

Submitted to **Belfast LDP 2035 - Plan Strategy**
Submitted on **2018-11-15 15:25:46**

Overview

1. Data Protection

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

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

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

Yes, with my name and/or organisation

2. Your details

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

Individual, Organisation or Agent:

Organisation

Q4. What is your name?

Title:

Dr

Full Name:

Stephen Blockwell

Q5. What is your telephone number?

Telephone number:

██████████

Q6. What is your email address?

Email:

████████████████████

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

Yes

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

4. Organisation

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

Organisation:

Northern Ireland Water

Your Job Title:

Head of Investment Management

Address Line 1:

Westland House

Line 2:

40 Old Westland Road

Line 3:

City:

Belfast

Postcode:

BT14 6TE

6. Before you submit your comments

7. Is the plan sound?

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

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

I believe it to be unsound

8b. Unsound

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

Relevant Section or Paragraph::

Overall assessment of Plan and supporting information relating to growth and wastewater, drainage infrastructure

Policy (if relevant):

Q15a. If you consider the Plan Strategy to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6:

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

Q16a. Please give details of why you consider the Plan Strategy to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

Please give your reasons:

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

A sound functioning infrastructure is necessary to provide the capability to deliver to the high aspirational growth in the Belfast City Council's Development Plan. It is the resilience of the wastewater infrastructure with respect to the growth aspiration in the Development Plan, which is of concern to NI Water. Currently there are existing wastewater capacity issues in terms of the sewerage network and the major treatment works at Duncrue which treats 70% of the wastewater in the Belfast City Council area.

Given the long standing public expenditure constraints affecting wastewater investment in NI and Belfast; and the scale of Council's aspirations with respect to population growth in the Belfast Development Plan it is apparent that Section 3.4.3 and Section 3.4.4 in the RDS (under Policy SFG2: Grow the population of the City of Belfast) can not be addressed in accordance with the RDS:

SFG2: Grow the population of the City of Belfast

3.43 An efficient public transport system will provide the connections to jobs, services and amenities. This will provide an attractive urban environment for those who live and work in the City. However, there are a number of internationally important nature conservation sites that could be affected by the expansion of Belfast's population. Housing growth must be appropriately managed to avoid adverse effects on these sites. Increased recreational use could put pressure on nearby sites e.g. Belfast Lough. There could also be increased demands on water resources and waste water disposal. It will be necessary when planning the location and phasing of development that there is sufficient capacity in the existing water supply and waste-water treatment infrastructure or that this can be provided ahead of development without harming the environment. (Emphasis added to text in attached document).

3.44 There are significant opportunities for more jobs to be created and it will be important to have a wide variety of house types for those wishing to live and work in the City. It is estimated that 22,000 jobs could be created between 2008 and 2028. Most of these jobs will be in the service and office sector and they will be attracted to the City by the availability of a skilled workforce and the quality of life which the City has to offer.

Support a drive to provide additional dwellings.

These additional dwellings will be provided on land already zoned for housing and on windfall sites which become available for development. Assessment is also needed of the scope for higher densities in appropriate locations, particularly at gateway sites into the City Centre, on arterial routes and at transport interchange areas. It will require imaginative and innovative high quality design, including mixed use schemes, to ensure that they link into the existing urban fabric. The provision of these additional dwellings must take account of environmental capacity studies to ensure that their delivery can be sustainably managed. (Emphasis added to text in attached document).

The SPSS states:

6.102 The Regional Development Strategy 2035 (RDS) also recognises the need to avoid, where possible, the selection of flood prone land for employment and housing growth. It urges the planning system to adopt a precautionary approach to development in areas of flood risk and the use of the latest flood risk information that is available in order to properly manage development. The RDS (RG12) also promotes a more sustainable approach to the provision of water and

sewerage services and flood risk management. (Emphasis added to text in attached document).

Supporting Sustainable Economic Growth

4.18 A modern, efficient and effective planning system is essential to supporting the

Executive, and wider government policy, in its efforts to promote long term economic growth in the interests of all the people in this region.

4.19 Planning authorities should therefore take a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities. Large scale investment proposals with job creation potential should be given particular priority. Planning authorities should also recognise and encourage proposals that could make an important contribution to sustainable economic growth when drawing up new plans and taking decisions. .
(Emphasis added to text in attached document).

4.20 When assessing the positive and negative economic implications of planning applications planning authorities should ensure the approach followed is proportionate to the scale, complexity and impact of the proposed development. When taking into account the implications of proposals for job creation, planning authorities should emphasis the potential of proposals to deliver sustainable medium to long-term employment growth. Furthermore, in processing relevant planning applications planning authorities must ensure appropriate weight is given to both the public interest of local communities and the wider region.

4.21 Supporting sustainable economic growth through proactive planning does not mean compromising on environmental standards. The environment is an asset for economic growth in its own right and planning authorities must balance the need to support job creation and economic growth with protecting and enhancing the quality of the natural and built environment. Economic growth can also contribute to higher social standards and improve the health and well-being of our society overall. (Emphasis added to text in attached document).

4.22 In addition, for the planning system to be fully effective in facilitating jobs and investment, everyone involved in the planning process such as applicants, public bodies, community organisations, and the general public must commit themselves to engaging as constructively as possible in the LDP and development management process.

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

The LDP must include a robust evidence base specifically in relation to population.

