

**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



**Belfast
City Council**

20th June, 2022

MEETING OF THE PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in hybrid format, both in the Council Chamber and via Microsoft Teams on Monday, 27th June, 2022 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

1. Routine Matters

- (a) Apologies
- (b) Declarations of Interest

2. Proposed Abandonment (Pages 1 - 2)

3. Planning Applications

- (a) (Reconsidered Item) LA04/2020/1959/F - New parkland (Section 2 Forthmeadow Community Greenway) - foot and cycle pathways, lighting columns, new entrances and street furniture on site including vacant land bounded by the Forthriver Industrial Park in the east Springfield Road to the South and Paisley Park & West Circular Road & Crescent to the West. Area also includes links through the Forthriver **(Pages 3 - 88)**

- (b) (Reconsidered Item) LA04/2019/0775/F - 18 dwellings to include revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works on lands approximately 50m to the north of 35 Hampton Park and approximately 30m to the west of 60 Hampton Park, Galwally (Report to follow)
- (c) LA04/2019/1819/F & LA04/2019/1820/DCA - Demolition of existing dwelling and erection of 3 storey (and basement) detached dwelling with garage and landscaping to front and rear at 28 Malone Park (Report to follow)
- (d) LA04/2022/0140/F - Change of use from an indoor trampoline park to retail, Units E-F, Westwood Shopping Centre, 51 Kennedy Way (Report to follow)
- (e) LA04/2021/1672/O - Hybrid planning permission for mixed use development on lands at the Gasworks Northern Fringe site (Report to follow)
- (f) LA04/2022/0535/F & LA04/2022/0468/DCA - Re-cladding of the exterior of the former BHS building at 13-25 Castle Lane Belfast (Report to follow)
- (g) LA04/2021/1231/O - Demolition of existing buildings and erection of 36. apartments in 2 blocks at 385 Holywood Road (Report to follow)
- (h) LA04/2021/2519/F - Variation of Condition relating to Operating Hours at Former Church of the Holy Rosary, 348-350 Ormeau Road (Report to follow)

4. **Miscellaneous Items**

- (a) Local Applications with NI Water Objections (Report to follow)

5. **Restricted Item**

- (a) Update on Planning Portal replacement IT system (Pages 89 - 102)

Local Planning Office
Belfast City Council
Cecil Ward Building
4-10 Linenhall Street
BELFAST
BT2 8BP

Annexe 7, Block 2
Castle Buildings
Stormont Estate
Upper Newtownards Road
BELFAST
BT4 3SQ

Telephone: 0300 200 7899

Textphone number: 028 9054 0022

Being Dealt With By: Sandra Connolly

Email: Sandra.connolly@infrastructure-ni.gov.uk

Direct Line: 02890 526162

Your Ref:

Our Ref: MD2/Z/03/1075

Date: 13 June 2022

Dear Sir/Madam

ROADS (NI) ORDER 1993
PROPOSED ABANDONMENT AT SHAWS BRIDGE, BELFAST

Department for Infrastructure are proposing to abandon the land as shown hatched/highlighted on the attached map.

The abandonment is necessary to remove public rights of way over land no longer owned by the Department.

Please let me have your comments on the above proposal.

If I do not receive your reply I shall assume you have no objection and will proceed accordingly.

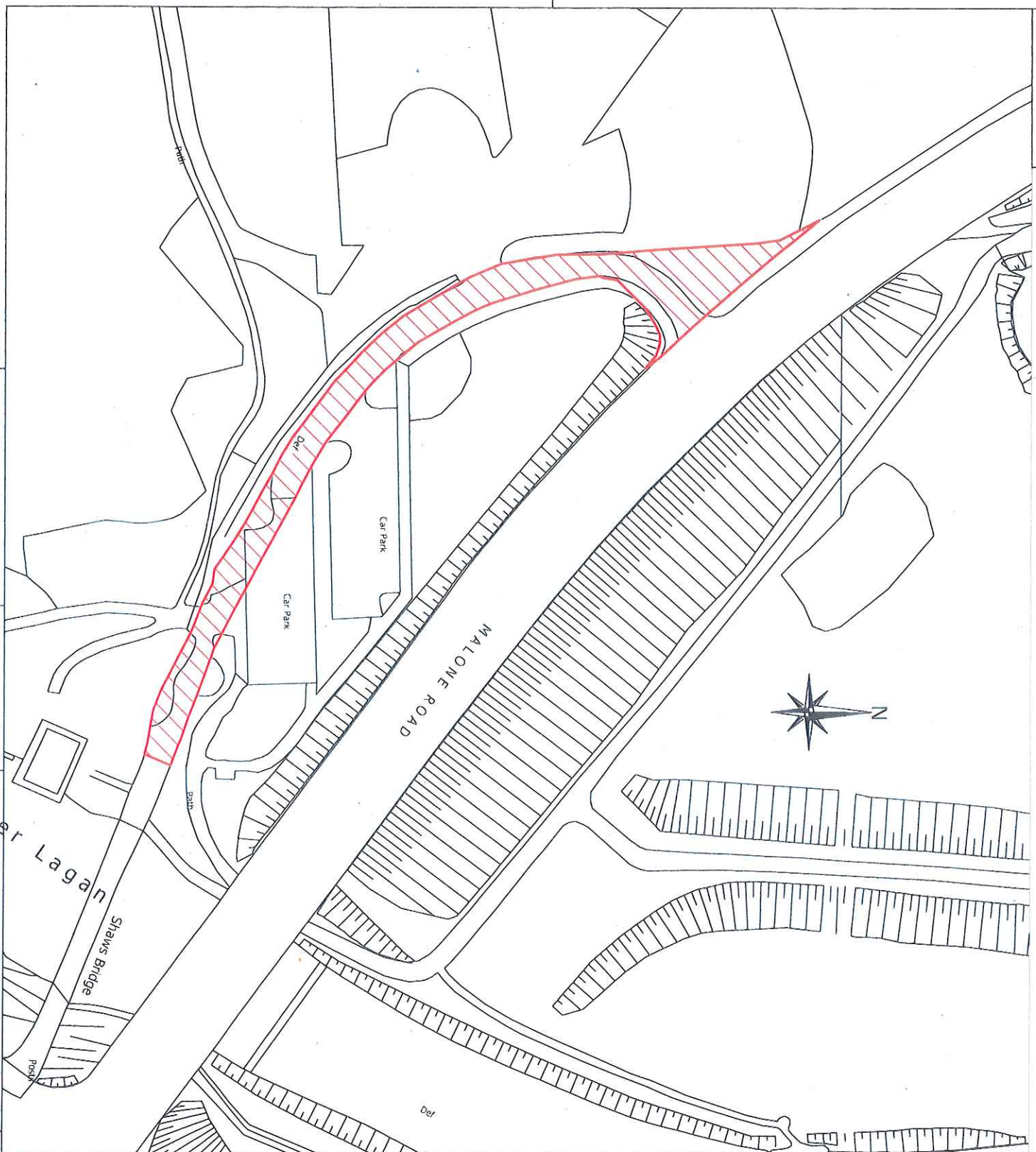
Yours faithfully



Sandra Connolly
Lands Section

ENC





Based upon the Ordnance Survey of Northern Ireland 1:1000 Scale Map with the permission of the Director and Chief Executive
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Copyright and may lead to prosecution or civil proceedings

Notes:



Area = 1721.234 Sq.m.

Map Refs:-

147-9-SW1
147-9-SW3

NO	REVISION	DATE

Disposal of Lands

Title:

Drawing Title

FILE NO	DESIGNED	J.B.G.	DATE	6/12/18
DRAWN	CHECKED	INIT	DATE	00/00/00
TRACED	APPROVED	INIT	DATE	00/00/00

Dwg No	Revision
Dwg No.	0

Scale: 1:1250

transportni

Eastern Division

Hydebank
4 Hospital Road
Belfast BT8 8JL
Telephone: 028 9025 3000
Fax: 028 9025 3220



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ADDENDUM REPORT

Committee Meeting Date:	27 th June 2022
Application ID:	LA04/2020/1959/F
Proposal: Proposed new parkland (Section 2 Forthmeadow Community Greenway) – foot and cycle pathways, lighting columns, new entrances and street furniture.	Location: Site to be developed includes vacant land bounded by the Forthriver Industrial Park in the east Springfield Road to the South and Paisley Park & West Circular Road & Crescent to the West. Area also includes links through the Forthriver Industrial Park to Woodvale Avenue land at Springfield Dam (Springfield Road) Paisley Park (West Circular Road) and the Junction of West circular Road & Ballygomartin Road.
Referral Route: Application for Major development. Belfast City Council as applicant.	
Recommendation: Approval subject to Conditions	
Applicant Name and Address: Belfast City Council Property and Projects Department 9 Adelaide Street Belfast BT2 8DJ	Agent Name and Address: McAdam Design 1c Montgomery House Castlereagh Business Park 478 Castlereagh Road Belfast BT5 6BQ
<p>ADDENDUM REPORT</p> <p>This planning application was to be considered by the Planning Committee at its meeting on 14th June 2022. However, the Committee agreed to defer consideration to the Special Meeting on 27th June 2022 in order to allow the objectors more time to consider the Case officer's report and the Judicial Review findings.</p> <p>This addendum report should be read in conjunction with the report to the 14th June 2022 Committee and Late items report to that meeting, a copy of which are appended.</p> <p>The recommendation remains that planning permission should be granted for the reasons set out in the report to the 14th June 2022 Committee. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.</p>	

Planning Committee Development Management Officer Report

Committee Meeting Date:	14 th June 2022
Application ID:	LA04/2020/1959/F
Proposal: Proposed new parkland (Section 2 Forthmeadow Community Greenway) – foot and cycle pathways, lighting columns, new entrances and street furniture.	Location: Site to be developed includes vacant land bounded by the Forthriver Industrial Park in the east Springfield Road to the South and Paisley Park & West Circular Road & Crescent to the West. Area also includes links through the Forthriver Industrial Park to Woodvale Avenue land at Springfield Dam (Springfield Road) Paisley Park (West Circular Road) and the Junction of West circular Road & Ballygomartin Road.
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Recommendation: Approval subject to Conditions	
Applicant Name and Address: Belfast City Council Property and Projects Department 9 Adelaide Street Belfast BT2 8DJ	Agent Name and Address: McAdam Design 1c Montgomery House Castlereagh Business Park 478 Castlereagh Road Belfast BT5 6BQ
Background <ol style="list-style-type: none"> 1. This planning application was first considered by the Planning Committee at its meeting on 14th September 2021 following a Committee site visit on 9th September 2021. The Committee resolved to grant conditional planning permission with the final wording of conditions delegated to the Director of Planning and Building Control. 2. The Council issued the decision notice on 25th January 2022. The decision was subsequently subject to Judicial Review which the Council conceded. 3. The Judicial Review was conceded on one ground of illegality, which specifically related to the misinterpretation of Belfast Urban Area Plan 2001 (BUAP) and the erroneous introduction of “complementary” as a relevant planning test, where the BUAP uses only the term “ancillary.” 4. The Council’s decision to grant planning permission was quashed and the status of the application has reverted to “undetermined”. The application is reported back to the Committee so that it can make a new decision. 5. This report has considered the wider grounds of challenge contained in the judicial review. The judicial review raised a number of planning policy issues and, although the challenge was conceded on the narrow ground noted above, there were other grounds raised. In particular a detailed report was submitted by the challenger’s planning consultants that raised a number of policy issues. That report is attached to this report at Appendix 4 for ease of reference. Briefly the grounds of challenge were: 	

- a) The approach to and interpretation of the BUAP, and in particular Policy IND6;
 - b) The approach to and interpretation of the draft BMAP;
 - c) The approach to and interpretation of Planning Policy Statement 4, Policy PED 7;
 - d) The approach to and interpretation of the Strategic Planning Policy Statement (“SPPS”) paragraph 6.39;
 - e) The parkland application and the scale of proposed development compared to the green way referenced in the draft Belfast Metropolitan Area Plan (“draft BMAP”);
 - f) Relatedly the approach to BUAP R3 and draft BMAP OS policy; and
 - g) the creation of parkland, as proposed, was the delivery of a community greenway misinterpreting BUAP Policy R3 and BMAP Policy OS 1.
6. This is a new case officer report which undertakes a fresh assessment of the application, having regard to the issues raised in the Judicial Review. Planning policies which are particularly relevant to consideration of the application are listed in full at **Appendix 1**.
7. By way of background, a copy of the original case officer report to the 14th September 2022 Committee is provided at **Appendix 2**. A copy of the Late items report to the same Committee is provided at **Appendix 3**.

Description of the Site

8. The site location plan is reproduced below.

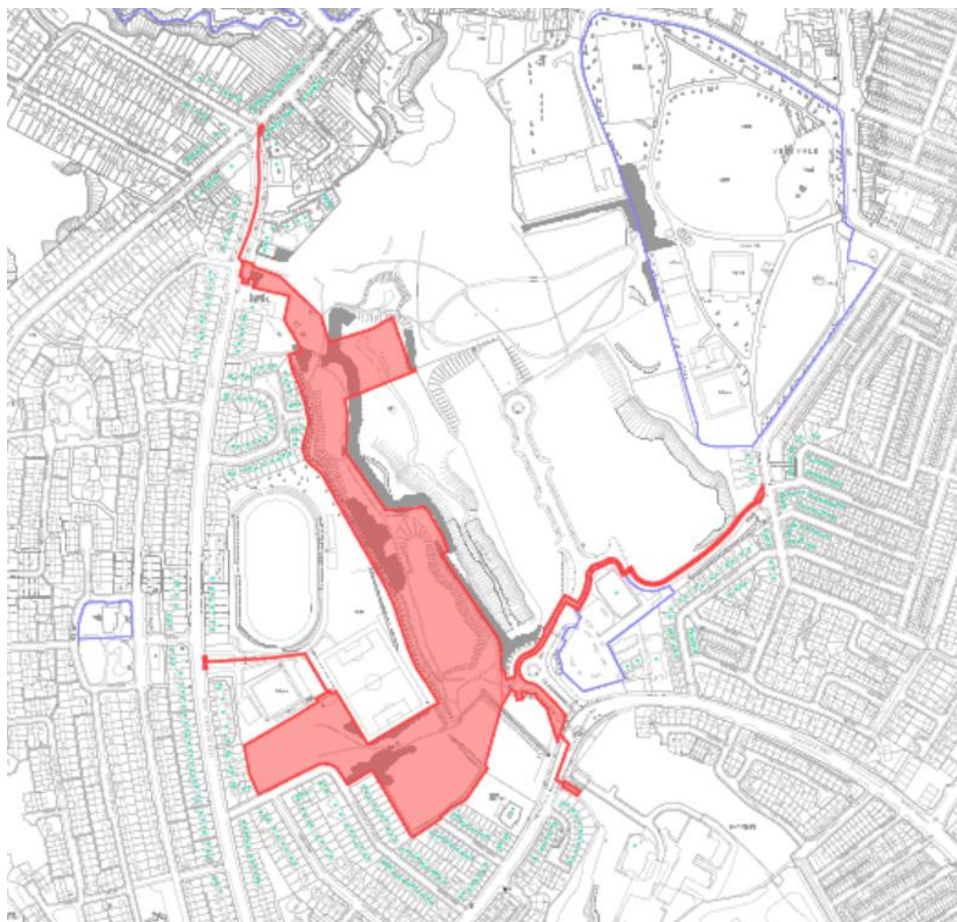


Figure 1: Site Location Plan

9. The application site comprises approximately 6 hectares (ha) of undeveloped land in the west of the city. The site is located to east of West Circular Road, south of Ballygomartin Road and north of Springfield Road.
10. The site is located to the west of the former industrial Mackies site and extends from West Circular Road to the north and Springfield Road to the south. It also connects to West Circular Road to the west and Woodvale Avenue to the east.
11. The site is a large area of open land, characterised by grassed areas, planting and a variety of trees, and includes the Forth River ravine to the east of the site. Paisley Park track and infield pitch and Albert Foundry Bowling Club are adjacent to the site curtilage to the west. There is a large area of flat open land to the east, which once formed the industrial Mackies site but has since been cleared. A new distributor road has been formed into that land to the east to provide access to this part of the employment zoning. The Innovation Factory which provides workspace and support to entrepreneurs, is situated immediately adjacent to the site, to the south east.
12. Further to the north, west, south and east of the site is housing. A Tesco supermarket is located off Ballygomartin Road further to the north east.

Description of the Proposed Development

13. The application seeks full planning permission for a parkland including foot and cycle pathways, lighting columns, new entrances and street furniture.
14. The proposal forms Section 2 of the wider Forth Meadow Community Greenway, which is intended to provide connectivity through the west and north of the city, see Figure 1 below.

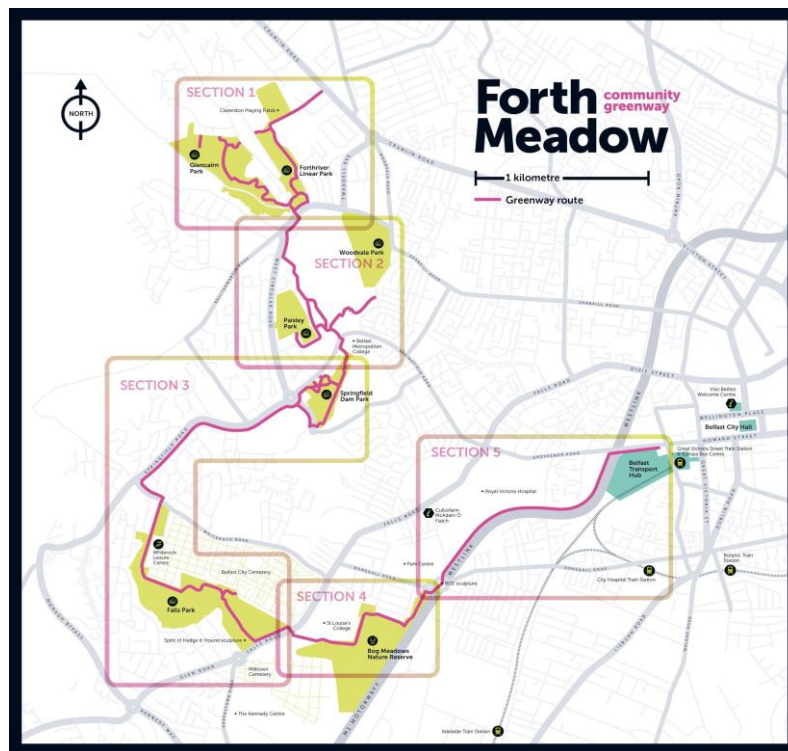


Figure 1: Location of Forth Meadow Community Greenway

Relevant Planning History

15. The application has been subject to a Proposal of Application Notice (PAN) as required by Section 27 of the Planning Act (Northern Ireland) 2011 and subsequent pre-application community consultation (reference LA04/2019/1869/PAN). The reassessment of the current substantive planning application is on the basis of the information and documentation originally submitted, taking account of the objections, which were part of the judicial review. It has been supplemented by a further site visit and consideration noted in this report.
16. In May 2017, planning permission was granted for provision of vehicular and pedestrian gates and fencing, street lighting and 10 no. columns along the access road to Woodvale Avenue (LA04/2016/2678/F). The permission was essentially for an alternative route for the link to Woodvale Avenue proposed by the current application.
17. To the south of the application site, adjacent Springfield Road, is a current undetermined application for a 24 space car park to serve Springfield Primary School (LA04/2021/1188/F).
18. In relation to the former industrial Mackies site to the east, planning permission was granted in February 2004 for infrastructure development comprising an access road and services linked to new Springfield Road junction and the formation of levelled site development plateaus (Z/2003/2058/F). A subsequent amended application for infrastructure development including access road, service links and levelling of development plateaus was approved in November 2004 (Z/2004/1997/F). The access road has subsequently been built out to facilitate future development of the former industrial Mackies site.
19. Planning permission was granted in April 2005 for the construction of 12 units in three separate blocks for light industrial use, associated car parking and a security hut (Z/2004/2845/F) on the land to the east. The permission was unimplemented.
20. Planning permission was granted in June 2012 on land to the north and north east for infilling of land and culverting works of Forth River (retrospective) and proposed erection of 247 residential units comprising 117 no. townhouses, 68 no. mews dwellings, 14 semi-detached dwellings and 48 no. apartments, new access and right turning lane at West Circular Road, associated car parking, open space and improvements to Woodvale Park. The permission was unimplemented.
21. Planning permission granted in June 2009 for demolition of existing structures and construction of 34 no. apartments and 4 no. townhouses with associated site works (Z/2008/0064/F). This permission has been implemented.

