Town Planning Committee

Thursday, 17th April, 2014

MEETING OF TOWN PLANNING COMMITTEE

Members present: Councillor Hanna (Chairman);
Aldermen M. Campbell, R. Patterson and Rodgers;
Councillors Austin, Beattie, Cunningham, Curran, Garrett, Haire, Hendron, McCabe, McCarthy and Newton.

Also attended: Councillor Attwood.

In attendance: Mrs. P. Scarborough, Democratic Services Section; and
Ms. K. Mills) Divisional
Ms. C. Reville) Planning Office.

Apologies

Apologies were reported on behalf of the High Sheriff (Councillor L. Patterson) and Councillors Hutchinson and Mullan.

Declarations of Interest

Councillors Garrett and Haire declared an interest in respect of item 21 on the Schedule of Applications, in that they were both on the Board of the Belfast Harbour Commissioners.

Z/2013/1434/F – Former Visteon Factory, Black's Road

The Committee was reminded that, at its meeting on 6th March, it had agreed to receive deputations from the Fold Housing Association and from the Finaghy Road North/Black's Road Residents in connection with the demolition of the existing buildings and the proposed mixed-use development, comprising of 244 social and private affordable residential units, with access from the Black's Road, including associated public open space/linear park; community centre and class B business units, together with parking and access from the Finaghy Road North, at the above-mentioned location. It was reported that Mr. J. McLean, Chief Executive Officer, Ms. E. Patterson, Director of Housing and Ms. L. Magill, Development Manager of the Fold Housing Association were in attendance and they were admitted to the meeting and welcomed by the Chairman.

Mr. McLean provided an overview of the background to the Fold Housing Association and outlined examples of family housing provision by that organisation within the City. He explained the extent of the development proposal and gave a comparison between the original application, which had received planning approval in September, 2009, and the Fold Housing Association's proposed scheme, which was

under consideration currently and would lead to reduced density and increased open space at the site. Mr. McLean proceeded to outline the employment and future investment opportunities, together with the potential for residential use within the proposed development and he summarised the consultation activities which had taken place to date.

Mr. McLean answered a range of Members' questions in relation to the decontamination of the site, the economic balance of the proposal and the percentage of proposed social as opposed to private housing provision.

The Chairman thanked the representatives from the Fold Housing Association and they then retired from the meeting.

It was reported that Mr. P. Crossan, Mr. R. Rodgers, Mr. C. Duffy, Ms. B. Early and Ms. B. Devlin, representing the Finaghy Road North/Black's Road Residents, were in attendance and they were admitted to the meeting and welcomed by the Chairman.

Mr. Crossan outlined the objections and concerns of the Residents in terms of the proposed permanent loss of the site for economic development; access and transport issues; the layout, siting, design and external appearance of the proposal; and the potential impact on the neighbourhood and the environment. He provided supporting documentation in relation to the Regional Development Strategy 2035; the Draft Belfast Metropolitan Area Plan 2015; clarification of Planning Policy Statement 4 in terms of the retention of zoned land and economic development uses; the planning history on the site and Planning Policy Statement 12 in relation to housing in settlements. Mr. Crossan referred also to the response to a question which was put recently to the Minister for Enterprise, Trade and Investment in terms of the reluctance to lose land which was being used, or was last used, for industry to non-industrial use.

The Chairman thanked the representatives of the Finaghy Road North/Black's Road Residents and they then left the meeting.

The Committee noted the information which had been provided.

Strategic Planning Policy Statement

(Mr. K. Sutherland, Urban Development Manager, attended in connection with this item.)

The Committee considered the undernoted report and endorsed the proposed response to the Department of the Environment which was contained therein.

"1 Relevant Background Information

1.1 The Department of the Environment (DOE) published Draft SPPS for 12 weeks public consultation ending on 29 April 2014.

1.2 **The aim of the document is to consolidate the existing Planning Policy Statements (PPSs) (up to 20 documents) with a single Strategic Planning Policy Statement (SPPS) in order to provide a more accessible, shorter, clearer, focused statement of regional policy.**

1.3 **The DOE aims to publish the final SPPS to correspond with the transfer of planning powers to local councils in April 2015. When published in final form the SPPS must be taken into account by the new 11 councils in the preparation of local development plans (LDP) and is a material consideration in planning decisions.**

1.4 **This is a key policy document for the future operation of the planning functions by the 11 new councils from April 2015. A summary of the main issues is outlined in Appendix 1 and the Councils proposed draft response to draft SPPS is attached in Appendix 2 for consideration.**

2 **<u>Key Issues</u>**

2.1 **<u>New Core Planning Principles</u>**
Draft SPPS outlines 8 new core planning principles to underpin delivery of the planning reforms set out in the Planning Act (Northern Ireland) 2011. They are:

- **Furthering Sustainable Development;**
- **Improving Health and Well-being;**
- **Creating and Enhancing Shared Space;**
- **Delivering Spatial Planning;**
- **Observing a Plan-led System;**
- **Supporting Good Design, Positive Place-making and Urban and Rural Stewardship;**
- **Enhancing Stakeholder Engagement and Front-loading; and**
- **Enhancing Local Democracy and Accountability.**

2.2 **The recognition given to the need for a clear statement of core planning principles and that they are of fundamental importance to the delivery of planning and the two-tier planning system is broadly welcomed. A number of slight amendments to the wording are suggested in the appended response. The inclusion of noise and air quality management as elements of the Core Planning Principle – Improving Health and Well-being is suppported alongside the recognition of noise impacts as a material planning consideration.**

2.3 **<u>New Development Plan System</u>**
The draft SPPS outlines more detail on the new Development Plan system which will be the responsibility of the new councils in April 2015. A two stage approach is suggested which will involve:

- **A Plan Strategy which must set out the Councils objectives in relation to the development and use of land in its district and its strategic polices for the implementation of the objectives; and**
- **A local polices plan after the plan strategy has been adopted which must set out the Councils local polices consistent with the plan strategy.**

2.4 **SPPS will be a critical element in the reformed two-tier planning system. The objective set out in the Ministerial Foreword for documents which *'will set the direction for new councils to bring forward detailed operational policies within future local development plans'* and which will provide *'better clarity and certainty for all users of the reformed planning system'* provides welcome clarity.**

2.5 **<u>Retail Policy</u>**
Draft SPPS does update the Department's approach in relation to retailing and town centres and states that Councils and the Department are required to adopt a "town centre first" approach when considering applications for retail or main town centre uses. The SPPS states that where the impact is considered significantly adverse or the proposed development is judged to be harmful, then it should be refused.

2.6 **However, there is no strategic policy objective for the out of town regional shopping centre at Sprucefield. This is in spite of the fact that the document states, in relation to the status of the SPPS, that it is *'...a statement of the Department's policy on how regionally important land use planning matters should be addressed across Northern Ireland'.***

2.7 **The policy objectives, particularly those in relation to a reaffirmation of the 'town centres first' approach, sequential test and renewed emphasis on demonstrating capacity /quantitative need for additional retailing provide clear guidance. Recognition of the precautionary approach in the Regional Development Strategy 2015 (RDS) is also acknowledged. However, it is suggested that the SPPS takes the opportunity to redress the lack of clarity in respect of Sprucefield's role and so reduce the potential for**

misinterpretation by decision-makers. Lack of clarity on this issue could leave the door open to significant enlargement of Sprucefield – greatly to the detriment of Belfast City Centre, the '*primary retail location in Northern Ireland'* and with significant impacts in other centres.

2.8 <u>Transitional Arrangements</u>
Section 7 of the SPPS sets out the implementation and transitional arrangements for the document. It is noted that the existing Planning Policy Statements, with the exception of PPS 1 General Principles and PPS 5 Retailing and Town Centres, will be retained Consequently until Councils have prepared a "sound" Local Development Plan, they will be required to apply the SPPS as well as the retained policies in the existing PPSs. In the case of any conflict between the final SPPS and the policies retained under the transitional arrangements for the SPPS, the provisions of the SPPS will prevail.

2.9 This could offer considerable scope for uncertainty and legal challenge by affected parties over a substantial 'transitional' period of time. It is noted that that the indicative timeframe for a new LDP is at least 40 months and, hence, that the transitional arrangements could be in place in certain plan areas for at least 5 years and quite possibly much longer. It is therefore critical that 'Detailed Departmental Guidance' should be produced as a matter of urgency to support the planning and local government reform programme and that close consultation should take place with Councils during the development.

2.10 In addtion it is suggested that transitional arrangements should be set out to cover the situation (as applies with the Belfast Metropolitan Area Plan (BMAP)) where a Development Plan may be adopted shortly before or shortly after the transfer of planning powers to the Local Authority.

2.11 <u>Community Plan</u>
The SPPS requires that Councils take account of its current Community Plan in preparing its Plan Strategy and LDP. Clarification is required for the situations where there are no Community Plan in place or where the Community Plans and LDP are being prepared simultaneously.

2.12 The Department has requested that views to draft SPPS are submitted using the interactive online consultation and outlines 36 questions. The draft detailed Council response to

the questions, along with additional comments is outlined in Appendix 2.

3 Resource Implications

3.1 There are no resource implications

4 Equality and Good Relations Considerations

4.1 There are no equality and Good Relations Considerations attached to this report

5 Recommendations

5.1 Members are requested to consider the proposed response to the draft Strategic Planning Policy Statement as set out in Appendix 2 and if appropriate agree a response for submission to the Department of the Environment.

6 Decision Tracking
Response to SPPS to be submitted to the Department of the Environment by 29 April 2014.

7 Key to Abbreviations
BMAP - Belfast Metropolitan Area Plan
DOE - Department of the Environment
LDP - Local Development Plan
PPS - Planning Policy Statement
SPPS - Strategic Planning Policy Statement

8 Documents Attached
Appendix 1 – Summary of Belfast City Council draft response to draft SPPS
Appendix 2 – Draft response to SPPS consultation questions

Appendix 1
Summary of Councils draft response to SPPS

New Core Planning Principles
The Council welcomes the recognition given to the need for a clear statement of core planning principles and considers that they are of fundamental importance to the delivery of planning and the two-tier planning system. A number of slight amendments to the wording are suggested.