As guided by the Department in Development Plan Practice Note 7, entitled 'The Plan Strategy', Section 3 of the Planning Act (Northern Ireland) 2011 sets out requirements for Councils in respect of the Local Development Plan (LDP) process where the Council is required to undertake a 'Survey of the District', the legislation states:

- (1) A council must keep under review the matters which may be expected to affect the development of its district or the planning of that development.
- (2) Those matters include—
 - (a) the principal physical, economic, social and environmental characteristics of the council's district;
 - (b) the principal purposes for which land is used in the district;
 - (c) the size, composition and distribution of the population of the district;
 - (d) the communications, transport system and traffic of the district;
 - (e) any other considerations which may be expected to affect those matters;
 - (f) such other matters as may be prescribed or as the Department (in a particular case) may direct.

The Council's assumptions in respect of population growth are of concern to NI Water for the reasons set out below.

NI Water has provided wastewater capacity information to Belfast City Council for informing the Preferred Options Paper and Draft Plan Strategy. This has not been included in the Technical Supplement 15 Public Utilities in Appendix D. The document contains information provided for BMAP which is out of date. To include such out of date information as part of the evidence base is potentially misleading as it undermines the significant challenges presented by NI Water and the Living With Water Programme in terms of wastewater capacity in Belfast. The LDP Technical supplement 15 should be amended to take account of and refer fully to the NI Water wastewater system capacity information provided to Belfast City Council, most recently updated in September 2018.

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

The Council has not taken account of the Planning Act (Northern Ireland) 2011 and the Strategic Planning Policy Statement

The Planning Act (Northern Ireland) 2011 Part 8 Section 5(b) directs the Council to take account of policy and advice contained in guidance issued by the Department where it states:

- (5) In preparing a plan strategy, the council must take account of—
 - (a) the regional development strategy;
 - (aa) the council's current community plan;]
 - (b) any policy or advice contained in guidance issued by the Department;
 - (c) such other matters as the Department may prescribe or, in a particular case, direct, and may have regard to such other information and considerations as appear to the council to be relevant

This requirement is further referenced and explained in the Departments' 'Development Plan Practice Note 6 'Soundness' (Dept. for Infrastructure, May 2017) where it states:

5.4.8 'Sections 8(5)(b) and 9(6)(b) of the 2011 Act require a Council to take account of any policy or advice contained in guidance issued by the Department in the preparation of the Plan Strategy and Local Policies Plan respectively'.

5.4.9 'These statutory requirements aim to ensure that the DPD takes account of a range of policies and advice which cover the Council area, particularly at the regional level'

5.4.10 'A council should therefore be able to show how policy formulation and development has taken account of the SPPS and any other relevant policy and guidance prepared by the Department. Relevant regional policy should be referred to throughout the DPD to show the linkage between policies and proposals and how they help to implement the core principles, aims and objectives. Technical Supplements may also be used as the evidence base to justify the content of the DPD'.

The Regional Development Strategy ("RDS")

Policy RG8: Manage housing growth to achieve sustainable patterns of residential Development states:

3.16 Any proposed housing development will be dependant on the availability of all necessary infrastructure, including the availability of sustainable water resources and sewerage capacity.

Policy RG12: Promote a more sustainable approach to the provision of water and sewerage services and flood risk management states:

".....The planning for the provision of water and sewerage infrastructure and treatment facilities is both a practical and environmental necessity for regional development.

- Integrate water and land-use planning. Land-use planning should be informed by current water and sewerage infrastructure and future investment programmes. This will involve close cooperation between planning authorities and the water industry in the preparation of local development plans and long-term water strategies.
- Manage future water demand. Reducing water consumption by reducing waste can lead to a lower carbon footprint as less water will need to be abstracted, treated and pumped. There will also be significant economic benefits through reduced energy and chemical costs. To help manage future water demand in new developments, consideration should be given to including measures such as grey water recycling and rainwater harvesting.
- Encourage sustainable surface water management. Greater use of Sustainable Drainage Systems (SuDS) should be encouraged, particularly as part of significant development proposals. SuDS provide a water quality benefit and if designed appropriately can help control flows into rivers and drains thereby reduce the risk of flooding. All new urban storm water drainage systems should incorporate measures to manage the flow of waters which exceed design standards (exceedance flows) in order to help protect vulnerable areas."

NI Water has provided wastewater capacity information to Belfast City Council for informing the Preferred Options Paper and Draft Plan Strategy. This has not been included in the Technical Supplement 15 Public Utilities in Appendix D. The document contains information provided for BMAP which is out of date. To include such out of date information as part of the evidence base is potentially misleading as it undermines the significant challenges presented by NI Water and the Living With Water Programme in terms of wastewater capacity in Belfast.

The reference to this out of date information is contrary to the requirements of policy RG12.

This should be amended with the latest information on wastewater capacity (containing several growth factor estimates), most recently updated and provided to Council in September 2018.

The SPPS states:

"3.7 Furthering sustainable development also means ensuring the planning system plays its part in supporting the Executive and wider government policy and strategies in efforts to address any existing or potential barriers to sustainable development. This includes strategies, proposals and future investment programmes for key transportation, water and sewerage, telecommunications and energy infrastructure (including the electricity network)."

"6.96 LDPs should normally contain a number of supporting actions to assist in meeting the needs of business enterprises in ways which are workable and that will ultimately deliver sustainable and high quality development. Such actions should normally include key site requirements to ensure that developers provide necessary infrastructure such as road access, access for pedestrians and cyclists, water supply, sewerage and land drainage. The LDP should also provide guidance in terms of key design, layout and landscaping requirements." (Emphasis added to text in attached document).

