

# **Section 54 Planning Application Development Management Report**

**Ref Number: SPD/2023/0991/F**

**Location:** Lands to the east of the Westlink (A12); lands south of (Nos.127-9) and including Grosvenor Road; lands at intersection of Grosvenor Road and Stanley Street; lands at the intersection of Durham Street and Grosvenor Road; lands at the intersection of Fisherwick Place and Howard Street; lands at Great Victoria Street (between Nos. 1-3 to 27-45); lands at Glengall Street (between Nos. 3-21); lands at the junction of Hope Street, Bruce Street and Great Victoria Street; lands at the junction of Durham Street, Linfield Road, Sandy Row and Hope Street; lands at Sandy Row from 2 Hurst Park to 85-87 Sandy Row, Gilpin's Site; lands to north of Former Whitehall Tobacco Works at Linfield Road, Weavers Court Business Park/ Linfield Industrial Estate, Blythefield Primary School and Charter Youth Club; lands at Weavers Court Business Park and Railway track lands surrounding Arellian Nursery and bounded by Utility Street/Bentham Drive/Egmot Gardens/ Felt Street (to north); Prince Andrew Park & Abingdon Drive (to south); Beit Street, Roosevelt Rise, Roosevelt Square & Inverna Close (to west); Donegall Road (to south and east); lands to south of Utility Street, north of railway line and west of Donegall Road; and BMXTrack/Open space at lands to south of Westlink, west of railway line and east of Inverna Close, Belfast.

**Proposal:** Application under section 54 [of the Planning Act (NI) 2011] to remove Condition 5 (restricting the number of daily Belfast to Dublin train services) on planning permission Ref: LA04/2017/1388/F for a New Integrated Public Transport Interchange (the Belfast Transport Hub)

**Applicant:** Northern Ireland Transport Holding Company

## 1.0 THE PROPOSAL

- 1.1 This is an application under section 54 of the Planning Act (NI) 2011 (the Planning Act) to remove Condition 5 (restricting the number of daily Belfast to Dublin train services) on planning permission LA04/2017/1388/F for the Belfast transport hub proposal *“New integrated public transport interchange comprising; station concourse, 26 bus stands, 8 railway platforms, bus maintenance and parking, track and signalling enhancements, bus access bridge, cycle and taxi provision, car parking, new public square, public realm improvements, highway improvements, infrastructure improvements, temporary structures for bus operations during construction and temporary site construction compounds”*.

Condition 5 reads:

*“There shall be no more than 8 daily Belfast to Dublin train services each way into the approved development (16 in total).*

*Reason: In the interest of residential amenity.”*

This application was submitted on 27 November 2023. The transport hub subsequently became operational on 8 September 2024 and the *Enterprise* Service commenced its increased frequency on 29 October 2024. Section 55 of the Planning Act permits planning permission to be granted for development carried out before the date of the application, but this application was made before any increased service was commenced and it does not in any event seek any retrospective grant of permission or retention of works. It is therefore an application for prospective permission only although development from the date of the application to present is addressed below.

- 1.2 The applicant is the Northern Ireland Transport Holding Company (NITHCo). The transport hub proposal, although still under construction is open to the public and Translink have commenced an hourly train service between Belfast and Dublin. This was a stated objective in the original application however condition 5 was imposed on the permission as the Environmental Impact

Assessment submitted at that stage had not fully assessed any additional impacts of an hourly service.

## **2.0 SITE AND SURROUNDING AREA**

- 2.1 The application site remains the same as the parent application and comprises the former Europa Bus Centre and former Great Victoria Street Station as well as adjoining land originally used for parking and servicing of buses and a former derelict area of land along Grosvenor Road. The main transport hub building and new rail tracks have now been constructed with work ongoing to complete the surrounding public realm, works to Durham Street, and car parking within the site.
- 2.2 The site is located southwest of the city centre and is bisected north to south by Durham Street and also accessed from Great Victoria Street via the Great Northern Mall. The section of the site to the east of Durham Street contains the former bus and railway station and the larger part of the site to the west of Durham Street contains the existing transport hub site with bus parking. Construction works are ongoing and the former Boyne Bridge has been demolished.
- 2.3 The Linfield Industrial Estate, office accommodation and other community uses lie to the south of the site, the A12 Westlink lies immediately to the west (connected to the site by a newly constructed busway bridge) and the Grosvenor Road bounds the site to the north. Surrounding areas contain a mix of land uses, predominantly industrial, car parking, commercial, education, community and residential uses.
- 2.4 The site also includes the existing rail tracks extending as far as Donegall Road along both sets of tracks and excluding the lands comprising the Blythefield Park, the allotments and Arellian nursery school which are surrounded by rail tracks. The site includes the former BMX track on the west side of the tracks (now cordoned off due to contamination discovered in this area) and a pedestrian bridge (formerly used to access this area from Bentham

Drive), as well as an area of green space and a path leading towards Donegall Road. The site also includes sections of the public road along Durham Street, Great Victoria Street, Hope Street, Glengall Street and Grosvenor Road and excludes the buildings in between and the BT building on the corner of Grosvenor Road and Durham Street.

### **3.0 PLANNING ASSESSMENT**

3.1 A summary of consultee comments, representations and information on the process history of the application and planning history of the site can be found in the appendices. The application falls to be assessed under the relevant policy criteria and all relevant material considerations are considered below. As the proposal involves no alteration to the physical development on the ground, the relevant material considerations relate to the additional trains on the network if the condition were removed. The supporting information states “*The removal of this condition will not have any effect on the construction phase of the consented development or make any change to the structure or physical appearance of the consented buildings and infrastructure*”. Removal of the condition will enable Translink to deliver against an operational target of providing improved connectivity between Belfast and Dublin including greater frequency of services, aligned with the opening of the new station.

#### ***Regional Development Strategy (RDS) 2035 and Strategic Planning Policy Statement (SPPS)***

3.2 The objective of the RDS Regional Guidance (RG) 2 is to deliver a balanced approach to transport infrastructure by improving connectivity, using road space and railways more efficiently and improving access to our cities and towns. RG 7 aims to support urban and rural renaissance by developing under-used land and buildings, ensuring environmental quality is improved and maintained. Strategic Framework Guidance (SFG) 1 seeks to promote urban economic development at key locations throughout the Belfast Metropolitan Urban Area (BMUA) and ensure sufficient land is available for jobs and SFG 3 aims to enhance the role of Belfast City Centre as the regional capital and focus of administration, commerce, specialised services and cultural amenities. SFG 4

seeks to manage the movement of people and goods within the BMUA by managing travel demand and improving public transport. The RDS states that a well maintained, high quality public transport will include innovative route and service options, rail feeder services, integrated transport facilities and orbital urban services. The RDS also states that as one of Northern Ireland's economic drivers, an efficient transport system in Belfast is essential to allow people and goods to move quickly around the city and to commute to and from it. High quality public transport for Belfast is therefore necessary for regional prosperity.

- 3.3 The regional strategic objectives for transportation and land use planning contained within the Strategic Planning Policy Statement (SPPS) are to promote sustainable patterns of development which reduce the need for motorised transport, encourages active travel, and facilitate travel by public transport in preference to the private car.
  