The Council welcomes the recognition of managing noise and air quality as elements of the Core Planning Principle – Improving

Health and Well – being. The recognition of noise impacts as a material planning consideration is welcomed.

<u>New Development Plan System</u>
The Council recognises the significance and purpose of the SPPS in the reformed two-tier planning system. The Council fully supports the objective, set out in the Ministerial Foreword for a document which *'will set the direction for new councils to bring forward detailed operational policies within future local development plans'* and which will provide *'better clarity and certainty for all users of the reformed planning system'.*

<u>Retailing Policy</u>
The Council generally welcomes the policy objectives stated in relation to the town centre first approach, sequential test and renewed emphasis on demonstrating capacity/quantitative need for additional retailing.

However, the Council recommends that the SPPS takes the opportunity to redress the lack of clarity in respect of Sprucefield's role and so reduce the potential for misinterpretation by decision-makers. Lack of clarity on this issue could leave the door open to significant enlargement of Sprucefield – greatly to the detriment of Belfast City Centre, the '*primary retail location in Northern Ireland* and with significant impacts in other centres

<u>Transitional Arrangements</u>
Section 7 of the SPPS sets out the implementation and transitional arrangements for the document. It is noted that the existing Planning Policy Statements, with the exception of PPS 1 General Principles and PPS 5 Retailing and Town Centres, will be retained. Consequently until Councils have prepared a "sound" Local Development Plan, they will be required to apply the SPPS as well as the retained policies in the existing PPSs. In the case of any conflict between the final SPPS and the policies retained under the transitional arrangements for the SPPS, the provisions of the SPPS will prevail.

The Council considers that this offers considerable scope for uncertainty and legal challenge by affected parties over a substantial 'transitional' period of time. It is noted that that the indicative timeframe for a new LDP is at least 40 months and, hence, that the transitional arrangements could be in place in certain plan areas for at least 5 years and quite possibly much longer. The Council considers it critical that 'Detailed Departmental Guidance' should be produced as a matter of urgency to support the planning and local government reform programme and that close consultation should take place with Councils on this.

The Council also considers that transitional arrangements should be set out to cover the situation (as applies with the Belfast Metropolitan Area Plan (BMAP)) where a Development Plan may be adopted shortly before or shortly after the transfer of planning powers to the Local Authority.

Community Plan
The SPPS requires that Councils take account of its current Community Plan in preparing its Plan Strategy and LDP. The Council would request clarification relating to the situation where there is no Community Plan in place or where the Community Plan and LDP are being prepared simultaneously.

The Council would make the following additional comments, not in order of priority, on the SPPS:

Limited consultation
The Council considers that the absence of any consultation question on Section 4 'Local Development Plans' and the inclusion of only one question on section 5 'Development Management' unnecessarily limits the consultation process particularly as these sections are critical to the understanding and effective operation of the reformed two-tier planning system.

Documents retained or revoked
The Council considers that the SPPS should provide a comprehensive list of the guidance retained or revoked by the SPPS including the list of the extant provisions of 'A Planning Strategy for Northern Ireland'. The Council considers that the list set out on page 89 of the SPPS should be made comprehensive in the interest of clarity with reference to the RDS, the PSRNI, Development Control Advice Notes, Design Guides, Best Practice Guides and HMO Subject Plans.

Cross-boundary co-operation
The Council considers that the SPPS should set out guidance in relation to the circumstances and mechanisms for strategic planning across Local Plan boundaries. The Council considers that the relationship of cross-boundary co-operation to the 'soundness test', set out in para 4.19 of the SPPS, should be clearly explained. In this context the Council notes the relevance of Articles 17 and 18 in the Planning Act 2011 in relation to the preparation of a joint plan strategy and/or a joint local policies plan.

Enforcement
The Council notes that the DoE has reserve powers to take enforcement action, para 5.19, where it believes a Council has failed

to issue enforcement or stop notices. The Council would request clarification on the enforcement powers of Councils when it considers that another Council should be taking enforcement action e.g. in the case where a wholesale warehouse is selling to the public.

Status of requirements
The Council considers that the SPPS should set out clearly the distinction between those matters which 'must' be done with reference to legislative requirements and those which 'should' be done to deliver an effective and efficient planning system. The Council considers that this would be particularly helpful to ensure that the SPPS provides clarity and certainty for all users of the planning system.

Review of SPPS
The Council notes that the proposed the 5 year review of the SPPS will coincide with the final stage of an LDP and would request clarification on the implications of this for the 'soundness' of the LDP and related draft operational policies.

Code of Conduct
The Council considers that the Councillor's Code of Conduct (para 3.47) should be in place before elected representatives perform planning powers to ensure the proper protection framework for representatives and the integrity of the planning system.

Glossary
The Council considers it essential that the SPPS should include a Glossary to explain key terms including, for example, 'sustainable development' (para 1.1), 'soundness' and 'robust evidence base' (para 4.19), 'public interest' (para 3.46), 'conflict of interest' (para 3.47), 'material considerations' (para 4.1), 'sustainability appraisal' (para 4.22), 'minor change' to plan (para 4.28), 'regionally significant and major developments' (para 5.5), 'performance agreements' (para 5.11), 'pre-determination hearings' (para 5.13), 'officer delegation' (para 5.14) and 'call-in' procedure (para 5.20).

LDP documents
The Council considers that the SPPS should set out, in an appendix, the documents which will comprise a *'Draft Plan Strategy'* and a *'Draft Local Policies Plan'* including all mandatory assessment documents. This would complement the diagram on page 25 of the SPPS.

<u>Call-in procedure and criteria</u>
The Council considers that the SPPS should set out operational guidance with respect to the *'call-in'* procedure (paras 5.20 – 5.21) particularly the criteria which will be used by the Department.

<u>Prematurity</u>
The Council considers that the refusal of planning permission on the grounds of *'prematurity'* where a new LDP is *'under preparation or review'* needs to be clarified. The Council would note the need, in this context, for comment to be made on whether the Department considers that the draft plan or review has to be published before *'prematurity'* can be applied.

<u>References</u>
The Council considers that cross-referencing can make a document difficult and would suggest that the comment above under item (iii) would obviate the need for cross-referencing.

<u>Presentation of document</u>
The Council considers that the document could be made more succinct and user-friendly with the use of operational diagrams and appendices for relevant, supporting information. It is noted that some sections have an over-arching aim whilst others do not. It is considered that a consistent approach should be adopted. The 'Key Documents' included in inserts are incomplete, misleading and, it is considered, should be omitted.

<u>Conflict between SPPS and retained policies</u>: the Council considers that para 7.7 has significant implications for the LDP and development management processes and would request clarification on the critical issue of how a 'conflict' would be defined and determined. The Council considers that uncertainty in this important area could readily lead to legal challenges.

<u>Detailed guidance</u>
The Council considers that the list of guidance being considered by the Department, to support planning and local government reform, should be included in an Appendix to the SPPS in the interest of clarity for local authorities.

<u>Presumption in favour</u>
The Council considers that the presumption in favour noted, in different ways, in paras 3.34 and 5.33 of the SPPS could be more clearly expressed at the start of the SPPS.

<u>Overall conclusion</u>: the Council recognises the significance and purpose of the SPPS in the reformed two-tier planning system. The

Council fully supports the objective, set out in the Ministerial Foreword for a document which *'will set the direction for new councils to bring forward detailed operational policies within future local development plans'* and which will provide *'better clarity and certainty for all users of the reformed planning system'.* The Council considers that the SPPS should be much more succinct and that the use of appendices and diagrams would be of significant help in this regard. The Council is committed to working with the Department to ensure that the final SPPS successfully meets these fundamental objectives and that the reformed two-tier planning system operates effectively for the benefit of the city and the region as a whole.

Appendix 2

A STRATEGIC PLANNING POLICY STATEMENT FOR NORTHERN IRELAND (DRAFT SPPS)

DRAFT RESPONSE TO THE PUBLIC CONSULTATION DRAFT SPPS from BELFAST CITY COUNCIL

GENERAL CONSULTATION QUESTIONS

Consultation Question 1 The Purpose of Planning

Do you think the purpose of planning set out in this SPPS is appropriate for Northern Ireland?

The Council considers that the overall purpose of planning as set out in para 1.1 of the draft SPPS is, in general, appropriate for Northern Ireland but that it should be amended, in the interest of clarity and to appropriately reflect the 2011 Act, to read as follows:

'The purpose of the planning system is to secure the orderly and consistent development and use of land in the public interest, with the objective of furthering sustainable development, creating quality places and improving well-being'.

The Council considers that the inclusion of the term 'public interest' in the definition is important as the planning system does not exist to protect the private interest of one person or body against another. In addition, the Council considers that the addition of the terms 'use' and 'creating quality places' ensures that the definition of the purpose of planning recognises and addresses

the integrated economic, social and environmental aspects of planning.

The Council notes that the purpose of planning set out in the Ministerial Foreword differs from that set out in para 1.1 and would request that the amended definition is used consistently throughout the SPSS to avoid any misunderstanding.

The Council considers that para 1.4, which addresses the two-tier planning system and democratic accountability would be better placed instead within Section 3 'Core Planning Principles' where one of the suggested core planning principles is 'Enhancing Local Democracy and Accountability'.

Consultation Question 2 Core Planning Principles

Do you think the Department has identified suitable core planning principles for the reformed two tier planning system?

The Council notes that para 3.2 sets out 8 core planning principles which, as the Ministerial Foreword states, seek to *'underpin delivery of the reformed two-tier planning system from April 2015'.* The Council welcomes the recognition given to the need for a clear statement of core planning principles and considers that a clear set of core planning principles are of fundamental importance to the delivery of planning and the two-tier planning system.