PPS15 states:

“4.16 Development plans can support the use of SuDS as the preferred option for surface water drainage in the Plan area. For example, measures such as the use of permeable paving for the developable area of a zoned site could be provided for through the stipulation of a key site requirement. Annex C provides further guidance on sustainable drainage systems which ought to be considered. The Department supports a multi-disciplined approach to plan making with planners working with engineers, environmentalists and the community to formulate solutions to flooding problems. When formulating development plans, planning authorities will have a statutory duty to consult with the Stormwater Management Group, or other body that may ultimately be assigned authority in this regard through future legislation.”

NI Water has provided wastewater capacity information to Belfast City Council for informing the Preferred Options Paper and Draft Plan Strategy. This has not been included in the Technical Supplement 15 Public Utilities in Appendix D. The document contains information provided for BMAP which is out of date. To include such out of date information as part of the evidence base is potentially misleading as it undermines the significant challenges presented by NI Water and the Living With Water Programme in terms of wastewater capacity in Belfast.

The Council has not clearly demonstrated how SuDS will be implemented through the application process. Furthermore, the Council has not demonstrated how developers will be required to provide necessary water and sewerage infrastructure through Section 76 agreements or other mechanisms.

CE1 - The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils

The Council has not provided evidence of discussions on growth predictions with neighbouring councils and if collective growth figures have been agreed regarding population. This is necessary to determine if aspirational growth can be facilitated and has been agreed with NI Water's Shareholder Dfl. In terms of NI Water wastewater treatment and sewer network capacities in the BCC catchment the wastewater systems are nearing their capacity. Sewer network performance issues and development constraints are being realised in parts of the Belfast sewerage network already. In addition Belfast water bodies are already failing WFD objectives.

It is essential that growth is agreed with Dfl to enable NI Water (via LWWP) to correctly assess the capacity requirements of new assets to support Belfast City's growth and protect the receiving aquatic environment from further deterioration.

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

The Council's predicted population growth is not based on robust evidence. It is essential that Council agrees the population growth projection with Dfl (NI Water's Shareholder) to enable NI Water (via LWWP) to correctly design wastewater asset upgrades for delivery during the life of the LDP. The agreement on the population growth projection will also require engagement with Belfast City Council's neighbouring council areas and is vital for Belfast City's growth and its Council neighbours to be accommodated to 2035.

CE3 - There are clear mechanisms for implementation and monitoring

There is uncertainty associated with the Living With Water Programme and its implementation and it is unclear how effective mitigating actions will be should the Belfast wastewater system reach capacity.

A Planning MOU needs to be established between NI Water and Council and Planning Application forms need to be revised to contain a section for wastewater network capacity rather than just wastewater treatment capacity.

(A comprehensive overview of the LWWP is presented under question 17 which establishes positions on funding, growth projections and capacity constraints. This needs to be informed by robust population growth figures following their agreement between Council and NI Water's shareholder, Dfl).

NI Water questions whether the Council intends to use Section 76 planning agreements to address sewerage related improvements. The Council needs to provide clarity on how Schedule 76 may be used. NI Water already has Developer Contributions within its Scheme of Charges. However, it is unreasonable to assume developer contributions can be used to address large infrastructure upgrades such as those needed to underpin Belfast City Council's current growth projection.

Q17a. If you consider the Plan Strategy to be unsound, please provide details of what change(s) you consider necessary to make the Plan Strategy sound.

What would make it sound?:

To make the plan sound, the Council should review their population growth predictions, to ensure final growth predictions are based on sound, robust evidence which can be shared with stakeholders. The Council should also demonstrate they have discussed population growth predictions with neighbouring councils and that collective growth figures are realistic and accepted by NI Water's Shareholder, Dfl. The growth projections, once accepted by Dfl, will then be used by NI Water when designing the upgrade of the Belfast Wastewater Treatment Works.

In addition, the Council should also provide more granularity on growth within the Belfast City Council area. This will assist NI Water in assessing whether it can facilitate future growth in specific parts of Belfast sewer network and/or target high priority infrastructure upgrades and help service the Belfast LDP.

NI Water wishes to establish a memorandum of understanding with Belfast City Council. This engagement is critical as the Preferred Options Paper states that the planning application process will be used to mitigate capacity issues during the period of the plan.

NI Water has provided wastewater capacity information to Belfast City Council for informing the Preferred Options Paper and Draft Plan Strategy. This has not been included in the Technical Supplement 15 Public Utilities in Appendix D. The document contains information provided for BMAP which is out of date. To include such out of date information as part of the evidence base is potentially misleading as it undermines the significant challenges presented by NI Water and the Living With Water Programme in terms of wastewater capacity in Belfast.

Belfast City Council is part of the Living With Water Programme which is an important initiative for Belfast wastewater infrastructure during the period of the Belfast LDP. A comprehensive overview of the LWWP is presented which establishes positions on funding, growth projections and capacity constraints for full consideration in the Plan:

1) NI Water's position on LWWP wastewater funding

In 2017 DfI advised NI Water to assume that all of the c£750m wastewater investment necessary to implement the LWWP Belfast Strategic Drainage Infrastructure Plan in the period 2021 to 2027 will be funded separately to the capital that will be made available to implement the PC21 Business Plan. NI Water has asked DfI to confirm this by latest 30 September 2019 to inform the PC21 Business Plan process.

2) NI Water's position on growth projections

Often documents issued by NI Departments and Local Councils do not provide a single set of consistent growth projections, with many Local Development Plans (LDP) indicating higher projections than projected in the DfI Regional Development Strategy (RDS). Without care this could lead to different assumptions being used, which could result in a range of problems, such as:

- Gateway reviews find discrepancies, which require revision of the Business Cases, resulting in increased project development cost and delays to implementation.
- Assets built with excessive capacity.
- Assets built with inadequate capacity.