- 3.4 The Department's publication "Ensuring a Sustainable Transport Future: A New Approach to Regional Transportation" has as its first strategic objective "*to improve connectivity within the region*" and its second objective "*to use road and rail space more efficiently*" as part of the high level objective of supporting the growth of the economy. A new Transport Strategy 2035 is also under preparation with the visions to provide a sustainable, safe, accessible and effective transport system which meets the region's climate change requirements, serves the needs of urban and rural communities, and supports economic growth. The Department's Eastern Transport Plan 2035 is currently being developed in conjunction with the Council's Local Development Plan. Among its aims are to create an easy accessible, connected, inclusive active travel transport network for sustainable, modern day living and better, accessible options enhancing individual choice for all different modes of transport with an aim to reduce unnecessary use of private car and to promote better health and wellbeing by encouraging active travel and improving air quality. The Regional Strategic Transport Network Transport Plan (RSTNTP) 2015 published in 2005 is also due to be updated and an All-Ireland Rail Review was published in July 2024. The Transport hub was a former

Programme for Government (PfG) flagship project and the development aligns with the current PfG 2024-2027 through the Executive's commitments to improving transport infrastructure for safer travel, connected communities and sustainable economic growth, and to work with the Irish Government to develop the rail networks, including strengthening Belfast to Dublin rail services following publication of the All-Island Strategic Rail Review.

### ***Development Plan Context***

- 3.5 Under section 6(4) and section 45 of the Planning Act (NI) 2011, determinations must be made in accordance with the local development plan unless material considerations indicate otherwise. Belfast City Council adopted its **Plan Strategy (PS)**, containing strategic and operational policies for the district on 2 May 2023 in accordance with section 12 of the Planning Act and regulation 24 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015. The council has yet to adopt its **Local Policies Plan** which will provide zonings and proposals for the district.
- 3.6 In the interim, and in line with the transitional arrangements set out in Paragraph 3 of the Schedule to the 2015 Regulations, the LDP for the council area is thus a combination of the departmental development plan (DDP) and the PS read together. Any conflict between a policy contained in the DDP and those of the PS must be resolved in favour of the PS. Therefore, this application must be determined having regard to the PS, the Belfast Urban Area Plan 2001 as well as the SPPS and draft BMAP. Planning Policy Statements are no longer applicable in this council area.
- 3.7 The following policies in the PS are considered relevant to this proposal:
- *SP3 – Improving health and wellbeing* - states that the council will support development that maximises opportunities to improve health and wellbeing. It also states that improving connectivity between residential and employment areas which are well served by a range of sustainable travel modes, would encourage active lifestyles and reduce air pollution.

- *SP6 - Environmental resilience* - states that the council will support development where it helps to reduce greenhouse gas emissions and is adaptable in a changing climate to build environmental resilience.
- *SP7 – Connectivity* - states that the council will support connectivity to and within the city by sustainable transport modes, such as public transport, walking and cycling. Land for sustainable transport infrastructure projects will be safeguarded and opportunities to protect and enhance existing provision will be maximised.
- *SD2 Settlement Areas* - designates the Weavers Court Train/Bus interchange as a rail station. The PS states that this station is programmed to be replaced with a modernised transport hub during the lifetime of this plan and will serve a regional role, providing strong connectivity to locations outside of Belfast, including Dublin and the Republic of Ireland.
- *CC1 Development Opportunity Sites* - designates the Transport Hub and South Centre Linen Quarter as an area where mixed use development is supported subject to a number of principles.
- *TLC1 - Supporting tourism leisure and cultural development* - states that the council will support tourism leisure, and culture development that contributes to improving the quality, and accessibility of tourism, leisure, and culture facilities and assets to support Belfast's reputation as an attractive tourism destination.
- *ENV1 – Environmental quality* - states that planning permission will be granted for development that will maintain and, where possible, enhance environmental quality, and protects communities from materially harmful development. Development must not result in an unacceptable adverse impact on the environment, including air quality and noise.
- *ENV2 – Mitigating environmental change* states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce GHG by promoting sustainable patterns of development.

- 3.8 Under the Belfast Urban Area Plan (BUAP) 2001, the site lies within the city centre boundary but outside the main office area and main shopping area. The site is affected by a proposed strategic highway measure “Boyne Bridge to Westlink Link” as part of the city centre strategy.
- 3.9 The Court of Appeal has judged that the Belfast Metropolitan Area Plan 2015 (BMAP) was adopted unlawfully however the plan remains a material consideration in respect of site-specific policies and proposals. The site lies within Belfast City Centre as designated under the draft Belfast Metropolitan Area Plan (dBMAP) 2015 and within the proposed *Main Office Area*. The PAC report recommended that this designation be removed and the city centre retained as the prime location for office development. The site was also proposed as a *Development Opportunity Site* within dBMAP with a number of key site requirements. The site falls within the proposed *Great Victoria Street Character Area* with the north western part of the site close to the junction of Grosvenor Road and the Westlink identified as a *City Centre Gateway*. The site is also identified as the location for an extended railway station which will facilitate public transport interchange replacing the existing Great Victoria Street Station and the Europa Bus Station as part of the redevelopment opportunities around Great Victoria Street and Grosvenor Road. The south western part of the site around Blythefield Park is designated as a proposed *Local Landscape Policy Area* and identified as existing open space. The site may also be affected by proposals to develop a City Centre ring road which would include modifications to Hope Street and junction improvements with Durham Street. The site also lies within the *Belfast City Centre Fringe Area of Parking Restraint*.
- 3.10 The road protection corridor for the rapid transit scheme [WWAY] ran through the site of the Belfast Transport Hub application as depicted on Plan Amendment No. 1 Clarification Map No. 33 of dBMAP. The PAC report into draft BMAP considered objections to Proposal BT 14/02 WWAY and recommended that the road protection corridor across Zoning CC055 (the Development Opportunity Site designation on the transport hub site) shown on Plan Amendment No. 1 – Map No. 33 be deleted and replaced by two access

points as shown on the plan accompanying an objector's statement of case for objection 3537/3. They also recommended that a further key site requirement be added to Zoning CC055, to read as follows: Provision for a rapid transit route through the site between the proposed access points as identified on a Plan such as would allow a grade separated crossing of the Westlink (A12). As draft BMAP was never formally adopted, the status of this designation remains uncertain and was never amended or finalised subsequent to the PAC recommendations. It is therefore afforded limited weight.

