



Subject:	Public Realm Developer Contributions – Pilot Catalyst Projects
Date:	13 November 2018
Reporting Officer:	Aidan Thatcher, Director of Planning and Building Control
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Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	Since 2015, the Council has secured approximately £3 million in developer contributions through the planning application process towards the enhancement of public realm in the City Centre. A pilot project in partnership with DfC has been identified to spend a proportion of these monies on improving public realm in the vicinity of College Avenue, College Street and College Court.
2.0	Recommendations
2.1	Members are asked to note that:

	<ol style="list-style-type: none"> 1. A report is to be brought to the Strategic Policy & Resources Committee seeking approval for the use of developer contributions from two completed developments at College Street /College Court to part fund a proposed pilot public realm scheme in this area, as set out below; 2. There may also be an opportunity to bring forward a programme of further small, public realm ‘Catalyst Projects’ in conjunction with DfC and further details of these will be brought back to Committee; and 3. A governance model for overseeing the spending of developer contributions is currently under development and will be brought back to Committee. The current pilot project at College St / College Court is being brought forward now, in order to develop a proposal to the extent that it would be able to avail of additional DfC funding, which may become available.
3.0	Main report
	<u>Background</u>
3.1	Since the transfer of planning powers in April 2015, the Council has routinely secured developer contributions to mitigate and manage the impact of new development on the city. In most cases, the developer contributions have taken the form of financial contributions for the enhancement of public realm in the city centre. Approximately £3 million has been secured to date. Payment of financial contributions is dependent on occupation or commencement of development and the Council has received £1.4 million so far.
3.2	A governance model for overseeing the spending of developer contributions is currently under development. However, in the absence of adopted governance arrangements and in order to develop a proposal to the extent that it would be able to avail of additional DfC funding, which may become available, it is necessary to bring proposals for spending some of the developer contributions collected to date before the Planning Committee and Strategic Policy and Resources Committee.
	<u>Key Issues</u>
3.3	Financial developer contributions are secured by means of a planning agreement under Section 76 of the Planning Act (Northern Ireland) 2011. The agreements are a contractual agreement between the Council and applicant and set out the form of the contribution, when it must be provided and for what purpose it will be spent. In accordance with case law and planning guidance, the spending of contributions is ring-fenced to the purpose for which it was secured. The planning agreements limit the time period in which contributions can be spent to seven years from the trigger point (normally from the point of payment).
3.4	The Council’s City Regeneration and Development Team (CRDT) has mapped the location of completed planning agreements and has been examining options for spending the contributions on public realm enhancement projects in the City Centre, in line with the provisions of the various planning agreements. Details of the planning agreements and a map showing the geographical boundaries within which they can be spent are provided at Appendix 1 . There are groupings of planning agreements around Blackstaff Square and the “University -Quarter” area of Greater Clarendon/Sailortown where several purpose built managed student accommodation (PBMSA) have been completed. There are also two planning agreements in close proximity at College Street and College Court for PBMSA schemes which have recently opened to student residents.
3.5	With the planning agreements in mind, developers and property owners, including Queens University Belfast (owners of student housing at College Court), have asked when they might expect the public realm around their completed developments to be improved. Since

	<p>the Council is not a transport authority and does not control the roads or streets, CRDT has been liaising with the Department for Communities (DfC) Belfast Streets Ahead Team about a number of potential public realm “Catalyst Projects”.</p> <p><i>Pilot Project: College Court/College Street</i></p>
3.6	<p>The Council has granted planning permission for two PBMSA schemes at No. 41-49 and 24-30 College Street Queen Street (Student Roost, Swanston House) (LA04/2015/1252/F); and No. 78 College Avenue (LA04/2015/0419/F). Both permissions were subject to planning agreements that secure a combined £475,650 that is specifically to be utilised towards public realm improvements in the areas around the site. Appendices 2 and 3 show the areas within which the developer contributions must be utilised. Public realm improvements at this location would be directly beneficial to the residents of these developments.</p>
3.7	<p>Officers have identified College Court and College Street as an appropriate pilot for spending the financial developer contributions on a public realm scheme. The following factors have been taken into consideration:</p> <ul style="list-style-type: none"> • proximity of proposed public realm works to the application site for which the planning agreements were signed; • likelihood of occupants of these developments using these areas of public realm; • timescale for delivery; • opportunity to add value through combined funding from other public or private contributions; • the estimated cost of the scheme and extent of funding gap for project delivery and value for money; • other streets in the vicinity will be immediately impacted by works associated with the redevelopment of Bank Buildings; and • alignment with Council or NICS strategy and policy.
3.8	<p>DfC has indicated that they would support the College Court/College Street project as a pilot in partnership with the Council and provide the gap funding to deliver the proposed project.</p>
3.9	<p>With the exception of a short stretch of pavement adjacent to No. 78 College Avenue, the pilot area is not included in the Department’s current Streets Ahead programme and will not therefore benefit from planned DfC public realm investment. The indicative geographical scope of the project is illustrated at Appendix 4. An initial estimate of costs suggests a total in the region of £600,000 for the design and construction of the scheme. The developer contributions available amount to £475,650 and DfC has indicated they will fund the remainder subject to approval of their departmental budget by the Under-Secretary/Permanent Secretary. The Council would only release the developer contribution funding once the project is committed to by DfC with the necessary permissions and consents in place. DfC are keen to commence with this project as soon as possible in order to benefit from in-year funding.</p>
3.10	<p>Following discussions with DfC, it is proposed that the most appropriate delivery model would be for DfC to employ the Central Procurement Directorate (CPD) to design, project manage and procure a works contractor to deliver project in partnership with the Council.</p>
3.11	<p>A joint Belfast City Council and DfC public realm Catalyst Project at this location would contribute to the delivery of several regeneration policies and projects including the Belfast</p>

