

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: SLINCI - 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.

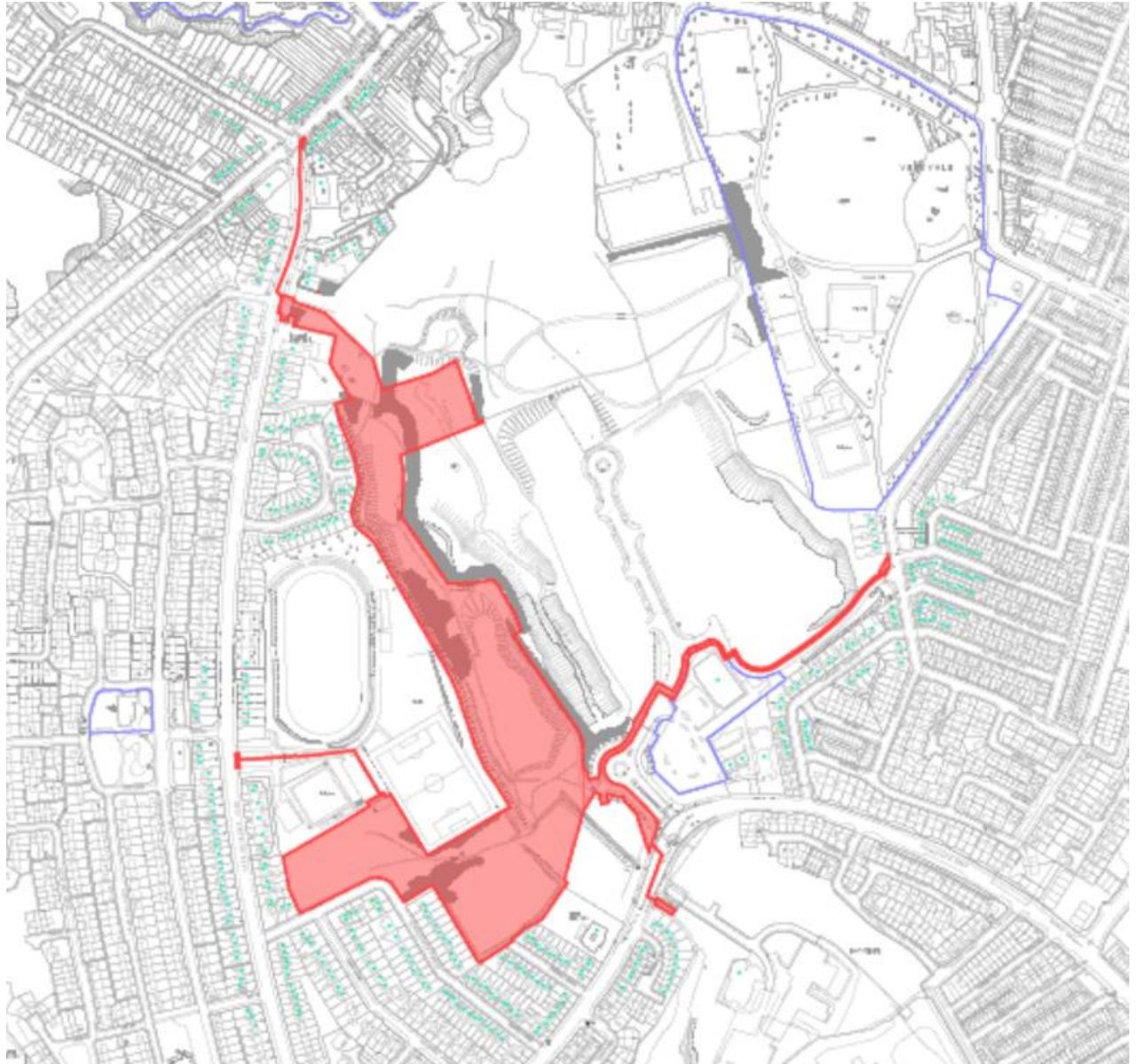
Two letters of support and three objections have been received. The issues they raise are set out in more detail in the main report.

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.