### ***Noise and Vibration***

- 3.11 Noise is a material consideration which can adversely affect health and well-being. The Noise Policy Statement for NI aims to avoid or mitigate significant adverse impacts on health and quality of life through the effective management and control of environmental, neighbour and neighbourhood noise. A noise impact assessment has been carried out to assess the impact of the development without condition 5.
- 3.12 Two scenarios have been presented in the ES Addendum, both incorporating an hourly *Enterprise* service between Belfast and Dublin with 2 services departing before 07:00 and one arriving after 23:00. **Scenario 1** uses existing train stock in the noise model (a maximum of 16 daytime and 2 nighttime movements with the existing stock *De Dietrich* locomotives and 14 movements day time movements with new *Diesel Multiple Units*). The agent has clarified that the 14 *De Dietrich* locomotives are the only trains of this fleet available and given the journey time and increased frequency of services, additional rolling stock is required to provide the extra services in the form of the NIR C3000 (diesel multiple units). It has been assumed that the night-time movements are undertaken by the *De Dietrich* locomotives, which is considered a reasonable worst case.
- 3.13 For **scenario 1**, noise levels during the day are predicted to increase by 0.1dB LAeq,16hr at Arellian Nursery compared with the consented scheme and by 0.5dB LAeq,16hr at Beit Street and 0.7dB LAeq,16hr at Donegall Avenue and 0.1dB LAeq,16hr at Holiday Inn. The noise impact remains the same or

improves at all other receptors. The agent has clarified that the scheme consented assumed that the *Enterprise* services would travel on the rail line between Belfast Transport Hub (BTH) and Lanyon Place. The move to services terminating at BTH means that the services have been modelled as such. For scenario 1 during nighttime hours, noise impact is predicted to increase by 0.1dB LAeq,8hr at Beit Street with all other receptors unaffected by the additional services. The agent submits that this is due to the small number of additional movements during this period.

3.14 The highest predicted negative impact of the development without condition 5 is 1.8dB at Donegall Avenue, with 0.7dB of that as a result of increasing the Enterprise to an hourly service and a 1.1dB increase from the hub development already approved. Any change under 2.9dB is described in the ES Addendum as negligible. The conclusion reached in the assessment is therefore that the removal of planning condition no.5 would not result in any new likely significant effects.

3.15 **Scenario 2** uses an upgraded train fleet from 2028 onwards. Future rolling stock is unknown at this time, however all new UK rolling stock is required to be compliant with the Department for Transport *National Technical Specification Notice (NTSN) Rolling Stock – Noise requirements*. The ES Addendum states that by procuring rolling stock which meets these requirements, the overall noise levels from Enterprise rail movements will reduce when new rolling stock is introduced, regardless of the actual trains procured. As no significant new noise effects have been identified for either scenario, the ES Addendum concludes that no additional mitigation is required. The applicant has also clarified that any increase in vibration will be negligible. Importantly, this also supports the position that from the introduction of the Enterprise hourly service and indeed at present, there is no additional impact arising from the increased train frequency.

3.16 Environmental Health (EH) requested clarification in relation to a number of points, e.g. related to the new timetable, why the modelling exercise was considered a worst case scenario, the potential for additional idling trains noise

impacts, more explanation on the exceedances and reductions in noise at various receptors, and consideration of potential vibration impacts. Following receipt of that information, EH have commented that clarifications provided in the submission have satisfied the queries raised in their previous consultation response and would advise that based on the information contained within the submission, which determine that no adverse noise impacts will result as a consequence of the Belfast/Dublin Enterprise Service increasing to 32 rail movements daily, EH would offer no objection to the Section 54 application for the removal of Planning Condition 5 from approval LA04/2017/1388/F.

- 3.17 Considering the assessment within the ES Addendum, the additional clarification provided by the applicant and the comments of EH, it is considered that the removal of condition 5 and the operation of an hourly service between the 2 cities will not result in any adverse impacts on the amenity of residential receptors as a result of noise and the proposal is therefore considered compliant with policy ENV1 in the LDP.

### ***Air Quality***

- 3.18 Air quality is a material consideration which can adversely affect health and well-being. The site lies partially located within the *M1/Westlink Air Quality Management Area (AQMA)* which is declared for levels of Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>10</sub>). The proposal to remove condition 5 has the potential to impact on air quality as a result of additional diesel trains on the network. The ES Addendum presents an air quality impact assessment for the original approved development and the development without condition 5 compared with a baseline future scenario without the development and outlines the likely air quality impacts from moving diesel trains and the increase in volumes of diesel trains. Pollutants relevant to the assessment include particulate matter (PM<sub>10</sub>) and nitrogen dioxide (NO<sub>2</sub>). The ES Addendum states that government guidance suggests the annual mean objective is more relevant than short term impacts when assessing the air quality impacts of moving locomotives.

3.19 With regard to moving diesel trains, an assessment of air quality impacts has been undertaken on 14 human receptors within 30m of the rail network. The sensitive receptors are existing residential receptors, a pre-school and allotments located near to the main rail network. In addition, a nearby school has also been included as a precautionary measure. These receptors have been selected to represent the worst-case exposure and potential impacts from the changes in rail emissions. Overall, the predicted concentrations at all modelled receptors were not predicted to exceed any of the relevant air quality objectives for NO<sub>2</sub> or PM<sub>10</sub> as a result of the change in *Enterprise* services. The highest predicted change in annual mean NO<sub>2</sub> was an increase of 0.6 at the Blythefield allotment from 17.5 µg/m<sup>3</sup> to 18.1µg/m<sup>3</sup> which is described as negligible (the 40µg/m<sup>3</sup> is set as an objective in the *Air Quality Strategy* as an annual mean to protect human health).

3.20 The ES Addendum concludes that all changes in annual mean NO<sub>2</sub> concentrations between the development as approved and the development without condition 5 are predicted to be less than 1µg/m<sup>3</sup>, and less than 75% of the annual mean standard (40µg/m<sup>3</sup>) and that therefore, it is predicted that all receptors will experience negligible impacts due to changes in NO<sub>2</sub> concentrations. The hourly mean NO<sub>2</sub> concentrations at all receptors were also predicted to be well below 200µg/m<sup>3</sup> (the hourly mean objective in the *Air Quality Strategy*). The magnitude of change was considered to be imperceptible, the impact negligible and the overall effect not significant.

3.21 All changes in annual mean PM<sub>10</sub> concentrations are predicted to be less than 0.11µg/m<sup>3</sup>, with overall predicted annual mean PM<sub>10</sub> concentrations of less than 15µg/m<sup>3</sup> at all receptors (the annual mean standard is 40µg/m<sup>3</sup>). Therefore, it is predicted that all receptors will experience negligible impacts due to changes in PM<sub>10</sub> concentrations associated with the removal of planning condition no.5.

3.22 Following consideration of the information submitted, EH requested clarification in relation to the baseline opening year and the 2033 forward projection year, the risk of exceedance of short-term air quality objectives for stationary

locomotives, the derivation of 2033 background data, modelled rail services, the choice of average daily train movements as well as technical details concerning the atmospheric dispersion modelling. Following receipt of further clarification, EH commented that they were able to accept the overall conclusion in Section 6.5.2 of the ES Addendum that the predicted concentrations at all modelled receptors are not predicted to exceed any of the relevant air quality objectives for nitrogen dioxide (NO<sub>2</sub>) or particulate matter (PM<sub>10</sub>) and accordingly, they would not object on ambient air quality grounds to the granting of planning permission for the removal of condition 5.

