



# Commentary on Belfast Local Development Plan: Draft Plan Strategy

September 2018

**Turley**

# Executive Summary



**Angela Wiggam**

Director, Planning, Belfast  
angela.wiggam@turley.co.uk  
07920 862 500



**Emma Walker**

Associate Director, Planning, Belfast  
emma.walker@turley.co.uk  
07867163414

The vision within Belfast City Council's draft Plan Strategy is bold, ambitious and at its heart seeks to deliver transformational change. The key question is whether the draft policies meet the tests of Soundness and assist in unlocking the council's vision.

Rather than opting to revert to a blank sheet of paper in preparing the draft Plan Strategy, much of the substance resonates with the draft Belfast Metropolitan Area Plan (BMAP) 2015.

The draft Plan Strategy largely incorporates the hierarchies, designations and associated policies formerly set out in dBMAP, albeit the policies have been tweaked. This has then been strengthened through the introduction of new policies which aim to deliver on the cross cutting themes stemming from the Belfast Agenda and changes in planning legislation. The new policies primarily focus on sustainable development, health & wellbeing and addressing climate change.

A few of the most notable new policies include:

- An affordable/social housing policy, applicable to all developments of five units or more, or on sites of .1 hectare or greater. With the requirement that 20% of the units should be for affordable/social housing.
- The introduction of the Lifetime Home Standards to all new residential developments.
- A housing mix policy which would require developers to demonstrate that the type and size of units they are proposing is directly related to an unmet requirement in the area.

- The submission of a Health Impact Assessment on all major development proposals in order to demonstrate that a new proposal does not give rise to significant adverse effects on the health and wellbeing of people living and working in the immediate area.
- The inclusion of Community Cohesion policies which support new developments within proximity of peacelines.
- A subtle change in the exceptions tests to be applied to development proposals on zoned employment land and the introduction of a permissive policy which would support office development of up to 400 sq m at district and local centres.
- Within the city centre, support for mixed-use developments on sites identified within Masterplans and Special Action Areas, subject to normal planning criteria being addressed.
- The introduction of Environmental Quality policies which will place the onus on applicants to demonstrate that the new development does not give rise to unacceptable impacts upon the environment with a specific focus on ground contamination, air quality, water quality, noise and light pollution.
- That new developments should incorporate green infrastructure as an integral part of the proposals e.g. green walls or roofs, SuDS, tree and hedgerow planting.
- A natural heritage policy that would require that all planning applications should be accompanied by the appropriate site surveys and assessments.

Any representations which identify aspects of the draft plan strategy - hierarchies, designations or policies which should be removed and/or modified need to be formulated on the basis of the Soundness tests.

Unlike submissions to previous draft Plan Strategies, all representations must be crafted on the basis of Soundness. It is not sufficient to simply register your objection to the plan. You need to explain why the Plan is unsound and identify the change you are seeking.

The tests of Soundness focus on:

- Procedural conformity – has the council followed its LDP timetable? Has the draft Plan Strategy been formulated in line with the legislative requirements?
- Consistency - is the draft Plan Strategy in line with planning policy and legislation and key council documents
- Coherence and effectiveness – is there a robust evidence basis to support a draft policy/designation; are the policies realistic?

The period for the submission of representations to the draft Plan Strategy opened on Thursday 20 September 2018 and will run until 15 November 2018.

For more information or to discuss making representations please contact Angela Wiggam or Emma Walker.

# Introduction & Background

Belfast City Council (BCC) has produced a draft Plan Strategy (PS) which sets out the council's blueprint for new development over the next 15 years. In line with the legislation, the council has identified an eight week period for the submission of responses/comments on the draft PS from Thursday 20 September through to November 15 2018.

The draft PS is structured in a slightly different manner than previous Development Plans. The same topic areas are covered, however, topics have been grouped together under the following key headers:

- **Section 5: Strategic policies** – a core set of cross cutting policies to be addressed within all new developments
- **Section 6: Spatial Development** – a blueprint for how specific areas within the city should develop
- **Section 7: Sharing a Liveable Place** – a series of policies which focus on shaping the physical environment: housing, design, built heritage, community cohesion, healthy communities and community infrastructure

- **Section 8: Creating a Vibrant Economy** – focuses on all uses and developments which contribute to our economy prosperity, employment uses, retail, tourism, leisure and culture
- **Section 9: Building a smart connected and resilient place** – a series of policies which focus on improving the environmental credentials of the city in tandem with reducing the risk from adverse environmental events
- **Section 10: Promoting a green and active place** – policies which focus on the protection of the natural environmental, and the wider landscape setting of the hills around the city

# Strategic Policies

## Policy SP1: Growth Strategy

The draft PS supports the Belfast Agenda's ambition to grow the population of the city by 66,000 additional people over the plan period, resulting in a total population of over 400,000 by 2035. This level of population growth is required to support economic growth, the creation of 46,000 jobs accommodated on 550,000 sq m of floorspace and the need for approximately 31,600 new homes over the 15 year plan period from 2020-2035.