DfI recognised this when it issued the 'Guidance Note: The Development of Growth Projections for Drainage & Wastewater Infrastructure Investment Forecasting and Spatial Planning' (V1, 21 October 2016) to NI Water and to each Local Council in 2016. DfI's guidance explains that the projections provided in the RDS may be different to other sources, and sets out the process that should be followed to determine which should be used. The following is extract of the text from Section 3.3:

The relevance and weight to be given to the abovementioned sources will be a matter for the professional judgement of the infrastructure investment planner. The investment planner shall assess which input data is likely to be more appropriate, and set out the reasoning for the final figures used in a detailed methodology paper. This is particularly important where any projections used contradict anything in a document that is listed as being higher in the general hierarchy. If necessary, guidance should be sought from DfI Water & Drainage Policy Division, which will if necessary, engage with other parts of DfI.

On 29 September 2018 NI Water and DfI attended a meeting with BCC and its consultants Arup in relation to the Belfast Infrastructure Study (BIS). During that NI Water clearly set out its position on the provision that would be made for growth in investment plans, and followed that through with a post-meeting note on 4 October 2018. This communication stated:

In relation to NI Water's activities the Belfast Infrastructure Study should focus on wastewater capacity constraints (sewerage network and wastewater treatment). A key area is the growth projections to be used in capital investment appraisals, with the RDS and BCC growth projections being very different. NI Water's LWWP WP6 (DAP) and WP7 (WWTE) appraisal consultants (Atkins, McAdam Design, RPS and WYG) are currently engaging with the relevant parts of BCC, DfI and industry to understand these projections and then develop a recommendation on what to assume for DfI WDPD to consider. NI Water will then only follow DfI WDPD guidances on what to assume for growth projections, hence if BCC wants NI Water to plan for growth it should set out the reasoning to DfI WDPD.

3) Belfast Capacity Constraints

NI Water has commissioned a number of studies and investigations throughout the past 18 months which have confirmed that Belfast WWTW is operating significantly above its original design capacity.

Despite increased operational interventions at the WWTW NI Water is of the view that its compliance is increasingly at risk. To permit the indicated growth in Belfast beyond 2021 (i.e. during the period of the Belfast Local Development Plan (2020 to 2035)) significant investment would need to be made to increase the capacity at the Belfast Wastewater Treatment Works. However even if funding is available, given the scale of the investment required and the lead in time for delivery, there may be a period where growth could not be accommodated.

Currently NI Water is planning investment to maintain compliance (with the treated effluent discharge standard) and, if possible, continue to facilitate new connections without an interruption gap as follows:

- Phase 0 (already under way and until phase 1 is completed): possible low cost capital modifications and operational cost interventions under a detailed 'compliance risk mitigation plan' (the implementation of which is subject to additional funding being priorities and/or being provided to NI Water by DfI during the PC15 and PC21 periods)
- Phase 1 (connecting in 2021 and to be completed by the end of 2023): major capacity upgrade
- Phase 2 (commencing 2023 and completed by February 2027): major upgrade to achieve more stringent discharge standards (including further storm tanks and sea outfall extension)
- Phases 1 and 2 are subject to funding under the LWWP.

There is a significant risk that the actions under the 'compliance risk mitigation plan' may not facilitate compliance from 2021. Hence the WWTW may be non-compliant from 2021 until the Phase 1 works have been completed – a period of around 3 years. Due to this risk NI Water is seeking direction from DfI and NIEA on whether or not planning applications that will result in new connections from April 2021 should be recommended for acceptance.

In addition, wastewater network capacity issues are emerging due to sewer network modelling activities being undertaken in Belfast. As a result of this new connections are being declined in parts of the catchment (for example the Glenmachan catchment and East Belfast).

CE3 - There are clear mechanisms for implementation and monitoring

There is uncertainty associated with the Living With Water Programme and its implementation and it is unclear how effective mitigating actions will be should the Belfast wastewater system reach capacity.

A Planning MOU needs to be established between NI Water and Council. Furthermore the Planning Application Form needs to be revised to contain a section for wastewater network capacity rather than just wastewater treatment capacity.

S76 Planning Agreements

NI Water questions whether the Council intends to use Section 76 planning agreements to address sewerage related improvements. The Council needs to provide clarity on how Schedule 76 may be used. NI Water already has Developer Contributions within its Scheme of Charges. However, it is unreasonable to assume developer contributions can be used to address large infrastructure upgrades such as those needed to underpin Belfast City Council's current growth projection.

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

Belfast Draft Plan Strategy - NI Water Response 15 November 2018.docx was uploaded

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

No

9. Type of Procedure

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

Written representations

Belfast LDP 2035 - Plan Strategy

H. Unsound

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

NI Water has concerns regarding the projected population growth in the Draft Plan Strategy of a 19.4% increase over the plan period. Due to the binary response option in the consultation, NI Water has selected a response of unsound. This is based on the NISRA growth projections for Belfast which estimate an increase of 3.8% over the plan period. If the NISRA total population increase for Northern Ireland is accepted (180,900), Belfast City Council LDP Draft Plan Strategy 2035 is suggesting 37% of this growth will be within Belfast City Council area.

If population growth was to approach the figure stated in the Draft Plan Strategy (66,000), it is highly likely this would reduce the population growth within the neighbouring Borough Councils – Mid & East Antrim (3.2% current projected growth), Antrim & Newtownabbey (6.9% current projected growth), Lisburn & Castlereagh (19.6% current projected growth) and North Down & Ards (3.9% current projected growth).