3.23 The EH response to the clarification provided is summarised below;

- In respect of the assessment for short-term objectives for nitrogen dioxide and sulphur dioxide presented in the original ES, the applicant has clarified that no further assessment is required as the removal of condition 5 does not add any additional platform capacity. An ambient air quality monitoring programme is being developed for Grand Central Station to meet the requirements of planning condition 14, which will ensure that relevant short-term public exposure for nitrogen dioxide is understood and mitigated.
- The applicant has clarified that the air quality modelling has taken into account the alignment of the rail tracks in the vicinity of the Blythfield allotments, primary school, nursery and play area and that engine speeds were modelled at 25% capacity to account for slow moving locomotives approaching/departing the station around this area as idling is not anticipated.
- They have also clarified that the original modelled opening year of 2023 was not going to occur and so the future 2033 year was maintained for consistency with the 2017 ES. 2033 background data is not however presently provided by Defra and so 2030-year Defra background data was utilised for the 2033 scenario. Meteorological data for 2022 from Belfast was used in the 2022 scenario, which was the most recent available at the time of drafting, alongside Defra background data for that year.
- Enterprise trains were previously modelled as travelling from Belfast Central / Lanyon Place via the Belfast Transport Hub to Dublin, but for the future

scenario for 16 trains, *Enterprise* services will terminate at the Belfast Transport Hub and not travel on to Belfast Central/Lanyon Place.

- Local Air Quality Management Technical Guidance (TG22) advises that annual mean objectives should not normally apply to gardens of residential properties or at any other location where public exposure is expected to be short term (such as allotments). A predicted increase in 2033 (2030 background year) nitrogen dioxide annual mean concentrations of +0.5 mgm<sup>-3</sup> at residential receptors R1 and R2, +0.4 mgm<sup>-3</sup> at the Arellian Nursery and +0.1 mgm<sup>-3</sup> at Blythefield Primary School are noted when compared to the 2022 ES scenario.
- All annual mean concentrations for the modelled receptors are predicted to be substantially less than the nitrogen dioxide annual mean objective during 2033 and would similarly be expected to be less than the annual mean objective when extrapolated to a Grand Central Station opening year of 2024.
- Belfast City Council will maintain its monitoring site in the vicinity of the Blythefield allotments and Arellian Nursery over coming years, and may install further monitoring where necessary, in order to assess nitrogen dioxide annual mean concentrations and to fulfil its statutory local air quality management responsibilities in accordance with the provisions of Part III Air Quality of The Environment (Northern Ireland) Order 2002.
- The modelled 2033 scenarios do not take account of the possibility of a future upgraded rail fleet, which the applicant has indicated would have cleaner engines and lower emissions.
- Rail movement data comprises average daily movements, as peak hour movement data was not available. It would have been preferable to employ actual train movement data in order to be reflective of peak periods but it is noted that the modelled hourly mean nitrogen dioxide concentrations are substantially less than the hourly mean objective.
- Particulate matter is not a relevant pollutant for railways (diesel and steam trains). Nevertheless, PM<sub>10</sub> concentrations at modelled receptor locations in the Blythefield area for 2033 are all predicted to be substantially less than the 40 mgm<sup>-3</sup> annual mean objective, with a maximum predicted concentration uplift of +0.1 mgm<sup>-3</sup> associated with the introduction of a 16 two-way

Enterprise service when compared to the 2022 scenario. Consideration of Defra published background data for 2024 would suggest that background concentrations of PM<sub>10</sub> in the Blythefield area would be marginally higher (~+0.3 mgm<sup>-3</sup>) during 2024.

3.24 As no new significant air quality effects are predicted, the ES Addendum states that no additional mitigation is required. Considering the assessment within the ES Addendum, the additional clarification provided by the applicant and the comments of EH, I consider that the removal of condition 5 and the introduction of an hourly service between the 2 cities will not result in any adverse impacts on the amenity of residential receptors as a result of emissions and impact on air quality and the proposal is compliant with policy ENV1 in the LDP. This supports the position that from the introduction of the Enterprise hourly service and indeed at present, there is no additional impact arising from the increased train frequency.

### ***Amenity***

3.25 In concluding that there are no adverse effects on air quality or noise, the corollary is that there will be no adverse effects on amenity as a result of the increased number of train services.

### ***Other Environmental Issues***

3.26 The ES Addendum assesses the topics of ecology and nature conservation, ground conditions, historic environment, townscape and visual impact, the water environment, socio-economic issues, transport, waste, climate change, and major accidents and disasters as well as cumulative effects for the potential for new likely significant effects from those reported within the original ES 2017 and FEIs. The conclusion is that the removal of planning condition no.5 would not result in any new likely significant effects or adverse impacts from those assessed and identified within the original ES 2017 and FEIs submitted under LA04/2017/1388F. I would concur with this assessment.

3.27 The proposal will enhance public transport provision, reducing transport by private car, and therefore increase the connectivity and accessibility of the city.

I therefore also consider the application to be compliant with policies SP 3, 6 & 7 and TLC 1 & ENV 2 of the PS.

### ***Economic Benefits***

3.28 The ES Addendum states that the rail network plays an important enabling role in driving economic growth and that improved public transport is key to increasing labour mobility thus increasing connectivity and therefore the efficiency and competitiveness of business. Public transport is also seen as a catalyst for regeneration through linking urban and rural areas and is important in profiling the region to external investors. The ES Addendum states there will be significant potential economic development benefits through the growth of the *Enterprise* service for commuting and the growth of local urban economies through enhanced tourism, leisure and shopping opportunities. The service will create increased travel opportunities for all members of society providing enhanced access to hospitals and medical centres, education and leisure facilities. Any delay or restriction to the BTH could result in the loss of €165m of EU funding and the loss of revenue to Translink over 30 years of circa £157m.

3.29 The Council are supportive of the proposal citing the growth in cross-border workers and how there is opportunity to improve growth in cross-border trade of services with improved transport links enabling such growth. The proposal aligns with the all-island rail review 2024 which identified that service frequencies and speeds between Belfast and Dublin are relatively low compared to similar infrastructure in other capital cities. In the Council's view improved intercity connectivity is essential to businesses and communities in Belfast, providing linkages to facilitate trade, investment, tourism, and labour mobility.

### ***Operation of Hourly Service since 29 October 2024***

3.30 This application is only for prospective planning permission for an hourly service going forward from the date of any permission. It has been the subject of an EIA process. As part of that process, the opinions of relevant consultees were sought, and indeed had already been obtained before the

commencement of the hourly service. The pertinent consultee in relation to the issues of noise, dust and vibration is the Environmental Health Department. The comments of the EHD were received on 16 October 2024 and gave no indication of any potential impact from the commencement of an hourly service.

- 3.31 The Department does not condone unauthorised development, whether by way of unauthorised construction works or breach of condition by reason of operations carried out, but it does have to consider the appropriate course of action in circumstances where a breach has taken place. It is not an offence to carry out development without planning permission or to fail to comply with any condition subject to which planning permission has been granted. There are a number of issues that are relevant in considering whether formal enforcement action is an appropriate remedy for a breach of planning control. These include matters such as whether the breach of planning control would be clearly contrary to planning policy or unacceptably affect public amenity, the extent of the breach, and the willingness to remedy the breach voluntarily. In determining whether it is necessary to take enforcement action, it is appropriate to consider whether it is expedient. Where a breach is causing significant harm to the environment or amenity, priority should be given to taking action.
- 3.32 There are a range of powers and means available for dealing with a breach of planning control and they can escalate in relation to the type of breach, the harm being caused and the urgency of any need to secure a remedy. One way to seek to remedy a breach of planning control is by way of submission of an application for the development in question. This will be required where there is a desire to retain development already carried out, for example where buildings have been altered or constructed in breach of planning control. Such an application has not been made in this case.
- 3.33 A relevant factor in considering whether to take enforcement action will be whether the development in question may be acceptable in principle. An application for the amendment of condition 5 was with the Department at the time the hourly service commenced and no consultee indicated that the amendment would be unacceptable.