Other strategic policies include:

- **SP2: Sustainable Development** - chimes with the wording of the Planning Act
- **SP3: Improving health and wellbeing** - supports developments which will encourage health and wellbeing. Developments which will result in a significant harm to life, human health or wellbeing will be refused
- **SP4: Community cohesion and good relations** - will support developments which maximise opportunities to build strong and cohesive communities in order to develop good community relations

- **SP5: Positive place making** - embraces the core principles of good design and positive placemaking in all developments akin to the policy stance in the SPPS
- **SP6: Environmental Resilience** - supports development proposals which will help reduce greenhouse gases and adaptable in the face of climate change
- **SP7: Connectivity** - land for sustainable transport projects will be protected
- **SP8: Green and Blue infrastructure network** - the council will support the development of a green and blue infrastructure network

# Spatial Development Strategy

## Housing Policies

The draft PS sets out ten housing policies. There is a clear presumption that all new housing land will be delivered on previously developed land within the urban footprint, and the density of new developments increased depending on the accessibility credentials of the site.

Several new policies are proposed including:

- An affordable housing policy (Policy HOU5).
  - The policy applies to sites in excess of 0.1 hectare or schemes with more than 5 units. The policy requires that a minimum of 20% of units are provided as affordable housing. Affordable housing is defined within the SPPS as relating to social rented housing and intermediate housing. The definition of intermediate housing essentially reflects what shared ownership is. The SPPS clearly states that a Housing Needs Assessment and/or a Housing Market Analysis will be undertaken by the NIHE which will identify the range of specific housing needs, including social/affordable housing requirements.
  - This policy is good news for Housing Associations as it places them in the driving seat of new proposals and adds increased weight to having them as part of a development consortium. That said, the out workings of the policy will require a closer inspection as it does not address the more locational needs based approach advocated in the SPPS, and jars with others proposed policies in the Plan.
  - This requirement is unlikely to come as a surprise to housing developers and Housing Associations, however many are likely to query how the council formulated the requirement to be 20% when other regions operate a requirement that 10% of the proposal should be for affordable housing.
  - Where it can be demonstrated that it is not sustainable or viable for a proposed development to meet the requirements, the council will consider suitable alternatives on a case-by-case basis.
  - The council will seek to secure the affordable housing element through the use of a Section 76 Agreement.

- Housing Mix (Policy HOU6)
  - This prescriptive policy requires developers to undertake an analysis of housing need to inform their decision on the mix of house types and size required. The policy applies to development sites of 0.1 ha and/or containing more than five units. The policy aims to ensure that the new residential developments will assist in meeting community needs, but it may be seen as planners overstepping the mark and interfering in the market. The draft policy states that the exact mix will be negotiated with developers on a case by case basis with the exception of apartment developments which are exempt.
- Adaptable and accessible accommodation (Policy HOU7)
  - In an attempt to improve the adaptability of all new residential developments, the council is proposing that all homes should be designed to a Lifetime Home Standards drawing on several key principles. In addition, for development proposals of 10 units or more, at least 10% of the units should be wheelchair accessible and designed in accordance with a set of criterion which promotes wheelchair accessibility.

Other specific housing policies are proposed for:

- Specialist Residential Accommodation
- Travellers Accommodation
- Housing Management Areas relates to HMOs
- Purpose Built Managed Student Accommodation
- Short term Let Accommodation

## Urban Design

The draft PS sets out four urban design related policies, the most notable is a tall buildings policy (DES 3). DES 3 sets out a positive approach to tall buildings in excess of 35 metres providing that proposals comply with the nine criterion identified in the policy.

## Residential Design

The policies currently set out in PPS7 and its addendum are captured in three residential design policies with specific tests introduced for apartment developments over 30 units which focus on the provision of management arrangements to provide for a positive and safe living development and space, an appropriate level of space for storage and disposal of waste and communal facilities. The plan notes that these aspects may be secured via Section 76 Agreements.