The Council needs to set out clearly its evidence and rationale to justify that the growth predictions it is employing are realistically achievable. Furthermore, the Council must factor in the affordability and timescales for NI Water to deliver fundamental infrastructure for underpinning the predicted growth in Belfast.

Belfast growth projections have major implications for NI Water in respect of meeting the future demand for wastewater treatment, especially given the severe pressure that currently exists on the wastewater network in the Belfast area. The Council is familiar with the Living with Water Programme (LWWP), which is an initiative that aims to deliver a strategic drainage infrastructure plan for Belfast, subject to adequate funding. A comprehensive overview of the LWWP is presented under Q17 which establishes positions on funding, growth projections and capacity constraints.

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

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

This should relate to only one section, paragraph or policy of the draft Plan Strategy. If you wish to notify us of more than one part of the plan that you consider to be unsound you can choose to submit further responses to other parts of the plan by completing and submitting a copy of Section H for each part you choose to identify.

Relevant Section or Paragraph
Policy (if relevant)

[Preferred Options Paper \(POP\) GR1 – Supporting economic growth preferred option](#)

[Technical Supplement 1: Population Profile and Growth](#)

[Technical Supplement 15: Public Utilities](#)

ENV5 – Sustainable Development

S76 Planning Agreements

Q15. If you consider the Plan Strategy to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6, available at: <https://www.planningni.gov.uk/index/advice/practice-notes/common-newpage-9.htm>

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

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

(Required)

Please select all that apply

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

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

P3 - Has the DPD been subject to sustainability appraisal including Strategic Environmental Assessment?

P4 - Did the council comply with the regulations on the form and content of its DPD and procedure for preparing the DPD?

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

C2 - Did the council take account of its Community Plan?

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

C4 - Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

CE1 - The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils

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

CE3 - There are clear mechanisms for implementation and monitoring

CE4 - It is reasonably flexible to enable it to deal with changing circumstances

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

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

A sound functioning infrastructure is necessary to provide the capability to deliver to the high aspirational growth in the Belfast City Council's Development Plan. It is the resilience of the wastewater infrastructure with respect to the growth aspiration in the Development Plan, which is of concern to NI Water. Currently there are existing wastewater capacity issues in terms of the sewerage network **and** the major treatment works at Duncrue which treats 70% of the wastewater in the Belfast City Council area.

Given the long standing public expenditure constraints affecting wastewater investment in NI and Belfast; and the scale of Council's aspirations with respect to population growth in the Belfast Development Plan it is apparent that Section 3.4.3 and Section 3.4.4 in the RDS

(under Policy SFG2: Grow the population of the City of Belfast) can not be addressed in accordance with the RDS:

SFG2: Grow the population of the City of Belfast

3.43 An efficient public transport system will provide the connections to jobs, services and amenities. This will provide an attractive urban environment for those who live and work in the City. However, there are a number of internationally important nature conservation sites that could be affected by the expansion of Belfast's population. Housing growth must be appropriately managed to avoid adverse effects on these sites. Increased recreational use could put pressure on nearby sites e.g. Belfast Lough. There could also be increased demands on water resources and waste water disposal. **It will be necessary when planning the location and phasing of development that there is sufficient capacity in the existing water supply and waste-water treatment infrastructure or that this can be provided ahead of development without harming the environment.** (Emphasis added).

3.44 There are significant opportunities for more jobs to be created and it will be important to have a wide variety of house types for those wishing to live and work in the City. It is estimated that 22,000 jobs could be created between 2008 and 2028. Most of these jobs will be in the service and office sector and they will be attracted to the City by the availability of a skilled workforce and the quality of life which the City has to offer.

Support a drive to provide additional dwellings.

These additional dwellings will be provided on land already zoned for housing and on windfall sites which become available for development. Assessment is also needed of the scope for higher densities in appropriate locations, particularly at gateway sites into the City Centre, on arterial routes and at transport interchange areas. It will require imaginative and innovative high quality design, including mixed use schemes, to ensure that they link into the existing urban fabric. **The provision of these additional dwellings must take account of environmental capacity studies to ensure that their delivery can be sustainably managed.** (Emphasis added).

The SPSS states:

6.102 The Regional Development Strategy 2035 (RDS) also recognises the need to avoid, where possible, the selection of flood prone land for employment and housing growth. It urges the planning system to adopt a precautionary approach to development in areas of flood risk and the use of the latest flood risk information that is available in order to properly manage development. The RDS (RG12) also **promotes a more sustainable approach to the provision of water and sewerage services** and flood risk management. (Emphasis added).

Supporting Sustainable Economic Growth

4.18 A modern, efficient and effective planning system is essential to supporting the Executive, and wider government policy, in its efforts to promote long term economic growth in the interests of all the people in this region.

4.19 Planning authorities should therefore take a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities. Large scale investment proposals with job creation potential should be given particular priority. **Planning authorities should also recognise and encourage proposals that**

could make an important contribution to sustainable economic growth when drawing up new plans and taking decisions. (Emphasis added).

4.20 When assessing the positive and negative economic implications of planning applications planning authorities should ensure the approach followed is proportionate to the scale, complexity and impact of the proposed development. When taking into account the implications of proposals for job creation, planning authorities should emphasis the potential of proposals to deliver sustainable medium to long-term employment growth. Furthermore, in processing relevant planning applications planning authorities must ensure appropriate weight is given to both the public interest of local communities and the wider region.

4.21 Supporting sustainable economic growth through proactive planning does not mean compromising on environmental standards. The environment is an asset for economic growth in its own right and planning authorities must balance the need to support job creation and economic growth with protecting and enhancing the quality of the natural and built environment. Economic growth can also contribute to higher social standards and improve the health and well-being of our society overall. (Emphasis added).