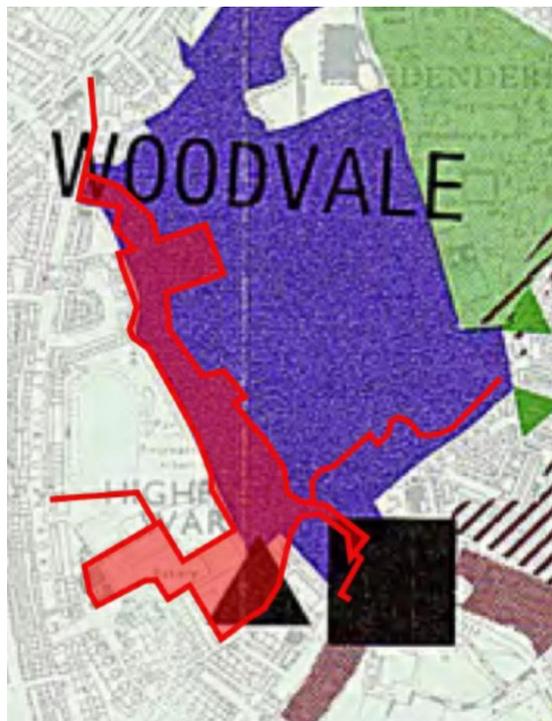
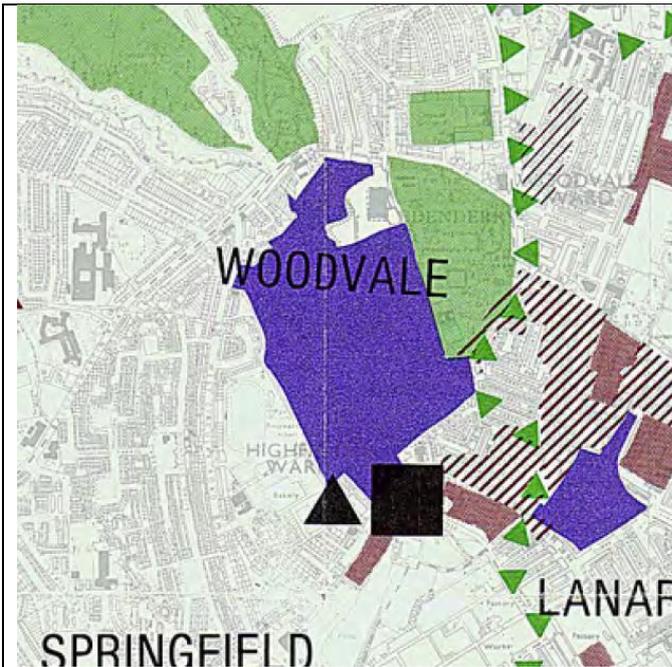
9.4 The key issues are:

- 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.



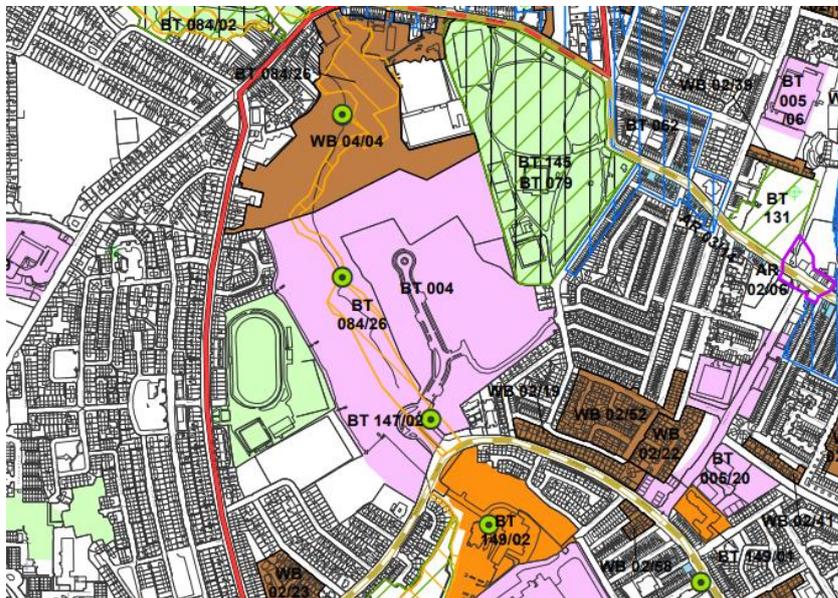
9.7 Policy ENV 2 of dBMAP v2004 applies. It states that planning permission will not be granted for development that would be liable to have an adverse effect on the nature conservation interests of a designated SLNCI. Policy ENV 3 (with respect to BT 160) also applies and states that in these areas 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. 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.

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

forementioned 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
-------------	--