3.34 At the time of that the hourly service was commenced, indeed, the Department, had sufficient information available to it to conclude that the breach, although uncondoned, was unlikely to result in any unacceptable adverse impacts. One of the objectives of enforcement action, to remedy any undesirable effects of unauthorised development including, where necessary, the cessation of unacceptable development would not have been fulfilled by enforcement action in this circumstance.

3.35 As previously noted, this application does not seek to, nor does it grant retrospective permission, and accordingly it does not purport to grant retrospective permission for EIA development. It is not a case in which the applicant has gained an unfair or improper advantage. Proper assessment and consideration of the environmental effects has not been circumvented. Translink is not being permitted to retain any unlawful development on the ground. However, even if this were an application for retrospective development, it is concluded that the criteria for granting such permission as outlined in the Department's published guidance Development Management Practice Note (DMPN) on Unauthorised EIA Development<sup>1</sup>, namely that there are demonstrable exceptional circumstances that justify the grant; that it is clear that the developer has neither gained nor stands to gain any unfair advantage from their breach of planning control; that public, and other stakeholders, are provided equal opportunity to express their views on the application and its Environmental Statement as would be required of any EIA development; and that the Environmental Statement and the EIA is rigorously scoped to ensure its assessment is based on a reasonable estimation of the baseline environment that is likely to have existed on the site prior to the unauthorised EIA development having taking place, would have been met as outlined below.

3.36 This situation has arisen as a result of an anticipated grant of planning permission under s54 of the Planning Act. Translink have submitted that the commitment to support sustainable transport infrastructure and the introduction

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<sup>1</sup> DMPN 9A, at paragraph 6.5 in particular.

of an improved frequency train service between Belfast and Dublin are Ministerial priorities and the Minister has made public statements linking the hourly service to benefits to the economy, public transport and cross border linkages. They further submit that the proposal also aligns with the Programme for Government and the targets within the Climate Change Act and that the environmental assessments and consultation responses received prior to the commencement of the service, confirmed there is no adverse environmental impact. The public and all statutory consultees were also given the opportunity to form and advance their views before the hourly Belfast to Dublin service commenced, and no adverse environmental impact is indicated or anticipated. None of these submissions are disputed by the Department and other sections of this report attest to these points.

3.37 The situation is that the developer has obtained a planning consent, constructed the development in large part, submitted a planning application to remove a condition, but commenced operations in breach of that planning condition before the planning application to remove the condition was determined. However, the correct environmental assessments were carried out and the relevant consultee indicated they were content in advance of operation of the hourly service. Approval of this proposal will not depart from anything envisaged in those assessments. This is not a case of a developer undertaking development without assessment and subsequently attempting to retrospectively justify that development as having not had or been capable of causing significant environmental effects. Indeed, in the present case the developer has established the baseline date, undertaken the assessments, before proceeding to commence the hourly service without receiving formal notification of permission being granted to remove the condition.

3.38 The ES & s54 Addendum received on 27 March 2024 is based on the original environmental baseline, i.e. the environmental baseline present before the hourly service was implemented. The proposal to remove condition 5 and operate an hourly service was assessed prior to it commencing against the consented scheme approved in March 2019 and the original baseline before the scheme was built.

### ***Planning Conditions on a New Decision Notice***

3.39 This section considers the conditions to be attached to a decision notice if approval for the application is forthcoming. DMPN Note 24 contains guidance on section 54 applications. Section 54 of the 2011 Act is a power that allows for an application to be made for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. A section 54 application is submitted to and determined by the planning authority which granted the previous planning permission.

At DPMN 24, para 3.5 – *In considering an application made under section 54, the planning authority which granted the previous planning permission must consider only the “question of the conditions” subject to which planning permission should be granted (section 54(3)).*

This refers to all the conditions and not simply the condition which it is proposed not to be complied with.

At 3.13 – *Under section 54(3)(a) a planning authority has the power to grant planning permission subject to different conditions. The different (fresh) conditions are not limited to those proposed in a section 54 application<sup>2</sup>.*

At 3.18 – *Under section 54(3) a planning authority can grant planning permission with conditions differing from those subject to which a previous permission was granted. However, it must be borne in mind that conditions should only be imposed on a planning permission where they meet the six legal tests for conditions: - necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects.*

At 3.19 – *A successful application under section 54 is a new or fresh grant of planning permission<sup>3</sup>. To assist with clarity, when issuing a fresh planning permission granted under section 54, it is advisable that all the conditions of the previous (original) planning permission to which the new planning permission is to be subject should be restated in the new permission, unless they have already been discharged, and not be left to a process of cross referencing with the previous (original) planning permission.*

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<sup>2</sup> *R v Leicester City Council Ex p. Powergen UK plc* (2000) 80 P. & C.R. 176).

<sup>3</sup> *Powergen UK plc v Leicester City Council* (2001) 81 P. & C.R. 5.

Considering the above guidance, it is unlikely that a condition which restricts the commencement or operation of development could be said to be enforceable or precise in circumstances where the development has already passed those stages.

3.40 There are several conditions on the decision notice granted 29 March 2019 ('Original decision') that required actions to be taken prior to either commencement of the development (or particular phase) or operation of the development. For 5 of these conditions, the actions required to discharge (confirm compliance) with them have not been completed. Additionally, the stage, prior to which the actions were required, has passed, i.e. the development has been operational since 8 September 2024.

3.41 On the presumption that approval is granted for the application, the Department is required to produce a decision notice. Accepted practice (Case law<sup>4</sup> and 3.19 above) is that the conditions that have not been discharged are copied across to the new decision notice. Those conditions need to meet the legal tests<sup>5</sup> and copying across a condition that restricts operation prior to an action, in circumstances where the development is already operational is unlikely to meet those legal tests. However, there is authority<sup>6</sup> to support the amendment of those conditions to require that same action within a subsequent restricted period of time or at a specified time.

3.42 A fresh decision notice would require the rewording of 5 conditions to give effect to the status of the development and the nature of the present consent. These conditions are discussed below in light of the aforementioned legislation, case law and guidance.

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<sup>4</sup> *R (Reid) v Secretary of State for Transport, Local Government and the Regions* [2002] EWHC 2174.

<sup>5</sup> DPMN 24, 3.18

<sup>6</sup> Planning Act (NI) 2011.

## **Condition 10**

10. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.  
No other development hereby permitted shall become operational until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Nos. 90 (Rev B) through 96 (Rev B) and 130 (Rev A) through 136 (Rev A) and 138 through 140 received by the Department on 02 May 2018. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

**Reason:** To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

3.43 Condition 10 restricted the operation of the development until such times as specified work for the improvement of a public road was completed. Details of that work are included in the prescribed drawings as referenced in the condition. The specified works were not completed in full prior to operation so the condition cannot be repeated on this permission. The condition could however be reworded to provide for a restricted period of time within which to complete the road works or for the road works to be completed at a particular stage in the construction process. Works to Durham Street are ongoing and are expected to be completed around the end of this year along with all construction works on Phases 4-6. It is therefore considered reasonable to tie the completion of the “works necessary for the improvement of a public road” to the demobilisation of the construction site which will be the last activity (of those listed under Phase 6) before construction workers leave the site. DfI Roads have confirmed they are content with this phrasing and with the timing for delivery of the road works.