Planning Policy Framework

22. The planning policy framework relevant to the assessment of this application is summarised below.

Development Plan

Belfast Urban Area Plan 2001

Draft Development Plan

Belfast Metropolitan Area Plan 2015 (v2004)
Belfast Metropolitan Area Plan 2015 (v2014)

Belfast Local Development Plan 2035 Draft Plan Strategy

Regional Planning Policy

Regional Development Strategy 2035 (RDS)
Strategic Planning Policy Statement 2015 (SPPS)
Planning Policy Statement 2: Natural Heritage (PPS 2)
Planning Policy Statement 3: Access, Movement and Parking (PPS 3)
Planning Policy Statement 4: Planning and Economic Development (PPS 4)
Planning Policy Statement 6: Planning, Archaeology, and the Built Heritage (PPS 6)
Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation (PPS 8)
Planning Policy Statement 15: Planning and Flood Risk (PPS 15)

Local Planning Policy

Belfast City Council Developer Contributions Framework 2020

Consultation Responses

23. Consultation responses and representations are summarised below.

Statutory consultees

DfI Roads – No objection
DfI Rivers Agency – No objection
DAERA – No objection subject to conditions
DfC Historic Environment Division – No objection
NI Water – No objection

Non-statutory consultees

BCC Plans and Policy team – No objection
BCC Environmental Health – No objection subject to conditions
BCC Tree Officer – No objection subject to conditions
BCC Landscape, Planning and Development – No objection
Shared Environmental Services – No objection

Representations

24. The application has been neighbour notified, advertised in the local press and made available on the Planning Portal Public Access. Five representations have been received, including two letters in support and three objections.
25. The two representations in support of the proposal are from a neighbouring resident and Belfast Hills Partnership. They outline general support for the proposal but also bring to the Council's attention that there are invasive species on the site.
26. Three objections were received (one of which was addressed to Members of the Planning Committee at its September 2021 meeting). A summary of these objections is provided below.

Participation and the Practice of Rights (PPR)

- This section of the proposed community greenway is an anomaly as the other sections are in parkland whereas this is a brownfield site.
- The Council previously committed to resolving equality concerns but these have yet to be properly addressed. The previous screening for the wider community greenway project failed to acknowledge that the site is brownfield and capable of delivering development that will address equality at the site in line with the Council's obligations.
- People in Belfast are waiting on average 23 months for a home – the longest waiting time of any area. Nearly 3,000 people in West Belfast are in housing stress compared to only 401 homes allocated to new tenants. NIHE recognises that there is a supply issue. The proposal would set-aside a large windfall site in an area of the highest housing need.
- The potential use of brownfield land as parkland has potential equality impacts.
- The dimensions of the proposed site do not correspond with any specific need.
- The site has no surveillance by design and would be an unwelcoming and threatening space. A linear park with housing facing it would be preferable.
- The proposal violates regional policy including the SPPS and PPS 4 which seek to protect zoned employment land. The land is zoned for employment in both the BUAP 2001 and draft BMAP 2015. Only the LDP process can redesignate the land. The Planning Appeals Commission (PAC) recommended removal of the LLPA designation as it would compromise the employment zoning. The LLPA was subsequently dropped.
- According to the PAC, draft BMAP 2015 has no material relevance.
- The proposal is premature to the new Belfast LDP and growth strategy.
- The proposal is contrary to the Council's Green and Blue Infrastructure Plan. It deviates from the established route in draft BMAP 2015, GBIP and draft Belfast Plan Strategy. It would also prejudice delivery of employment land.

Solicitors acting on behalf of PPR also submitted a critique of the original case officer report to the 14th September 2021 Planning Committee, as summarised below. This new case officer report addresses the substantive points raised.

- The September 2021 Committee report refers to Policies IND4 and IND6 of the BUAP 2001. In relation to Policy IND4, the site is not a Simplified Planning Zone (SPZ). Policy SPZ states that the establishment of SPZs will be considered. The Planning Act 2011 permits the Council to make SPZs. No SPZ has ever been made for this site and it is unclear why it is being referenced in the Committee report.
- Policy IND6 seeks to reserve industrial and commercial and for appropriate types of development and protects such land from non-employment uses. Policy IN6 does state that it is necessary to be flexible but this is limited to industry and employment and does not support replacement with a park. Additional uses that would be acceptable include:
 - Light and general manufacturing
 - Warehousing and stockholding
 - Car and commercial vehicles sales
 - Repair businesses
 - Building suppliers and associated storage
 - Training centres, vehicle inspection and driving test centres
 - Ancillary local needs e.g. banks, cafes
- The September 2021 Committee report refers to the zonings in dBMAP 2015 (version 2004) and dBMAP 2015 (version 2014). Par. 9.10 of the report is misleading as it states that the employment zoning is overwritten by Policy BT162 of draft BMAP 2015 (v2014), however, this policy does not exist and is only present in draft BMAP 2015 (v2004).
- The greenway zoning is aligned with and is located on the Forth River Valley, not on the western side of zoning BT 004 in dBMAP 2015 (v2014). There are good planning

reasons for this which relate to ecology and topography. The community greenways are identified on Map Nos. 4/001 to 4/004.

- In any event dBMAP 2015 (v2014) cannot override regional planning policy and PPS 4 which seeks to protect employment land. Policy PED 7 of PPS 4 states:
'Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted unless the zoned land has been substantially developed for alternative uses.'
- Par. 9.10 of the Committee report ignores the key site requirement that the land shall only be used for employment purposes. Reference to development being excluded from the landscape corridor only relates to the housing zoning and not to the employment land.
- The proposal would result in the loss of 30% of the wider employment land and no consideration has been given to PPS 4 including Policy PED 7.
- The statement about prematurity at par. 9.12 of the Committee report is incorrect because the Belfast LDP Plan Strategy is entirely reliant on the conversion of a significant proportion of employment land to residential use. The letter disagrees with the assessment of prematurity and believes that the matter does go to the heart of the Plan Strategy. The loss of 30% of protected employment land would create a city-wide precedent with significant ramifications for the Development Plan process.
- The Committee is invited to adjourn consideration of the application so that fuller representations on the Committee report can be made.

Town and Country Planning Association

- Supports the principle of community greenways but objects to this application.
 - The land is zoned for employment in BUAP 2001 and draft BMAP 2015. The proposal is contrary to both the SPPS and PPS 4 which seek to protect employment land.
 - The PAC recommended removal of the LLPA from draft BMAP 2015 as it would compromise the employment zoning.
 - The proposal is premature as it would prejudice the outcome of the new Belfast Local Development Plan. The proposal would be prejudicial to the new LDP process.
 - The proposal would prejudice the Council's own growth strategy which seeks to confine new housing and employment to within the boundary of the city.
27. With reference to the equality concerns, the recommendation to grant planning permission has been the subject of an equality screening process as defined in the Council's Equality Scheme. The officer recommendation to grant planning permission has been screened out; with no adverse impacts identified.
28. In relation to the objection that the site and lands should instead be used for social housing, the Council must assess the proposal before it – the proposal is not for social housing. The Council cannot compel the landowner to bring forward an application for social housing. The Council's draft Plan Strategy includes specific planning policy provisions which seek to address social housing needs. The future zoning of land for housing will be addressed through the next stage of the development plan process, the Local Policies Plan.
29. The substantive points are considered within the main assessment below.

ASSESSMENT

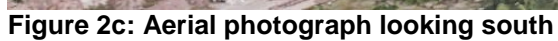
30. The application site has been re-visited by officers and the proposal reconsidered.
31. It is apparent that a large portion of the application site is physically constrained. The Forth River ravine is located immediately to the east. From the river, there is a steep gradient up to a narrow plateau which forms the central part of the site. The site then narrows again further northwards. This is illustrated in the Google aerial image, photographs and topographical survey of the site shown overleaf. The site is topographically constrained and falls away towards the existing hardstanding pathway by approximately 6-7m before descending sharply towards the Forth River Ravine.
32. Beyond the proposal site to the east is a much more expansive and flatter area of land.



Figure 2a: Aerial Google image looking north west



Figure 2b: Aerial photograph looking north



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34. The site is also situated in an elevated position and it is reasonable to expect that new development on the plateau would require additional landscaping on the eastern boundary to screen views from the east. This would further reduce the developable area within the proposal site. In short, the topographical and physical constraints limit the site's developability.
35. The catchment of the Forth River to the east is close to parts of the application site as shown in Figure 4.1 below.



Figure 4.1: River and Coasal Flood Maps

36. A review of the surface water maps shows that surface water flooding is predicted within part of the site during a Q100 rainfall event (including climate change). The affected area is in the northern part of the site as shown in Figure 4.2 below. According to the applicant's flood risk and drainage assessment, the site levels indicate that the northern part of the site is relatively flat and surface flow is not adequate to drain this area through the ravine to the River Forth.



Figure 4.2: Surface Water Flood Map

Planning Policy Context

37. Section 6(4) of the Planning Act (Northern Ireland) 2011 (“the Act”) states that: *‘Where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.’*
38. Section 45(1) of the Act states that the council must *‘...have regard to the local development plan, so far as material to the application, and to any other material considerations...’*.
39. In considering the elements of applicable policy, Officers have been mindful of the local and regional policy presumptions against the loss of industrial, commercial or employment lands.
40. The adopted local development plan for the area is the Belfast Urban Area Plan 2001 (BUAP).
41. It was originally intended that the Belfast Metropolitan Area Plan 2015 (BMAP) would replace the BUAP. Draft BMAP (version 2004) was first published in 2004 and subsequently subject to an Independent Examination presided over by the Planning Appeals Commission (“the PAC”). The PAC published its report in 2011 following the Independent Examination. Draft BMAP (version 2014) was subsequently amended and the (then) Minister for the Department for the Environment purported to adopt it. However, following a legal challenge, the purported adoption was held to be unlawful by the courts. Draft BMAP remains a draft plan and has retained this draft status ever since.
42. Following the reform of local government in April 2015 and most planning powers being devolved to councils, the Council began working on a new local development plan to replace the BUAP. The draft Plan Strategy has been subject to Independent Examination by the PAC and the Council has been provided with a copy of its Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as the Council’s draft Plan Strategy has been adopted. Accordingly, whilst the draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied, including the SPPS and relevant Planning Policy Statements.
43. The RDS, SPPS and PPSs are regional planning policies issued by central government and important material considerations.

Protection of Employment Land

Belfast Urban Area Plan 2001

44. In the BUAP, the majority of the proposed development site forms part of a wider zoning for Industry and Commerce land, shown in purple in the proposals map at Figure 5, overleaf. This diagram also shows the application site overlaid the proposals map as outlined in red. The black triangle indicates an Area of Business Development Potential. The black square indicates a potential Simplified Planning Zone.

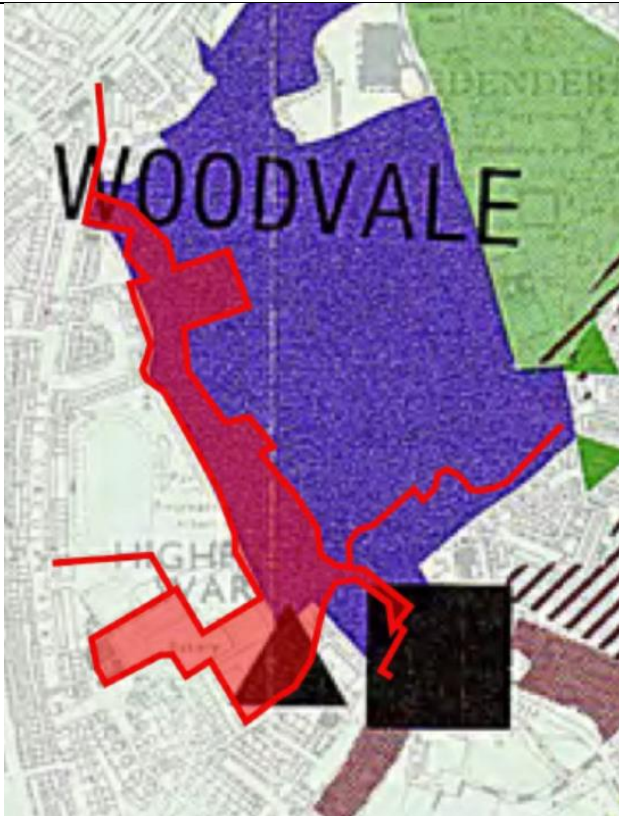


Figure 5: BUAP zoning of Industry and Commerce land (purple)

45. Policy IND 1 of the BUAP zones approximately 375 acres of land across Belfast to meet the expansion needs of existing industry and commerce and to provide for new industries and enterprises. The BUAP states that this will provide employment land to help meet the Industrial Development Board's target-based job predictions up to 2001.
46. Policy IND 6 of the BUAP seeks '*To ensure that land zoned for Industrial and Commercial use is reserved for appropriate types of development.*'
47. Recognising that '*...it is necessary to allow flexibility in the use of industrial and commercial land...*', the policy states that the following additional uses will normally be acceptable in industrial estates:
 - light and industrial manufacturing;
 - warehousing or stock-housing;
 - car and commercial vehicle sales including showrooms, servicing, storage (stock-piling), but excluding breaking and scrap/dismantling;
 - repair businesses;
 - builders suppliers with their associated open storage;
 - training centres, vehicle inspection and driving test centres;
 - ancillary local needs, e.g. banks, cafes.
48. The proposal does not fall under an industrial or commercial use or uses listed above. It is therefore contrary to Policy IND 6 of the BUAP.
49. Policy IND 5 is entitled '**Environmental Treatment**' and states:

'An appropriate standard of environmental treatment will be required in new industrial and commercial areas and developments.'

Proposed Industrial Developments

Where industrial proposals involve the comprehensive development of new sites, an overall landscape framework plan will be required before development commences. Appropriate landscape conditions will be imposed on planning consents to ensure the implementation of landscape schemes. In the Inner City a combination of hard and soft landscaping schemes may be desirable and again appropriate landscaping conditions will be imposed on planning permissions.

Existing Industrial Estates and Developments

The environmental treatment of many existing industrial estates and other industrial developments is deficient by modern standards. The Industrial Development Board is pursuing a policy of upgrading by means of landscaping its existing publicly owned industrial sites and estates within the urban area. The Belfast City Council and Belfast Harbour Commissioners are also actively involved in similar schemes on their respective holdings. These combined public efforts will create new industrial images as the landscaping matures over the Plan period and may encourage private industrial landowners to carry out similar environmental improvements.'

50. The proposal sits substantially within an existing industrial and commercial zoning, which has been partially developed with the Innovation Factory to the south and a main spine road into the larger part of the zoning to the east. The policy notes the involvement of Belfast City Council in pursuing a policy of upgrading by means of landscaping its existing publicly owned industrial sites and estates within the urban area that may encourage private industrial landowners to carry out similar environmental improvements.
51. The application proposal provides a significant opportunity for environmental improvement of part of the broader industrial and commercial zoning in an area that:
- has significant physical constraints which limit the development potential of the site, whether for industry or commerce;
 - forms a useful buffer between the larger and flatter area of industrial and commercial zoning to the east and existing recreational and residential development to the west;
 - provides opportunity for enhancing the existing wider zoning, framing it in such a way that makes it more attractive, as developers may otherwise anticipate having to provide landscaping and improved connectivity; and
 - would provide an appropriate landscape setting, improved connectivity and environmental treatment that would support and potentially encourage continued development of the overall site.
52. These lands have been zoned for employment since 1990 when the BUAP was published but have yet to come forward for industrial or commercial development. It is considered that the environmental improvement brought about by the proposal could make industrial or commercial development of the larger lands to the east potentially more attractive. The use of the land as parkland would not preclude future development of the developable parts of the application site for industrial or commercial development having regard to Policy OS 1 of PPS 8 which seeks to protect open space since the site would remain an employment zoning.
53. Given the above analysis, the proposal is considered consistent with the objectives of Policy IND 5. The proposal does not comply with IND6. However, taking it account all of the above factors, weight is given to Policy IND 5.

54. In draft BMAP (version 2004), much of the central spine of the application site is zoned for employment land under Zoning BT 010, as indicated in the proposals map at Figures 6a and 6b below and overleaf. Key site requirements include that development of this land shall only include light industrial, general industrial and storage and distribution uses. In addition, development of the site shall only be permitted in accordance with an overall comprehensive masterplan for the site to be agreed with the Department. The full text to Zoning BT 010 is provided at **Appendix 1**.

55. The KSR under this draft policy also includes:

'A comprehensive landscaping scheme for the proposed development shall require to be submitted with any planning application for development and agreed with the Department. This shall include all of the following:-

- The existing vegetation on the northern, eastern and western boundaries of the site shall be retained (unless otherwise determined by the Department) and supplemented with trees and planting of appropriate native species to provide screening for the development and facilitate its integration into the landscape;*
- a detailed planting plan and programme of works shall be provided for all new planting in relation to boundary definition.'*

56. Whilst it is expressly acknowledged that the proposal is not part of a planning application for employment development, and therefore the proposal is in conflict with the draft policy in not proposing employment use, regard is had to this key site requirement and the importance attached to the requirement for additional landscaping to the western boundary of the employment zoning that includes the proposal site.

57. Given the physical constraints of the application site as discussed previously, the proposal is in principle consistent with the aims of this key site requirement which requires appropriate additional landscaping on the western boundary of the zoning. The extent of the landscaping scheme to be considered under that KSR is a matter for planning judgement by the committee. However, given the nature of the proposal site as discussed above, the extent of planting and treatment proposed by the application is considered appropriate in addition to being consistent with the aims of Policy IND 5 of the BUAP in terms of environmental treatment of sites for industry and commerce.

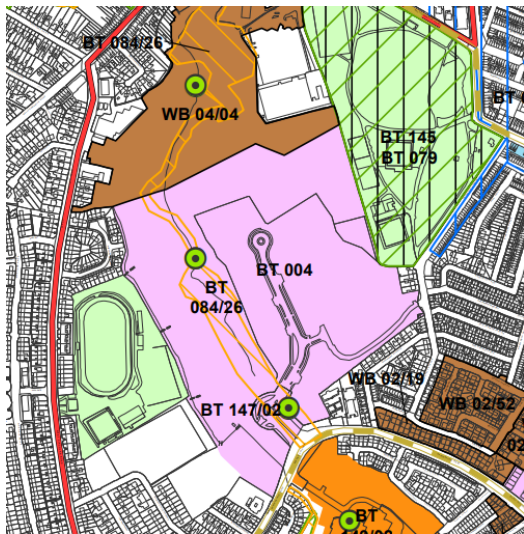


Figure 6a: Draft BMAP (version 2004) zonings



Figure 6b: Draft BMAP (version 2004) zonings with transposed application site

58. In draft BMAP (v2014), a large part of the central spine of site is similarly zoned for employment land, but under Zoning BT 004 as shown in Figure 7 overleaf. Key site requirements include that development shall only include Classes B1 (b) and (c), B2, B3 and B4. Development shall only be permitted in accordance with an overall comprehensive masterplan for the site to be agreed with the Department. The full text to Zoning BT 004 is provided at **Appendix 1**.

59. This draft policy has a KSR for landscaping similar to the version in draft BMAP (v2004) discussed above. It adds that an Article 40 agreement (equivalent of a Section 76 planning agreement) may be required to ensure delivery. In this case a planning condition can be used to secure the landscaping proposals forming part of the application. The KSR reads:

'A comprehensive landscaping scheme for the proposed development shall be submitted with any planning application for development and agreed with the Department. This shall include all of the following:-

- *The existing vegetation on the northern, eastern and western boundaries of the site shall be retained (unless otherwise determined by the Department) and supplemented with trees and planting of appropriate native species to provide screening for the development and facilitate its integration into the landscape; and*
- *A detailed planting plan and programme of works shall be provided for all new planting in relation to boundary definition and additional high quality landscaping proposals within the site, to be agreed with the Department; and*
- *Positive long term landscape management proposals shall be required to mitigate and integrate any development and to protect and maintain the landscaping on the site. An Article 40 Agreement may be required to ensure delivery of this in accordance with the Department's requirements.'*

60. Again, whilst clearly recognising that the proposal is not part of a planning application for employment development and is therefore contrary to the draft plan policy, regard is had to the key site requirement and the importance attached to the requirement to landscape the western boundary of the employment zoning.
61. Given the physical constraints of the application site as discussed previously, the proposed development is consistent with the aims of this key site requirement which requires appropriate additional landscaping on the western boundary of the zoning. The extent of the landscaping scheme to be considered under this KSR is a matter for planning judgement. However, given the nature of the proposal site as discussed above, the extent of planting and treatment proposed by the application is considered appropriate as well as consistent with the aims of Policy IND5 of the BUAP in terms of environmental treatment.