	<p>City Centre Regeneration and Investment Strategy (BCCRIS), the Inner West Special Action Area (in BCCRIS), Draft Inner North West Masterplan and the ongoing Restore Revitalise Animation Proposals for the city centre in the aftermath of the Bank Buildings fire.</p>
3.12	<p>As set out in the draft Inner North West Masterplan and other reports recently brought to the City Growth & Regeneration and Strategic Policy & Resources Committees, it is proposed to bring forward a focused action plan for those areas directly adjoining Bank Buildings to address the impact of the fire. The development of this public realm project could act as a catalyst for further improved public realm and other improvements in the area.</p> <p><i>Design Workshops</i></p>
3.13	<p>It is proposed that the process for the College Court/College Street pilot project should follow that previously agreed for the Streets Ahead 3 proposals for the Council's land at Cathedral Gardens and that it would be overseen by the Belfast Streets Ahead Project Board, upon which the Council is represented.</p>
3.14	<p>Elected representatives and local stakeholders, including traders and residents, will be engaged in the development of proposals for College Court/College Street through design workshops which will be arranged by the Council and DfC.</p> <p><i>Potential Future Catalyst Projects</i></p>
3.15	<p>There is also an opportunity to bring forward a programme of small, public realm "Catalyst Projects", which could be used to ensure developer contributions are appropriately utilised. For example, there may be opportunity to utilise some of this spend in conjunction with larger projects such as <i>Belfast Streets Ahead 5</i> (BSA 5), such as in the area of Blackstaff Square, ahead of the implementation of BSA 5. The Council will continue to work with DfC on developing this programme and will report back to Members on this and progress of the College Court/College Street pilot at a future meeting (subject to agreement on progressing the pilot project)</p> <p><u>Financial & Resource Implications</u></p>
3.16	<p>Funding for the project will be provided in part from developer contributions secured in respect of planning applications LA04/2015/1252/F and LA04/2015/0419/F. The amount of funding from this source is £475,650. The Council would only release the developer contribution funding once the project is committed to by DfC with the necessary permissions and consents in place. DfC have advised that they expect to be able to fund the remainder of the project based on their initial estimate of total costs of £600,000 for the design and construction of the scheme, subject to approval of their departmental budget by the Under-Secretary/Permanent Secretary. The total cost of the scheme will be subject to a tender process and based on a design to be agreed. In order to commit this funding DfC require to begin the process now, within the 2018/19 financial year.</p>
3.17	<p>A report will be brought to the Strategic Policy & Resources Committee seeking approval to the use of these developer contribution funds for the proposed project.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p>
3.18	<p>There are no Equality, Good Relations or Rural Needs implications at this stage. Equality and Good Relations implications will be assessed at design stage to meet the specific requirements of each individual project.</p>

4.0	Appendices
	<p>Appendix 1 – Developer Contributions Spend Boundaries across the City Centre</p> <p>Appendix 2 – Nos. 24-30 College Street Queen Street (Student Roost, Swanston House) (Application No.LA04/2015/1252/F) – map showing extent of developer contribution spend</p> <p>Appendix 3 – No. 78 College Avenue (Application No. LA04/2015/0419/F) – map showing extent of developer contribution spend</p> <p>Appendix 4 – Proposed geographical scope of the College Court/College Street Public Realm Catalyst Project</p>

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