



**Belfast**  
City Council

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**Our Ref: 20210914DraftDPPN11**

(Please quote at all times)

Mr Alistair Beggs  
Deputy Director, Strategic Planning Directorate  
Department for Infrastructure  
Clarence Court  
10-18 Adelaide Street  
BELFAST BT2 8GB  
By email: [Alistair.Beggs@infrastructure-ni.gov.uk](mailto:Alistair.Beggs@infrastructure-ni.gov.uk)

Dear Alistair,

### **Draft DPPN 11 – Adoption of Development Plan Document – Comments of Belfast City Council**

I refer to your recent circulation (by your email dated 24<sup>th</sup> August 2021) of the draft Development Plan Practice Note (DPPN)11, which relates to the receipt of the independent examination (IE) report and the adoption of local development plan documents. The City Council welcomes the opportunity to provide comments on the draft guidance in advance of its finalisation. The draft DPPN11 has been considered by the Council's Planning Committee and the comments below represent the position of the Council.

Firstly, the Council acknowledges the value of regional guidance to assist councils, and other key players, in the delivery of local development plans through the new legislative process. As indeed noted in draft DPPN11, the focus on the key legislative requirements in the draft document may be further developed in more detailed future guidance as the LDP system matures. This might be helpful for future development plan documents.

As you are, of course, aware, the Planning Appeals Commission (PAC) concluded its independent examination hearings on the Belfast LDP draft Plan Strategy in March 2021 and its report and

recommendations on the soundness of the draft Plan is expected later this month. The draft guidance is therefore particularly relevant to the current status of the Belfast LDP.

The draft guidance states that, following the independent examination, the PAC's report and recommendations on the soundness of the draft LDP document must be sent to DfI for its consideration before issuing a direction to the Council to adopt, modify or withdraw the draft Plan. Whilst this is in accordance with the legislation there is no prescribed timeframe for this stage, nor does the draft guidance provide any indicative timescales. The draft DPPN states that DfI will provide an indication to councils on the likely timeframe for its consideration and direction, this potentially leaves a significant period when the Council cannot plan or indeed undertake the necessary further work to expedite the potential adoption of the Plan.

Significantly, the draft guidance states that the "*Department will not release the IE report / recommendations prior to the issuing of the Direction to the Council*" which appears to suggest that it is not proposed to afford the opportunity for Council to have advance consideration of the independent examination outcomes prior to the issue of the Direction. This is contrary to the established position in England and Wales where an Inspector's report is shared with the Local Authority for fact-checking (see Procedure Guide for Local Plan Examinations, 18 March 2021, paragraphs 8.2-8.4) and a similar process is also followed in Scotland.

This element of the guidance causes significant concern to the Council as it will adversely impact on our timeframe for completion of the required process and ability to prepare for any additional assessment reviews or work on modifications, ultimately delaying potential adoption of the Plan document. There will also be delays to any proposed programme for the production of Supplementary Planning Guidance (SPG) that would support the implementation of new policies. The Planning Committee were also concerned by the proposed approach and could not see how this was considered either necessary or reasonable.

At the recent Metropolitan Area Spatial Working Group DfI indicated that they may be willing to review this position, and whilst this in itself does not provide certainty, it is hoped that it indicates a more pragmatic approach could be adopted to address this particular part of the process. Without such an approach there will ultimately be further unnecessary delay and risk to the final adoption of the Plan documents. In making this request I would clarify that it is accepted that any report would be shared entirely without prejudice to the Department's consideration of it and that the Council recognises that the Department is the ultimate decision maker. However, it is a matter of fact that the Department was not the author of the draft Plan Strategy and that the Council as the plan making body that fully participated in the IE process is in the unique position to be able to assist with the identification of any factual errors or matters which require clarification in the PAC report. If any errors do exist, it is clearly important that they are identified at an early stage before the Department proceeds to make its direction as faults could infect the Direction made by the Department and make it unlawful.

The draft guidance confirms that a council must comply with the DfI's direction, although again there is no prescribed timeframe for this. In the case of adoption (with or without modifications), the Plan document must be adopted by resolution of the full council in order for it to take effect. The draft guidance says very little about the role of Elected Members in resolving to adopt the final LDP, particularly where the DfI direction may suggest significant modifications. Again, as mentioned above, there is no recognition given to potential changes that may be required to the statutory assessments required to meet environmental and equality obligations. The clarification of what is proposed to be covered under the three potential Direction scenarios (Adopt, Adopt with Modifications, Withdraw) set out in 5.1 of the draft DPPN should also be included.

Whilst the modifications option would clearly have to set out detail as to the rationale and basis for what is proposed within the Direction, taking account of the PAC report, any Direction for withdrawal should also still suggest modifications or potential corrective action. This would be critical in seeking to ensure that the Department meets its duty to achieve value for money in public expenditure as councils will have

expended considerable public funds by the time this point is reached in the plan process. In recognition of the considerable resources expended by councils and the PAC – not least in the conduct of the IE with the resulting in recommendations from the Commissioners - it would be contrary to the principles of such efficiency / effective governance , and indeed disproportionate, to simply issue a withdrawal direction unaccompanied by suggested modifications.

In overall terms, the draft guidance currently provides little in the way of the practical guidance or clarity on the LDP process post delivery of the PAC report to the Department. The current draft should be supplemented as suggested above along with a commitment to share the PAC report with councils at an early stage to avoid inevitably further delay / risk the roll out of up to date local development plans across Northern Ireland.

I would be happy to meet with you to discuss these matters further.

Yours sincerely

A handwritten signature in black ink that reads "Kate Bentley". The signature is written in a cursive style with a large, sweeping flourish at the end.

Kate Bentley  
Director of Planning and Building Control