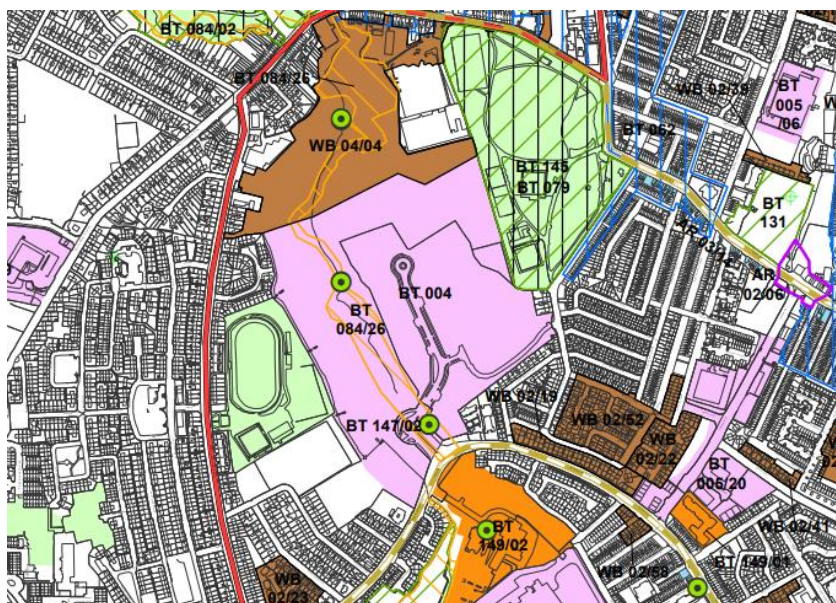


Figure 7: Draft BMAP (version 2014) zonings

62. The proposed development of the site as parkland and for a community greenway is contrary to the zonings in both versions of draft BMAP. However, conscious of the importance attached to the loss of zoned employment land, weight is attached to the fact that both draft policies have a KSR that expressly addresses the requirement for additional landscaping of the western boundary of the zoning. That in turn diminishes the weight to be attached to the loss of this element of the draft zoned employment land.

Belfast Local Development Plan 2035 Draft Plan Strategy

63. Whilst the Draft Plan Strategy is considered to hold minimal weight at this stage in the development plan process, it is still a material consideration which the Committee should have regard to. Policy EC4 of the Draft Plan Strategy relates to the loss of zoned employment land. The policy reads:

'Zoned employment areas will be retained in employment use and will be the focus of economic regeneration and development opportunities likely to come forward during the plan period. Only in exceptional circumstances as outlined below will the loss of zoned employment land be considered acceptable.'

Proposals for the use of zoned employment land or buildings, for other purposes, should clearly demonstrate that:

- a) *The proposed use is complementary to the primary employment use of the area, providing a small scale-ancillary service to meet the day-to-day needs of local employees, subject to compliance with other plan policies; or*
- b) *The proposal would not prejudice the long term development of the wider employment area primarily for industrial and business development. In such cases alternative uses should:*
 - 1. *Not adversely affect the city's overall capacity to meet future demand for employment land;*
 - 2. *Be compatible with existing retained employment uses within their vicinity; and*
 - 3. *Demonstrate that there is no likely future demand for employment use on the site. This would require evidence that it had been actively marketed for B1(b), B1(c), B2, B3 and B4 uses for a minimum of 18 months.**In instances where the loss of employment land has been deemed acceptable further information will be necessary as per the council's contribution framework.'*

64. Draft Policy EC4 requires compliance with either a) or b). The proposed parkland does not comply with criterion a) in that it would not provide a small-scale ancillary service that meets the day-to-day needs of employees.

65. Regarding criterion b)

- the development proposal would not adversely affect the city's overall capacity; for meeting future demand for employment land. Paragraph 4.23 of Technical Supplement 3 of the draft Plan Strategy identifies a need for 550,000 sqm of employment space for B Use Classes between 2020 and 2035. Paragraph 4.25 states that there is an indicative capacity of 1.16 million sq m of gross employment floorspace available from committed and new sites. Paragraphs 4.26 and 4.39 indicate that this demonstrates that there is a substantial oversupply of employment space within the Council area. These figures are carried through to Policy EC2 – Employment Land Supply in the draft Plan Strategy. Paragraph 6.17 of the PAC Report on the Independent Examination confirmed that, subject to Recommended Amendments 42 and 43, Policy EC2 satisfies the tests for soundness;
- the proposal would be compatible with existing and proposed employment uses within the vicinity;
- the Council does not have direct evidence that the site has been actively marketed for the specified employment uses for a minimum of 18 months.

66. However, given the assessment of the physical constraints discussed previously, the limited extent of developable land within the proposal site, that the proposal is consistent with Policy IND 5, the KSRs in draft BMAP that require supplemental landscaping on the existing boundary, the existing larger flatter lands within the employment zoning to the east, the location of the constructed spine road into the zoned site and that the proposal would not exclude future development of the application site for employment, it is considered that the proposal would not prejudice the long term development of the wider employment area primarily for industrial and business development. Moreover, limited weight is given to Policy EC4 given the current stage of the LDP Plan Strategy process.

Regional planning policy

67. Regional planning policy seeks to safeguard land for economic development use to ensure an ongoing supply to meet the needs of industry and commerce.

68. The Regional Development Strategy 2035 (RDS) was published in March 2012. Policy RG1 seeks to ensure adequate supply of land to facilitate sustainable economic growth. Paragraph 3.3 of the RDS aims:

'To ensure that Northern Ireland is well placed to accommodate growth in jobs and businesses there should be an adequate and available supply of employment land. It should be accessible and located to make best use of available services, for example water and sewerage infrastructure, whilst avoiding, where possible, areas at risk of flooding from rivers, the sea or surface water run-off. The focus will be on larger urban centres and regional gateways taking advantage of their locations on the regional transport network.'

69. Planning Policy Statement 4: Planning and Economic Development (PPS 4) was published in November 2010. Policy PED 7 relates to the retention of zoned land and economic uses. It states:

Zoned Land in all Locations

'Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted unless the zoned land has been substantially developed for alternative uses.'

An exception will be permitted for the development of a sui generis employment use within an existing or proposed industrial/employment area where it can be demonstrated that: the proposal is compatible with the predominant industrial use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area generally. Retailing or commercial leisure development will not be permitted except where justified as acceptable ancillary development.'

70. The exceptions outlined in Policy PED 7 do not apply in that the zoned land has not been substantially developed for alternative uses and the proposal does not involve a *sui generis* employment use. The proposal is therefore contrary to Policy PED 7 of PPS 4.
71. However, Planning Advice Note to PPS 4, published in November 2015, accepts that there can be "special circumstances" in which a departure from the development plan zoning may be acceptable. Paragraph 16 of the Planning Advice Note reads:

'In the case of planning applications involving a departure from a development plan zoning, for example from light industrial use to a mixed use development, planning officers should be fully satisfied that it has been clearly demonstrated how the special circumstances of a particular case outweigh the preferred option of retaining the land for economic development use.'

72. "Special circumstances" are not defined in the Planning Advice Note and the example it uses is a change of use from industrial to mixed use. There is no definitive list of what those special circumstances might be. In this case, Officers consider that the special circumstances that justify a departure from Policy PED 7 are that the proposal:

- is consistent with the aims of Policy IND5 of the BUAP;
- is consistent with the KSR in both versions of the draft BMAP, which require additional landscaping treatment of the western boundary of the draft zoned land;
- involves land that has significant physical constraints which limit the development potential of the application site;

- is a key component of the wider Forthmeadow Community Greenway, which would provide improved connectivity through parts of the west and north of the city, encouraging active travel, health and wellbeing; and
- To enable safe, easy and accessible 're-connections' between historically segregated neighbourhoods.

73. The Strategic Planning Policy Statement for Northern Ireland ("the SPPS") was published in September 2015. It is the most recent articulation of regional planning policy relating to economic development and protection of employment land.

74. Paragraph 6.89 states:

*'It is important that **economic development land and buildings** which are **well located and suited to such purposes** are retained so as to ensure a sufficient ongoing supply. Accordingly, planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. Any decision to reallocate such zoned land to other uses ought to be made through the LDP process. While the same principle should also apply generally to unzoned land in settlements in current economic development use (or land last used for these purposes); councils may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits, that are considered to outweigh the loss of land for economic development use.'*

75. The policy requires consideration of whether the lands comprising the zoned parts of the application site are well located and suited for economic development purposes. Whilst the zoning as a whole is considered to be well located and suited to such purposes, not all elements within that zoned land are always equally developable. For example, parts of the wider employment lands comprising this zoning are proposed to be designated a Site of Local Nature Conservation Importance (SLNCI) in draft BMAP, which would provide a constraint to development.

76. The application site has been visited again and considered in the context of relevant policies. In view of Policy IND5 of the BUAP, the physical constraints of the site which limit its developability and the KSRs in draft BMAP which require supplemental planting on the western boundary of the employment zoning, large parts of the site are not considered to be well located and suited for economic development purposes.

Environmental Constraints under the draft BMAP

77. In addition to the topographical and physical constraints, parts of the site are subject to various environmental constraints. These are summarised below with greater weight apportioned to draft BMAP (v2014) given its advanced stage in the plan process.

Draft LLPAs and SLNCIs

78. In the earlier version of draft BMAP (v2004), part of the site is designated a SLNCI under Zoning BT 102/26. Policy ENV 2 of draft BMAP (v2004) states that planning permission will not be granted for development that would be liable to have an adverse effect on the nature conservation interests of a designated SLNCI. Part of the site is also designated as a Local Landscape Policy Area (LLPA) under Zoning BT 160 Woodvale / Springfield Road. Policy ENV 3 of draft BMAP (v2004) applies and states that, within an LLPA, planning permission will not be granted for development that would be liable to adversely affect those features, or in combination of features, that contribute to environmental quality, integrity or character. It further states that, where riverbanks are included within

LLPAs, planning permission will only be granted where access is provided to the river corridor as part of development proposals. Land running across the Forth River is also designated a Community Greenway under Zoning BT162/02. Policy OS 2 of draft BMAP (v2004) states that planning permission will not be granted for development either within or adjacent to a designated Community Greenway which would prejudice the retention, enhancement or further development of an identified route.

79. Draft BMAP (v2004) was subject to an Independent Examination by the PAC. The PAC subsequently issued a report, noting two objections relating to these lands. One objection was made in respect of the LLPA designation and the other in relation to the Community Greenway. The PAC recommended that the LLPA designation under Zoning BT160 be removed but recommended no change in respect of the objection to the Community Greenway.
80. In the later version of draft BMAP (v2014), which the Committee is advised to give greater weight, the LLPA was subsequently removed on the recommendation of the PAC. A SLNCI designation remained under Zoning BT 084/26 and broadly follows the Forth River. The Community Greenway Zoning was retained under Zoning BT147/02. Policy OS 1 of draft BMAP 2015 (v2014) states that: *'Planning permission will not be granted for development either within or adjacent to a designated Community Greenway which would prejudice the retention, enhancement or further development of an identified route. Where appropriate, development proposals shall include open space linkages to designated Community Greenways.'*

Hydrological links

81. As well as being subject to the environmental designations listed above, the application site is hydrologically linked to the Belfast Lough SPA and Belfast Lough Open Water SPA, as well as the Inner Belfast Lough ASSI, Outer Belfast Lough ASSI.

Bats

82. The ecological surveys provided with the application evidence bat activity in the area. DAERA notes that the application site and surrounding area are *'likely to contain a significant population of bats. The vegetation within and surrounding the site provides high quality foraging habitat for bats, and any mature trees with cavities and crevices would be suitable for roosting bats'*. Following a further survey, the site is judged to provide productive foraging for bats, and the structural vegetation along the Forth River ravine and the western boundary would provide a focus for commuting as well as feeding. The Foraging and Commuting Potential was considered to be high. Local bat activity would therefore be a constraint on development of the site.

Community Greenway

83. Policy R3 of the BUAP seeks to establish linear based on streams and rivers within the urban area and, **where possible**, to develop a linking system of walkways within the valleys. These linear parks include the Forth River Valley.
84. As discussed above, draft BMAP also designates a community greenway along the Forth River.
85. The proposal will secure a long sought-after community greenway in this area albeit not directly following the Forth River. Policy R3 permits the greenway to be in an alternative location where it is not possible to base it on the river. In this case, the river is set within a steeply sided ravine with undulating ground. The area is also prone to surface water flooding as shown in Figure 4.2. These constraints would make it very difficult to base the greenway on the river. Moreover, funding is not in place to route the greenway there.

86. It is considered that the route of the greenway through the application site is more appropriate. Firstly, in view of the physical constraints of the alternative route based on the river as described above. Secondly, the greenway is considered an environmental improvement consistent with Policy IND 5 of the BUAP. Thirdly, it would include lands physically and environmentally constrained and not considered well located or suited for economic development, therefore making effective use of this part of the zonings. Fourthly, it is situated along the western boundary of the site where KSRs in draft BMAP require additional landscaping. It is also material that there is funding in place for the greenway which would secure its important delivery.

Absence of an adopted Master Plan

87. Draft BMAP states that development of the zoned employment land shall only be permitted in accordance with an overall comprehensive masterplan for the site to be agreed with the Department. A master plan has not come forward or been adopted for the employment zoning.
88. However, having regard to site's physical and environmental constraints as described above, and the policy context discussed, a judgement must be made as to what value a master plan would have for that part of the application site within the employment zoning. The western boundary has been identified in draft BMAP (both versions) as requiring additional landscaping and the proposal is considered to be a reasonable response to that requirement.
89. It is considered that a master plan would not have a decisive benefit in this case. An access and service road have already been constructed on the larger part of the zoning on the land to the east. The Council as Planning Authority has the power to ensure suitable high quality development of the zoned land through the development management process, supported by its detailed Pre-Application Discussion service to improve the quality of planning application submissions. There is also the benefit of a single landowner of the lands to the east in Invest NI for the Council to work with.
90. Therefore, the absence of an adopted master plan is not considered to be fatal and it is considered that it would not be in the public interest to refuse planning permission on the basis that an adopted master plan is not in place.

Planning Balance

91. The proposed parkland is contrary to Policy IND 6 of the BUAP as it is not a proposal for industrial or commercial use. However, the proposal is considered consistent with Policy IND 5 which seeks to secure environmental improvements of industrial areas.
92. The proposal is consistent with the KSRs in draft BMAP which require additional landscaping on the western boundary of the zoning.
93. The proposal is contrary to Policy PED 7 of PPS 4. However, having regard to the Planning Advice Note relating to PPS4, Officers are satisfied that there are special circumstances that justify departure from the strict application of the policy. These include that the proposal is consistent with the aims of Policy IND 5 of the BUAP and the KSRs in draft BMAP in relation to enhanced landscaping, the site's physical and environmental constraints, that it is a key component to the delivery of the wider Forth Meadow Community Greenway, and enable safe, easy and accessible 're-connections' between historically segregated neighbourhoods.

94. Moreover, it is considered that the proposal is not in contravention with paragraph 6.89 of the SPPS, which is the most recent articulation of regional planning policy that seeks to protect employment land, in that the element of zoned lands comprising the development proposal is not well located or suited for economic development land for the reasons stated above.
95. Furthermore, the proposal would not prejudice development of the remainder of the zoning (adopted or draft) and indeed may support development of those lands through environmental improvement and enhanced connectivity. In addition, the zoning would not exclude development of the site itself for employment use at some point in the future.
96. The proposed connections are a crucial element of the wider Forth Meadow Community Greenway. There is significant external funding of in the region of £5 million for the project and this is reliant on all sections of the greenway being granted planning permission. Both section 2 and wider greenway would provide improved connectivity and promote active sustainable travel. It would enable safe, easy and accessible 're-connections' between historically segregated neighbourhoods. These are important material considerations which add weight to the case for granting planning permission.
97. The funding for the Forth Meadow Community Greenway was secured from SEUPB under the Peace 4 programme. The overall greenway project is the delivery of 12km of greenway. The capital works are only one element of the overall project. In parallel with the capital project, a range of community activity and events programmes at key sections along the greenway are being developed to help bring communities together, on common ground, and promote use of the shared space.
98. These objectives and outcomes are consistent with the Core Planning Principles established by the SPPS, which include:
- Improving Health and Well-being;
 - Creating and Enhancing Shared Space;
 - Supporting Sustainable Economic Growth;
 - Supporting Good Design and Positive Place Making; and
 - Preserving and Improving the Built and Natural Environment.
99. These objectives are also consistent with the *Belfast Agenda*, the City's Community Plan.
100. Having regard to the factors set out in the assessment above, and in the planning balance, the development of the site as parkland is considered acceptable in principle.

Protection of housing land

101. A small section of the application site at its northern end is zoned for housing in draft BMAP. In draft BMAP (v2004), the northern end of the site forms part of a wider housing zoning under zoning WB 04/12. In draft BMAP (v2014), the northern end forms part of a wider housing zoning under zoning WB 04/04. This land forms part of the housing zoning's frontage with and access to West Circular Road. A further principal frontage and access point is onto Ballygomartin Road further to the north.
102. It is considered that the proposal for parkland on this land zoned for housing is acceptable for the following reasons:
- The proposal would provide enhanced connectivity from and to the remaining housing land and wider city as part of the Forth Meadow Community Greenway.

- The proposal would provide an attractive green amenity for residents on the “doorstop” of the housing zoning.
- It recognises that not all land within the wider zoning will be equally developable.
- Part of these lands is prone to surface water flooding (see Figure 4.2)

103. The proposal would not be incompatible with nor prejudice the development of the remainder of the housing zoning.

104. Regard is also had to the benefits of the delivery of the wider Forth Meadow Community Greenway as discussed above, which in the planning balance, are considered to weigh in favour of the proposal.

Un-zoned land

105. The southern end of the site falls outside the employment land zoning and is “white land”. The proposal is therefore acceptable in principle in respect of this part of the site.

Impact on the character and appearance of the area

106. The proposal would have a series of 3m wide pathways, finished in buff-coloured asphalt path suitable for use by pedestrians, cyclists, and disabled users. A steel framed elevated walkway is proposed to provide access over the existing wetland area. The site boundary would be defined by a 2.4m high palisade fence. A 1.2m high palisade fence would be put in place to prevent access to the Forth River ravine, where there are steep slopes and areas of invasive species present.

107. The site comprises a mix of tree species which vary in age, size, health, condition, growing in small groups, clusters or stand alone. Initial concerns raised through the consultation process have since been addressed. A Tree Protection Plan, Landscape Management Plan and detailed landscaping plans have been submitted.

108. A total of 31 trees are proposed to be removed with 80 (of mixed species) to be planted. All retained trees would be protected using protective fencing during construction. On reviewing further information, neither BCC Landscape, Planning and Development nor BCC Tree Officers object to the application. The Tree Officer has suggested a number of conditions to be included should approval be granted and these are recommended.

109. The proposed parkland would be an appropriate use for the site, involving low impact built development. It provides the opportunity for enhanced management of the land which should have a positive impact on the character and appearance of the area. In this regard, the proposal is considered compliant with paragraph 4.26 of the SPPS which requires proposals to be of good design and fit into their surroundings.

Built Heritage

110. The application site is located within the vicinity of the Woodvale Park’s Bandstand and its gate piers, gates and railings, which are Grade B2 Listed (HB26/38/002 A and HB26/38/002 B). DfC HED is satisfied that the proposal would pose no greater demonstrable harm on the setting of these Listed assets and is satisfied that paragraph 6.12 of the SPPS and Policy BH11 of PPS6 are complied with.

111. An Archaeological and Cultural Assessment was carried out for the PEACE IV programme in its entirety. As well as Listed structures, one recorded archaeological

monument, four historic gardens recorded in the Historic Gardens Register, and eighteen sites within the Industrial Heritage Records were identified. HED Historic Monuments have confirmed that they have no objection to the proposal.

112. Having regard to the advice from HED, officers consider that the Policy BH11 of PPS 6 and its archaeology policies are satisfied.

Natural Heritage

113. As previously mentioned, the application site is hydrologically linked to the Belfast Lough SPA and Belfast Lough Open Water SPA, Inner Belfast Lough ASSI and Outer Belfast Lough ASSI.

114. A Draft Preliminary Ecological Appraisal (PEA), Bat Survey, Habitats Regulation Assessment, Invasive Species Management Plan and OMH Creation and Management Plan were submitted as part of the application. DAERA NED were consulted regarding potential impact on natural heritage assets on or removed from the site. NED responded requesting additional information, mainly in order to assess any potential impact on the significant population of bats present on the site, both foraging and commuting, but also in relation to badgers. A finalised PEA; lighting plan and clarification of tree removal were submitted, satisfying NED that the proposal was acceptable. NED also welcomes the plan set out within the Invasive Species Management Plan for the managed treatment of Japanese knotweed and Himalayan balsam present to eradicate stands and avoid further potential spread. NED has suggested three conditions should permission be granted: a Construction Environmental Management Plan (CEMP) should be submitted and agreed in writing prior to the commencement of works; any necessary vegetation removal should be completed outside of the bird breeding season (01 March – 31 August); and no development activity should take place within 10 metres of the existing watercourse.