In relation to the 8 core planning principles, the Council would make the following general comments:

- **the first two principles are incorporated in the draft SPPS (para 1.1) definition of the purpose of planning. In light of this, the Council would request clarification on whether the two principles are of a higher priority than the remaining 6 principles.**

- **the principles are a combination of planning (principles 1-3) and operational/governance matters (principles 4–8). The Council would suggest that this distinction should be made explicit with direct reference to the operation of the two-tier system.**

- **the principles, as core planning principles, apply to both central and local government and this should be made clear at the outset.**

In relation to the 8 core planning principles set out in the SPPS, the Council considers that these should be expanded to 10 and amended with principles 1-3 reflecting the purpose of planning, principles 4-8 reflecting the delivery of planning through the two-tier system and principles 9-10 reflecting the accountability and responsibility aspects of planning:

Principles - Purpose of Planning

1. **Furthering sustainable development.**
2. **Creating quality places.**
3. **Improving health and well-being.**

Principles - Spatial & Policy Guidance, Development Plans & Management

4. **Providing clear, succinct and up-to-date regional spatial and policy guidance.**
5. **Providing up-to-date Development Plans with regular reviews to ensure the effective operation of a Plan-led system.**
6. **Delivering a positive, pro-active development management service.**
7. **Protecting the integrity of the planning system through effective enforcement.**
8. **Enhancing stakeholder and consultee engagement at pre-application stage.**

Principles - Operational

9. **Enhancing local democracy and accountability with the primary responsibility for planning with Councils.**
10. **Ensuring proportionate oversight, clear operational guidance and appropriate support by Central Government that respects the primary responsibility of Local Authorities for most planning functions.**

Consultation Question 3 Furthering Sustainable Development

Do you think that this is an appropriate approach for this core planning principle?

The Council considers that the approach set out in paras 3.1 – 3.5 of the draft SPPS concisely summarises the approach and that para 3.6 is sufficient to provide an overview comment on climate change. The Council considers that the integration of land use and transport planning is a critical element in planning for sustainable development and should be noted explicitly in para 3.4. The key documents insert should be removed as it is not appropriate or necessary for the SPPS and is, in any case, selective.

Consultation Question 4 Improving Health and Wellbeing

Do you think that this is an appropriate approach for this core planning principle?

The Council considers that the approach set out in paras 3.9 – 3.15 and paras 3.19-3.20 of the draft SPPS concisely summarises the approach. The Council considers that the benefits of walking and cycling routes should be noted in para 3.9. The key documents insert should be removed as it is not appropriate or necessary for the SPPS and is, in any case, selective.

Managing Noise

The SPPS refers to the Draft Consultation document : 'Noise Policy statement for Northern Ireland' (NPSNI) which introduces a new concept of 'effect levels' – however, without further guidance regarding interpretation of these 'effect levels' the draft NPSNI provides limited clarity and may lead to uncertainty by the introduction of the 'effects level' concept. The Chief Environmental Health Officer's Group (CEHOG) are currently preparing a response to the Department on the draft NPSNI. The City Council would request that these comments are considered as part of the consultation on the SPPS.

Paragraph 3.16 of SPPS provides examples of how development plans can reduce the potential for detrimental noise impact. The SPPS advises that where the potential for adverse noise impact is unavoidable, the development plan should seek to mitigate this though the application of appropriate key requirements. The Council would suggest the inclusion of reference(s) to appropriate noise standards/guidance on the level of mitigation that may be necessary to achieve acceptable living conditions.

The Council welcomes the recognition of noise impacts as a material planning consideration as mentioned in paragraph 3.17.

Paragraph 3.18 of the SPPS advises that planning authorities pay due regard to the NPSNI as it will ensure appropriate inter-relationships between planning system and the Environmental Noise Directive. However, the inter-relationships between the Planning System and the Environmental Noise Directive are very limited with relevancy to only a small proportion of the land-mass. Instead of referencing the Environmental Noise Directive, this paragraph could be used to highlight the important distinction between statutory noise nuisance provisions and the protection afforded by planning provisions (i.e. the protection of residential amenity). The important distinction was encompassed within the now superseded GB Planning Policy Statement 23: Planning and Pollution Control – Annex 1: Pollution Control. Paragraph 1.8 of Annex 1 (PPS 23) states:

'Nuisance does not equate to loss of amenity. Significant loss of amenity will often occur at lower levels of emission than would constitute a statutory nuisance. It is therefore important for planning authorities to consider properly, loss of amenity from emissions in the planning process in its wider context and not just from the narrow perspective of statutory nuisance.'

While GB PPS 23 on Planning and Pollution Control has been superseded, paragraph 1.8 (with respect to pollution that causes statutory nuisance) is factual and hence remains valid.

Paragraph 3.23 requires the submission of sufficient information to assess the impact and cumulative impact of developments on air quality. The SPPS also emphasises the need for consultation between the local planning authority and those with responsibility for air quality and pollution control. It is suggested that this concept should also be applied to managing noise impacts.

Air Quality
Belfast City Council welcomes the explicit mention of ambient air quality as an element of one of the Core Planning Principles (Improving Health and Wellbeing).

It is noted that the SPPS mentions the need for planning authorities to consider the location of developments which may give rise to air pollution, and to ensure that other developments are, as far as practicable, not adversely affected by major existing or potential future, sources of air pollution (Paragraph 3.20). The council is supportive of this stance, particularly where the sources of such air pollution can be addressed by local planning policy through development plans and by managing development.

It should be noted however, that within the Belfast Metropolitan Urban Area, the principal ambient air quality pollutants of concern are nitrogen dioxide and particulate matter, both associated principally with road transport. Under the provisions of the Local Government Reform responsibility for transport planning is to remain with the Department for Regional Development. Whilst the Department's Regional Transportation publication 'Ensuring a Sustainable Transport Future: A New Approach to Regional Transportation' contains a strategic objective of reducing air pollution, in actuality, the Department has committed to reducing air pollution wherever possible rather than ensuring that both national air quality objectives and European Limit values are achieved by relevant compliance dates.

Accordingly, it is recommended that the SPPS should include an explanation regarding how forthcoming local development plans should integrate with the aspirations and objectives of Department for Regional Development transport documents such as the Regional Transportation Strategy and local transport plans such as the Belfast Metropolitan Transport Plan in order to ensure a consistent approach and a coherent air quality outcome. Moreover, where a local authority has declared an Air Quality Management Area and published a supporting Air Quality Action Plan, the SPPS should highlight the need for local development plans to complement and have regard to measures and actions contained within the Air Quality Action Plan.

Contaminated land

Section 3 of the Strategic Planning Policy Statement makes mention of range of specific environmental concerns that are to be regarded as material considerations in the determination of planning applications. Belfast City Council would recommend that consideration be given to the explicit inclusion of contaminated land as a key element of the Core Principle "Improving Health and Well-Being" and also its recognition as a material consideration.

The SPPS acknowledges furthering sustainable development as a core planning principle. Within the Northern Ireland Sustainable Development Strategy entitled 'Everyone's Involved', the Executive has committed to the theme of environmental protection in order to break the link between economic growth and environmental degradation through actions that include sustainable land management. Moreover, the 'Regional Development Strategy 2035 – Building a Better Future' contains a specific regional target that 60% of new housing is to be located in appropriate 'brownfield' sites within the urban footprints of settlements greater than 5,000 population. By way of clarity, brownfield land is defined as

'previously developed land' being land that is, or was occupied by a permanent structure within a defined settlement limit. The term may encompass vacant or derelict lands, infill sites, land occupied by redundant or underused buildings, a piece of industrial or commercial property that is abandoned or underused and often environmentally contaminated.

Within Northern Ireland, the principal legislative tool for the introduction of a contaminated land regime is Part III of the Waste and Contaminated land (Northern Ireland) Order 1997. The aim of the legislation is to deal with the legacy of historical environmentally contaminated land through the 'polluter pays' principle. The legislation has been designed therefore to ensure that, where possible, those who have polluted land pay for its remediation so that it is suitable for use and presents no risk to either human health or to the environment. Although the Order was enacted in 1997, Part III has not yet been commenced.

Nonetheless, in its role as a statutory consultee to DOE Planning, Belfast City Council has been addressing the risk to human health from contaminated land through the imposition of planning conditions based upon the hierarchy and provisions of the United Kingdom Environment Agency's 'Contaminated Land Report 11 - Model Procedures for the Management of Land Contamination' and a range of supporting guidance documents.

Given that Belfast's historic industrial growth was based around linen, heavy engineering, tobacco and shipbuilding industries, it is considered that the City is likely to have greatest number of environmentally contaminated brownfield sites within Northern Ireland that may have to be remediated prior to redevelopment and reuse. Moreover, it should be recognised that land contamination can have a potentially detrimental impact on the economic case for redeveloping brownfield sites in terms of addressing ground contamination and incorporating appropriate mitigation measures into the infrastructure of buildings. In this regard, it is considered that pre-application discussions between the local authority and developers are likely to be particularly useful in order to indentify and highlight contaminated land concerns at an early stage of the development process.

The Council's Environmental Health Service currently acts in the role of statutory consultee to the Department on potential land contamination issues. When consulted on an individual application, the Council makes recommendations to the Department on possible land contamination issues with respect to its remit of the protection of public health. In particular the Council advises the Department if the site is suitable for its new use taking account of

ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.

The Council would request that land contamination is established as a material consideration so we can continue to advise the new planning authority following the transfer to Local Authorities in April 2015.

Consultation Question 5 Creating & Enhancing Shared Space

Do you think that this is an appropriate approach for this core planning principle?