3.44 Works to the public road are discussed in the original environmental statement and formed part of the development originally applied for. Should consent be forthcoming for removal of condition 5, it will not negate the requirement to implement these works but will give a longer period for those works to be carried out.

3.45 The reason for this condition was to ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out. Roads officials have confirmed they are content with the interim arrangements for access to the hub building during completion of the road works. These arrangements have been discussed and approved under various related discharge of condition applications (SPD/2024/0066/DC, SPD/2024/0067/DC & SPD/2024/0078/DC).

3.46 The significant benefit envisaged by the road improvements has therefore not been provided during the period since September 2024 and potentially will not be provided for another period of months while construction works are completed. This situation has arisen from the need to transfer rail and bus services to the new hub building before the works to Durham Street are carried out. The works will however still be implemented (albeit later than originally envisaged).

### **Condition 13**

**13. The development hereby permitted (excluding any temporary facilities) shall not become operational until 223 car parking spaces have been provided as detailed in Table 2 of the Environmental Statement, Volume 1, Chapter 15 and as indicated on the approved drawings.**

**Reason: To ensure the provision of adequate parking facilities in the interests of road safety and the convenience of road users.**

3.47 This condition restricted the development becoming operational until the provision of 223 car parking spaces. These car parking spaces were not in place when the development became operational on 8 September 2024 and will not be in place until the construction process is complete. The site layout has been amended by way of a Non-Material Change application<sup>7</sup> (LA04/2024/1890/NMC) but with the overall number of parking spaces remaining unchanged. As with condition 10, condition 13 could be reworded to provide for a restricted period of time within which to provide the car parking spaces or for the spaces to be at a particular stage in the construction process.

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<sup>7</sup> S.67, Planning Act (NI) 2011

Works within the internal site are expected to be completed around the end of this year along with all construction works on Phases 4-6. It is therefore considered reasonable to tie the provision of the car parking spaces to the demobilisation of the construction site which will be the last activity (of those listed under Phase 6) before construction workers leave the site. DfI Roads have confirmed they are content with this phrasing and with the timing for delivery of the car parking.

3.48 The reason for this condition was to ensure the provision of adequate parking facilities in the interests of road safety and the convenience of road users at the point the development became operational. Its absence from the development is not permanent and Roads officials have confirmed they are content with the interim arrangements for car parking during completion of construction. These arrangements have been discussed and approved under a related discharge of condition application (SPD/2024/0078/DC).

3.49 This matter has arisen from the need to transfer operational rail and bus services to the new hub building before the car parking is provided as part of Phase 6. The works will however still be implemented albeit later than originally envisaged.

## **Condition 22**

**22. Prior to the operation of the development, the applicant shall provide to the Planning Authority, for approval in writing, a Contaminated Land Verification Report. This report must demonstrate that the remediation measures outlined in the agreed contaminated land Remediation Strategy have been implemented.**

**The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for the proposed end-use. It must demonstrate that any identified significant pollutant linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency.**

**Reason: Protection of human health, to protect the European Sites in Belfast Lough from adverse impacts during the construction phase and to protect environmental receptors to ensure the site is suitable for use.**

3.50 This condition required that prior to the operation of the development that a Contaminated Land Verification Report be approved. Separate Contaminated

Land Remediation Strategies and Remediation Implementation and Verification Plans have been submitted under Condition 20 and approved by the Department for the enabling works phase, Phases 1-3 and Phases 4-6. Under condition 22, a Verification Report has been submitted and approved for the enabling works phase and for Phases 1-3. Although the bulk of the remediation work was implemented before the station was operational and has been subsequently verified and approved by the Department, a further Verification Report will still be required for Phase 4-6. It is therefore considered reasonable to tie the submission of the report to the demobilisation of the construction site which will be the last activity (of those listed under Phase 6) before construction workers leave the site. NIEA & EH have confirmed they are content with this phrasing and with the timing for submission of the final Verification Report.

3.51 The purpose of the remediation was to protect human health and designated sites. The applicant would still be required to submit the final Verification Report, and it would still need to be approved. Given that what remains to be verified relates solely to capping of landscaping areas and those areas are not yet constructed, this approach is considered reasonable. EH were content with this phased approach to verification given that there is currently no public access to these landscaping areas. In their response to the Verification Report for Phases 1-3 (SPD/2024/0084/DC), they stated that a future submission is required demonstrating that the final identified contaminant linkages have been demonstrably broken during the construction works of Phases 4-6, and ultimately confirming that all remediation works have been completed through the overall development (and therefore that all the identified contaminant linkages have been broken). NIEA in their response to the Verification Report for Phases 1-3 (SPD/2024/0084/DC) stated that the main remedial works to protect environmental receptors were verified at the end of enabling works stage of the development and that verification works for Phases 1 to 3 mainly concern human health risks.

3.52 The implementation of remediation and subsequent verification relates to an identified significant environmental impact in the environmental statement. This situation has arisen from the need to transfer operational rail and bus services

to the new hub building before the final remediation is carried out as part of Phases 4-6. The terms of the condition require that the Verification Report must demonstrate successful completion of the remediation works and that the site is fit for the proposed end use. In the event that the Report was unable to demonstrate this, the applicant would have to carry out remediation and subsequent verification until such times as it was satisfactory. This requirement is enforceable through the provisions of the Planning Act (NI) 2011. The remediation will be implemented albeit later than originally envisaged.

### **Condition 25**

25. The development hereby permitted shall not be occupied until the remediation measures as described in the Remediation Strategy and Remediation Options Appraisal Issue 01 (June 2017) have been implemented to the satisfaction of the Planning Authority. The Planning Authority shall be given 2 weeks written notification prior to the commencement of remediation work.

Reason: To protect the European Sites in Belfast Lough from adverse impacts during the construction phase and to protect environmental receptors to ensure the site is suitable for use.

3.53 Similar in nature to condition 22, this condition required that prior to the occupation of the development that prescribed remediation measures be implemented. The Planning Authority must be satisfied with these measures. There was no direct submission under this condition for the enabling works phase but there was a submission made by Translink under this condition to cover Phases 1-3. There is significant overlap with condition 22 and the Verification Report required under that condition. It is recommended that this condition is similarly rephrased to require the remediation measures to be fully implemented to the satisfaction of the Planning Authority prior to the completion of the development.

### **Condition 31**

31. No part of the development shall become operational until full details of all proposed tree and shrub planting and a programme of works, have been submitted to and approved by the Planning Authority in writing, and all tree and shrub planting shall be carried out in accordance with those details.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

3.54 This condition required that before any part of the development became operational, specified planting details be approved and subsequently that these works be undertaken. In relation to the first part of the condition, the Plan has recently been submitted to the Department that aligns with the amended layout approved under an application for a non-material change approved by the Council. However several queries have been raised with the agent and remain to be resolved.

3.55 Works within the internal site are expected to be completed around the end of this year along with all construction works on Phases 4-6. It is therefore considered reasonable to tie the provision of the landscaping plan to the demobilisation of the construction site which will be the last activity (of those listed under Phase 6) before construction workers leave the site.