115. DAERA, Water Management Unit were also consulted and confirmed that they have no objections to the proposal. Shared Environmental Services (SES) also offer no objection, subject to the submission and approval of a CEMP prior to the commencement of works. SES carried out a HRA screening and recommend that the Council as Competent Authority adopts the HRA report. This found that the project would not have an adverse effect on the integrity of any European site.

116. The proposal is considered acceptable with regard to ecological and environmental issues having regard to PPS 2 and relevant policy.

Compatibility with adjacent uses and neighbour amenity

117. It is considered that the nature of the proposal as parkland would not give rise to unacceptable impacts on adjacent uses including the employment zoning to the east, leisure uses to the north and surrounding residential properties and residential zoning. In this regard, the proposal is not in conflict with paragraph 4.14 of the SPPS.

Transport

118. DfI Roads have been consulted and offers no objection to the application. Existing car parks are available at Paisley Park and Springfield Park, with on street parking available at the proposed entrance at West Circular Road. Deliberately there is no proposed dedicated vehicular access as the community greenway is specifically proposed for cyclists and pedestrians. The proposal is considered acceptable with regard to access, movement, parking and transport issues having regard to PPS 3. It is consistent with the SPPS Core Principles including improving health and well-being.

Contaminated Land

119. A Preliminary Risk Assessment, Generic Quantitative Risk Assessment and accompanying Ground Investigation Report have been submitted. The site investigation identified a human health risk from asbestos fibres in shallow soils and remediation measures were outlined. Whilst DAERA Regulation Unit responded with no objection to the proposal subject to certain conditions, BCC Environmental Health requested further information, resulting in the submission of updated reports.
120. Asbestos was identified at 25 locations. BCC Environmental Health notes that the only potential risk posed to future site users is through direct exposure and as the proposed walking and cycling routes are to be surfaced with hardstanding a physical barrier will therefore break the direct exposure pathways. Future site users could potentially be exposed to contaminants in soils across non-hardstanding areas, therefore, the impacted areas are to be provided with a capping layer of clean material. BCC Environmental Health has subsequently responded offering no objection to the proposal subject to the agreement of a Verification Report prior to the operation of the development if approved. Environmental Health also suggest the inclusion of an informative with respect to the proposed pole mounted LED lanterns and bridge lighting.

Flood Risk

121. DfI Rivers Agency was consulted and responded with no objection. A Drainage Assessment has been submitted in accordance with Policy FLD 3 of PPS 15. The proposal is considered acceptable with regard to flood risk and drainage having regard to PPS 15 and relevant policy.

Conclusion

122. The application proposal has been reconsidered in the light of the judicial review and the site re-visited. This report constitutes a fresh assessment of the proposal.
123. Whilst the proposal is in conflict with Policy IND 6 of the BUAP, it is consistent with Policy IND 5 of the BUAP.
124. Weighing the various material considerations in the planning balance, the proposal is considered acceptable. This includes the proposal's consistency with Policy IND 5 of the BUAP in that it would result in environmental improvement of a future industrial area.
125. Moreover, much of the application site is physically constrained and its developability for employment use is limited. In this regard, the site is not considered well located or suited as economic development land and the proposal therefore does not conflict with paragraph 6.89 of the SPPS which seeks to ensure a sufficient ongoing supply of economic development land. The SPPS is the most recent articulation of regional planning policy that seeks to safeguard employment land and significant weight is therefore given to this policy.
126. Whilst the proposal is contrary to various KSRs in draft BMAP including that it is not for the specified employment uses, the proposal would provide supplemental landscaping of the western boundary of the zoning as required by the KSRs.

127. The proposal is contrary to Policy PED7 of PPS 4, however, the PPS 4 Planning Advisory Note advises that there can be special circumstances that can outweigh the preferred option of retaining the land for economic development use. Officers consider that special circumstances can be clearly demonstrated in this case and include:

- the proposal is consistent with the aims of Policy IND5 of the BUAP;
- it is consistent with the KSR in both versions of the draft BMAP, which require additional landscaping treatment of the western boundary of the draft zoned land;
- it involves land that has significant physical constraints which limit the development potential of the application site;
- there is a substantial oversupply of employment space within the Council area
- it is a key component of the wider Forthmeadow Community Greenway, which would provide improved connectivity through parts of the west and north of the city, encouraging active travel, health and wellbeing; and
- it would enable safe, easy and accessible 're-connections' between historically segregated neighbourhoods.

128. Limited weight is given to Policy EC4 of the draft Plan Strategy given the current stage of the development plan process.

129. It is acknowledged that there is a policy presumption, both regionally and locally, against the loss of employment land. However, that is not un-rebuttable presumption. Policy is not a strait jacket and it is possible to set aside these policies and the employment zonings in the various plans where material considerations indicate otherwise.

130. The proposal is considered acceptable in all other regards.

131. The objections from third parties have been addressed in the main body of the report. No objections have been received from statutory and non-statutory consultees.

132. For the reasons set out in this report, the recommendation is that planning permission is granted.

Recommendation

133. It is recommended that planning permission is granted. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.

Draft Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location,

species and size, details of which shall have first been submitted to and approved in writing by the Council.

Reason: In the interests of the character and appearance of the area.

3. Prior to the operation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the Pentland Macdonald Ltd report entitled 'Additional Contaminated Land Risk Assessment, PEACE IV CRSS Forth Meadow Community Greenway, Belfast, for McAdam Design/Belfast City Council' (dated May 2021 and referenced PM21-1032) and shown on the McAdam Design Ltd drawing entitled 'Section 2, Contaminated Lands Remediation Plan' (Project No: E2103, Drawing No: 02-110, Revision B, dated 8th July 2021) have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (public open space (park)). It must demonstrate that the identified potential contaminant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance and must demonstrate that:

- a) A minimum 600mm clean capping layer has been emplaced in all required areas, as shown in the Pentland Macdonald Ltd report entitled Additional Contaminated Land Risk Assessment, PEACE IV CRSS Forth Meadow Community Greenway, Belfast, for McAdam Design/Belfast City Council (dated May 2021 and referenced PM21-1032) and the McAdam Design Ltd drawing entitled Section 2, Contaminated Lands Remediation Plan (Project No: E2103, Drawing No: 02-110, Revision B, dated 8th July 2021); and
- b) The clean capping layer is formed from material is demonstrably suitable for use (public open space (park)) and is underlain by a geotextile membrane.

Reason: Protection of human health.

4. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed with the Council in writing, prior to the development being occupied. If required, the Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

Reason: Protection of human health.

5. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be submitted to and agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

6. After completing the remediation works under Condition 4; and prior to occupation of the development, a verification report shall be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

7. A final site-specific Construction Environmental Management Plan (CEMP) shall be submitted by the applicant/approved contractor to the Council at least 8 weeks prior to the commencement of works. This plan should contain all the appropriate environmental mitigation as detailed in the NIEA WMU and NED responses dated 24/02/2021 and 29/06/2021. It should identify the perceived risks to the aquatic environment, potential pollution pathways and mitigation measures to negate such risks. It should include;
- a. Construction Method Statement(s) - including details of construction and excavation;
 - b. Pollution Prevention Plan including details of a suitable buffer of 10m between the location of refuelling, storage of oil/fuel/substrate/construction materials/machinery, concrete mixing and washing areas and any watercourses found on site.
 - c. Site Drainage Plan; including details of Sustainable Drainage Systems (SuDS).
 - d. Spoil Management Plan; including location of spoil storage areas out with the 10m buffer zone
 - e. Environmental Emergency Plan; including details of emergency spill procedures and regular inspections of machinery onsite;
 - f. Water Quality Monitoring Plan;
 - g. Details of the appointment of an Ecological Clerk of Works (ECoW), detailing their roles and responsibilities.

The works shall not be carried out unless in accordance with the approved CEMP.

Reason: To protect designated sites and site selection features.

8. No vegetation clearance/removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active birds' nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Council within 6 weeks of works commencing.

Reason: To protect breeding birds.

9. No development activity, including vegetation clearance, infilling, disturbance by machinery, dumping or storage of materials including vehicles/refuelling of vehicles, shall take place within 10 metres of the existing watercourse.

Reason: To protect/minimise the impact of the development on the biodiversity value of the name of the existing watercourse (former mill race) to the west of the proposed greenway route.

10. All soft landscaping works shall be carried out in accordance with the approved details on drawing nos 14A, 15A, 16A, 17A, 18A and 19A, published on the Planning Portal on 9th June 2021. Any trees or plants indicated on the approved scheme which, within a period

of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

Reason: In the interests of the character and appearance of the area.

11. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any retained trees or planting indicated on the approved drawings which become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity.

12. Prior to any work commencing all protective measures, protective barriers (fencing) and ground protection is to be erected or installed as specified within British Standard 5837: 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations (section 6.2) on any trees to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.

13. If roots are accidentally damaged the council must be notified and given the opportunity to inspect the damage before it is covered over.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees.

14. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the Root Protection Area of trees within the site and adjacent lands during the construction period.

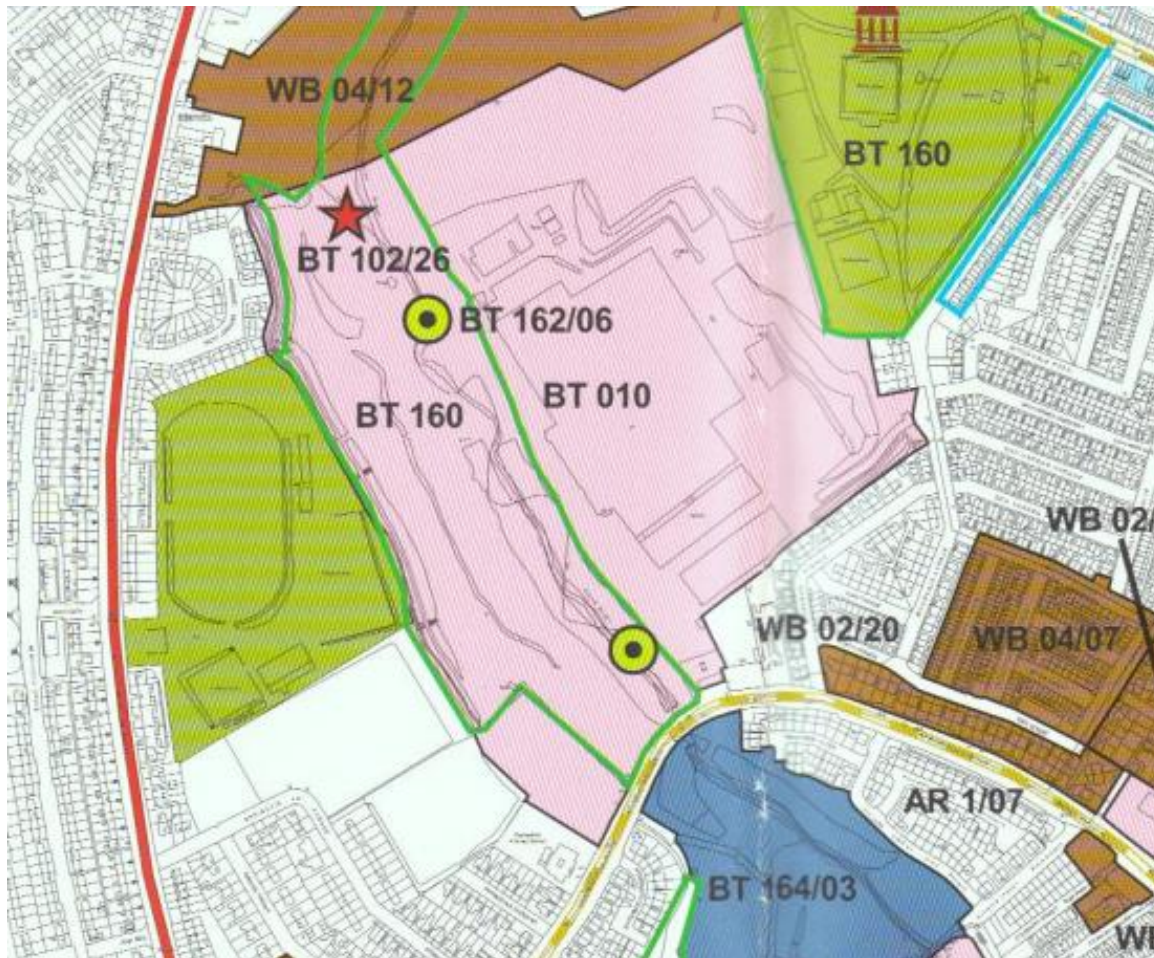
Reason: To avoid compaction within the Root Protection Area of existing trees to be retained.

Late Items

Planning Committee: Tuesday 14 June 2022

Agenda Item	Application	Issues Raised	Action
6a	LA/2020/1959/F Section 2, Forth Meadow Community Greenway, Springfield Road and West Circular Road	The incorrect Proposals Map is shown at Figure 6a of the Committee report (page 14). Figure 6a incorrectly shows an extract from Draft BMAP (v2014) when it should be an extract from Draft BMAP (v2004). However, the correct extract is included at Figure 6b albeit with the application site transposed onto the plan. So essentially the Committee still has the correct Proposals Map before them in the Committee report.	For the sake of completeness, the correct plan for Figure 6a (i.e. extract from Draft BMAP v2004 without the application site transposed) is provided below.

Corrected Figure 6a Extract from dBMAP (version 2004)



Agenda Item	Application	Issues Raised	Action
6a	LA/2020/1959/F Section 2, Forth Meadow Community Greenway, Springfield Road and West Circular Road	Participation and the Practice of Rights (PPR) has referred to the arrest of a person allegedly associated with some of the groups which were consulted as part of the planning application process. Officers do not consider this to be material to the consideration of the merits of the planning application and the applicant and council have followed their legal obligations in relation to public consultation on the proposals.	Committee to note.
6b	(Reconsidered Item) LA04/2020/1666/F Office development at 102-127 Grosvenor Road and adjoining the Westlink/Grosvenor Road junction.	Legal Services have confirmed that the Section 76 Planning Agreement for this development has now been executed.	Committee to note.
6h	LA04/2021/0859/F & LA04/2022/0351/DCA 21-23 Victoria Street and 41-51 Waring Street, Belfast	A final consultation response was received from Environmental Health on 9 th June confirming no objection subject to conditions and informatives including: <ul style="list-style-type: none"> • Implementation of noise insulation/ mitigation measures; • Managing and controlling music noise level from any amplified sound within the ground floor and roof top bars • The ground floor and roof top bars shall not operate after 1am 	Committee to note..

Agenda Item	Application	Issues Raised	Action
6h	LA04/2021/0859/F & A04/2022/0351/DCA 21-23 Victoria Street and 41-51 Waring Street, Belfast	<p>Email correspondence dated 13th June received from Beannchor advising that they:</p> <ul style="list-style-type: none"> • did not receive a neighbour notification; • have no objection in principle to hotel use; • have concerns about the scale, height and massing of the extension and impact on the listed Merchant Hotel building; and • concern about proximity of the proposed extension which may give rise to noise, odour; overlooking and overshadowing impacts on amenity of residents within their hotel. 	<p>Members to note.</p> <p>Officers would respond:</p> <ul style="list-style-type: none"> • neighbour notification letters were sent to “bar, 35-39 Waring Street” and “hotel, 35-39 Waring Street” on 1st March 2022. This building, whilst part of the Merchant hotel, records indicate it retains its’ Waring Street address, and is located between the site and neighbouring Merchant Hotel buildings to the rear. Notification has been undertaken in accordance with standard practice. • correspondence indicates that Beannchor was aware of the planning application back in May 2021 and therefore no prejudice has occurred. • The issues raised have been considered in the committee report – HED, Conservation officer and Urban Design officer have no objections to the scale height and massing of the proposal. Environmental Health have considered noise and odour information and no objection subject to conditions.

Agenda Item	Application	Issues Raised	Action
			<ul style="list-style-type: none"> No harmful overlooking issues arise due to location of existing window positions. Window positions of upper floor extension would not overlook adjacent properties to an unacceptable degree given city centre context and filtering by rooftop structures and plant on neighbouring buildings.

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Appendix 1 – Extracts from Specific Planning Policies

Belfast Urban Area Plan 2001

POLICY IND 1 – LAND FOR INDUSTRY AND COMMERCE

A total of 375 hectares (940 acres) is zoned in suitable locations to meet the expansion needs of existing industry and commerce and to provide for new industries and enterprises.

The Industrial Development Board (IDB) has indicated a need to provide further industrial lands in some parts of the urban area to meet their target-based job predictions up to 2001. Taking these and other needs for the zoning of industrial land into account, a total of 375 hectares (940 acres) has been allocated to provide a choice of location and site size on IDB lands, as well as on land owned privately and by Belfast City Council and the Belfast Harbour Commissioners (Appendix 5).

The zoning of land for industrial and commercial uses will ensure that a supply and choice of sites are available throughout the urban area. The Harbour Area will continue to act as the largest concentration of industrial employment serving the City and urban area as a whole, and an additional 40 hectares (100 acres) has been zoned at this location. The 335 hectares (840 acres) distributed throughout the Belfast Urban Area provides opportunities for local employment to be established close to where people live. The wide range of site sizes and choice of locations should ensure that the needs of developers are met throughout the Plan period.

POLICY IND 5 – ENVIRONMENTAL TREATMENT

An appropriate standard of environmental treatment will be required in new industrial and commercial areas and developments.

Proposed Industrial Developments

Where industrial proposals involve the comprehensive development of new sites, an overall landscape framework plan will be required before development commences. Appropriate planning conditions will be imposed on planning consents to ensure the implementation of landscape schemes. In the Inner City a combination of hard and soft landscaping schemes may be desirable and again appropriate landscaping conditions will be imposed on planning permissions.

Existing Industrial Estates and Developments

The environmental treatment of many existing industrial estates and other industrial developments is deficient by modern standards. The Industrial Development Board is pursuing a policy of upgrading by means of landscaping its existing publicly owned industrial sites and estates within the urban area. The Belfast City Council and the Belfast Harbour Commissioners are also actively involved in similar schemes on their respective land holdings. These combined public efforts will create new industrial images as the landscaping matures over the Plan period and may encourage private industrial landowners to carry out similar environmental improvements.

POLICY IND 6 – LAND USE POLICY FOR INDUSTRIAL AND COMMERCIAL AREAS

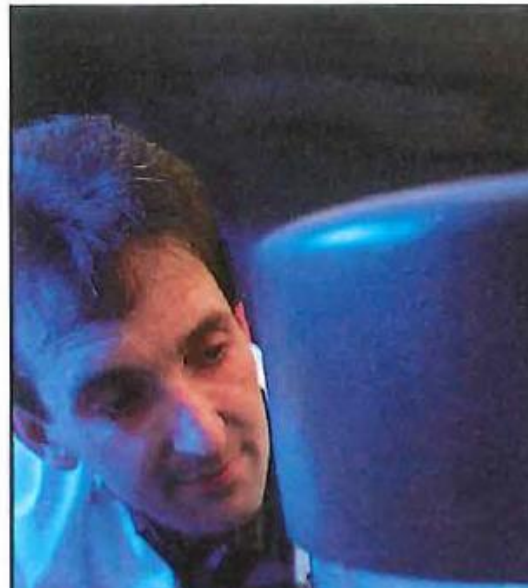
To ensure that lands zoned for Industrial and Commercial use are reserved for appropriate types of development.

For various reasons, areas within the Belfast Urban Area previously zoned as 'industrial' now contain premises which do not reflect that description. Changes in the employment sector away from manufacturing and towards the service sector have resulted in the introduction of new uses. Changing locational requirements have also made former industrial areas and industrial estates more attractive for non-manufacturing firms, and changing trading conditions have encouraged some existing manufacturing firms to diversify to include wholesaling and retailing. New technology industries have created difficulties with precise definition. As a result of all these trends and changes it is necessary to allow flexibility in the use of industrial and commercial land. The following additional uses will normally be acceptable in industrial estates:-

- light and general manufacturing;
- warehousing or stock-holding;
- car and commercial vehicle sales including showrooms, servicing, storage (stock piling), but excluding breaking and scrap/dismantling;
- repair businesses;
- builders suppliers with their associated open storage;
- Training Centres, Vehicle Inspection and Driving Test Centres;
- ancillary local needs, e.g., banks, cafés.

New retail development will not normally be permitted except for small scale factory shops ancillary to a factory or warehouse. Retail provision on industrial estates will be frozen at the present level in accordance with the strategy of directing new shopping development to the City Centre or existing shopping centres except where the circumstances described in Policy S2 apply. Limited extensions to existing businesses may be permitted, particularly where new jobs are created, subject to traffic and parking considerations.

Proposals for office development genuinely ancillary to industrial and other commercial functions will be considered on their merits against the background of the Office Development Strategy.