The Council considers, in light of the Council response to Consultation Question 2 on 'core planning principles', that creating and enhancing shared space is a critical objective within the overall core planning principle of 'Creating Quality Places'. The Council welcomes the requirement (para 3.28 of the SPPS), that LDPs should take account of any 'good relations' policies that are set out within a Local Community Plan. The Council considers that 'good relations' should be at the heart of local area planning and that the Council can facilitate the following elements in how the City can progress in its use of space:

- **transforming contested space;**
- **securing shared city space;**
- **developing shared cultural space; and**
- **building shared organisational space.**

In this context, the Council would highlight the critical role of vibrant and attractive city and town centres in providing shared space and the related importance of 'connectivity' and 'accessibility' to ensure access for all. The key documents insert should be removed as it is not appropriate or necessary for the SPPS and is, in any case, selective.

Consultation Question 6 Delivering Spatial Planning

Do you think that this is an appropriate approach for this core planning principle?

The Council considers, in light of the Council response to Consultation Question 2 on 'core planning principles', that this principle should be amended to state 'Providing clear, succinct and up-to-date regional spatial and policy guidance'. The Council considers that this reflects the structure of the two-tier planning system and highlights the importance of regional guidance as a basis for the delivery of effective spatial planning. The Council considers that the approach stated in the draft SPPS fails to recognise the over-arching role of the Community Plan which will be outcome-focused and which will provide a framework for other strategies and plans. In addition, the Council considers that it would be helpful to include direct reference in this section of the SPPS to the following:

- **the status and role of the DRD in the reformed two-tier planning system;**
- **the role and purpose of the Regional Development Strategy 2035 (RDS); and**
- **the relationship between the RDS, the Community Plan and the Local Development Plan in relation to the delivery of spatial planning.**

The Council recognises that the delivery of effective spatial planning will involve cross-boundary co-operation and, therefore, the SPPS should set out the mechanism to address this important, strategic matter.

Consultation Question 7 Observing a Plan-led System

Do you think that this is an appropriate approach for this core planning principle?

The Council considers, in light of the Council response to Consultation Question 2 on 'core planning principles', that this principle should be amended to state 'Providing up-to-date Development Plans with regular review to ensure the operation of an effective Plan-led system'. In this context, the Council considers that this section should also address the subjects of material considerations, the weight to be applied to material considerations and the meaning of the phrase 'have regard to' (para 3.34).

In addition, the Council considers that this section should address the critical matter of 'prejudice and prematurity' in relation to Development Plans under preparation and, importantly, the status of the Belfast Metropolitan Area Plan 2015 which is awaiting Executive clearance prior to adoption.

Consultation Question 8 Supporting Good Design, Positive Place-Making and Urban and Rural Stewardship

Do you think that this is an appropriate approach for this core planning principle?

The Council considers, in light of the Council response to Consultation Question 2 on 'core planning principles', that this principle is included within the first two core planning principles titled 'Furthering Sustainable Development' and 'Creating Quality Places'.

The Council welcomes the emphasis on design, place-making and stewardship but considers that further explanation should be provided on the circumstances when planning permission might be refused 'solely on design grounds' (para 3.35). The Council considers that the items listed in paras 3.36 and 3.37 are helpful guidance but contain considerable jargon (e.g. 'animation', 'sustainable transport hierarchy' and 'going local') which should be replaced in the interest of making the document more readable. The key documents insert should be removed as it is not appropriate or necessary for the SPPS and is, in any case, clearly selective.

Consultation Question 9 Enhancing Stakeholder Engagement and Front-Loading

Do you think that this is an appropriate approach for this core planning principle?

The Council notes the reference to 'Front-Loading' but considers that this phrase should be replaced with 'at pre-application stage'. In this context, the Council considers that the SPPS should note the critical importance of consultees providing timely and considered substantive responses on pre-application matters and planning applications to ensure effective Development Management.

The Council recognises the importance and value of a Statement of Community Involvement (SCI) and would highlight the importance of operational guidance being available on this in advance of the transfer of planning powers to ensure that it fulfils its purpose. The Council notes that the Planning Act (Northern Ireland) 2011 uses the term 'Statement of Community Involvement' but considers that the supporting text should note that the term 'community' is a broad term which involves a wide range of agencies and communities.

Consultation Question 10 Enhancing Local Democratic Accountability

Do you think that this is an appropriate approach for this core planning principle?

The Council considers, in light of the Council response to Consultation Question 2 on 'core planning principles', that this principle should be amended to state 'Enhancing local democracy and accountability with the primary responsibility for planning with Councils'.

The Council recognises the importance of a transparent and fair planning system and, in this context, the Council considers that the term 'trade-offs' (para 3.46) is inappropriate and should be replaced with 'balanced decision-making in the public interest'. The Council considers that clarity is needed in relation to the 'call-in' procedure whereby the planning decision will be taken by Central Government rather than the local authority. The Council notes the 'Caborn' Principles which were stated in England in June 1999 and updated in October 2012 which provide helpful guidance on the call-in process and criteria. The Council considers that the 'call-in' power should be only used very selectively and that particular caution is needed in this area to avoid interfering and/or undermining the responsibility of the local authority and damaging public confidence in local democratic accountability.

Consultation Question 11 Decision-taking Principles and Practices

Do you consider the decision-taking principles and processes outlined above are appropriate for a reformed two-tier planning system?

The Council would highlight its response to Consultation Question 2 on 'core planning principles' and considers that the amended 10 core planning principles proposed by the Council cover three

important elements of the reformed two-tier planning system namely:

- **the purpose of planning;**
- **guidance and development planning/management; and**
- **the operation of the system.**

However, the Council considers that there is a critical need for operational guidance to ensure the proper interpretation and application of the principles and practices. The absence of appropriate operational guidance will result in uncertainty, for both applicants and decision-takers, and may lead to time-consuming legal disputes.

Consultation Question 12 Archaeology and Built Heritage

Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Archaeology and Built Heritage?

The Council considers that the 3 policy objectives, set out in para 6.3, do not reflect the existing planning approach which includes:

- **the presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings;**
- **the presumption in favour of the preservation of World Heritage sites;**
- **the control and positive management of change in Conservation Areas to contribute to sustainable economic development; and**
- **the use of a criteria-based approach (where all the criteria are to be met) in relation to Conservation Areas.**

The Council considers that there is potential for confusion and conflict to arise between the 'all criteria to be met' approach (e.g. for demolition or new development in a Conservation Area) set out in the existing PPS 6 and the 'should' approach set out in the proposed SPPS in the interim period before an LDP is in place.

The Council considers that the SPPS appears to conflict rather than reflect existing policy in providing greater flexibility. The Council considers, in relation to listed buildings, that the listing process, some of which is contracted out, needs to be of consistent quality and that policies relating to Archaeology and Built Heritage need to be consistently interpreted and applied.

The Council notes the comment, in para 6.16 of the SPPS, that councils are encouraged to facilitate the sympathetic conversion and re-use of non-listed vernacular buildings and would request clarification on the mechanism for this. In particular, the Council would request clarification as to whether it is simply an aspirational statement and on what grounds a refusal for a replacement proposal might be based.

Consultation Question 13 Coastal Development

Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Coastal Development?

The Council considers that the second bullet point relating to 'facilitate development in coastal locations within coastal settlements' should be qualified with the addition of the following statement 'and 'protect from development those parts of the coast within coastal settlements which are important in terms of their amenity or nature conservation value'. This additional wording seeks to reduce the potential for misunderstanding and conflict between the existing policy context and the SPPS.

The Council notes that there is an error in the wording of the third sentence which is incomplete. The Council notes that para 6.34 requires Marine Plans to be in conformity with LDPs. The Council notes the out-of-date nature of a number of Area Plans and would request clarification for the situation where there is a conflict between the emerging LDP and a Marine Plan including which document should take priority.

Consultation Question 14 Control of Outdoor Advertisements

Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on the Control of Outdoor Advertisements?

The Council considers that the addition of the statement (para 6.48) 'and contribute positively to the appearance of the environment' is a higher 'enhancement' test which differs from the existing PPS 17 test relating to 'respect for amenity in the context of the general characteristics of the locality'. The Council considers that this 'enhancement' test is inappropriate.

Consultation Question 15 Development in the Countryside

Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Development in the Countryside?

The Council considers that the existing planning policy approach, set out in PPS 21, includes an acceptable 'in principle' approach (based on types of residential and non-residential development) and an 'over-riding reasons' exceptional approach for other types of development. The Council considers that the SPPS should reflect the policy objective of avoiding over-development of the countryside and the related problems of suburban sprawl, habitat loss, adverse impact on water quality and adverse cumulative impact of single dwellings.

The Council notes that there is a very brief section on decision-making and considers that the SPPS offers significant flexibility as compared to PPS 21. The Council notes the potential for significant differences in interpretation of policy and the possibility for 11 different countryside policy interpretation /development approaches which rely on the SPPS for justification but which are in conflict with the existing planning policy approach.

The Council notes that LDPs are expected to include an 'environmental assets appraisal' and a 'landscape assessment' (para 6.60). It is considered that these should be within the context of a 'Countryside Assessment' which would also include a 'Development Pressure Analysis' and a 'Settlement Appraisal'.

The Council notes that the structure of paras 6.61-6.63 could be amended so that the references to DRCs are addressed in one section.

Consultation Question 16 Economic Development, Industry and Commerce

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Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Economic Development, Industry and Commerce?

The Council considers that the SPPS should clarify if there is a difference between the terms *'generous supply of land'* and *'ample supply'* (paras 6.72 and 6.73 respectively). The Council considers that the SPPS should also address the matter of the redevelopment of previously developed sites in the countryside and major new development in the countryside.

The Council notes that the SPPS does not, in its policy objectives, address the policy of the retention of land for economic development uses or the loss of un-zoned land in existing B2, B3 and B4 uses to other uses. The Council considers that this represents a significant difference between the existing planning policy approach and that the SPPS adopts a significantly more flexible approach. The Council notes the significant difference between the SPPS and Policies PED 1 and PED 8 of PPS 4 relating respectively to B1 uses and development incompatible with economic development uses.