3.56 The provision of the planting is to ensure a high standard of landscape. However, condition 33 separately requires the implementation of the landscaping during the first available planting season following full operation of the development. The delay in submitting a suitable landscaping plan has arisen from the applicant's desire to amend the site layout and is considered acceptable as it will not jeopardise the timetable for implementation. The applicant is still required to submit the landscaping detail, albeit later than originally envisaged.

### **Conclusion on Conditions**

3.57 Conditions attached to planning permissions serve a valuable purpose and are not intended to be optional. It is important that they are respected and that failure to comply with them is enforced rigorously so that their aims are not

circumvented. Conditions are not being set aside but are being redrafted with a different compliance period. 16 other conditions have been subject to minor amendments or amended to reflect the fact that partial discharges have been granted. 4 other conditions (not including condition 5) have been removed as they are no longer required or relevant and 10 remain unchanged (see attached Draft Notice of Opinion).

## 4.0 CONCLUSION

4.1 After fully assessing the development proposals and the consultation responses, and having regard to the relevant planning policy context, the statutory development plan and all other relevant material considerations, the following conclusions have been reached with regard to the impact of removal of condition 5 which is sought through this section 54 application;

- The reasoned conclusion on the environmental impact assessment is that there will be no significant environmental effects as a result of the proposal (see Appendix 5);
- The proposal accords with the policies with the Belfast Local Development Plan 2035 – Plan Strategy;
- The proposal will not result in any adverse impacts on the amenity of residential receptors as a result of emissions and impact on air quality;
- The proposal will not result in any adverse impacts on the amenity of residential receptors as a result of noise; and
- The proposal is expected to enhance public transport services between Belfast and Dublin and have positive impacts on the local economy.

4.2 It is therefore considered that the proposal should be **approved** subject to the conditions attached to the original planning permission (as amended as discussed above) and the removal of condition 5.

## 5.0 RECOMMENDATION

- 5.1 Article 21 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 empowers the Department, for those applications made to it under Section 54 of the Planning Act (Northern Ireland) 2011, to request that the Planning Appeals Commission or other appointed person hold a public local inquiry for the purposes of considering representations on the application. The alternative is to serve on the applicant and the council, notice of the Department's intention to approve the application.
- 5.2 The key test for the Department in deciding the process route is whether a public local inquiry is necessary to provide a forum for presentation and consideration of issues arising from the representations received and which need to be assessed to allow the Department to determine the application. The original application was subject to a full assessment at the time and has been approved. Representations were received and evidence considered from the relevant consultees at the time. The issues raised through this present application are limited in scope. Representations received in respect of them do not raise any complex or controversial matters. Expert consultees including Environmental Health have reviewed the materials and made comment. The relevant issues have been identified, reviewed and assessed and representations have been adequately considered. In this case it is considered that a public local inquiry is unnecessary and that a Notice of Opinion be issued.
- 5.3 The proposal has been considered having regard to the information submitted in support of the development, all relevant material considerations, other documentation submitted with the application, the relevant planning policies, representations received from third parties and the views of bodies with environmental responsibilities. Having weighed all the considerations it is recommended that the application, on balance, should proceed by way of a Notice of Opinion to **grant planning permission** subject to conditions. A Draft Notice of Opinion is attached.

**SECTION 54 APPLICATION**

Application No:	SPD/2023/0991/F
Proposal:	Application under Section 54 to remove Condition 5 (restricting the number of daily Belfast to Dublin train services) on planning permission Ref: LA04/2017/1388/F for a New Integrated Public Transport Interchange (the Belfast Transport Hub)
Location:	As per Title page of DMR
The above application was considered at a development management group meeting:	
DM Group recommendation:	Notice of Opinion to Approve
Group Signatures:	<ol style="list-style-type: none"><li>1. [REDACTED]</li><li>2. [REDACTED]</li><li>3. [REDACTED]</li></ol> <p>Date: 05/11/2025</p>

## **Appendix 1 – Process History**

The section 54 application was lodged on 27 November 2023 and was accompanied by a Planning Statement, a section 54 Environmental Report and a letter requesting an EIA Screening Opinion.

An extension of time to make an EIA Determination was requested on 22 December 2023. On 13 February 2024, the Department wrote to the applicant stating that the proposal is EIA development and should be accompanied by an Environmental Statement. An Environment Statement was submitted on 27 March 2024 comprising the original ES submitted with the original planning application and an Addendum. The EIA top up fee was received on 18 April 2024.

The application was advertised in the local press on 14/15 May 2024 and neighbours were notified on 16 May 2024.

A request for information to respond to comments made by Environmental Health was made on 16 August 2024 and a further submission was made on 30 August 2024.

## **Appendix 2 – Relevant Planning History**

### **LA04/2021/2856/O**

Lands to east of West Link (A12) and south of Grosvenor Road; Lands at Grosvenor Road and intersection of Grosvenor Road and Durham Street; Lands to the east of Durham Street and north of Glengall Street; Lands at Glengall Street; Lands between Glengall Street and Hope Street including Europa Bus Station Great Victoria Rail Station surface car parks at St Andrew's Square; Translink lands to west of Durham Street south of BT Exchange building and north of Murray's Tobacco Works.

Proposed mixed use regeneration development comprising office (Class B1), residential apartments (including affordable), retail (Class A1), hotel, leisure (Class D2), public realm, active travel uses, cafes, bars and restaurants, and community uses (Class D1), on lands surrounding the new Belfast Transport Hub and over the Transport Hub car park, to the east and west of Durham St and south of Grosvenor Rd.

Permission Granted 01/05/2023

### **LA04/2025/0447/F**

Temporary change of use of the former Europa Bus Station, comprising vacated bus yard area and station building, connecting to the existing Europa Hotel to provide a hospitality use to include retail, food and beverage market, outdoor seating, landscaping, and entertainment space for a period of 5 years.

Former Europa Buscentre 10 Glengall St, Belfast, BT12 5AH

Permission Granted 16/05/2025

## **Appendix 3 – Summary of Consultation Responses**

In processing the application, the following bodies were consulted upon receipt of the application.

### **Environmental Health**

#### *Air Quality*

EH outlined a range of technical and other queries, and areas for clarification within their consultation response. In summary, these relate to:

- The baseline, opening year for Grand Central Station and the 2033 forward projection year;
- The risk of exceedance of short-term air quality objectives for stationary locomotives;
- Part A combustion process located at the nearby Royal Group of Hospitals;
- The derivation of 2033 background data;
- Modelled rail services as detailed within Appendix A Air Quality A.3 Modelled Rail Services;
- The choice of average daily train movements and the assessment of short-term air quality objectives and;
- Technical details concerning the atmospheric dispersion modelling undertaken including model validation, verification and adjustment.

Following receipt of the further clarification, EH responded that they would not object on ambient air quality grounds to the granting of the application under Section 54 to remove Condition 5 (restricting the number of daily Belfast to Dublin train services) on planning permission Ref: LA04/2017/1388/F for a New Integrated Public Transport Interchange (the Belfast Transport Hub).