4.22 In addition, for the planning system to be fully effective in facilitating jobs and investment, everyone involved in the planning process such as applicants, public bodies, community organisations, and the general public must commit themselves to engaging as constructively as possible in the LDP and development management process.

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

The LDP must include a robust evidence base specifically in relation to population.

As guided by the Department in Development Plan Practice Note 7, entitled 'The Plan Strategy', Section 3 of the Planning Act (Northern Ireland) 2011 sets out requirements for Councils in respect of the Local Development Plan (LDP) process where the Council is required to undertake a 'Survey of the District', the legislation states:

(1) A council must keep under review the matters which may be expected to affect the development of its district or the planning of that development.

(2) Those matters include—

(a) the principal physical, economic, social and environmental characteristics of the council's district;

(b) the principal purposes for which land is used in the district;

(c) the size, composition and distribution of the population of the district;

(d) the communications, transport system and traffic of the district;

(e) any other considerations which may be expected to affect those matters;

(f) such other matters as may be prescribed or as the Department (in a particular case) may direct.

The Council's assumptions in respect of population growth are of concern to NI Water for the reasons set out below.

NI Water has provided wastewater capacity information to Belfast City Council for informing the Preferred Options Paper and Draft Plan Strategy. This has not been included in the Technical Supplement 15 Public Utilities in Appendix D. The document contains information provided for BMAP which is out of date. To include such out of date information as part of the evidence base is potentially misleading as it undermines the significant challenges presented by NI Water and the Living With Water Programme in terms of wastewater capacity in Belfast. The LDP Technical supplement 15 should be amended to take account

of and refer fully to the NI Water wastewater system capacity information provided to Belfast City Council, most recently updated in September 2018.

C3 - Did the council take account of policy and guidance issued by the Department?
The Council has not taken account of the Planning Act (Northern Ireland) 2011 and the Strategic Planning Policy Statement

The Planning Act (Northern Ireland) 2011 Part 8 Section 5(b) directs the Council to take account of policy and advice contained in guidance issued by the Department where it states:

(5) In preparing a plan strategy, the council must take account of—
(a) the regional development strategy;
(aa) the council's current community plan;]
(b) any policy or advice contained in guidance issued by the Department;
(c) such other matters as the Department may prescribe or, in a particular case, direct, and may have regard to such other information and considerations as appear to the council to be relevant

This requirement is further referenced and explained in the Departments' 'Development Plan Practice Note 6 'Soundness' (Dept. for Infrastructure, May 2017) where it states:

5.4.8 'Sections 8(5)(b) and 9(6)(b) of the 2011 Act require a Council to take account of any policy or advice contained in guidance issued by the Department in the preparation of the Plan Strategy and Local Policies Plan respectively'.

5.4.9 'These statutory requirements aim to ensure that the DPD takes account of a range of policies and advice which cover the Council area, particularly at the regional level'

5.4.10 'A council should therefore be able to show how policy formulation and development has taken account of the SPPS and any other relevant policy and guidance prepared by the Department. Relevant regional policy should be referred to throughout the DPD to show the linkage between policies and proposals and how they help to implement the core principles, aims and objectives. Technical Supplements may also be used as the evidence base to justify the content of the DPD'.

The Regional Development Strategy ("RDS")

Policy RG8: Manage housing growth to achieve sustainable patterns of residential Development states:

3.16 Any proposed housing development will be dependant on the availability of all necessary infrastructure, including the availability of sustainable water resources and sewerage capacity.

Policy RG12: Promote a more sustainable approach to the provision of water and sewerage services and flood risk management states:

".....The planning for the provision of water and sewerage infrastructure and treatment facilities is both a practical and environmental necessity for regional development.

- Integrate water and land-use planning. Land-use planning should be informed by current water and sewerage infrastructure and future investment programmes. This will involve close cooperation between planning authorities and the water industry in the preparation of local development plans and long-term water

strategies.

- Manage future water demand. Reducing water consumption by reducing waste can lead to a lower carbon footprint as less water will need to be abstracted, treated and pumped. There will also be significant economic benefits through reduced energy and chemical costs. To help manage future water demand in new developments, consideration should be given to including measures such as grey water recycling and rainwater harvesting.
- Encourage sustainable surface water management. Greater use of Sustainable Drainage Systems (SuDS) should be encouraged, particularly as part of significant development proposals. SuDS provide a water quality benefit and if designed appropriately can help control flows into rivers and drains thereby reduce the risk of flooding. All new urban storm water drainage systems should incorporate measures to manage the flow of waters which exceed design standards (exceedance flows) in order to help protect vulnerable areas.”

NI Water has provided wastewater capacity information to Belfast City Council for informing the Preferred Options Paper and Draft Plan Strategy. This has not been included in the Technical Supplement 15 Public Utilities in Appendix D. The document contains information provided for BMAP which is out of date. To include such out of date information as part of the evidence base is potentially misleading as it undermines the significant challenges presented by NI Water and the Living With Water Programme in terms of wastewater capacity in Belfast.

The reference to this out of date information is contrary to the requirements of policy RG12.

This should be amended with the latest information on wastewater capacity (containing several growth factor estimates), most recently updated and provided to Council in September 2018.

The SPPS states:

“3.7 Furthering sustainable development also means ensuring the planning system plays its part in supporting the Executive and wider government policy and strategies in efforts to address any existing or potential barriers to sustainable development. This includes strategies, proposals and future investment programmes for key transportation, water and sewerage, telecommunications and energy infrastructure (including the electricity network).”