POLICY R3 – LINEAR PARKS

To establish linear parks based on streams and rivers within the urban area and, where possible, to develop a linking system of walkways within the valleys. These linear parks are:-

- Connswater/Knock River Valley.
- Derriaghy River Valley.
- Collin Glen River Valley.
- Forth River Valley.
- Ligoniel River Valley.
- Carrs Glen, Ballysillan, Waterworks, Alexandra Park.
- Glas-na-Cradan River Valley.
- Three Mile Water River Valley.

The river valleys running through the urban area are attractive natural features which should be retained and developed as linear parks. They provide the opportunity to create local open spaces and to provide continuous walks through the built-up area to the open country. Considerable progress has been made since the 1970s by the District Councils in the development of linear parks. The programme to develop public open spaces and walkways within the valleys will be completed within the Plan period.

The Development Strategy map shows in greater detail the lands reserved for landscape, amenity or recreation use.

Draft Belfast Metropolitan Area Plan 2015 (v2004)

Existing Employment/Industry

The following sites BT 010 – BT 011 are zoned as Existing Employment/Industry as identified on Map Nos. 4/001-4/004 - Belfast City.

Key Site Requirements are set out for site BT 010 to facilitate its comprehensive development.

Zoning BT 010	Employment/Industry Land at Springfield Road (Former Mackies Site)
19 hectares of land are zoned as Existing Employment/Industry as identified on Map No. 4/003 - Belfast City.	
Key Site Requirements: -	
<ul style="list-style-type: none">• Development shall only include the following uses: -	

<ul style="list-style-type: none">- Light Industrial Use as currently specified in Class 4 of the Planning (Use Classes) Order (Northern Ireland) 1989 as amended;- General Industrial Use as currently specified in Class 5 of the Planning (Use Classes) Order (Northern Ireland) 1989 as amended;- Storage or Distribution Use as currently specified in Class 11 of the Planning (Use Classes) Order (Northern Ireland) 1989 as amended; <ul style="list-style-type: none">• Consideration shall be given to the exact type of industrial/employment use at this location with a view to protecting the amenity of the residential premises in close proximity;• Development of the site shall only be permitted in accordance with an overall comprehensive masterplan for the site to be agreed with the Department. This shall outline the design concept, objectives and priorities for the site• Access shall be from the Springfield Road in accordance with Roads Service, DRD requirements;• A Transport Assessment (TA), agreed with Roads Service, DRD, shall be required to identify any necessary improvements to the road network / public transport / transportation facilities in the area;• The existing access onto Woodvale Avenue shall be restricted to pedestrian, cycle and public transport usage only;• Buildings shall exhibit variety in their elevational treatment and heights, and particular consideration shall be given to views into the site;• A comprehensive landscaping scheme for the proposed development shall require to be submitted with any planning application for development and agreed with the Department. This shall include all of the following: -<ul style="list-style-type: none">- The existing vegetation on the northern, eastern and western boundaries of the site shall be retained (unless otherwise determined by the Department) and supplemented with trees and planting of appropriate native species to provide screening for the development and facilitate its integration into the landscape;- A detailed planting plan and programme of works shall be provided for all new planting in relation to boundary definition

Draft Belfast Metropolitan Area Plan 2015 (v2014)

Existing Employment

Key Site Requirements are set out for site BT 004 to facilitate its comprehensive development.

Zoning BT 004

Existing Employment

Land at Springfield Road (Former Mackie's Site)

19 hectares of land are zoned as Existing Employment as identified on Map No. 4/003 - Belfast City.

Key Site Requirements: -

- Development shall only include the following uses: -
 - Classes B1 (b) and (c), B2, B3 and B4 – Industrial and Business Uses as currently specified in of the Planning (Use Classes) Order (Northern Ireland) 2004.
- Consideration shall be given to the exact type of employment use at this location with a view to protecting the amenity of the residential premises in close proximity;
- Development of the site shall only be permitted in accordance with an overall comprehensive masterplan for the site to be agreed with the Department. This shall outline the design concept, objectives and priorities for the site;
- Access shall be from the Springfield Road in accordance with Roads Service, DRD, requirements;
- The existing access onto Woodvale Avenue shall be restricted to pedestrian, cycle and public transport usage only;
- Buildings shall exhibit variety in their elevational treatment and heights, and particular consideration shall be given to views into the site;

- A comprehensive landscaping scheme for the proposed development shall be submitted with any planning application for development and agreed with the Department. This shall include all of the following:-
 - The existing vegetation on the northern, eastern and western boundaries of the site shall be retained (unless otherwise determined by the Department) and supplemented with trees and planting of appropriate native species to provide screening for the development and facilitate its integration into the landscape; and
 - A detailed planting plan and programme of works shall be provided for all new planting in relation to boundary definition and additional high quality landscaping proposals within the site, to be agreed with the Department; and
- Positive long term landscape management proposals shall be required to mitigate and integrate any development and to protect and maintain the landscaping on the site. An Article 40 Agreement may be required to ensure delivery of this in accordance with the Department's requirements.

Policy EC4 – Loss of zoned employment land

Zoned employment areas will be retained in employment use and will be the focus of economic regeneration and development opportunities likely to come forward during the plan period. Only in exceptional circumstances as outlined below will the loss of zoned employment land be considered acceptable.

Proposals for the use of zoned employment land or buildings, for other purposes, should clearly demonstrate that:

- a. The proposed use is complementary to the primary employment use of the area, providing a small scale-ancillary service to meet the day-to-day needs of local employees, subject to compliance with other plan policies; or**
- b. The proposal would not prejudice the long term development of the wider employment area primarily for industrial and business development. In such cases alternative uses should:**
 - 1. Not adversely affect the city's overall capacity to meet future demand for employment land;**
 - 2. Be compatible with existing retained employment uses within their vicinity; and**
 - 3. Demonstrate that there is no likely future demand for employment use on the site. This would require evidence that it had been actively marketed for B1(b), B1(c), B2, B3 and B4 uses for a minimum of 18 months.**

In instances where the loss of employment land has been deemed acceptable further information will be necessary as per the council's contribution framework.

RG1: Ensure adequate supply of land to facilitate sustainable economic growth

3.3 To ensure that Northern Ireland is well placed to accommodate growth in jobs and businesses there should be an adequate and available supply of employment land. It should be accessible and located to make best use of available services, for example water and sewerage infrastructure, whilst avoiding, where possible, areas at risk of flooding from rivers, the sea or surface water run-off. The focus will be on larger urban centres and regional gateways taking advantage of their locations on the regional transport network.

- **Assess the quality and viability of sites zoned for economic development uses in the area plans.** A system to monitor the take-up (and loss) of employment land is required to help inform planning and investment decisions and actions. It is likely that the highest quality and most easily accessible land will be used up first and it is important that decisions are not based purely on the quantum of land available but how well connected it is, for example to public transport. The framework at Table 3.1 will enable Planning Authorities to identify robust and defensible portfolios of both strategic and locally important employment sites in their development plans. This will safeguard both new and existing employment areas for employment rather than other uses.

Planning Policy Statement 4

Policy PED 7

Retention of Zoned Land and Economic Development Uses

Zoned Land in all Locations

Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.

An exception will be permitted for the development of a *sui generis* employment use within an existing or proposed industrial/employment area where it can be demonstrated that: the proposal is compatible with the predominant industrial use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area generally. Retailing or commercial leisure development will not be permitted except where justified as acceptable ancillary development.

Unzoned Land in Settlements

On unzoned land a development proposal that would result in the loss of an existing Class B2, B3 or B4 use, or land last used for these purposes, will only be permitted where it is demonstrated that:

- (a) redevelopment for a Class B1 business use or other suitable employment use would make a significant contribution to the local economy; or
- (b) the proposal is a specific mixed-use regeneration initiative which contains a significant element of economic development use and may also include residential or community use, and which will bring substantial community benefits that outweigh the loss of land for economic development use; or
- (c) the proposal is for the development of a compatible *sui generis* employment use of a scale, nature and form appropriate to the location; or
- (d) the present use has a significant adverse impact on the character or amenities of the surrounding area; or
- (e) the site is unsuitable for modern industrial, storage or distribution purposes; or
- (f) an alternative use would secure the long-term future of a building or buildings of architectural or historical interest or importance, whether statutorily listed or not; or
- (g) there is a firm proposal to replicate existing economic benefits on an alternative site in the vicinity.

A development proposal for the re- use or redevelopment of an existing Class B1 business use on unzoned land will be determined on its merits.

Unzoned Land in the Countryside

A development proposal for the re- use or redevelopment of an economic development use or site on unzoned land in the countryside will be assessed under Policy PED 4.

Strategic Planning Policy Statement

- 6.89** It is important that economic development land and buildings which are well located and suited to such purposes are retained so as to ensure a sufficient ongoing supply. Accordingly, planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. Any decision to reallocate such zoned land to other uses ought to be made through the LDP process. While the same principle should also apply generally to unzoned land in settlements in current economic development use (or land last used for these purposes); councils may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits, that are considered to outweigh the loss of land for economic development use.

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Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 14/09/21	
Application ID: LA04/2020/1959/F	
Proposal: Proposed new parkland (Section 2 Forthmeadow Community Greenway) - foot and cycle pathways, lighting columns, new entrances and street furniture.	Location: Site to be developed includes vacant land bounded by the Forthriver Industrial Park in the east Springfield Road to the South and Paisley Park & West Circular Road & Crescent to the West. Area also includes links through the Forthriver Industrial Park to Woodvale Avenue land at Springfield Dam (Springfield Road) Paisley Park (West Circular Road) and the Junction of West circular Road & Ballygomartin Road.
Referral Route: Major application. Belfast City Council as applicant	
Recommendation: Approval subject to Conditions	
Applicant Name and Address: Belfast City Council Property and Projects Department 9 Adelaide Street Belfast BT2 8DJ	Agent Name and Address: McAdam Design 1c Montgomery House Castlereagh Business Park 478 Castlereagh Road Belfast BT5 6BQ
Executive Summary: This application seeks full permission for proposed new parkland for Section 2 of the proposed Forthmeadow Community Greenway. It includes foot and cycle pathways, landscaping, lighting columns, new entrances and street furniture. The key issues in the assessment of the planning application are: <ul style="list-style-type: none"> principle of development impact on the character and appearance of the area impact on natural heritage access, movement and parking, including road safety impact on built heritage flood risk other environmental matters <p>The site is located in west Belfast, north of the Springfield Road and east of the West Circular Road. The site is a large area of open space, characterised by planting and a variety of trees and includes the Forth River Ravine to the east of the site. Paisley Park track and infield pitch and Albert Foundry Bowling Club are immediately adjacent to the site curtilage to the west. There is a large area of open space to the east of the site. The Innovation Factory which provides workspace and support to entrepreneurs, is situated immediately adjacent to the site, to the south. Further to the north, west and south of the site the area is mostly residential with a large Tesco Superstore to the north east. Therefore, the area comprises a mix of uses.</p>	

The site is located within an area zoned as industry and commerce in the Belfast Urban Area Plan 2001 (BUAP).

Part of the application site is zoned in the 2004 version of draft BMAP 2015 (dBMAP v2004) as an area of Existing Employment/Industry under designation BT10 – Employment/industry Land at Springfield Road (Former Mackies Site). The application site is also located partly within zoning WB 04/12 Housing –Lands to the south of Ballygomartin Road and to the east of West Circular Road. In addition, the application site is subject to the following environmental designations: Site of Local Nature Conservation Importance (SLNCI) – BT 102/26- Springfield Pond/ Highfield Dam; Local Landscape Policy Area (LLPA) BT 160 Woodvale / Springfield Road; and a Community Greenway BT162/02.

Part of the application site is zoned in the 2014 version of draft BMAP 2015 (dBMAP v2014) as an area of Existing Employment under designation BT 004 – Land at Springfield Road (Former Mackies site). The application site also falls within an uncommitted housing site WB 04/04 – Land between West Circular Road and Ballygomartin Road, either side of Forth river. In addition, the site is subject to two environmental designations: SLNCI - BT 084/26 – Springfield pond/Highfield Glen’ and a Community Greenway BT147/02.

BCC Environmental Health, Northern Ireland Water, BCC Tree Officer, BCC Landscape, Planning and Development team, DFI Roads Service, DFI Rivers Agency, Historic Environment Division (Historic Monuments); Historic Environment Division (Historic Buildings); DAERA Water Management Unit, DAERA Regulation Unit; Shared Environmental Services and DAERA Natural Environment Division have raised no issues of concern subject to conditions and the proposal is considered acceptable.

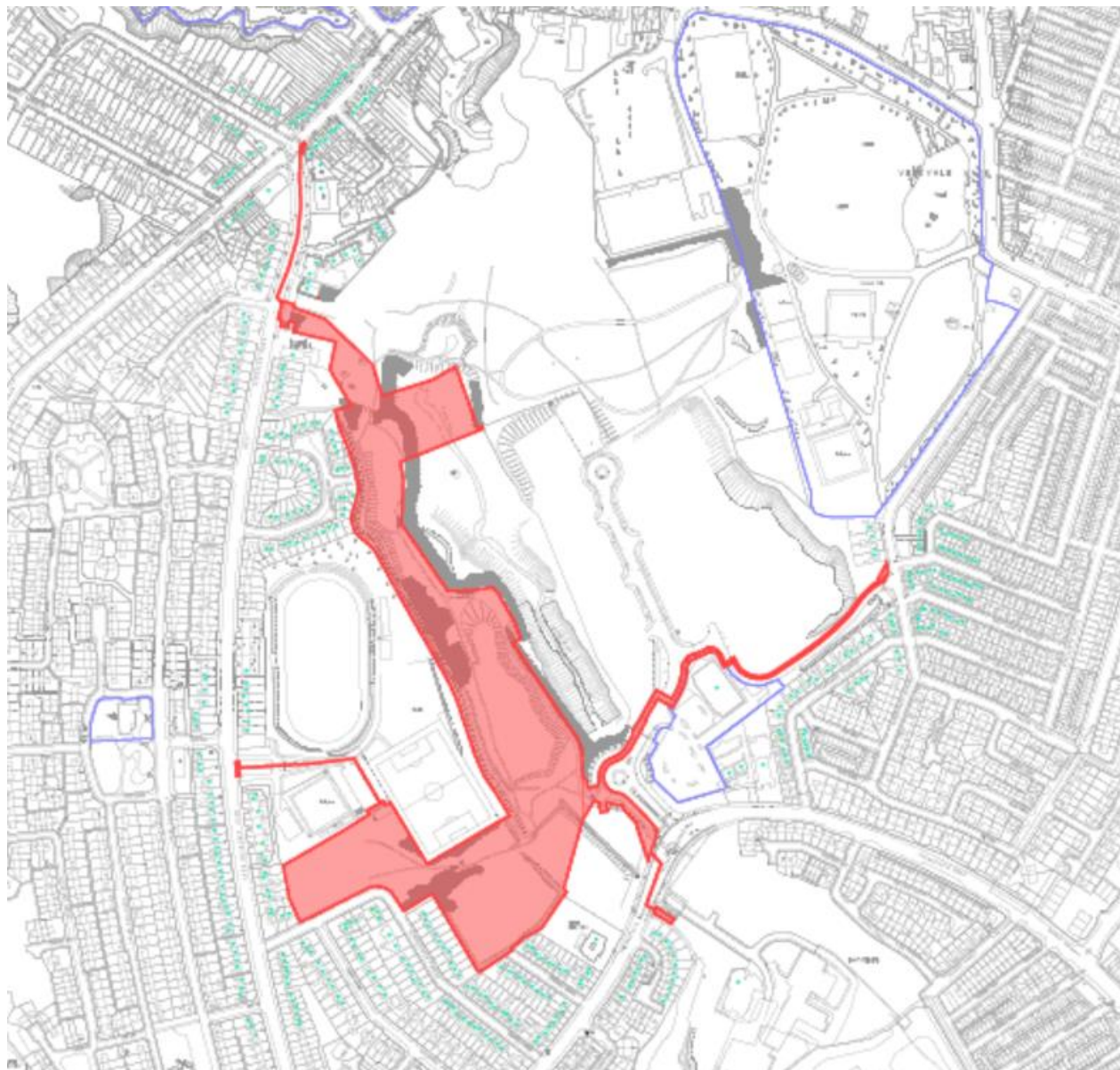
Two letters of support and three objections have been received. The issues they raise are set out in more detail in the main report.

The proposal has been assessed against the Strategic Planning Policy Statement for Northern Ireland (SPPS), Belfast Urban Area Plan 2001 (BUAP), dBMAP v2004, dBMAP v2014, Planning Policy Statement 2, Planning Policy Statement 3, Planning Policy Statement 4; Planning Policy Statement 6, Planning Policy Statement 8, and Planning Policy Statement 15. Having regard to the assessment of the Development Plan and relevant material considerations, the proposal is considered acceptable.

It is recommended that planning permission is granted with the final wording of conditions delegated to the Director of Planning and Building Control.

Case Officer Report

Site Location Plan



Representations:

Letters of Support	Two received
Letters of Objection	Three received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

1.0 Description of Proposed Development

1.1 The application seeks planning permission for proposed new parkland. This is section 2 of the proposed wider Forthmeadow Community Greenway. The proposal includes foot and cycle

pathways, lighting columns, new entrances, street furniture and landscaping. The applicant is Belfast City Council.

2.0 Description of Site

The site is located in west Belfast, north of the Springfield Road and east of the West Circular Road. The site is a large area of open space, characterised by planting and a variety of trees, and includes the Forth River Ravine to the east of the site. Paisley Park track and infield pitch and Albert Foundry Bowling Club are immediately adjacent to the site curtilage to the west. There is a large area of open space to the east of the site. The Innovation Factory which provides workspace and support to entrepreneurs, is situated immediately adjacent to the site, to the south. Further to the north, west and south of the site the area is mostly residential with a large Tesco Superstore to the north east. Therefore, the area comprises a mix of uses.

2.1 Within BUAP 2001, the application site is located within an area zoned as industry and commerce. It is also identified as being a simplified planning zone and an Area of Business Development Potential.

2.2 Part of the application site is zoned in the 2004 draft BMAP as an area of Existing Employment/Industry under designation BT10 – Employment/industry Land at Springfield Road (Former Mackies Site). The application site is also located partly within zoning WB 04/12 Housing – Lands to the south of Ballygomartin Road and to the east of West Circular Road. Furthermore, the application site is subject to the following environmental designations: Site of Local Nature Conservation Importance (SLNCI) – BT 102/26- Springfield Pond/ Highfield Dam; Local Landscape Policy Area (LLPA) BT 160 Woodvale / Springfield Road; and a Community Greenway BT162/02.

2.3 The report by the Planning Appeals Commission (PAC) following the Public Local Enquiry into objections to dBMAP v2004, records two objections, one in respect of the LLPA designation and the other in relation to the community greenway. The PAC recommended that the BT 160 – LLPA designation be removed from within Zoning BT 010 and recommended no change in respect of the other elements of the objections that relate to this site. This recommendation was accepted by the Department with the LLPA designation subsequently removed from the dBMAP v2014.

2.4 Part of the application site is zoned in the draft BMAP v2014 as an area of Existing Employment under designation BT 004 – Land at Springfield Road (Former Mackies site). The application site also partly falls within an uncommitted housing site WB 04/04 – Land between West Circular Road and Ballygomartin Road, either side of Forth river. Furthermore, the site is subject to two environmental designations: SLINCI - BT 084/26 – Springfield pond/Highfield Glen' and a Community Greenway BT147/02. These environmental designations overlap with the employment zoning.

Planning Assessment of Policy and Other Material Considerations

3.0 Site History

3.1 There is no recent relevant planning history on the site.

3.2 Since the proposal falls under the category of Major development, Pre-Application Community Consultation was carried out by the applicant following submission of a Proposal of Application Notice (reference LA04/2019/1869/PAN). Feedback from the public was generally positive, however, one objection set out concerns regarding the proposal for the redevelopment of the Mackie's site.