Consultation Question 17 Flooding

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Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Flood Risk as expressed in PPS 15 Revised (Draft) Planning and Flood Risk?

The Council considers that the 'presumption against development in areas directly at risk from flooding or where it would increase the risk of flooding', contained in the existing PPS 15, is not fully reflected in the SPPS which refers to 'prevent inappropriate development' (para 6.92). This could readily be interpreted as a lesser test which could lead to confusion.

The Council welcomes the reference in para 6.144 of the SPPS to the condition, management and maintenance regimes of reservoirs and suggests that regard should be paid, in the drafting of the final SPPS, to the legislation currently being developed relating to the management of reservoirs. The Council does not understand the rationale for placing a large part of the policy in Figure 1 when this

approach is not applied elsewhere in the SPPS. The Council notes that the key documents list is highly selective e.g. there is no reference to Strategic Flood Risk Maps.

Consultation Question 18 Housing in Settlements

Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, existing planning policy on Housing?

The Council notes that existing policy (PPS 12 'Housing in Settlements', para 32) differentiates between settlements under and above 5,000 population with respect to regional targets for housing growth within existing urban areas. No such distinction is made in the SPPS. The Council considers that the footnotes 38-42 require a significant amount of cross-referencing which is unhelpful in a document of this nature.

The Council requests that the SPPS should make reference to HMOs, the delivery mechanism for social housing, housing land supply periods in LDPs and Design Concept Statements and Masterplans. The Council would request that clarification is provided in relation to the status of the RDS Housing Growth Indicators and the flexibility which an LDP can incorporate within the 'soundness' test.

Consultation Question 19 Minerals

Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Minerals?

The Council considers that the SPPS does not fully reflect the existing planning policy approach in relation to the safety and amenity of occupants of developments in close proximity to mineral workings. The Council considers, in relation to para 6.144 dealing with the restoration of sites that have been used for mineral extraction, that there could be a case for ensuring restoration through contributions to a fund which commences when the actual operations commence rather than when operations have ceased with reliance solely on the operator.

The Council would also query whether there may be a case for taking into account, in the consideration of any new proposal, the previous restoration performance of an operator. The Council considers that the SPPS gives the environment less priority than

the Planning Strategy for Rural Northern Ireland (PSRNI) where a balanced approach is adopted. The Council notes that para 6.141 of the SPPS is the same as Policy MIN 6 of the PSRNI with the important difference that it does not state that mineral developments near other developments would have conditions applied to mitigate against disturbance.

Consultation Question 20 Natural Heritage

Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Natural Heritage?

The Council considers that the SPPS reflects the existing planning policy context but considers that there is an element of duplication between the first and fifth bullet point in para 6.147 of the SPPS in relation to the conservation, enhancement and restoration of the region's natural heritage.

The Council notes the difference between the criteria-based approach of Policy NH 6 in PPS 5 which differs from the more general and flexible approach in the SPPS. The Council considers that the SPPS should make a clearer and stronger reference to the importance of protecting trees and woodlands and, in this context, the role of Tree Preservation Orders and fines. Reference should be made to the importance of trees and woodlands, in both urban and rural areas, in relation to wildlife habitats, green corridors, visual amenity and the need for positive management.

In addition, the SPPS policy should note the important objective of minimising the adverse impacts on natural heritage where a conflict of interest is unavoidable in the public interest and the associated use of planning conditions and planning agreements.

Consultation Question 21 Open Space, Sport and Outdoor Recreation

Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Open Space, Sport and Outdoor Recreation?

The Council considers that the SPPS does not fully reflect the clear 'presumption against' the loss of open space as set out in Policy OS 1 of PPS 8. The Council notes the importance of this

'presumption against' approach especially in urban areas within the context of more housing in urban areas.

The Council considers that the SPPS fails to reflect the three important 'exceptions' test (set out in Policy OS 1 of PPS 6) with respect to 'substantial community benefits', 'alternative provision' and the '10% release' to allow retention and enhancement of open space. The Council considers that this 'exceptions' policy, in the existing planning policy approach, is of benefit as it provides flexibility in the public interest. The Council considers that reference should be made, in para 6.177 of the SPPS, to the important role of open space in providing formal and informal recreation opportunities and the resultant health benefits for communities.

The Council agrees, in principle, with the policy objectives for open space, sport and outdoor recreation set out in para 6.178 of the SPPS and would request that the objective relating to the provision of open space in new residential developments should be highlighted to ensure proper implementation.

The Council notes that there is no reference to play within the policy objectives even though PPS 8 Policy OS2 has a requirement for the provision of an equipped children's' play area in developments of 100 units or more of 5 hectares or more. The Council would request that this Policy OS2 requirement is explicitly stated in the SPPS. In addition, the Council notes that the existing PPS 8 provides an exceptions arrangement where there is an existing play area within 400m. The Council considers that, if this exceptions arrangement is to be provided in the final SPPS, it is essential that consideration is given to the accessibility of the existing play area, any potential noise or nuisance effects of increased use, any need for upgrading to meet the increased use, financial contributions from the relevant developer and the need for planning conditions.

The Council strongly welcomes the references to linkages between zoned development areas and existing or zoned open space and the need for suitable management and maintenance mechanisms to be in place.

The Council notes the statement in para 6.186 of the SPPS that sports stadiums can be 'outside of a settlement' but only where 'clear criteria' are established which can justify a departure from normal policy. The Council would recommend that a secondary choice could be the edge of existing settlements if no site is available within a settlement. The Council considers that this

would be preferable to open countryside as already noted in Policy OS4 of PPS 8.

Consultation Question 22 Renewable Energy

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Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Renewable Energy?

The Council considers that the SPPS should make reference to de-commissioning and restoration to reflect the existing planning policy context which is an important element in the existing planning policy approach. The Council notes the difference between the criteria-based approach in Policy RE 1 of PPS 18, with a range of economic, environmental and social material considerations, included and the more general approach of the SPPS.

The Council would request clarification on the status of the important guidance documents 'Best Practice Guidance to PPS 18' and 'Wind Energy Development in Northern Ireland's Landscapes'. The Council considers that the statement in para 6.194 of the SPPS that 'Councils, or as the case may be the Department should carefully consider all development proposals....' should be clarified particularly in relation to whether or not it represents a more restrictive, precautionary approach. The Council would also note, in any case, that a basic principle of development management would be that all applications are carefully considered.

Consultation Question 23 Telecommunications, Public Services and Utilities

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Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Telecommunications, Public Services and Utilities?

The Council notes that the SPPS excludes one of the five policy objectives in the existing PPS 10 relating to facilitating the continuing development of telecommunications infrastructure in an efficient and effective manner. The Council considers that it would be appropriate to include a policy objective which recognises the importance of the telecommunications industry to the economy.

The Council considers that the SPPS offers more flexibility in relation to the effects of telecommunications and the information to be provided with an application and considers that this should not be at the expense of maintaining residential amenity. The Council considers that para 6.209 should also refer to gas pipelines.

The Council considers that the status of the document 'Control of Development in Airport Public Safety Zones' should be clarified in para 6.207 of the SPPS.

Consultation Question 24 Tourism

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Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Tourism?

The Council notes that the policy objectives stated in para 6.124 of the SPPS are the same as those set out in PPS 16. However, the Council notes that Policies TSM 1-8 in the existing PPS 16 contain a number of significant planning considerations including *a 'cumulative impact' test in relation to assessing impact on tourism assets*. The Council considers that the *'cumulative impact'* test is an important element in the existing planning policy approach and that, in its absence, there is considerable scope for a conflict between the SPPS and PPS 16.

Consultation Question 25 -31 Town Centres & Retailing (New Strategic Policy)

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1.0 General comments on the New Strategic Policy for Town Centres & Retailing

The Council generally welcomes the policy objectives stated, particularly in relation to a reaffirmation of the 'town centres first' approach, sequential test and renewed emphasis on demonstrating capacity/quantitative need for additional retailing. Recognition of the precautionary approach in the Regional Development Strategy 2035 (RDS) is also acknowledged. However, as is explained below, the precautionary approach needs to be overtly linked to a number of key strategic retail matters which the Council considers have not been addressed in the draft SPPS. These are outlined below.

1.1 No policy for out of town regional shopping centre

The SPPS is silent on stating a strategic policy objective for the out of town regional shopping centre at Sprucefield. This is in spite of the fact that the document states, in relation to the status of the SPPS, that it is *'...a statement of the Department's policy on how regionally important land use planning matters should be addressed across Northern Ireland'*

Inspection of the RDS indicates that reference to the out of town regional shopping centre is made under Strategic Framework Guidance 1 (SPG1). It seeks to *'Promote urban economic development at key locations throughout the BMUA and ensure sufficient land is available for jobs'.* In amplification of this guidance the RDS avers that '*Sprucefield will continue to retain its status as a regional out-of-town shopping centre*.'S3.41, p54, RDS 2035

This single sentence is the only reference to the out of town regional shopping centre in the RDS. It is of greater concern that the draft SPPS makes no mention of regional centres at all, let alone the out of town one at Sprucefield.

While the RDS has maintained the status of Sprucefield as an out of town regional centre, in spite of overwhelming calls for its declassification as a retail park at the last review of the RDS, no one knows what this single sentence designation confers in terms of its role. This deficiency in retail regional policy was acknowledged at the inquiry into the Belfast Metropolitan Area Plan 2015 (BMAP) when the Planning Appeals Commission (PAC) made the following pertinent observation:

'*We consider that the Department should decide at a regional level what the future status and role of Sprucefield should be and devise clear and unambiguous policy to enable it to fulfil that role*.' (Source: Paragraph 6.4.8 of the PAC Report into Retail Issues, BMAP Inquiry)

Against the background of this impartial recommendation, the SPPS has a golden opportunity to redress the lack of clarity in respect of Sprucefield's role and so reduce the potential for misinterpretation by decision-makers. Lack of clarity on this issue could leave the door open to significant enlargement of Sprucefield –greatly to the detriment of Belfast City Centre, the '*primary retail location in Northern Ireland'* and other city/town centres.