## Built Heritage

The policies set out in PPS6 and its addendum have been condensed into six built heritage policies and largely mirror the existing policy context.

## Community Cohesion and Good Relations

Two policies are proposed which directly respond to the city's transition from a city which has experienced conflict to the normalisation of society. The policies specifically address development proposals on land which is a contest community space and aims to encourage inclusive growth of the city through the removal of barriers.

## Promoting Health Communities

The draft PS includes a policy which aims to ensure that all new developments maximise opportunities to promote health and wellbeing. The policy specifically requires the submission of a Health Impact Assessment as part of any major residential, commercial and industrial development or other proposals with the potential to have a significant adverse effect on public health and wellbeing. The council have indicated that they may seek to use a Section 76 to secure health and wellbeing improvement measures. In order to secure such measures via a Section 76 it is likely that other parties beyond that of the council will be required as the signatory to such a proposal.

## Community Infrastructure

Two community infrastructure policies set out the council's position on the promotion of opportunities for new community, health, leisure, nurseries and educational based facilities over the plan period. The policy directs that new development should be in highly accessible locations and that a Section 76 may be sought to improve access to the development site.

# Creating a Vibrant Economy

## Inclusive Economic Growth

The overarching policy aim is to facilitate the creation of 46,000 new jobs over the plan period. To support this the council propose seven new economic policies. While at face value the policies may resonate with the policies in PPS4, there are a number of positive changes proposed.

- **Policy EC2:** Employment Land Supply - a total of 550,000 sq m has been identified for the B Class Uses as set out in the Planning Use Classes Order (NI) 2015. This assumption has been supported by work undertaken by Ulster University.
- **Policy EC3:** Major & Strategic Employment Locations - terminology which had previously been used in the Draft Belfast Metropolitan Area Plan (BMAP) 2015 and Regional Development Strategy 2025 is back with the council proposing the identification of Major Employment Locations (MEL) and Strategic Employment Locations (SEL) within the city. Alongside this there is a firm commitment that office accommodation will only be permitted within the city centre, or in a MEL or SEL if it can be demonstrated that the development cannot be located within the city centre. MEL and SEL proposed in draft BMAP are proposed to be retained.
- **Policy EC4:** Loss of zoned employment lands sets out the council's contention that zoned employment lands are to be retained and only in exceptional circumstances will consideration be given to granting planning permission for alternative developments. The two exceptions tests represent a departure from the policy context set out in PED 7. The proposed tests have a sharp focus on demonstrating how the loss of a site would not prejudice the long term development of the wider area, and evidence required that the site has been actively marketed without securing market interest.
- **Policy EC6:** Office Development - support for office development within district and local centres providing it is less than 400 sq m, and the identification of office nodes at Queens and Stormont.

## Retail

The draft PS sets out the retail hierarchy focusing on the primary retail core, the city centre, district centres and then local centres. Not surprisingly, a firm emphasis is based on the sequential approach and the requirement that all proposals for main town centre uses (cultural, community, retail, leisure, entertainment and business uses) outside of a defined centre must be accompanied by a sequential and need assessment. Retail applications over 1,000 sq m require a retail impact assessment.

The policies relating to district and local centres and city corridors (arterial routes) are largely a duplication of former draft BMAP policies and the council is advocating the introduction of temporary use/meanwhile uses in an attempt to assist in regenerating vacant lands and buildings.

## The city centre

Over recent years a number of Masterplans and Special Action Actions (SAA) have been formulated, which, together with improvements in public transport (Glider, Rapid Transit) and the future Gamble Street Halt, have assisted in regenerating the city centre. The council is keen to foster and nurture the development opportunities identified in the respective plans, and accordingly has formulated a policy which encourages mixed-use development on sites identified in the respective Masterplans and SAA.

## Tourism, Leisure and Culture

The draft PS sets out a positive policy position for supporting future development proposals across the city providing that normal planning considerations can be satisfied. Similarly, the council propose to operate a protection policy in order to safeguard these assets from being adversely affected by new development. Planning permission will only be granted for the redevelopment of the uses to alternative proposals in instances where it can be demonstrated that the continued use of the facility is no longer viable.