#### *Noise and Vibration*

EH requested clarification on the following matters summarised below:

- the proposed timetable for future Enterprise services (departure and arrival times of the additional Enterprise trains);
- the departure before 07:00hrs is considered to be a night-time movement;

- how the day-time noise modelling exercise is considered a worst case assessment given that the quieter rolling stock SELs were used as model inputs for the 14 day-time movements;
- Submission of a colourised depiction of the noise model;
- the rationale for comparing the modelled 'Scenario 1' noise levels of 32 movements with the 'Baseline' noise levels and not the 'Consented scheme' levels;
- the potential for idling train noise impacts from the additional Enterprise trains within the hub building and if idling train noise has been incorporated into the noise model;
- a more detailed discussion in order to gain an understanding of the exceedances and reductions in noise as presented in Tables 16 and 17; and
- why there is no consideration of any potential vibration impacts.

Following receipt of the further clarification, EH advised that based on the information contained within the submitted Arup documents, which determine that no adverse noise impacts will result as a consequence of the Belfast/Dublin Enterprise Service increasing to 32 rail movements daily, they would offer no objection to the Section 54 application for the removal of Planning Condition 5 from approval LA04/2017/1388/F.

### **Belfast City Council**

BCC strongly support the application to amend the relevant condition to allow more frequent train services between Belfast and Dublin. As a member of the Dublin Belfast Economic Corridor partnership the Council aims to drive sustainable economic growth and competition through collaborative research and development, a highly skilled workforce and supporting infrastructure.

Critical to the success of the corridor, which is home to nearly a third of the island's population, is the well-connected road and rail networks keeping businesses connected to their staff and customers.

A 2024 study conducted by the Economic and Social Research Institute (ESRI) found that the number of cross-border workers increased from 12,740 in 2011 to between 17,827 and 19,282 in 2021 representing a growth rate of between 40 and 51 percent; nearly 14% of these workers travel by train.

According to Intertrade Ireland's most recent reports, 'Cross-border trade in 2022 was estimated at £10billion, a 15 percent increase from 2021'. Further research conducted by ESRI in 2021 indicated a particular opportunity to improve growth in cross-border trade of services with improved transport links enabling such growth.

Echoing our sentiment, the all-island rail review 2024 identified that service frequencies and speeds between Belfast and Dublin are relatively low compared to similar infrastructure in other capital cities. A key recommendation of the review to both Belfast and Dublin is to increase intercity service frequencies.

In the council's view improved intercity connectivity is essential to businesses and communities in Belfast, providing linkages to facilitate trade, investment, tourism, and labour mobility.

## Appendix 4 – Summary of Third Party Representations

19 letters of objection have been received. Issues raised in the objections have been summarised below and the relevant planning considerations are addressed in the main body of the report;

- Concern whether Translink are building all of the roof building and whether assessments from the initial planning permission need updated before this condition is removed;
- Calls for a public inquiry into this development;
- There has been no public consultation re Blythfield Park which will be severely impacted by noise and fumes. Childrens park and allotments should never have been sacrificed;
- Health and well being and rights of children been ignored;
- Already congestion in the area;
- Planning process is flawed;
- There has been no consultation with the Education Authority / local schools / Children's Commissioner;
- There has been no estimate done for the impact of the number of extra trains;
- Increase in air and noise pollution will make it impossible for those with health problems to use the allotments/playing fields;
- Impact on interface area;
- Condition should be retained for at least 3 years then applicant could produce a community impact report;
- Considerable impact on local community regarding noise, damage to property and pollution;

- Safety - trackbed of the new station is not of sufficient strength to carry the weight of Enterprise trains and platforms are not of sufficient width to safely accommodate passenger volumes, with additional concerns relating to disabled passengers;
- considerable impact on working class residents living near the railway;
- original condition in place to protect neighbours from excessive noise and vibration;
- impact on residential amenity - increased disruption, particularly during early mornings and late evenings, additional noise from passing trains, horns, and vibrations will be intrusive and diminish the enjoyment of homes, affect overall quality of life;
- proposal will attract more commuters to the station, worsening traffic problems and congestion. Parking is limited, and extra demand will place more strain on the infrastructure, leading to even more delays and difficulties for residents; and
- increase in train services will drastically increase noise levels and vibration, causing severe disruption for residents along these routes. Impact on working class residents that have to live with the increased disruption.

3 letters of support have also been received making the following points:

- a frequent, reliable and affordable train service between Belfast and Dublin will enable increased cross border collaboration, improve cross border mobility and enhance economic opportunities.
- the additional trains are all of similar noise and pollution profiles to trains operating local services. It is irrational to permit the operation of additional services within Northern Ireland from Grand Central using low noise DMUs but to forbid additional services to Dundalk, Drogheda and Dublin.

## **Appendix 5 – Reasoned Conclusion**

The proposed development has been applied for under s54 of the Planning Act (NI) 2011 and seeks removal of condition 5 of planning permission LA04/2017/1388/F which was for a new public transport interchange – the Belfast Transport Hub. The applicant proposes development without compliance with Condition 5 which restricts the number of daily Belfast to Dublin Train services to 8 each way and 16 in total.

A Section 54 application does not allow for the amendment of the description of development of the previous (original) permission and if successful results not in the variation of an already existing permission, but the grant of a fresh permission for the same description of development as the original application. The original application, LA04/2017/1388/F was accompanied by an Environmental Statement (ES) which considered the likely significant impacts of the project on the environmental aspects within and around the project (ecology and nature conservation, air quality, noise and vibration, ground conditions, historic environment, townscape and visual impact, the water environment, socio-economic conditions, transport and waste) and included the measures envisaged to mitigate those impacts, where required.

The applicant submitted an addendum to the original ES to accompany the current application. This considers the potential significant impacts on environmental aspects within and around the proposed development that could occur as a result of the non-compliance with condition 5 attached to the original permission. Some of the aspects considered in the original ES will be unaffected by the non-compliance and thus the conclusions drawn on those remain unchanged. An assessment of compliance of the proposed development with the objectives and requirements of the EIA took into account the following reports and supporting information that formed part of the application package:

- ES and Appendices
- ES Non-Technical Summary
- ES FEI I & 2
- Section 54 Application ES Addendum
- Section 54 Application ES Addendum Non Technical Summary

- Planning Statement
- Response to BCC Environmental Health Department's Request for Clarification

The assessment also took into consideration written responses made by the Environmental Health Department Belfast City Council.

The Department has examined the environmental information. The examination involved whether the EIA process identified, described and assessed the direct and indirect effects of the project taking into account both the information supplied by the applicant and the feedback provided by consultation responses. Consultation responses are available in full on the planning portal and are summarised in this Development Management Report (DMR). After the examination undertaken by the Department, the main likely significant effects and mitigation measures (where required) of the proposed development on the environment are as follows:

### **Noise**

The assessment examines the impact of noise and vibration from the additional trains on sensitive receptors in the vicinity of the Belfast Transport Hub application site. The conclusion is that the removal of Planning Condition No.5 would not result in any new likely significant effects and no additional mitigation is therefore required.

### **Air Quality**

The assessment examines the impact of rail emissions from the additional trains on the air quality of sensitive receptors in the vicinity of the Belfast Transport Hub application site. The conclusion is that the removal of Planning Condition No.5 would not result in any new likely significant effects and no additional mitigation is therefore required.