4.0 Policy Framework

- 4.1 Belfast Urban Area Plan 2001 (BUAP)
- 4.2 Draft Belfast Metropolitan Area Plan (BMAP) 2015 (version 2004 and 2014)
- 4.3 Regional Development Strategy 2035
- 4.4 Strategic Planning Policy Statement 2015 (SPPS)
- 4.5 Planning Policy Statement (PPS) 2: Natural Heritage
- 4.6 Planning Policy Statement (PPS) 3: Access, Movement and Parking
- 4.7 Planning Policy Statement (PPS) 4: Planning and Economic Development
- 4.8 Planning Policy Statement (PPS) 6: Planning, Archaeology, and the Built Heritage
- 4.9 Planning Policy Statement (PPS) 8: Open Space, Sport and Outdoor Recreation
- 4.10 Planning Policy Statement (PPS) 15: Planning and Flood Risk
- 4.11 Developer Contribution Framework (2020)

5.0 Statutory Consultees

- 5.1 DFI Roads Service – No objection
- 5.2 Northern Ireland Water Ltd – No objection
- 5.3 DFI Rivers Agency – No objection
- 5.4 DAERA Natural Environment Division – No objection subject to conditions
- 5.5 DAERA Regulation Unit – No objection subject to conditions
- 5.6 DAERA Water Management Unit – No objection subject to conditions
- 5.7 HED Historic Monuments – No objection
- 5.8 HED Historic Buildings – No objection

6.0 Non Statutory Consultees

- 6.1 Belfast City Council (BCC) Environmental Health – No objection subject to conditions
- 6.2 BCC Tree Officers – No objection subject to conditions
- 6.3 BCC Landscape, Planning and Development – No objection
- 6.4 BCC Local Development Team – No objection
- 6.5 Shared Environmental Services – No objection

7.0 Representations

- 7.1 The application has been neighbour notified, advertised in the local press and made available on the NI Planning Portal. Five representations were received, two of which were supportive, however, there were three objections.
- 7.2 Two representations in support of the proposal were received. These were from a neighbouring resident and Belfast Hills Partnership. They outlined general support for the proposal but also bringing to the Council's attention there is invasive species on the site.
- 7.3 Three objections were received (one of which was addressed to Members of the Planning Committee). A summary of these objections is provided below.

Participation and the Practice of Rights (PPR):

- This section of the proposed community greenway is an anomaly as the other sections are in parkland whereas this is a brownfield site.
- The Council previously committed to resolving equality concerns but these have yet to be properly addressed. The previous screening [for the wider community greenway project] failed to acknowledge that the site is brownfield and capable of delivering development that will address equality at the site in line with the Council's obligations.
- People in Belfast are waiting on average 23 months for a home – the longest waiting time of any area. Nearly 3,000 people in West Belfast are in housing stress compared to only 401 homes allocated to new tenants. NIHE recognises that there is a supply issue. The proposal would set-aside a large windfall site in an area of the highest housing need.
- The potential use of brownfield land as parkland as potential equality impacts.
- The dimensions of the proposed site do not correspond with any specific need.

- The site has no surveillance by design and would be an unwelcoming and threatening space. A linear park with housing face it would be preferable.
- The proposal violates regional policy including the SPPS and PPS 4 which seek to protect zoned employment land. The land is zoned for employment in both the BUAP 2001 and draft BMAP 2015. Only the LDP process can redesignate the land. The PAC recommended removal of the LLPA designation as it would compromise the employment zoning. The LLPA was subsequently dropped.
- According to the PAC, draft BMAP 2015 has no material relevance.
- The proposal is premature to the new Belfast LDP and growth strategy.
- The proposal is contrary to the Council's Green and Blue Infrastructure Plan. It deviates from the established route in draft BMAP 2015, GBIP and draft Belfast Plan Strategy. It would also prejudice delivery of employment land.

Town and Country Planning Association:

- Supports the principle of community greenways but objects to this application.
- The land is zoned for employment in BUAP 2001 and draft BMAP 2015. The proposal is contrary to both the SPPS and PPS 4 which seek to protect employment land.
- The PAC recommended removal of the LLPA from draft BMAP 2015 as it would compromise the employment zoning.
- The proposal is premature as it would prejudice the outcome of the new Belfast Local Development Plan. The proposal would be prejudicial to the new LDP process.
- The proposal would prejudice the Council's own growth strategy which seeks to confine new housing and employment to within the boundary of the city.

7.4 With reference to the equality concerns, the recommendation to grant planning permission is the subject of an equality screening process, as defined in the Council's Equality Scheme. The information gathered to date indicates the recommendation would be screened out; with no adverse impacts identified.

7.5 In relation to the objection that the site and lands should instead be used for social housing, the Council must assess the proposal before it (the proposal is not for social housing). The Council cannot compel the landowner to bring forward an application for social housing. It will endeavour to use its powers as a Planning Authority to tackle social housing need through the new Belfast Local Development Plan, which includes specific planning policy provisions to address this issue and will consider the future zoning of land to address same through the next stage of the Plan process, the Local Policies Plan.

7.6 The remaining issues will be considered within the main assessment.

8.0 Other Material Considerations

8.1 Parking Standards (DOE, Feb 2005)

8.2 Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses – Planning Advice Note

9.0 Assessment

9.1 Section 6(4) of the Planning Act (Northern Ireland) 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise. Section 45 of the Act states that the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.

9.2 Following the Court of Appeal decision relating to BMAP, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which dBMAP v2014 had reached pre-adoption through a period of independent examination, the policies within the that

draft still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Given the advanced stage at which dBMAP v 2014 had reached it is considered to hold significant weight (save for policies around Sprucefield which remain contentious). Paragraphs 2.1 – 2.4 outline the designations for the site.

9.3 The proposed development is for section 2 of the Forthmeadow Community Greenway. The proposal is a part of the Belfast PEACE IV Local Action Plan. The overall project aim is to provide paths through the city that will link up existing public spaces and in so doing, interconnect communities.

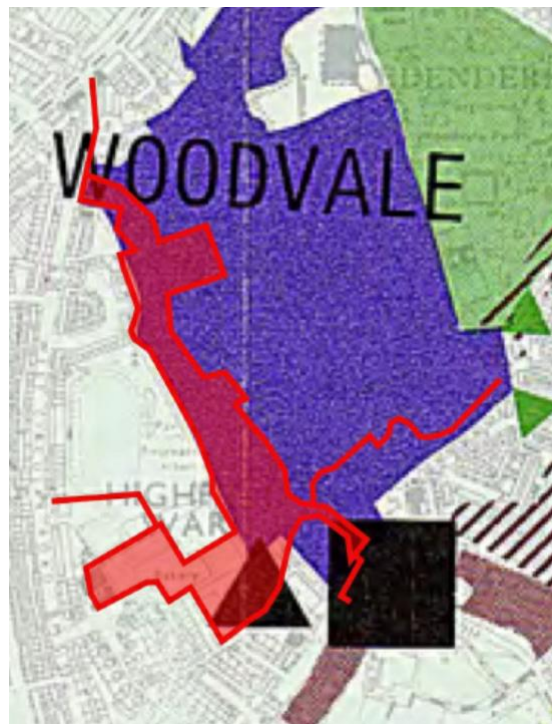
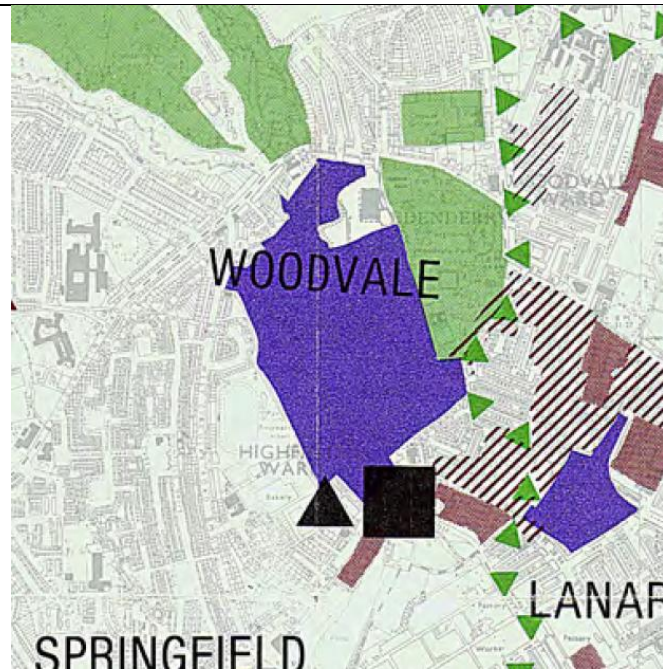
9.4 The key issues are:

- principle of development
- impact on the character and appearance of the area
- impact on natural heritage
- access, movement and parking, including road safety
- impact on built heritage
- flood risk
- landscaping
- other environmental matters

Principle of development

Belfast Urban Area Plan 2001

9.5 The site is within the development limits of Belfast in both BUAP and draft BMAP 2015 (both versions). Within BUAP 2001, the application site is located within an area zoned as industry and commerce (as shown below; the black square is a Simplified Planning Zone and black triangle an Area of Business Development Potential). Policies IND 4 'Simplified Planning Zones' and IND 6 'Land use policy for Industrial and Commercial area' apply. BUAP states: 'lands zoned for Industrial and Commercial use are reserved for appropriate types of development', but goes on to state that 'changes in the employment sector away from manufacturing and towards the service sector have resulted in the introduction of new uses', and that 'as a result of all these trends and changes it is necessary to allow flexibility in the use of industrial and commercial land'.



Draft Belfast Metropolitan Area Plan 2015 (v2004)

9.6 Part of the application site is zoned in dBMAP v2004 as an area of Existing Employment/Industry under designation BT10 – Employment/industry Land at Springfield Road (Former Mackies Site). The application site is also located partly within zoning WB 04/12 Housing – Lands to the south of Ballygomartin Road and to the east of West Circular Road. The application site is in part subject to the following environmental designations: Site of Local Nature Conservation Importance (SLNCI) - BT 102/26- Springfield Pond/ Highfield Dam; Local Landscape Policy Area (LLPA) BT 160 Woodvale / Springfield Road; and a Community Greenway BT162/02 (as shown below). Development of the site should only come forward in accordance with an agreed masterplan.

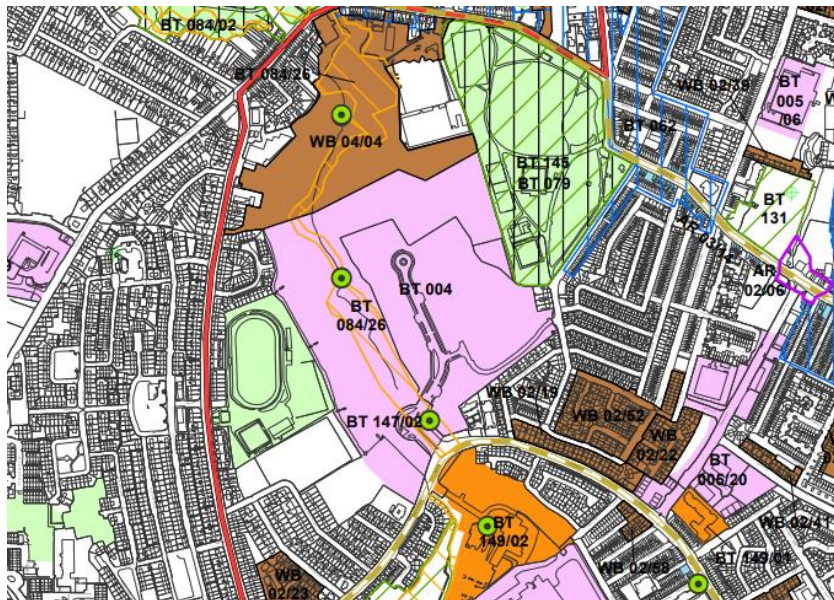


9.8 The report by the Planning Appeals Commission (PAC), following the Public Local Enquiry into objections to dBMAP v2004 records two objections, one in respect of the LLPA designation and the other in relation to the community greenway. The PAC recommended that designation BT 160 – LLPA designation be removed from within Zoning BT 010 and

recommended no change in respect of the other elements of the objections that relate to this site. The recommendation to remove the LLPA designation was accepted by the former Department of Environment on the basis of the zoning of the land for employment uses and that the works that had already been undertaken had compromised this landscape. The second objection was to remove the community greenway designation. This was not accepted by the PAC, which concluded that it would not affect the business use of the lands.

Draft Belfast Metropolitan Area Plan 2015 (v2014)

9.9 Part of the application site is zoned in the dBMAP v2014 as an area of Existing Employment under designation BT 004 – Land at Springfield Road (Former Mackies site). The north edge of the site partly falls within housing zoning WB 04/04- Land between West Circular Road and Ballygomartin Road, either side of Forth river. The site is also subject to two environmental designations: SLINCI - BT 084/26 – Springfield pond/Highfield Glen’ and a Community Greenway BT147/02 (as shown on the inset map below). Development of the site should only come forward in accordance with an agreed masterplan.



9.10 It is acknowledged that part of the site falls within BT 004 as an area of existing employment, however, environmental designations BT 084/26 and BT 147/02 overlap this land. Although the application site is subject to a number of planning policies, some of which seek to retain an industrial use of the site, Policy BT162 of dBMAP v2014 confirms that the use of the site as a Community Greenway is both acceptable and is actively promoted by the draft Plan. Supporting text within the Development Plan states that: ‘development shall be excluded from a landscaped corridor associated with the Forth River which traverses the site and is part of the designated Forth River/Glencairn/Ligoniel Community Greenway, Ref. BT 147/02’. It is considered that neither the proposal nor the absence of an agreed masterplan would prejudice the remainder of the land coming forward for employment uses. Furthermore, it is considered that the proposal would not prejudice the delivery of housing on the land to the north edge of the site. Significant weight should be given to the most recent version of dBMAP v2014 because of its advanced stage in the Development Plan process.

9.11 Furthermore, officers note that of approximately 133,000 sq. metres of land suitable for employment use within a 3km distance (30-minute walk) of the site, approximately 75,000 sq. metres is currently available within the Mackies zoning. The application proposal is likely to reduce the employment yield of this zoning by approximately 30%. However, given the

aforementioned policy position, this is considered acceptable. There is no objection to the proposal from Planning Service LDP team.

9.12 The issue of prematurity relating to the Draft Plan Strategy (dPS) 2035 has been raised by objectors. The Planning Service LDP team advises that independent examination has taken place in relation to the dPS and the Council is currently awaiting a report from the Planning Appeals Commission which must then be considered by DfI before the dPS can be adopted. It advises that: *'Prematurity is not considered to be justified in relation to this proposal because there is sufficient land within the plan area to deal with the city's employment requirements over the lifetime of the plan. The Plan Strategy has largely focussed on policy and not individual designations / zonings which will be considered at the next stage – the Local Policies Plan (LPP). In any case the development proposal does not go to the heart of the plan and is neither individually nor cumulatively so significant, that to grant planning permission would be to predetermine a decision which ought to be properly to be taken in the LDP context.'* Moreover, regard must be had to the environmental constraints of the land and landscaped corridor.

9.13 The aim of the proposal is to help create new connected shared civic spaces for use by all sections of the community, with high quality, safe, shared spaces and Greenway networks, enhancing linkages between communities and promoting sustainable transport opportunities. These are important material considerations which weigh in favour of the proposal. As well as providing new pathways within the site itself to allow for pedestrians and cyclists, the proposal will enhance and expand the ecology and habitats which exists on the site, such as the Open Mosaic Habitat. This is also an important material consideration.

9.14 Having regard to the above factors, the principle of development is considered acceptable.

Impact on the character and appearance of the area

9.15 The proposed park will have a series of 3m wide routes, finished in buff-coloured asphalt path suitable for use by pedestrians, cyclists, and disabled users. A steel framed elevated walkway is proposed to provide access over the existing wetland area. The site boundary will be defined by a 2.4m high palisade fence. A 1.2m high palisade fence will be used to prevent access to the Forth River Ravine, where there are steep slopes and areas of invasive species present. The proposed scale, form, design and materials are considered acceptable and would not adversely impact on local character.

9.16 The site comprises a mix of tree species which vary in age, size, health, condition and growing in small groups, clusters or stand alone. Initial consultation with both BCC Tree Officers and BCC Landscaping, Planning and Development team presented a number of concerns as well as requests for additional information. A Tree Protection Plan as well as Landscape Management and Maintenance Plan and detailed landscaping plans were submitted for review.

9.17 A total of 31 trees are proposed to be removed with 80 (of mixed species) to be planted. All retained trees will be protected using protective fencing during construction. On reviewing the latest submission neither BCC Landscape, Planning and Development nor BCC Tree Officers offered an objection. The BCC Tree Officer suggested a number of conditions to be included should approval be granted and these are recommended.

9.18 There is no objection to the landscape impact of the proposal from the Council's Landscape, Planning and Development team. It is considered that the proposal would not result in visual harm and that the character and appearance of the area would actually be enhanced.

Impact on natural heritage

9.19 As well as being within environmental designations previously listed, the application site is hydrologically linked to the Belfast Lough SPA and Belfast Lough Open Water SPA, which are

designated under the EC Habitats Directive (92/43/EEC on the conservation of natural habitats and of wild fauna and flora); as well as the Inner Belfast Lough ASSI, Outer Belfast Lough ASSI, which are declared under the Environment Order (Northern Ireland) 2002.

9.20 A Draft Preliminary Ecological Appraisal (PEA), Bat Survey, Habitats Regulation Assessment, Invasive Species Management Plan and OMH Creation and Management Plan were submitted as part of the application. DAERA NED were consulted regarding any potential impact the proposal could cause on any natural heritage assets on or adjacent to the site. NED responded requesting additional information mainly in order to assess any potential impact on the significant population of bats present on the site, both foraging and commuting, but also on whether there were badgers present. A finalised PEA; lighting plan and clarification of any tree removal were submitted, satisfying NED that the proposal was acceptable. NED also welcomes the plan set out within the Invasive Species Management Plan for the managed treatment of Japanese knotweed and Himalayan balsam present to eradicate stands and avoid further potential spread. NED have suggested three conditions should approval be granted which stipulated that a Construction Environmental Management Plan (CEMP) should be submitted and agreed in writing prior to the commencement of works; any necessary vegetation removal be completed outside of the bird breeding season (1st March – 31st August); and no development activity shall take place within 10 metres of the existing watercourse.

9.21 DAERA, Water Management Unit were also consulted and responded on 24th February 2021 confirming they had no objections to the proposal, as did Shared Environmental Services on 5th July 2021, subject to the submission and agreement in writing of a CEMP prior to the commencement of works. SES carried out a HRA screening and recommend that BCC as the Competent Authority adopts the HRA report. This found that the project would not have an adverse effect on the integrity of any European site.

9.22 The proposal is considered acceptable with regard to ecological and environmental issues having regard to PPS 2 and relevant policy.

Access, Movement, Parking and Transportation

9.23 Existing car parks are available at Paisley Park and Springfield Park, with on street parking available at the proposed entrance at West Circular Road. Deliberately there is no proposed dedicated vehicular access as the community greenway is specifically proposed for cyclists and pedestrians. DFI Roads responded with no objection to the proposal. The proposal is considered acceptable with regard to access, movement, parking and transportation issues having regard to PPS 3 and relevant policy.

Impact on Built Heritage

9.24 The application site is located within the vicinity of the Woodvale Park's Bandstand and its gate piers, gates and railings, both of which are Grade B2 listed under HB26/38/002 A and HB26/38/002 B respectively. Due to the nature of the proposal, as well as being removed from the listed structures HED Historic Buildings felt it would pose no greater demonstrable harm on their setting, and therefore satisfied paragraph 6.12 of the SPPS and Policy BH11 of PPS6.

9.25 An Archaeological and Cultural Assessment was carried out for the PEACE IV programme in its entirety. As well as listed structures, one recorded archaeological monument, four historic gardens recorded in the Historic Gardens Register, and eighteen sites within the Industrial Heritage Records were identified. HED Historic Monuments have confirmed that they have no objection to the proposal.

9.26 The proposal is considered acceptable with regard impact on built heritage having regard to PPS 6 and relevant policy.

Flood Risk

9.27 A Drainage Assessment has been submitted in accordance with Policy FLD 3 of PPS 15. DfI Rivers Agency were consulted and responded with no objection. The proposal is considered acceptable with regard to flood risk and draining having regard to PPS 15 and relevant policy.

Other Environmental Matters

9.28 A Preliminary Risk Assessment, Generic Quantitative Risk Assessment and accompanying Ground Investigation Report were submitted, relating to the risk of contaminated land on the site. The site investigation identified a human health risk from asbestos fibres in shallow soils and remediation measures were outlined. Whilst DAERA Regulation Unit responded with no objection to the proposal subject to certain conditions, BCC Environmental Health (EH) requested further detail, resulting in the submission of updated reports.

9.29 Asbestos was identified at 25 locations. BCC EH notes that the only potential risk posed to future site users is through direct exposure and as the proposed walking and cycling routes are to be surfaced with hardstanding a physical barrier will therefore break the direct exposure pathways. Future site users could potentially be exposed to contaminants in soils across non-hardstanding areas, therefore the impacted areas are to be provided with a capping layer of clean material. BCC EHO responded with no objection to the proposal subject to the agreement of a Verification Report prior to the operation of the development if approved. They also suggested the inclusion of an informative with respect to the proposed pole mounted LED lanterns and bridge lighting.

10.0 Conclusion and Recommendation

10.1 The proposal will support connectivity and linkage between communities and promote health and well-being to the surrounding area, which is to be welcomed. It is considered that the proposal would enhance the character and appearance of the area. There are no objections from consultees. The objections from third parties have been addressed in the report.