Unsurprisingly, in response to the high number of hotel developments recently approved and/or constructed within the city centre, the council is proposing the introduction of a new policy which will focus on new overnight visitor accommodation within the city centre boundary. Sites beyond the city centre boundary will only be permitted if it can be demonstrated there are specific location requirements as to why accommodation is required in this locality.

Proposals for holiday self-catering apartments, serviced apartment or short term holiday lets will be considered under policy HOU13.

# Building a smart connected and resilient place

This section of the draft PS sets out the policy position in relation to telecommunications, renewable energy, waste infrastructure, and minerals which largely follows the policy context set out in the relevance PPS.

## Transportation

There are a number of positive planning policies which support the development of major land use proposals which take account of the needs of walkers, cyclists and support the development of a more accessible environment. Akin to current policies, provision is made to require the submission of a Transport Assessment and Travel Plan in instances where developments are likely to have a significant impact in traffic generation.

Areas of Car Parking Restraint are identified which are broadly similar to those within draft BMAP, and a clear position taken that parking provision is to be made for developments but with the emphasis on reducing reliance on the private car, particularly for journeys which would be considered as commuter trips. The precise level of car parking will be determined taking account the site and its surroundings.

## Environmental Resilient

Environmental Quality (ENV 1) policy which provides that planning permission will not be provided for proposals which result in an unacceptable adverse impact on the environment with a specific focus on ground contamination, air quality, water quality, noise and light pollution.

An additional new policy is Mitigating Environmental Change (ENV2). The policy seeks that consideration is given to how existing buildings and structures could be reused to avoid demolition with a justification provided as to why it was not possible to reuse the building. An integral part of the policy requires that development proposals maximise the opportunities to incorporate sustainable design features.

The need to address flood risk within the city, and the use of the precautionary principle in assessing development proposals, is reaffirmed with clear evidence given for the use of sustainable drainage systems in all new built development.

# Promoting a Green and Active Place

Policies within this section of the draft PS focus on the protection and promotion of open space, natural heritage, trees, our landscape and coast and development in the countryside.

## Open Space

The suite of new open space policies support:

- the development and improvement of the network and connectivity of green and blue infrastructure across the city
- new developments being required to incorporate green infrastructure as part of the proposals – green walls or roofs, SuDS, tree and hedgerow planting
- new commercial and residential development should make provision for open space in the form of hard and soft landscaped area and outdoor amenity areas

## Natural Environment

The draft PS recognises the importance of the natural environment. In order to ensure the ongoing protection of this asset:

- all planning applications are to be accompanied by the appropriate site surveys and assessments to assist the determination of an application.
- proposals adjacent to a watercourse shall give regard to the protection and enhancement of the natural environment through the adoption of sensitive design, appropriate landscaping and the provision of a setback/wayleave of at least 5 metres (this is largely in tune with current policies set out in PPS2 and PPS15).

## Trees

A specific policy identifying the importance of protecting trees from new development is contained within the draft PS. Trees which make a valuable contribution to the environment and amenity are to be protected and retained, and where the loss of trees is unavoidable, the proposal must make provision for mitigation.

This policy is likely to raise concerns that case officers may consider all trees to be worthy of protection given the broad, and in some instances subjective, nature of the policy criteria. The policy has the potential to be translated into a de facto TPO policy. Similar to other aspects within this section of the draft PS, an assessment of the visual impact alongside details on the health and condition of any trees is likely to be required in order to address this policy.

## Landscape

The council are proposing the introduction of an overarching landscape policy which will apply to any development within a designated landscape area - AONB, AHSV, LLPA and Landscape Wedge. Having met this gateway test, applicants then need to satisfy the terms of the specific tests relative to the location of their development. Further policy requirements are set out for the Lagan Valley Regional Park and Belfast Hills. The substance of the policy tests are broadly similar to those contained within draft BMAP.

## Countryside

All development proposals in the countryside must be supported by a Need Assessment, demonstrate that the development does not give rise to any significant detrimental impact on rural amenity and environmental quality, and address normal planning considerations. Having complied with this gateway test, applicants must demonstrate compliance with the policy test relevant to their development proposal. Overall, the policy tests are broadly similar to that set out in PPS21, and incorporate a few subtle tweaks, for instance the infill policy will only permit one unit in comparison to two under PPS21.

**Belfast**

Hamilton House  
3 Joy Street  
Belfast  
BT2 8LE  
t 028 9072 3900

**turley.co.uk**

 **@turleyplanning**

 **linkedin.com/company/turley**

**Turley**