm</del> <u>200sqm</u> .
RA78	Appendix F: Monitoring Indicators	Ref. 26	Trigger: 1 or more permission in any year for non-compatible development on designated natural heritage areas contrary to <del>DfI Rivers</del> <u>NIEA</u> advice