10.2 Having regard to relevant policy, representations and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted with the final wording of conditions delegated to the Director of Planning and Building Control.

11.0 Draft Conditions

Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. Prior to the operation of the proposed development, the applicant, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the Pentland Macdonald Ltd report entitled 'Additional Contaminated Land Risk Assessment, PEACE IV CRSS Forth Meadow Community Greenway, Belfast, for McAdam Design/Belfast City Council' (dated May 2021 and referenced PM21-1032) and shown on the McAdam Design Ltd drawing entitled 'Section 2, Contaminated Lands Remediation Plan' (Project No: E2103, Drawing No: 02-110, Revision B, dated 8th July 2021) have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (public open space (park)). It must demonstrate that the

identified potential contaminant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance and must demonstrate that:

- a) A minimum 600mm clean capping layer has been emplaced in all required areas, as shown in the Pentland Macdonald Ltd report entitled 'Additional Contaminated Land Risk Assessment, PEACE IV CRSS Forth Meadow Community Greenway, Belfast, for McAdam Design/Belfast City Council (dated May 2021 and referenced PM21-1032) and the McAdam Design Ltd drawing entitled Section 2, Contaminated Lands Remediation Plan (Project No: E2103, Drawing No: 02-110, Revision B, dated 8th July 2021).
- b) The clean capping layer is formed from material is demonstrably suitable for use (public open space (park)) and is underlain by a geotextile membrane.

Reason: Protection of human health.

3. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be agreed with the Council in writing, prior to the development being occupied. If required, the Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

Reason: Protection of human health

4. The appointed contractor must submit a final site specific Construction Environmental Management Plan (CEMP) for approval by Belfast City Council Planning before commencement of any works on site. This plan should contain all the appropriate environmental mitigation as detailed in the NIEA WMU and NED responses dated 24/02/2021 and 29/06/2021.

Reason: To ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase to protect hydrologically connected European Site features.

5. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

6. After completing the remediation works under Condition 5; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

7. A Construction Environmental Management Plan shall be submitted by the applicant/approved contractor to the Planning Authority prior to the commencement of works. This should identify the perceived risks to the aquatic environment, potential pollution pathways and mitigation measures to negate such risks. It should include;

- a. Construction Method Statement(s) - including details of construction and excavation;
- b. Pollution Prevention Plan ? including details of a suitable buffer of 10m between the location of refuelling, storage of oil/fuel/substrate/construction materials/machinery, concrete mixing and washing areas and any watercourses found on site.
- c. Site Drainage Plan; including details of Sustainable Drainage Systems (SuDS).
- d. Spoil Management Plan; including location of spoil storage areas out with the 10m buffer zone;
- e. Environmental Emergency Plan; including details of emergency spill procedures and regular inspections of machinery onsite;
- f. Water Quality Monitoring Plan;
- g. Details of the appointment of an Ecological Clerk of Works (ECoW), detailing their roles and responsibilities.

Reason: To protect designated sites and site selection features.

8. No vegetation clearance/removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Council within 6 weeks of works commencing.

Reason: To protect breeding birds.

9. No development activity, including vegetation clearance, infilling, disturbance by machinery, dumping or storage of materials including vehicles/refuelling of vehicles, shall take place within 10 metres of the existing watercourse.

Reason: To protect/minimise the impact of the development on the biodiversity value of the name of the existing watercourse (former mill race) to the west of the proposed greenway route.

10. A full Construction Environmental Management Plan (CEMP) shall be submitted to the Council and agreed in writing following consultation with NIEA Water Management Unit, at least 8 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

11. All soft landscaping works shall be carried out in accordance with the approved details on drawing no xxxx, dated xxxx. The works shall be carried out prior to the completion of the dwelling unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

Reason: In the interests of the character and appearance of the area

12. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any retained trees or planting indicated on the approved

drawings which become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity

13. Prior to any work commencing all protective measures, protective barriers (fencing) and ground protection is to be erected or installed as specified within British Standard 5837: 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations (section 6.2) on any trees to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.

14. If roots are accidentally damaged the council must be notified and given the opportunity to inspect the damage before it is covered over.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees.

15. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the RPA of trees within the site and adjacent lands during the construction period.

Reason: To avoid compaction within the RPA of existing trees to be retained.

12.0	Referral to DFI Planning N/A
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Appendix 3 – Late Items report to Planning Committee on 14 September 2021

Late Items

Agenda Item	Application	Issues Raised	Action
6c	LA04/2019/0775/F – Hampton Park	<p>NIEA consultation response received on Tuesday 14th September 2021.</p> <p><u>WATER MANAGEMENT UNIT</u></p> <p>In our previous response WMU/PC/ 30576-1 uploaded to the NI Planning Portal on 17th May 2019 Water Management Unit stated that it was content with the sewage loading from the proposed development being transferred to Newtownbreda Waste Water Treatment Works (WWTW)</p> <p>Water Management Unit constantly reviews the potential impact to the surface water environment of proposed developments connecting to the various WWTW's including loadings and treatment regimes at those treatment works as well as considering whether or not the works have been upgraded.</p> <p>Having reviewed the situation at Newtownbreda WWTW, Water Management Unit are now concerned that the sewage loading associated with the above proposal has the potential to cause an environmental impact if transferred to this WWTW.</p> <p>If NIW advise the NI Planning Case Officer that they are content that both the receiving Waste Water Treatment Works (WWTW) and the associated sewer network for this development can take the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then Water Management Unit</p>	<p>Members to note.</p> <p>NI Water have previously advised of no issues (relates to Water Management Unit comments).</p>

Agenda Item	Application	Issues Raised	Action
		<p>has no objection to this aspect of the proposal.</p> <p>Should this application be approved Water Management Unit recommend the following condition is inserted in any decision notice.</p> <p>The first suggested condition in DAERA Standing Advice Multiple Dwellings is:</p> <p>Condition: No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.</p> <p>Reason: This condition is both to ensure protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available. The applicant should note this also includes the purchase of any waste water treatment system.</p> <p>Condition: Once a contractor has been appointed, a Construction Method Statement (CMS) should be submitted to the Planning Authority for their written agreement prior to works commencing on site.</p> <p>Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment prior to works beginning on site.</p> <p><u>INLAND FISHERIES</u></p>	

Agenda Item	Application	Issues Raised	Action
		<p>Inland Fisheries has considered the application and is content that, with appropriate mitigation, there is unlikely to be any significant impact to fisheries interests in the vicinity of the proposal, however would advise that a section 48 permit will be required for the proposed headwall construction.</p> <p>Explanation Inland Fisheries notes the nature and location of the proposal with a small watercourse to the southern boundary of the site which flows into the River Lagan, the River Lagan has significant fisheries interest, the river supports populations of resident and migratory salmonids (Salmon, Trout/Seatrout), eels, lamprey and several coarse fish species are also likely to be present. Inland Fisheries has invested substantial time and resources into the successful reintroduction of a self-sustaining population of salmon to the Lagan catchment. Inland Fisheries have also invested considerable time, effort and resources into a program of habitat enhancement in the river catchment. The River Lagan is an excellent resource for recreational angling and utilized by several highly active clubs. The applicant should be aware that aquatic ecology can be impacted not only in the immediate area of works but also significant distances downstream unless comprehensive mitigation measures are applied. Fish populations are sensitive to reductions in water quality and salmonids are particularly susceptible to siltation. Inland Fisheries has no data relating to this small stream however, having conducted a site visit is content that there is some potential for fisheries interests within it although water quality may be an issue. There is the potential for deleterious materials including suspended solids to enter the watercourse and thus the River Lagan during the construction phase, the applicant must ensure the nature of any discharges to the</p>	Members to Note

Agenda Item	Application	Issues Raised	Action
		<p>aquatic environment are of a nature that they will not be to the detriment of fisheries interests, any proposed mitigation should be outlined in a CEMP. The proposal itself, with appropriate mitigation for suspended solids/sediments entering the watercourse, is unlikely to have any significant impact to the stream but would advise that the construction of the headwall to facilitate the surface water discharge, will require permission under Section 48 of the Fisheries Act (NI) 1966, the applicant/contractor should be advised these can be applied for by contacting DAERA Inland Fisheries.</p> <p><u>NATURAL ENVIRONMENT DIVISION</u></p> <p>NED acknowledges receipt of Representation letters uploaded to the Planning Portal and has considered the contents.</p> <p>Explanatory note NED has reviewed the Representation letters and with the information available within the Phase 1 Habitat survey, consideration has been taken with regards to impacts on badger, bats, otters and habitat interest of the site, NED notes that further concern has been raised with regard to squirrels and butterflies and considers that the proposed development is unlikely to significantly impact these natural heritage features. NED advises that with the information submitted, the proposed development complies with PPS2, provided the recommendations as previously advised are conditioned and attached to the decision notice.</p>	Members to Note
6e	LA04/2020/2280/F Mixed use development comprising 1 ground floor retail unit and 13	Request from the agent for this application to be withdrawn from the agenda to allow further engagement between the applicant and the local community on parking and the other issues raised.	For committee to decide whether to defer the application further.

Agenda Item	Application	Issues Raised	Action
	apartments at 93-95 Falls Road		
6f	LA04/2019/1886/F – 42-50 Ormeau Road	<p>Draft consultation response from DFI Roads has been received (Private Streets Determination awaiting formal sign off).</p> <p><i>Having reviewed the submitted Private Streets Determination drawing No.20-03 Rev.P3 uploaded to the Planning Portal 23rd June 2021 and bearing Department for Infrastructure Determination date stamp 24th August 2021, the Department for Infrastructure now offers no objections to this proposal.</i></p> <p><i>The parking survey submitted in support of the development application (uploaded to the Planning Portal 29th August 2019) together with a parking survey undertaken by the Department for Infrastructure on 11th February 2020 demonstrates sufficient spare capacity/availability of on-street parking within the vicinity of the site to accommodate the requirements of the development during its peak periods of parking demand.</i></p> <p><i>The letters of representation uploaded to the Planning Portal (on or before 3rd December 2020) have been considered by the Department for Infrastructure in the assessment of this development application.</i></p> <p><i>The following conditions and informatives should be considered for inclusion in any planning decision notice issued:</i></p> <p>Conditions</p>	

Agenda Item	Application	Issues Raised	Action
		<p><i>1) The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.</i></p> <p><i>The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on drawing No.20-03 Rev.P3 bearing the Department for Infrastructure Determination date stamp 24th August 2021.</i></p> <p><i>REASON: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.</i></p> <p><i>2) The development hereby permitted shall not be occupied until sheltered cycle parking facilities have been provided in accordance with Drawing No.03B uploaded to the Planning Portal 18th May 2021.</i></p> <p><i>REASON: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.</i></p> <p><i>3) The development hereby permitted shall operate in accordance with the Framework Travel Plan uploaded to the Planning Portal 29th August 2019.</i></p> <p><i>REASON: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.</i></p>	

Agenda Item	Application	Issues Raised	Action
		<p>4) The development hereby permitted shall operate in accordance with the Service Management Plan uploaded to the Planning Portal 29th August 2019.</p> <p>REASON: In the interests of road safety and the convenience of road users.</p>	
6g	LA04/2021/0173/F Alterations and extension to create new consulting and therapy rooms with plant relocated to roof at 193 Belmont Road.	<p>Emails from Keith McClure (Agent):</p> <p>The existing on site parking provision falls short of what is required in the Parking Standards. The site can facilitate 14 parking spaces. However, the parking standards as set out ,</p> <ul style="list-style-type: none"> • 1 space per vet • 1 space per 2 other staff and • 4 spaces per consulting room <p>would mean a requirement of 34 spaces for the building as it exists.</p> <p>There is no increase planned in either staff or patient numbers but rather the proposal is required for facility improvement rather than service expansion. Currently, the practice is using some rooms for multiple purposes which is not ideal nor efficient, providing below standard services with regard to adequate room for treatments.</p> <p>Confirmation that consultations are via appointment only with the exception of emergencies.</p>	<p>Officers respond to the points raised as follows:</p> <p>The veterinary hospital is a long-established use which benefits from the existing on-site and off-site parking facilities. Therefore, the Council can only assess the potential increase in parking as result of the current proposal.</p> <p>The Council acknowledges that the parking standards would require 8 additional parking spaces based on the 2 consulting rooms created.</p> <p>However, with no planned increase in staff or patients, the minor nature of the extension, and that DFI Roads have no objection, the Council considers the proposal to be acceptable and will not exacerbate the impact on parking or road safety beyond what currently exists. The proposal is considered to comply with PPS3 and the SPPS in this regard.</p>
6h	LA04/2020/1959/F proposed parkland on land to the north of Springfield Road and west of West Circular Road (Section	Letter from solicitors acting on behalf of PPR who have objected to the application. The points raised in the letter are summarised below.	Officers respond to the points raised as follows.

Agenda Item	Application	Issues Raised	Action
	2 of Forthmeadow Community Greenway)	<ul style="list-style-type: none"> • Refers to Policies IND4 and IND6 of the BUAP 2001. In relation to Policy IND4, the site is not a Simplified Planning Zone (SPZ). Policy SPZ states that the establishment of SPZs will be considered. The Planning Act 2011 permits the Council to make SPZs. No SPZ has ever been made for this site and it's unclear why it is being referenced in the Committee report • Policy IND6 seeks to reserve industrial and commercial and for appropriate types of development and protects such land from non-employment uses. Policy IN6 does state that it is necessary to be flexible but this is limited to industry and employment and does not support replacement with a park. Additional uses that would be acceptable include: <ul style="list-style-type: none"> - Light and general manufacturing - Warehousing and stockholding - Car and commercial vehicles sales - Repair businesses - Building suppliers and associated storage - Training centres, vehicle inspection and driving test centres - Ancillary local needs e.g. banks, cafes • Refers to the zonings in dBMAP 2015 (v2004) and dBMAP 2015 (v2014). Par. 9.10 of the Committee report is misleading it states that the employment zoning is overwritten by Policy BT162 of draft BMAP 2015 (v2014), however, this policy does not exist and is only present in draft BMAP 2015 (v2004). • The greenway zoning is aligned with and located on the Forth River Valley, not on the western side of zoning BT 004 in dBMAP 2015 (v2014). There are good planning 	<p>The SPZ annotation is referenced in the Committee report at par. 9.5 for factual reasons.</p> <p>The proposed greenway is considered ancillary to or complementary to the employment zoning. By its very nature its use would not be incompatible with the employment zoning and it indeed would support it by providing landscape relief, breakout amenity space for employees and improved connectivity. The proposed greenway does not preclude future employment development of the land. Moreover, regard should be had to building plot ratios and that a scheme developing the wider lands for employment would likely remain viable whilst retaining the proposed community greenway.</p> <p>The Committee report referenced the incorrect policy designation in error. Par. 9.10 should refer to Policy BT147/02 (community greenways) rather than Policy BT162.</p> <p>The indicative location of the greenway (Policy BT 147/02) is along the Forth River basin. However, this does not preclude an</p>

Agenda Item	Application	Issues Raised	Action
		<p>reasons for this which relate to ecology and topography. The community greenways are identified on Map Nos. 4/001 to 4/004.</p> <ul style="list-style-type: none"> • In any event dBMAP 2015 (v2014) cannot override regional planning policy and PPS 4 which seeks to protect employment land. Policy PED 7 of PPS 4 states: <i>'Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted unless the zoned land has been substantially developed for alternative uses.'</i> • Par. 9.10 of the Committee report ignores the key site requirement that the land shall only be used for employment purposes. Reference to development being excluded from the landscape corridor only relates to the housing zoning and not to the employment land. 	<p>alternative location for the proposed greenway, which must be considered on its merits as set out in the Committee report.</p> <p>As discussed above, the proposal is considered complementary to the employment zoning. The positive aspects of the proposal must be balanced against the concerns including loss of employment land. This is set out in the Committee report and the proposal considered acceptable.</p> <p>Policy BT 004 of dBMAP 2015 (v2014) has a number of key site requirements including:</p> <ul style="list-style-type: none"> - Limiting uses to Classes B1 (b) and (c), B2, B3 and B4; - Consideration shall be given to the exact type of employment uses with a view to protecting residential amenity; - Development of the site shall only be permitted in accordance with an overall comprehensive masterplan. This shall outline the design concept, objectives and priorities for the site; - Access shall be from the Springfield Road in accordance with Departmental requirements; - The existing access onto Woodvale Avenue shall be restricted to pedestrian, cycle and public transport usage only; - Buildings shall exhibit variety in their elevational treatment and heights, and

Agenda Item	Application	Issues Raised	Action
		<ul style="list-style-type: none"> The proposal would result in the loss of 30% of the wider employment land and no consideration has been given to PPS 4 including Policy PED 7. 	<p>particular consideration shall be given to views into the site.</p> <ul style="list-style-type: none"> - A comprehensive landscaping scheme for the proposal shall be submitted; and - Positive long term landscape management proposals shall be required to mitigate any development and to protect and maintain the landscaping on the site. <p>As discussed above, the proposal is considered complementary to the employment zoning.</p> <p>Policy PED 7 of PPS 4 applies. It states that: <i>'Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted unless the zoned land has been substantially developed for alternative uses.'</i></p> <p><i>An exception will be permitted for the development of a sui generis employment use within an existing or proposed industrial/employment area where it can be demonstrated that: the proposal is compatible with the predominant industrial use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area generally. Retailing or commercial leisure development will not be permitted except</i></p>

Agenda Item	Application	Issues Raised	Action
		<ul style="list-style-type: none"> The statement about prematurity at par. 9.12 of the Committee report is incorrect because the Belfast LDP Plan Strategy is entirely reliant on the conversion of a significant proportion of employment land to residential use. The letter disagrees with the assessment of prematurity and believes that the matter <u>does</u> go to the heart of the Plan Strategy. The loss of 30% of protected employment land would create a city-wide precedent with significant ramifications for the Development Plan process. 	<p><i>where justified as acceptable ancillary development.'</i></p> <p>As discussed above and in the case officer report, the proposal is considered ancillary and complementary to the employment zoning. Whilst the red line boundary of the application site would appear significant in terms of size, the actual proposed development within that red line consists of foot and cycle pathways, lighting columns, new entrances and street furniture. It is considered that the connectivity improvements that would be delivered by this application would likely be required in any subsequent application for employment use in any event. As such these works have the potential to facilitate sustainable economic development, which is the overriding objective of planning policy.</p> <p>The issue of prematurity is addressed in the Committee report and is a very high bar in terms of significant prejudice to delivery of the plan. Whilst there may be an identified potential oversupply of employment land across the entire city the council has not stated that it is reliant on this oversupply of land to meet the housing need over the plan period.</p>

Agenda Item	Application	Issues Raised	Action
		<ul style="list-style-type: none"> The Committee is invited to adjourn consideration of the application so that fuller representations on the Committee report can be made. 	It is considered that the Committee has sufficient information to determine the application but will need to consider the proposal from PPR to defer it.
6h	LA04/2020/1959/F proposed parkland on land to the north of Springfield Road and west of West Circular Road (Section 2 of Forthmeadow Community Greenway)	<p>The applicant (BCC Physical Programme team) has submitted an email, which sets out the following points.</p> <ul style="list-style-type: none"> The Forth Meadow Community Greenway project will create an iconic 'network of shared open spaces' which will enable reconciliation and interaction between divided communities and be a catalyst for social and economic regeneration for local neighbourhoods. Local communities will be reconnected to the City Centre, specifically to the Transport Hub, and commercial Linen Quarter; There are 3 distinct elements to the Share Spaces project: <ul style="list-style-type: none"> To develop civic pride in local welcoming, attractive neighbourhood spaces To enable safe, easy and accessible 're-connections' between historically segregated neighbourhoods To ensure that local communities benefit from wider neighbourhood regeneration. The project has secured over £5m of public funding. In order to fulfil SEUPB Letter of Offer requirements all 12 km of the greenway must be delivered. Funding is timebound with spend date December 2022 for completion of all sections so any slippage in programme will result in loss of funding. Additional funding has been secured from DfI and DfC and again all 12 km of greenway must be delivered. This spend must be achieved by end of March 2022. Over £2m has been spent to date and non-completion risks clawback. The timescales for delivery are very tight and in addition we are working with multiple funders with separate letter 	For the Committee to note.