1.2 No stated precautionary approach for regionally significant applications

Related to the above, the draft SPPS is equally silent on a policy objective for regionally significant retail applications. This silence is all the more notable given that the term is explicitly referred to throughout draft SPPS.

Overall, the Council maintains that it will be difficult for the SPPS to respect the precautionary approach adopted by the RDS if it is not overtly linked to new strategic retail policy that deals with proposals of regional significance.

Response to specific consultation questions on New Strategic Policy

Q25
Do you think a 'town centres first' / sequential test is the appropriate policy approach for the location of future retail and other main town centre uses in Northern Ireland?

Yes. However, as noted above, it should be augmented by a related policy objective that expressly recognises the need to adopt a precautionary approach to the assessment of large retail proposals (see recommendations later in Section 4.0).

2.1 Local Development Plans

Q26
'*Do you agree that councils should undertake an assessment of need or capacity for retail and other main town centre uses to inform local development plans*?

The Council is fully supportive of the requirement to base plan preparation and decision-taking on robust and up-to-date evidence. However, with the very real prospect that the new Councils could 'compete' against each other to attract investment. As a result some Local Development Plans (LDPs) could be overly optimistic in their retail floorspace forecasts so as to enhance their appeal for new shopping development.

In order to help support effective policy and reduce this risk the Department should seek to standardise the methodology and data used in relation to catchment estimation, rate of population growth, expenditure and turnover. This can be achieved via recommendations outlined in the Department's Binding Report at Stage 2 of the LDP preparation process.

Retail indices can also be updated by the Department in the form of periodical circulars. Following on from the above point, shopper catchments are not constrained by local government boundaries.

This is particularly the case with regional retail centres, such as Belfast and Derry/Londonderry and cross border locations such as Newry and Enniskillen.

Future retail floor space projections for a particular LDP may therefore be based on an overlapping trade area that spans one or more Districts and this can result in duplication and overestimation of retail requirements. In order to prevent against this the Department may find it beneficial to direct two or more Councils to prepare a Joint Retail Strategy and Joint Retail Policies Plan, as provided for in the Planning Act (NI) 2011.

Q27
Do you think that councils should prepare town centre health checks as described?

Yes, but experience has demonstrated that the main focus of health checks is on vacancy rates, rental values and footfall levels. These factors need to be weighted in terms of their relevance and importance.

Furthermore, as with work involved in undertaking a capacity analysis, carrying out regular health checks has resource implications for the Council and this outlay needs to be recognised by the Department.

Q28
Do you think a 'call for sites' consultation is an appropriate mechanism to assist with site allocations in a local development plan?

In theory this would appear a useful exercise. In practice, however, it could prove to be counterproductive with the potential to generate outlandish, speculative proposals in out-of-centre locations. The introduction and guidance would have to be carefully managed.

There should be an agreed protocol outlining the prerequisites for consideration of sites within any associated guidance. This would require information relating to confirmation of ownership, indicative proposals, community consultation with neighbouring residents, evidence of expressions of interest, etc. The submission of such information would help demonstrate a seriousness of intent by landowners/developers.

Q29
Do you agree that 300m from a town centre boundary is an appropriate threshold for a site to be considered as edge of centre?

This threshold figure is taken from the GL Hearn Report (a retail research report commissioned by the DOE) which states that it applies to 'other jurisdictions'. However, mindful of the desire to facilitate synergy between town centres and edge of centre locations and to promote shopping trips by foot, the existing 200m yardstick in PPS 5 would seem a more appropriate distance.

Decision-taking

Q30
Do you think 2,500 sq metres (gross) is the appropriate threshold for requiring a proportionate retail impact assessment?

Again this figure is based on the GL Hearn Report which quotes it as the default threshold in GB. However, it is questionable whether this threshold should equally apply across N.I given that the average number of shoppers in a given area (i.e population density) is less than a third of that in England.

According to PPS 5 the figure of 2,500 gross sq.m. is the minimum size threshold for a superstore operated by the likes of Tesco, ASDA, etc. Also, based on the 2009 Planning Reform consultation paper, a slightly higher figure of 3,000 gross sq.m. was quoted for regionally significant planning applications.

In the light of the above, the Council considers that the 2,500 gross sq.m. threshold for submission of a Retail Impact Assessment (RIA) is too high. It is roughly equivalent to two discount stores combined. The existing1,000 gross sq.m. threshold is quite adequate as it allows sizeable foodstores to be captured for assessment. Importantly, this RIA submission threshold must be universally applied across the Council areas, otherwise some authorities may unilaterally increase it in an attempt to distort policy objectives and attract investment interest at the expense of other areas.

In this regard, the discretion by LDPs to adjust the threshold, as alluded to in para 6.235 of the draft SPPS, should not be outlined as an option.

Q31

Do you agree with the factors to be addressed as part of a retail impact assessment?

While agreeing with the broad aim of the factors to be addressed the Council considers them somewhat repetitive and unclear. Within this context, the following comments can be made:

- **Accurate data on turnover levels only exists in the form of Company averages for multiple retailers. Outside of this narrow listing, there are no authoritative sources of information on turnover. Given the question-marks surrounding its reliability and soundness, the term 'turnover' should not therefore feature in the decision-taking wording of the factors listed in draft SPPS.**

- **Also, the requirement to demonstrate a quantitative need /capacity to accommodate a proposal is not cited as a factor, despite it being referred to in the same introductory paragraph (i.e. para 6.235 of draft SPPS). It must be recognised that the findings of a capacity analysis, which is based on verifiable population projections and expenditure growth, are more statistically robust than the results of a retail impact assessment, which is based on uncorroborated turnover figures.**

- **The qualitative dimension to retail proposals is not cited as a factor for assessment, in terms of how a proposal can increase competition and choice for shoppers in the catchment.**

- **The final factor relating to impact on job creation is not considered necessary because it is already enshrined in the core planning principle entitled 'Furthering Sustainable Development', which relates to the economy, society and environment.**

Taking into account the above points it is suggested that the six factors listed in para 6.235 of draft SPPS could be replaced by two factors below:

- **The quantitative and qualitative impact of the proposal, both singly and cumulatively, on the town centre as a whole, including its convenience goods and comparison goods shopping function.**

- **The compliance of the proposal with the local development plan retail strategy, in relation to the projected capacity for**

additional shopping and its implications for existing committed and planned public and private sector investment in the town centre.

Notwithstanding the above suggested wording, the Department is requested to revisit the criteria in PPS 5 and draft PPS 5 for guidance in crafting the specific wording of these factors. Also, given the up-to-date wording of the 2012 Retail Planning Guidelines in the Republic of Ireland, which borrows heavily from UK policy wording, consideration of its contents may also be useful guide to revision.

Implications of New Strategic Policy for Belfast City Council

The implications of supporting draft SPPS in its current format need to be fully understood. The implications are highlighted below:

Inability of Belfast to fulfil its role under SFG3

As far as Belfast City Centre is concerned, Strategic Framework Guidance 3 (SFG3) of the RDS clearly seeks to '*Enhance the role of Belfast City Centre as the regional capital and focus of administration, commerce, specialised services and cultural amenities.*' P56, RDS

However, the ability of Belfast City Centre to fulfil its role under SFG3 will be hindered by the absence of regional policy guidance for Sprucefield and regionally significant retail applications.

Retail proposals at Sprucefield are restricted by the retail strategy and policies in BMAP. Once local government is reformed and planning powers are devolved, the new Councils will prepare their own LDP. There is the potential that in the absence of guidance at regional level, the existing safeguards in BMAP could be removed in any new LDPs. Even though such action would contravene the precautionary approach espoused by the RDS, it is envisaged that the very status of Sprucefield as an out of centre regional shopping centre could enable a new LDP to satisfy the soundness test (paras 4.19-4.21) in this regard. Also, the weight attached to the contents of the new LDP in respect of deciding upon subsequent proposals in this out town regional centre will also be underwritten by the SPPS core principle of 'Observing a Plan-Led approach'.

While the Department is empowered to intervene and direct a Council to modify its LDP under the 2011 Planning Act, it is unlikely to do this if no SPPS policy exists on which to justify this direction. As a result, in the absence of regional policy for Sprucefield in the

SPPS, the proposed replacement of BMAP (and other Plans) with new LDPs will reintroduce uncertainty surrounding its role and introduce uncertainty for future investment proposals in Belfast.

Any resulting unrestricted retail policy at Sprucefield within a new LDP could effectively undermine the 'town centre first' SPPS policy objective for Belfast City Centre, as the primary regional centre in Northern Ireland.

<u>Transitional arrangements</u>

Once RPA takes place in March 2015 there will be a period of transition during which the new LDP will undergo the process of superseding BMAP. The indicative timeframe for LDP preparation anticipates that it will be approximately three years and four months before full adoption.

While the SPPS may well be in place, the accompanying '*operational policies tailored to local circumstances'* (para 7.6, draft SPPS) in the LDPs will not be forthcoming until at least July 2018. Moreover, unlike other forms of development addressed in draft SPPS, the new strategic retail policy has not the safety net of back-up guidance in an up to date current PPS.

The Department is therefore requested to confirm that operational retail policies in BMAP will remain in force as transitional arrangements until they are fully replaced by the new LDPs.

<u>Resources</u>

The draft SPPS clearly places an onus on the Councils to undertake significant retail research in order to substantiate its retail strategy and policies. The Department should be aware that this has considerable resource implications for the Council in terms of manpower and expertise. In respect of the latter, the Department is advised to maintain its own specialist unit on retailing as a centralised source of advice for councils on regional policy and retail data.

<u>Recommendations</u>

Cognisant of the implications above, the following recommendations are made in addition to the Council's responses to the specific consultation questions (Q25-Q31).