“6.96 LDPs should normally contain a number of supporting actions to assist in meeting the needs of business enterprises in ways which are workable and that will ultimately deliver sustainable and high quality development. Such actions should normally include key site requirements to ensure that developers provide necessary infrastructure such as road access, access for pedestrians and cyclists, **water supply, sewerage and land drainage**. The LDP should also provide guidance in terms of key design, layout and landscaping requirements.” (emphasis added)

PPS15 states:

“4.16 Development plans can support the use of SuDS as the preferred option for surface water drainage in the Plan area. For example, measures such as the use of permeable paving for the developable area of a zoned site could be provided for through the stipulation of a key site requirement. Annex C provides further guidance on sustainable drainage systems which ought to

be considered. The Department supports a multi-disciplined approach to plan making with planners working with engineers, environmentalists and the community to formulate solutions to flooding problems. **When formulating development plans, planning authorities will have a statutory duty to consult with the Stormwater Management Group, or other body that may ultimately be assigned authority in this regard through future legislation.”**

NI Water has provided wastewater capacity information to Belfast City Council for informing the Preferred Options Paper and Draft Plan Strategy. This has not been included in the Technical Supplement 15 Public Utilities in Appendix D. The document contains information provided for BMAP which is out of date. To include such out of date information as part of the evidence base is potentially misleading as it undermines the significant challenges presented by NI Water and the Living With Water Programme in terms of wastewater capacity in Belfast.

The Council has not clearly demonstrated how SuDs will be implemented through the application process. Furthermore, the Council has not demonstrated how developers will be required to provide necessary water and sewerage infrastructure through Section 76 agreements or other mechanisms.

CE1 - The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils

The Council has not provided evidence of discussions on growth predictions with neighbouring councils and if collective growth figures have been agreed regarding population. This is necessary to determine if aspirational growth can be facilitated and has been agreed with NI Water’s Shareholder DfI. In terms of NI Water wastewater treatment and sewer network capacities in the BCC catchment the wastewater systems are nearing their capacity. Sewer network performance issues and development constraints are being realised in parts of the Belfast sewerage network already. In addition Belfast water bodies are already failing WFD objectives.

It is essential that growth is agreed with DfI to enable NI Water (via LWWP) to correctly assess the capacity requirements of new assets to support Belfast City’s growth and protect the receiving aquatic environment from further deterioration.

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

The Council’s predicted population growth is not based on robust evidence. It is essential that Council agrees the population growth projection with DfI (NI Water’s Shareholder) to enable NI Water (via LWWP) to correctly design wastewater asset upgrades for delivery during the life of the LDP. The agreement on the population growth projection will also require engagement with Belfast City Council’s neighbouring council areas and is vital for Belfast City’s growth and its Council neighbours to be accommodated to 2035.

CE3 - There are clear mechanisms for implementation and monitoring

There is uncertainty associated with the Living With Water Programme and its implementation and it is unclear how effective mitigating actions will be should the Belfast wastewater system reach capacity.

A Planning MOU needs to be established between NI Water and Council and Planning Application forms need to be revised to contain a section for wastewater network capacity rather than just wastewater treatment capacity.

(A comprehensive overview of the LWWP is presented under question 17 which establishes positions on funding, growth projections and capacity constraints. This needs to be informed by robust population growth figures following their agreement between Council and NI Water's shareholder, DfI).

NI Water questions whether the Council intends to use Section 76 planning agreements to address sewerage related improvements. The Council needs to provide clarity on how Schedule 76 may be used. NI Water already has Developer Contributions within its Scheme of Charges. However, it is unreasonable to assume developer contributions can be used to address large infrastructure upgrades such as those needed to underpin Belfast City Council's current growth projection.

The Council has not clearly demonstrated how SuDS will be implemented through the planning application process (see comments below for more details)

Q17. If you consider the Plan Strategy to be unsound, please provide details of what change(s) you consider necessary to make the Plan Strategy sound. Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. **There will not be a subsequent opportunity to make a further submission based on your original representation.** After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

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

To make the plan sound, the Council should review their population growth predictions, to ensure final growth predictions are based on sound, robust evidence which can be shared with stakeholders. The Council should also demonstrate they have discussed population growth predictions with neighbouring councils and that collective growth figures are realistic and accepted by NI Water's Shareholder, DfI. The growth projections, once accepted by DfI, will then be used by NI Water when designing the upgrade of the Belfast Wastewater Treatment Works.

In addition, the Council should also provide more granularity on growth within the Belfast City Council area. This will assist NI Water in assessing whether it can facilitate future growth in specific parts of Belfast sewer network and/or target high priority infrastructure upgrades and help service the Belfast LDP.

NI Water wishes to establish a memorandum of understanding with Belfast City Council. This engagement is critical as the Preferred Options Paper states that the planning application process will be used to mitigate capacity issues during the period of the plan.

NI Water has provided wastewater capacity information to Belfast City Council for informing the Preferred Options Paper and Draft Plan Strategy. This has not been included in the Technical Supplement 15 Public Utilities in Appendix D. The document contains information provided for BMAP which is out of date. To include such out of date information as part of the evidence base is potentially misleading as it undermines the significant challenges

presented by NI Water and the Living With Water Programme in terms of wastewater capacity in Belfast.