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		of offer conditions. Again any delay in terms of the timeline risks the funding for the project and the risk of financial and reputational implications for the Council.	
j	LA04/2021/0169/F Application to upgrade to existing park entrances and path lighting, foot and cycle pathways, lighting columns, enhanced entrance layouts and proposed street furniture. (Section 3a ForthMeadow Community Greenway) at site bounded by Whiterock Road Whiterock Leisure Centre and by property boundaries at Ardmonagh Gardens, Whiterock Grove & Bleach Green Terrace	<p>Further comment on the objection referred to in the committee report – <i>The objector is concerned about the removal of gates and would like to see the current gate maintained and strengthened and locked at night due to disturbance and criminal activity.</i></p> <p>Officer Response: As previously advised the removal of the gates does not require planning permission. For clarity, the proposal also includes the replacement of the gates with 1.8m high paladin gates. The applicant has advised that the gates will be opened and closed in line with the Council's parks policy.</p> <p><i>The objector is also concerned that neighbours have not been notified about the proposal.</i></p> <p>Officer Response: Neighbour notification has been carried out in accordance with the statutory planning requirements. In addition, the application has been advertised in the local press.</p> <p>The objector also raises questions for NIHE who have responded directly to the objector.</p>	For committee to note.

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APPENDIX – POLICY ASSESSMENT FROM [REDACTED]

Planning Policy

3.2.1 Section 6(4) of the Planning Act requires planning authorities to take decisions in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise; it states:

"Where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

3.2.2 The Local Development Plan is the BUAP; within BUAP an industry zoning is designated that encompasses the Mackie lands. A substantial portion of the proposed greenway lies within that zoning, the extent of which is shown on

Figure 17 of the D&AS. (for a copy of Figure 17 please refer to Appendix 5)

3.2.3 Draft BMAP, published in November 2003, remains in draft form and is not the LDP. It also contains an industry/employment zoning (referenced BT 010) at the Mackie lands. As shown on Figure 18 in the D&AS a substantial portion of the proposal site overlaps with the zoning (for Figure 18 refer to Appendix 5).

3.2.4 Draft BMAP also designated a **Local Landscape Policy Area (LLPA)** referenced BT 160 that covered the western part of the zoning BT 010 and a community greenway located on the line of the Forth River valley, which unequally bisects BT 010.

3.2.5 The PAC Report recommends on page 117 that the LLPA be removed from the final version of BMAP and that no other changes be made (see Appendix 6).

3.2.6 dBMAP 2014 included the PAC recommendations.

3.2.7 The adoption of BMAP was quashed by the Court of Appeal in May 2017 and the plan remains in draft.

3.2.8 BUAP policies in relation to industry and commercial zonings are:

3.2.8.1 Policy IND 1 - Land for Industry and Commerce, which states:

"A total of 375 hectares (940 acres) is zoned in suitable locations to meet the expansion needs of existing industry and commerce and to provide for new industries and enterprises."

3.2.8.2 IND 1 goes on to state:

"The zoning of land for industrial and commercial uses will ensure that a supply and choice of sites are available throughout the urban area. ... The 335 hectares (840 acres) distributed throughout the Belfast Urban Area provides opportunities for local employment to be established close to where people live. The wide range of site sizes and

choice of locations should ensure that the needs of developers are met throughout the Plan period."

3.2.8.3 Policy IND 6 - Land use Policy for Industrial and Commercial Areas, which states:

"To ensure that lands zoned for Industrial and Commercial use are reserved for appropriate types of development."

3.2.8.4 IND 6 goes on to state:

"For various reasons, areas within the Belfast Urban Area previously zoned as 'industrial' now contain premises which do not reflect that description. Changes in the employment sector away from manufacturing and towards the service sector have resulted in the introduction of new uses, changing locational requirements have also made former industrial areas and industrial estates more attractive for non-manufacturing firms, and changing trading conditions have encouraged some existing manufacturing firms to diversify to include wholesaling and retailing, new technology industries have created difficulties with precise definition. As a result of all these trends and changes it is necessary to allow flexibility in the use of industrial and commercial land, the following additional uses will normally be acceptable in industrial estates: -

- Light and general manufacturing*
- Warehousing or stock-holding*
- Car and commercial vehicle sales including showrooms, servicing,*
storage (stock piling), but excluding breaking and scrap/dismantling
- Repair businesses*
- Builders suppliers with their associated open storage*
- Training centres, Vehicle Inspection and Driving Test Centres*
- Ancillary local needs, e.g. banks, cafés"*

3.2.8.5 BUAP also contains policies and initiatives intended to improve landscaping, improve the physical environment particularly in the inner city and expand recreational opportunities; these are policies L2 in relation to inner city landscaping and open space and R3 with regard to linear parks.

3.2.8.6 Policy L2 - The Inner City states:

"To extend the provision of local open spaces and landscaping within the Inner City."

3.2.8.7 L2 goes on to state:

"The quality of housing within the Inner City has improved greatly in recent years due to the concentrated efforts of both the public and private sectors. This will be complemented by measures to improve the quality of the environment of the inner City. The Inner City is, therefore, a priority area for landscaping projects and urban renewal measures to make it a more attractive location in which to live and work."

3.2.8.8 L1 provides 4 actions that are intended to contribute towards the achievement of the policy, these include:

"The encouragement of environmental improvements and landscaping on vacant, derelict or waste land by public authorities or voluntary groups"

3.2.8.9 Policy R3 - Linear Parks, which states:

"To establish linear parks based on streams and rivers within the urban area and, where possible, to develop a linking system of walkways within the valleys. These linear parks are:

-

- *Connswater/Knock River Valley*
- *Derriaghy River Valley*
- *Collin Glen River Valley*
- *Forth River Valley*
- *Ligoneil River Valley*
- *Carrs Glen, Ballysillan, Waterworks, Alexandra Park*
- *Glas-na-Cradan River Valley*
- *Three Mile Water River Valley"*

3.2.8.10 R3 goes on to state:

"The river valleys running through the urban area are attractive natural features which should be retained and developed as linear parks. They provide the opportunity to create local open spaces and to provide continuous walks through the built-up area to the open country."

3.2.8.11 The BUAP maps show that the proposed Forth River Valley linear park does not extend to include the Mackie lands. BUAP further states in R3: "The development strategy map shows in greater detail the lands reserved for landscape, amenity or recreation use."

3.2.8.12 Draft BMAP locates the site of the impugned approval in "Outer Belfast City". The zoning BT 010 zones the land as "Existing Employment/Industry" subject to a set of nine Key Site Requirements, which are:

"Development shall only include the following uses:

- *Light Industrial Use as currently specified in Class 4 of the Planning (Use Classes) Order (Northern Ireland) 1989 as amended*
- *General Industrial Use as currently specified in Class 5 of the Planning (Use Classes) Order (Northern Ireland) 1989 as amended*
- *Storage or Distribution Use as currently specified in Class 11 of the Planning (Use Classes) Order (Northern Ireland) 1989 as amended*

"Consideration shall be given to the exact type of industrial/employment use at this location with a view to protecting the amenity of the residential premises in close proximity;

"Development of the site shall only be permitted in accordance with an overall comprehensive masterplan for the site to be agreed with the Department. This shall outline the design concept, objectives and priorities for the site;

"Access shall be from the Springfield Road in accordance with Roads Service, DRD requirements;

"A Transport Assessment (TA), agreed with Roads Service, DRD, shall be required to identify any necessary improvements to the road network/public transport/transportation facilities in the area;

"The existing access onto Woodvale Road shall be restricted to pedestrian, cycle and public transport usage only;

"Buildings shall exhibit variety in their elevational treatment and heights, and particular consideration shall be given to views into the site;

"A comprehensive landscaping scheme for the proposed development shall require to be submitted with any planning application for development and agreed with the Department. This shall include all of the following: -

- "The existing vegetation on the northern, eastern and western boundaries of the site shall be retained (unless otherwise determined by the Department) and supplemented with trees and planting of appropriate native species to provide screening for the development and facilitate its integration into the landscape;*
- "A detailed planting plan and programme of works shall be provided for all new planting in relation to boundary definition and additional high quality landscaping proposals within the site to be agreed with the Department; and*

"Positive long term landscape management proposals shall be required to mitigate and integrate any development and to protect and maintain the landscaping on the site. An Article 40 Agreement may be required to ensure delivery of this in accordance with the Department's requirements."

3.2.8.13 At BT 160 draft BMAP designates a Local Landscape Policy Area (LLPA), shown outlined in green on Figure 18 of the D&AS. The draft BMAP designation of BT 160 states that the features that contribute to the environmental quality, integrity or character of the area include an *"area of local nature conservation interest - open ground and a section of the Forth River"*.

3.2.8.14 At BT 162 draft BMAP designates eight Community Greenways. The plan *"promotes the concept of Community Greenways which seek to re-establish corridor links between parks and natural areas to create a network of urban open space."* Designation BT 162/02 is titled *"Forth River/Glencairn/Ligoneil Route"*. Draft BMAP does not provide any details of the routes of any of the greenways but they are shown on the plan maps. Figure 18 in the D&AS shows the draft BMAP policy and designations framework with the site of the impugned permission superimposed upon it, the greenway route is denoted by green circles with back centres.

3.2.8.15 Draft BMAP was subject to a public inquiry and the PAC Report of that inquiry addressed the BT 010 zoning and the BT 160 and BT 162/02 designations (refer to Appendix 6 for an extract of the PAC Report). It stated:

"Zoning BT 010 - Existing Employment, Springfield Road (Former Mackies's Site)

"Designation BT 160 Woodvale/Springvale LLPA

"Designation BT 162/02 Community Greenway

"The objection to the failure to include business uses in the list of acceptable uses on employment sites has been conceded by the Department and is addressed in Part 1 of this report. The objection also related to that part of LLPA BT 160 and the community greenway BT 162/02 within Zoning BT 010. No map was supplied but we consider that it is clear from the letter that this was the extent of the Invest NI (INI) objection. The Department states that the river corridor has been affected by works associated with the development of the business park by INI and with the adjoining housing zoning WB 04/12. These works involved culverting the river and removal of riverside vegetation. This has had a detrimental impact on the landscape, amenity and nature conservation interest of that part of the site. The Department recommends that the part of the objection lands be excluded from LLPA BT 160. Note – there is no plan of the area to be excluded. There is no comment on the SLNCI designation, which is presumably also affected.

"The objection to the Community Greenway related to impact on Invest Northern Ireland's activities on the site. We see no reason for the development of a greenway to adversely impact on the business use of the site. Its purpose is to link existing areas of open space and this can be accommodated on the vacant land within the site.

"Objection 3645 refers to the LLPA being proposed as part of the Springvale development and as this has been substantially shelved then the LLPA should be zoned for housing. The Department has agreed to the deletion of the LLPA from the employment zoning. We have no information to suggest that the plans for the area have been shelved. A new access and roads into the site have been provided. Invest Northern Ireland maintains its interest in the site and objected to the Plan's provisions as they affect the site. We also note that the Springvale Campus is under construction on Zoning BT 164/03 to the south. In this context we consider that the lands should not be zoned for housing.

"Recommendation

"We recommend that designation BT 160 be removed from within Zoning BT 010. We recommend no change in respect of the other elements of the objections that relate to this site."

3.2.8.16 An adopted version of BMAP was published in September 2014, its adoption was subsequently quashed by the Court of Appeal in May 2017. There are competing views as to whether this version of BMAP has weight, however, those are opinion not fact and I address them in the subsequent section. I have included the provisions of this version of BMAP (dBMAP 2014) for completeness.

3.2.8.17 BMAP (2014) maintained the zoning although it was re-named BT 004 and the route of the community greenway (also re-named BT147/02) following the alignment of the Forth River Valley. BT 004 Existing Employment - Land at Springfield Road (former Mackie's Site) contains the same nine Key Site Requirements as those in draft BMAP updated to reflect the change to the Planning (Use Classes) Order (Northern Ireland) 2004.

3.2.8.18 The LLPA designation was removed in accordance with the PAC recommendation.

3.2.8.19 The designation of the community greenway was confirmed in designation BT 147/02.

3.2.8.20 The proposal, subject of the impugned permission, involves the use of land zoned for industry/employment for a greenway which is not an industrial or employment generating use but a recreational and open space use. Regional planning policy addresses these issues in the SPPS, PPS 4 and PPS 8.

3.2.8.21 The SPPS addresses "Economic Development, Industry and Commerce" from page 56 to 61 and sets out policies to be taken into account in the determination of planning applications. It sets out in paragraph 6.84 that within larger settlements "planning decisions must, to a large extent, be informed by the provisions made for economic development through the LDP process" and in relation to land zoned for industry/employment states, in paragraph 6.89, that:

"It is important that economic development land and buildings which are well located and suited to such purposes are retained so as to ensure a sufficient ongoing supply. Accordingly, planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. Any decision to reallocate such zoned land to other uses ought to be made through the LDP process."

3.2.8.22 The SPPS retained the majority of the earlier suite of Planning Policy Statements which include PPS 4 and its policy PED 7. PED 7 - Retention of Zoned Land and Economic Development Uses is sub-divided into policy for land that is zoned and policy for unzoned land in settlements. As the proposed greenway in part occupies zoned land it is the former that is relevant. PED 7 states:

"Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses."

3.2.8.23 PED 7 also provides an exception in this policy for:

"...the development of a sui generis employment use within an existing or proposed industrial/employment area where it can be demonstrated that: the proposal is compatible with the predominant industrial use; it is of a scale, nature and form appropriate to the location; and will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area generally."

3.2.8.24 In relation to greenway development the SPPS sets out applicable policy under "Open Space, Sport and Outdoor Recreation" from page 86 to 89; it comments in paragraph 6.210 that community greenways are "*valuable in linking larger areas of open space and providing important wildlife corridors/ecological networks*".

3.2.8.25 Planning Policy Statement 8 (PPS 8) Open Space, Sport and Outdoor Recreation also recognises the value of community greenways "*many of which are valuable in linking larger areas of open space*" and highlights the importance of protecting them. PPS 8 ascribes community greenways with a strategic function in Annex A3.

Third Party Objectors

3.2.9 Aside from the representations made by PPR supported by Pragma Planning and Development Consultants Limited, an objection was submitted by the **Town and Country Planning Association (TCPA)** a campaigning charity based in London (refer to Appendix 7). Its objection stated:

"While we support the principle of the community greenway in Belfast, we strongly object to the application for the greenway at the proposed site on two grounds:

"1. The proposals impact on industrial land

"Both the adopted Belfast Urban Area Plan (BUAP) and draft Belfast Metropolitan Area Plan (dBMAP) contain zoning for industrial/employment uses covering at least part of the site. Policy IND 2 seeks to provide land for business development in areas of urban renewal; the land at Woodvale falls into this policy also.

DBMAP contains a Local Landscape Policy Area (LLPA) designation to protect the landscape of the river valley. However, the Planning Appeals Committee have recommended its removal from this part of the site as it would be disruptive to the employment potential to the land.

Strategic Planning Policy Statement for Northern Ireland PPS 4 - Policy PED 7 states that:

"Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.'

"And in paragraph 5.30:

"Planning permission will not be granted for proposals involving the loss of land zoned for economic development use, either existing or proposed, in a development plan to other uses. Any decision to reallocate such zoned land to other uses where necessary will be carried out as part of the development plan process.'

"2. Prematurity

"A decision to approve the planning application would be premature in accordance with paragraph 20 of the Joint Ministerial Statement (JMS) of January 2005, which indicates that where the planning authority can demonstrate that development proposals (either individually or cumulatively) would prejudice the outcome of a plan process by pre-determining decisions about the nature, scale, location or phasing of new development they should be refused.

"While the emerging Belfast Local Development Plan (LDP) contains policy in relation to community greenways and green and blue infrastructure development, in this case, the proposed greenway is not located on the land allocated for it but is sited on land zoned for industry and employment purposes in the adopted and draft development plans, while its development would as a matter of course displace the zoned employment land. In these circumstances PPS 4 PED 7 advises that decisions about reallocation ought to be taken through the development plan process. It is logical therefore to conclude that approval would be prejudicial to that process.

"The requirements of the draft Plan Strategy do not support the conversion of land from employment to any use other than housing and in advance of the plan completing its process are probably premature. Belfast City Councils Growth Strategy sets a goal for the creation of 46,000 additional jobs and the council intend to provide the employment floorspace and housing within the existing urban footprint of the city. As the Councils aspiration is that all the additional employment floorspace and all the additional housing is delivered within the existing urban area it is clear that all existing housing and employment land is needed for either one or the other and the loss of land from either housing or employment to any other purpose should not be considered until decisions have been made about the long-term future of the land following the Local Development Plan examination in public."

“Policy OS 2 of PPS 8 states planning permission will not be granted for development either within or adjacent to a designated Community Greenway which would prejudice the retention, enhancement or further development of an identified route.”

3.2.15 This is factually incorrect, policy OS 2 of PPS 8 requires the provision of public open space in housing development. Policy OS 2 of draft BMAP protects the identified routes of community greenways from other forms of development.

Do the planning policies protecting land zoned for industry/employment from other competing uses constitute a presumption against development?

4.1.1 There are a number of separate policies applying in this instance that seek to protect the zoned employment land from competing land uses. These policies all have a strategic intent: to preserve a long-term supply of employment land in a choice of locations.

4.1.2 Of these policies, the SPPS states at paragraph 6.89 that:

“... planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. Any decision to reallocate such zoned land to other uses ought to be made through the LDP process.” (emphasis added)

4.1.3 Paragraph 1.12 of the SPPS outlines the transitional arrangements keeping the majority of the existing suite of PPSs, it states that where the SPPS is less prescriptive than a retained policy this should not lessen the weight to be ascribed to that policy.

4.1.4 PPS 4 PED 7 is worded more strongly than paragraph 6.89 of the SPPS; it states:

“Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted...” (emphasis added)

4.1.5 Planning policy contains a number of instances where a presumption against development is operated and in this case it is useful to examine how they are worded.

4.1.6 Among the best known of these is the presumption against demolition of an unlisted building in a Conservation Area. This is governed by the SPPS and **PPS 6 Planning Archaeology and the Built Heritage (PPS 6)**, which states at policy **BH 14**:

“The Department will normally only permit the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character or appearance of the area.” (emphasis added)

4.1.7 **PPS 8 Open Space, Sport and Outdoor Recreation (PPS 8)** also operates a presumption against the loss of existing public open space to other competing uses in its policy **OS 1**; it states:

“The Department will not permit development that would result in the loss of existing open space or land zoned for the provision of open space.” (emphasis added)

4.1.6 A further presumption against development is operated in the countryside, which is governed by the SPPS and in particular **PPS 21 Sustainable Development in the Countryside (PPS 21)**. Policy CTY 1 of PPS 21 states:

“There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Details of these are set out below.

“Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement...” (emphasis added)

4.1.7 These example policies exhibit a range of wording that is linked to the types of development that will not be permitted under the policy. The various policies exhibit three defining characteristics. The first of these is that they operate by placing a prohibition on the approval of specified types of development that would result in the loss of an asset the retention of which is in the public interest.

4.1.8 The wording of PPS 4 PED 7 is very similar to that of PPS 8 OS 1, its justification states that:

“It is important that economic development land and buildings which are well- located and suited to such purposes are retained and only exceptionally will the Department consider the loss of such land and buildings to other uses.” (paragraph 5.28)

“Planning permission will not be granted for proposals involving the loss of land zoned for economic development use, either existing or proposed, in a necessary will be carried out as part of the development plan process.” (paragraph 5.30)

“An exception may be made for a proposal for a sui generis employment use compatible with the existing or proposed economic development use e.g. a builders’ supplies merchant or a waste management facility provided a sufficient supply of land for economic development use remains in the locality and the plan area generally.” (paragraph 5.31)

4.1.9 The justification expands on the policy intent, in particular it highlights the importance of retaining economic development land in the public interest.

4.1.10 The second defining characteristic of the example policies is that they give specific exceptions to their general prohibition on the approval of the identified types of development. PPS 6 BH 14 provides for demolition where the building does not make a material contribution to the character and appearance of the Conservation Area, while PPS 8 OS 1 operates two specific exceptions and PPS 21 CTY 1 sets out a range of exceptions for housing and non-residential development in the countryside.

4.1.11 PED 7 also contains a specific exception permitting the development of a *sui-generis* employment use, with paragraph 5.31 providing examples of two such uses.

4.1.12 In operation, PED 7 places a prohibition on the approval of non-economic development uses in order to retain land zoned for economic development in the public interest, subject to a specific exception.

4.1.13 Paragraph 6.89 of the SPPS is worded similarly to PPS 6 BH 14; it does not contain an exception in relation to zoned economic development land, however, it has a

close relationship with PPS 4 PED 7 through its transitional arrangements and will in due course relate to policy EC4 within the LDP dPS.

4.1.14 The third characteristic is that all of these policies use their presumption against to achieve a strategic objective, such as the protection of unlisted buildings making material contributions to the character or appearance of conservation areas, the protection of public open space across any given urban area to meet the needs of the population, or the securing of an on-going supply of employment land in a range sizes and choice of locations.

4.1.15 PED 7 mirrors the other presumptive policies in strategic intent, wording and provision of exceptions; consequently I have concluded that it operates a presumption against the loss of economic development land to other competing uses and that paragraph 6.89 reinforces that presumption.

By virtue of paragraph(s) 3 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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