- **Introduce another strategic policy objective to underline the precautionary approach to retail proposals of major and regional importance. This could read as follows:**

Adopt a precautionary approach to the consideration of major and regionally significant retail proposals, including those for the out of town regional shopping centre.

This would help ensure that the SPPS is consistent with the RDS 2035 which states the following in terms of supporting and strengthening the distinctive role of Belfast City Centre as the primary retail location in Northern Ireland.

'A precautionary approach needs to be continued in relation to future major retail development proposals based on the likely risk of out of centre shopping developments having an adverse impact on the city centre shopping area' Para 3.46, p.56. RDS 2035.

- **Prepare detailed operational guidance for the retail component of the SPPS as a matter of priority. Importantly, this should include central government guidance from which to identify the hierarchy of centres in LDPs (as per para 6.226). This typology should identify the profile and typical size of centres ranging from the regional centre to the local centre. Otherwise, there is the very real prospect that potentially harmful developments could exceed the retail function expected of a given location e.g. a superstore proposed for a designated local centre.**

- **Provide a proper definition for NIs only out of town regional shopping centre as part of this typology of retail centres. Otherwise, in the absence of such clarification, the new LDP for the area in which it is located will seek cross channel guidance. In England and Wales regional shopping centres are described as 'Out-of-centre shopping centres which are generally over 50,000 square metres gross retail area, typically comprising a wide variety of comparison goods stores.' (PPS 6, Annex A). It is doubtful whether such an unrestricted definition is appropriate for an out of town regional centre in NI.**

Clarification on the role of Sprucefield will also help correct the inherent contradiction between the RDS and BMAP, which sees the RDS (p54) retaining the status of Sprucefield as an <u>out-of-town</u> regional shopping centre and BMAP conversely including it within the settlement limit of Lisburn. It would also help inform the next review of the RDS.

- **Formulate a glossary of terms that properly defines items such as 'bulky comparison goods'. While BMAP has maintained the bulky comparison goods restriction and the minimum unit size safeguard for N.I's only out of town shopping centre there is no definition in regional policy of what actually constitutes 'bulky comparison goods'.**

- **Finally, in order to ensure a consistent approach to the formulation of retail strategies and retail polices in the greater Belfast area, the SPPS should point to the benefits to be accrued from the collective preparation of a Joint submission by Councils in this regard. This would include the 5 new councils of Belfast, Lisburn and Castlereagh, Antrim and Newtownabbey, North Down and Ards, and Mid and East Anrtrim. This is particularly warranted given the up to date nature of the retail strategies and retail polices stated in draft BMAP.**

Conclusion

With the advent of RPA and the devolution of planning powers it is imperative that the appropriate policy monitoring arrangements are incorporated into the retail strategies and policies of the new planning system. This is particularly warranted given the far-reaching determination powers of the DOE Minister on regionally significant planning applications and 'call-in' applications. It is also justified on the grounds that objectors will continue to have no right to a planning appeal against a planning decision.

While the Council welcomes the reinforcement of the 'town centre first' approach to strategic retail policy, it believes that this approach will be undermined by the lack of a complementary strategic retail direction for Sprucefield and a related precautionary policy objective for regionally significant applications.

Consultation Question 32 Transportation

Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Transportation?

The Council considers that the SPPS fails to incorporate the critical overall objective of integrating land use planning and transport in the policy objectives and the associated objectives of changing travel culture and reducing the need to travel, especially by private car

The SPPS indicates that new transport schemes including major proposals for road, rail and public transport provision, and cycle/pedestrian networks or planned improvements to the transport network should be identified in local development plans (Paragraph 6.241). It is recommended that the SPPS should provide greater clarity on the proposed mechanism and procedure for integrating transport plans within local development plans, particularly where the local authority may have reservations about transport planning proposals. Moreover, it is considered that the SPPS should include greater explanation of the anticipated consultation relationship with the Department for Regional Development where the Department is required to appraise transport assessments and travel plans designed to mitigate adverse consequences of developments.

In relation to disused transport routes (Paragraph 6.241), the Council would argue that their protection is not a matter for consideration as in any case such routes should be protected for use as walking/cycling routes either permanently or until a new restoration proposal is in place.

Consultation Question 33 Waste Management

Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Waste Management?

The Council considers that the SPPS reflects and updates the existing planning policy approach set out in PPS 11 but would note that this topic does not necessarily relate to LDP boundaries. The Council welcomes the requirement, set out in para 6.251 of the SPPS, that councils should assess the likely extent of waste management facilities for the plan area and identify specific sites. The Council would request that reference is made to the importance

of local Waste Management Plans (for Belfast this would be the arc21 WMP) as well as the revised Waste Management Strategy for Northern Ireland. The Council would request clarification as to whether the SPPS will require LDPs to safeguard existing waste management facilities.

The Council welcomes the presumption in favour of waste collection and treatment facilities, as set out in para 6.253 of the SPPS, where need has been identified and would highlight the critical role of planning in facilitating the provision of the appropriate infrastructure to allow national and local waste targets to be met.

In relation to the considerations for the determination of planning applications, para 6.254 of the SPPS, the Council would request clarification on whether these will include the waste hierarchy (waste prevention, reuse, recycling before energy recovery and landfill). The Council considers that the SPPS should require the LDP and development management to consider the waste hierarchy and note the need for waste to be minimised during construction and to be reused and reclaimed. The Council would also request clarification as to whether any additional consideration will be given to the added benefit which certain waste treatment plants, such as energy from waste or combined heat and power facilities, could offer local communities.

The Council welcomes the 'precautionary' principle, noted in para 6.255 of the SPPS, but would request further comment and clarification on the relationship of this principle to the treatment of hazardous waste and the 'proximity principle'. The Council notes the comments relating to development in the vicinity of waste management facilities in para 6.256 of the SPPS, and would request that this protective approach should be extended to ensure that any development adjacent to waste facilities should not jeopardise the possibility of any future expansion of the facility.

At a wider level, the Council would request that all future residential, commercial and industrial development should be designed to provide for waste separation and collection with appropriate provision for waste storage, recycling and collection in new developments. In this context, the Council notes the relevance of the Council's 'Waste Storage Guidance' which provides a wide range of information on issues such as storage capacity, siting, access and design.

Consultation Question 34 Implementation and Transitional Arrangements

Do you agree that transitional arrangements as described above are required in the short to medium term?

The Council recognises the need for sound transitional arrangements to be in place in the interest of continuity in planning policy for taking planning decisions and to allow Councils time to bring forward the LDP with operational policies for their own areas. The Council notes that they are to apply the retained operational policies contained within the documents listed on page 89 of the SPPS. However, the Council considers that the following SPPS statement (para 7.7), 'In the case of any conflict between this SPPS once published in final form and any policies retained under the transitional arrangements the provisions of the SPPS will prevail', offers considerable scope for uncertainty and legal challenge by affected parties over a substantial 'transitional' period of time.

The Council notes that the indicative timeframe for a new LDP (Figure 1 of SPPS) is at least 40 months and, hence, that the transitional arrangements could be in place in certain plan areas for at least 5 years and quite possibly much longer. The Council considers it critical that 'Detailed Departmental Guidance' (para 7.8) should be produced as a matter of urgency to support the planning and local government reform programme and that close consultation should take place with Councils on this.

The Council considers that transitional arrangements should be set out to cover the situation (as applies with the BMAP) where a Development Plan may be adopted shortly before or shortly after the transfer of planning powers to the Local Authority.

The Council notes that under 'Documents retained under Transitional arrangements' it is stated that Policy TEL 2 of PPS 11 is cancelled. As there is no TEL 2 within PPS 11, the Council would request clarification on whether TEL 2 of PPS 10 or WMP 2 of PPS 11 has been cancelled.

Consultation Question 35 Other SPPS Comments

Do you have any other comments on the SPPS?

The Council would make the following additional comments, not in order of priority, on the SPPS:

(i) limited consultation: the Council considers that the absence of any consultation question on Section 4 'Local Development Plans' and the inclusion of only one question on section 5 'Development Management' unnecessarily limits the consultation process particularly as these sections are critical to the understanding and effective operation of the reformed two-tier planning system.

(ii) Community Plan: para 4.8 of the SPPS requires that Councils take account of its current Community Plan in preparing its Plan Strategy and LDP. The Council would request clarification relating to the situation where there is no Community Plan in place or where the Community Plan and LDP are being prepared simultaneously.

(iii) documents retained or revoked: the Council considers that the SPPS should provide a comprehensive list of the guidance retained or revoked by the SPPS including the list of the extant provisions of 'A Planning Strategy for Northern Ireland'. The Council considers that the list set out on page 89 of the SPPS should be made comprehensive in the interest of clarity with reference to the RDS, the PSRNI, Development Control Advice Notes, Design Guides, Best Practice Guides and HMO Subject Plans.

(iv) cross-boundary co-operation: the Council considers that the SPPS should set out guidance in relation to the circumstances and mechanisms for strategic planning across Local Plan boundaries. The Council considers that the relationship of cross-boundary co-operation to the 'soundness test', set out in para 4.19 of the SPPS, should be clearly explained. In this context the Council notes the relevance of Articles 17 and 18 in the Planning Act 2011 in relation to the preparation of a joint plan strategy and/or a joint local policies plan.

(v) enforcement: the Council notes that the DoE has reserve powers to take enforcement action, para 5.19, where it believes a Council has failed to issue enforcement or stop notices. The Council would request clarification on the enforcement powers of Councils when it considers that another Council should be taking enforcement action e.g. in the case where a wholesale warehouse is selling to the public.

(vi) status of requirements: the Council considers that the SPPS should set out clearly the distinction between those matters which 'must' be done with reference to legislative requirements and those which 'should' be done to deliver an effective and efficient planning system. The Council considers that this would be particularly helpful to ensure that the SPPS provides clarity and certainty for all users of the planning system.