Belfast City Council is part of the Living With Water Programme which is an important initiative for Belfast wastewater infrastructure during the period of the Belfast LDP. A comprehensive overview of the LWWP is presented which establishes positions on funding, growth projections and capacity constraints for full consideration in the Plan:

1) NI Water's position on LWWP wastewater funding

In 2017 DfI advised NI Water to assume that **all** of the c£750m wastewater investment necessary to implement the LWWP Belfast Strategic Drainage Infrastructure Plan in the period 2021 to 2027 will be funded **separately** to the capital that will be made available to implement the PC21 Business Plan. NI Water has asked DfI to confirm this by latest 30 September 2019 to inform the PC21 Business Plan process.

2) NI Water's position on growth projections

Often documents issued by NI Departments and Local Councils do not provide a single set of consistent growth projections, with many Local Development Plans (LDP) indicating higher projections than projected in the DfI Regional Development Strategy (RDS). Without care this could lead to different assumptions being used, which could result in a range of problems, such as:

- Gateway reviews find discrepancies, which require revision of the Business Cases, resulting in increased project development cost and delays to implementation.
- Assets built with excessive capacity.
- Assets built with inadequate capacity.

DfI recognised this when it issued the 'Guidance Note: The Development of Growth Projections for Drainage & Wastewater Infrastructure Investment Forecasting and Spatial Planning' (V1, 21 October 2016) to NI Water and to each Local Council in 2016. DfI's guidance explains that the projections provided in the RDS may be different to other sources, and sets out the process that should be followed to determine which should be used. The following is extract of the text from Section 3.3:

The relevance and weight to be given to the abovementioned sources will be a matter for the professional judgement of the infrastructure investment planner. The investment planner shall assess which input data is likely to be more appropriate, and set out the reasoning for the final figures used in a detailed methodology paper. This is particularly important where any projections used contradict anything in a document that is listed as being higher in the general hierarchy.

If necessary, guidance should be sought from DfI Water & Drainage Policy Division, which will if necessary, engage with other parts of DfI.

On 29 September 2018 NI Water and DfI attended a meeting with BCC and its consultants Arup in relation to the Belfast Infrastructure Study (BIS). During that NI Water clearly set out its position on the provision that would be made for growth in investment plans, and followed that through with a post-meeting note on 4 October 2018. This communication stated:

In relation to NI Water's activities the Belfast Infrastructure Study should focus on wastewater capacity constraints (sewerage network and wastewater treatment). A key area is the growth projections to be used in capital investment appraisals, with the RDS

and BCC growth projections being very different. NI Water's LWWP WP6 (DAP) and WP7 (WWTE) appraisal consultants (Atkins, McAdam Design, RPS and WYG) are currently engaging with the relevant parts of BCC, DfI and industry to understand these projections and then develop a recommendation on what to assume for DfI WDPD to consider. NI Water will then only follow DfI WDPD guidances on what to assume for growth projections, hence if BCC wants NI Water to plan for growth it should set out the reasoning to DfI WDPD.

3) Belfast Capacity Constraints

NI Water has commissioned a number of studies and investigations throughout the past 18 months which have confirmed that Belfast WWTW is operating significantly above its original design capacity.

Despite increased operational interventions at the WwTW NI Water is of the view that its compliance is increasingly at risk. To permit the indicated growth in Belfast beyond 2021 (i.e. during the period of the Belfast Local Development Plan (2020 to 2035)) significant investment would need to be made to increase the capacity at the Belfast Wastewater Treatment Works. However even if funding is available, given the scale of the investment required and the lead in time for delivery, there may be a period where growth could not be accommodated.

Currently NI Water is planning investment to maintain compliance (with the treated effluent discharge standard) and, if possible, continue to facilitate new connections without an interruption gap as follows:

- Phase 0 (already under way and until phase 1 is completed): possible low cost capital modifications and operational cost interventions under a detailed 'compliance risk mitigation plan' (the implementation of which is subject to additional funding being priorities and/or being provided to NI Water by DfI during the PC15 and PC21 periods)
- Phase 1 (connecting in 2021 and to be completed by the end of 2023): major capacity upgrade
- Phase 2 (commencing 2023 and completed by February 2027): major upgrade to achieve more stringent discharge standards (including further storm tanks and sea outfall extension)
- Phases 1 and 2 are subject to funding under the LWWP.

There is a significant risk that the actions under the 'compliance risk mitigation plan' may not facilitate compliance from 2021. Hence the WWTW may be non-compliant from 2021 until the Phase 1 works have been completed – a period of around 3 years. Due to this risk NI Water is seeking direction from DfI and NIEA on whether or not planning applications that will result in new connections from April 2021 should be recommended for acceptance.

In addition, wastewater network capacity issues are emerging due to sewer network modelling activities being undertaken in Belfast. As a result of this new connections are being declined in parts of the catchment (for example the Glenmachan catchment and East Belfast).

CE3 - There are clear mechanisms for implementation and monitoring

There is uncertainty associated with the Living With Water Programme and its implementation and it is unclear how effective mitigating actions will be should the Belfast wastewater system reach capacity.

A Planning MOU needs to be established between NI Water and Council. Furthermore the Planning Application Form needs to be revised to contain a section for wastewater network capacity rather than just wastewater treatment capacity.

S76 Planning Agreements

NI Water questions whether the Council intends to use Section 76 planning agreements to address sewerage related improvements. The Council needs to provide clarity on how Schedule 76 may be used. NI Water already has Developer Contributions within its Scheme of Charges. However, it is unreasonable to assume developer contributions can be used to address large infrastructure upgrades such as those needed to underpin Belfast City Council's current growth projection.

SuDS

ENV5 – Sustainable Development Systems (SuDS)

Whilst this policy is welcomed, it is unclear how some aspects of the policy will work in practice:

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

NI Water Response