(vii) **review of SPPS: the Council notes that the proposed the 5 year review of the SPPS will coincide with the final stage of an LDP and would request clarification on the implications of this for the 'soundness' of the LDP and related draft operational policies.**

(viii) **Code of Conduct: the Council considers that the Councillor's Code of Conduct (para 3.47) should be in place before elected representatives perform planning powers to ensure the proper protection framework for representatives and the integrity of the planning system.**

(ix) **glossary: the Council considers it essential that the SPPS should include a Glossary to explain key terms including, for example, 'sustainable development' (para 1.1), 'soundness' and 'robust evidence base' (para 4.19), 'public interest' (para 3.46), 'conflict of interest' (para 3.47), 'material considerations' (para 4.1), 'sustainability appraisal' (para 4.22), 'minor change' to plan (para 4.28), 'regionally significant and major developments' (para 5.5), 'performance agreements' (para 5.11), 'pre-determination hearings' (para 5.13), 'officer delegation' (para 5.14) and 'call-in' procedure (para 5.20).**

(x) **LDP documents: the Council considers that the SPPS should set out, in an appendix, the documents which will comprise a *'Draft Plan Strategy'* and a *'Draft Local Policies Plan'* including all mandatory assessment documents. This would complement the diagram on page 25 of the SPPS.**

(xi) **call-in procedure and criteria: the Council considers that the SPPS should set out operational guidance with respect to the *'call-in'* procedure (paras 5.20 – 5.21) particularly the criteria which will be used by the Department.**

(xii) **prematurity: the Council considers that the refusal of planning permission on the grounds of *'prematurity'* where a new LDP is *'under preparation or review'* needs to be clarified. The Council would note the need, in this context, for comment to be made on whether the Department considers that the draft plan or review has to be published before *'prematurity'* can be applied.**

(xiii) **references: the Council considers that cross-referencing can make a document difficult and would suggest that the comment above under item (iii) would obviate the need for cross-referencing.**

(xiv) **footnotes: the use of footnotes is not consistent in the SPPS and their use does not make the SPPS user-friendly.**

(xv) **presentation of document: the Council considers that the document could be made more succinct and user-friendly with the use of operational diagrams and appendices for relevant, supporting information. It is noted that some sections have an over-arching aim whilst others do not. It is considered that a consistent approach should be adopted. The 'Key Documents' included in inserts are incomplete, misleading and, it is considered, should be omitted.**

(xvi) **terminology: the SPPS includes terminology which can be taken to represent a significant change of approach e.g. an existing PPS may state planning permission will 'not be permitted' whereas the SPPS may state planning permission 'should not' be permitted. The Council considers that such terminology should be consistent between the PPS and the SPPS to avoid misunderstanding and misinterpretation.**

(xvii) **PPS criteria-based approach: a large number of PPSs adopt a criteria-based approach which is not included in the SPPS. The Council considers that clarification is required on this important difference and, specifically, whether it represents a conflict when the SPPS is published in final form.**

(xviii) **conflict between SPPS and retained policies: the Council considers that para 7.7 has significant implications for the LDP and development management processes and would request clarification on the critical issue of how a 'conflict' would be defined and determined. The Council considers that uncertainty in this important area could readily lead to legal challenges.**

(xix) **detailed guidance: the Council considers that the list of guidance being considered by the Department, to support planning and local government reform, should be included in an Appendix to the SPPS in the interest of clarity for local authorities.**

(xx) **presumption in favour: the Council considers that the presumption in favour noted, in different ways, in paras 3.34 and 5.33 of the SPPS could be more clearly expressed at the start of the SPPS.**

(xxi) **overall conclusion: the Council recognises the significance and purpose of the SPPS in the reformed two-tier planning system. The Council fully supports the objective, set out in the Ministerial Foreword for a document which *'will set the direction for new councils to bring forward detailed operational policies within future local development plans'* and which will provide *'better clarity and certainty for all users of the reformed planning system'.* The Council considers that the SPPS should be much more succinct and that the use of appendices and diagrams would be of**

significant help in this regard. The Council is committed to working with the Department to ensure that the final SPPS successfully meets these fundamental objectives and that the reformed two-tier planning system operates effectively for the benefit of the city and the region as a whole.

Consultation Question 36 Interactive Digital Engagement

Do you consider that the provision of the interactive digital consultation document has been a successful initiative?

The Council considers that the digital consultation is a helpful initiative."

Routine Correspondence

It was reported that correspondence had been received from various statutory bodies, agencies and other organisations in respect of the undernoted:

An acknowledgement from the Strategic Planning Division in respect of the Committee's response in relation to the George Best Belfast City Airport Planning Agreement Modification Process.

Notification from the Planning Appeals Commission advising that an appeal against an enforcement notice had been received in relation to an alleged unauthorised erection of a lean-to extension to the rear of premises on land at 169 to 173 Antrim Road.

An acknowledgement from the Roads Service in relation to the request from the Committee for the removal of the yellow line on the Crumlin Road at the former Court House.

Copies of the letters, maps and orders relating to the above-mentioned matters were made available at the meeting for the information of the Members.

The Committee noted the information which had been provided.

Z/2010/0767/F
Orchard House Nursing Home

It was reported that correspondence had been received from the Area Planning Office in relation to the above-mentioned matter which had indicated that, having considered all the relevant factors, the Planning Service remained of the opinion that the application, in respect of a proposed extension and alterations to the nursing home to increase occupancy from 36 bedrooms to 46 bedrooms and ancillary accommodation with external car parking and landscaping, including temporary opening of former access onto the road for use during the construction, was acceptable and that a decision to approve would be issued within the near future.

Arising from the discussion in that regard, the Planning Service undertook to notify the Committee of incidents in the future when further representations were received and considered in relation to specific cases.

Noted.

Requests for Deputations

It was noted that no requests for deputations had been received.

New Planning Applications

The Committee noted a list of new planning applications which had been received by the Planning Service from 25th March until 7th April.

Deferred Items Still Under Consideration

A list of deferred items, which were still under consideration by the Planning Office, was noted by the Committee.

Streamlined Planning Applications – Decisions Issued

The Committee noted a list of decisions which had been issued by the Planning Service between 26th March and 10th April in respect of streamlined planning applications.

Schedule of Applications – Applications Withdrawn

At the request of the applicants, the undernoted items were withdrawn from the schedule:

Site and Applicant	Proposal	Divisional Planning Manager's Opinion
374 to 378 Newtownards Road, Mr. Lynch	Demolition of existing commercial buildings and construction of mixed use development comprising of ground floor retail space and 14 apartments.	Refusal
Site bounded by Clifton Street, Oaklee Homes Group Limited	Residential development consisting of 4 semi-detached houses and 6 apartments.	Approval

At the request of the Planning Service, the undernoted item was withdrawn from the schedule:

Site and Applicant	Proposal	Divisional Planning Manager's Opinion
Mountainhill Youth Club, 146 Ligoniel Road, Belfast Education and Library Board	Proposal for a new pitch and floodlighting and replacement of existing retaining wall.	Approval

THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF THE POWERS DELEGATED TO IT BY THE COUNCIL

Reconsidered Items

The Committee considered further the undernoted planning applications and adopted the recommendations of the Divisional Planning Manager thereon:

Site and Applicant	Proposal	Divisional Planning Manager's Opinion
20 Knockburn Park, Mr. M. McCurry	The demolition of an existing double garage and the erection of a detached dwelling, together with alterations to existing road access.	Approval
19 Myrtlefield Park, Mr. B. Kennedy	Conversion and extension of the existing detached dwelling into four apartments, including landscaping and parking.	Approval
Land to rear of 26 to 30 Belmont Avenue, Mr. S. McCusker	The erection of one, detached dwelling.	Approval

Schedule of Planning Applications

The Committee considered the schedule of planning applications which had been submitted by the Divisional Planning Manager in respect of the Council area and agreed to adopt the recommendations contained therein with the exception of those referred to below:

Town Planning Committee,
Thursday, 17th April, 2014

Site and Applicant	Proposal	Divisional Planning Manager's Opinion
Young Men's Christian Association, Lagan Meadows, Belfast Education and Library Board	A new, 14 class primary school, new childcare centre, extension to existing pavilion, provision of additional ancillary administrative, multi-purpose sports and changing facilities' buildings and new 3rd generation sports pitch, complete with floodlighting. [Deferred at the request of the Committee to enable an office meeting to be held: Criteria 5.]	Refusal
286 Cliftonville Road, Mr. J. J. Magee	Change of use from a beauticians to a hot food takeaway. [Deferred at the request of the Committee to enable an office meeting to be held: Criteria 5.]	Refusal
52 to 54 Boucher Crescent, Datura Enterprises Limited	Change of use of the existing 2 storey, vacant office building to a bulky goods retail use, including a café, with new extension to rear and lobby entrance, associated elevation changes, new entrance from Boucher Place to supplement the existing entrance from Boucher Crescent, provision of car parking and associated operational development. [Deferred at the request of the Committee to enable an office meeting to be held: Criteria 5.]	Approval
37 to 43b Upper Lisburn Road, R. P. P. Architects	Residential development of 16 units of semi-detached and terraced houses, with associated roads and landscaping. [Deferred at the request of the Committee to enable an office meeting to be held: Criteria 4 and 5.]	Approval

448a to 450 Shore Road, Hagan Homes Limited	Conversion of the existing first floor premises to 2 apartments. [Deferred at the request of the Committee to enable an office meeting to be held: Criteria 5.]	Refusal
Falls Park, 513 Falls Road, Gregory Architects	Proposed changing pavilion and 3rd generation pitch with associated perimeter fencing, floodlighting and additional car parking facilities. [Deferred at the request of the Committee to enable an office meeting to be held: Criteria 4.]	Approval
2 Ventry Street, Mr. M. Huang	Change of use to a hot food takeaway. [Deferred at the request of the Committee to enable an office meeting to be held: Criteria 5.]	Approval

Chairman