



Developer Contributions Framework

A guide to developer contributions and planning agreements

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City Council

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Part 1

Setting the context

1. Introduction

- 1.1. Developer Contributions are a planning tool used to mitigate or manage the impacts of new development. They may be used to ensure that new development is supported by the right infrastructure or make sure that the environmental impacts of proposals are appropriately managed. This Framework sets out the council's approach to securing Developer Contributions as part of the planning application process. It is intended for use by applicants, developers, elected members and the public, and by planning officers in the assessment of planning applications within Belfast.
- 1.2. Belfast City Council has routinely secured Developer Contributions since local government reform in April 2015. Their use is supported by legislation and planning policy. The guidance set out in this Framework brings together existing regional and local planning policies on Developer Contributions and sets out the council's interpretation of those policies. The Framework should therefore be read in conjunction with the existing planning policy framework, including the Strategic Planning Policy Statement for Northern Ireland (SPPS), Planning Policy Statements (PPSs), and the draft Belfast Metropolitan Area Plan (BMAP). The Department for Infrastructure's guidance, Development Management Practice Note 21: Section 76 Planning Agreements, is also relevant.
- 1.3. The council is currently preparing a new Local Development Plan for Belfast. It is expected that this guidance will be reviewed and updated when the new Belfast Local Development Plan is in place.
- 1.4. Where relevant to a specific development proposal, this Framework is a material consideration when determining planning applications.

Consultation

- 1.5. The draft Developer Contributions Framework was subject to public consultation for a period of 12 weeks from August 2018. A Consultation Report is published alongside this Framework. It provides a summary of feedback provided during the consultation process, key issues raised and how the council has responded to them. Where appropriate, changes have been made to the adopted Framework having regard to the consultation responses received.
- 1.6. The adopted Framework was considered by the council's Planning Committee and agreed by its Strategic Policy and Resources Committee in December 2019. The Framework was formally adopted by Full Council in January 2020.

Sustainability

- 1.7. Section 25 of the Northern Ireland (Miscellaneous Provisions) Act 2006 requires the council to act in the way that is best calculated to contribute to the achievement of sustainable development. This is embedded as the principal objective of the planning system – to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being¹.

¹ Part 1, Section 1 of the Planning Act (Northern Ireland) 2011

- 1.8.** According to the SPPS, the planning system exists to positively and proactively facilitate development that contributes to a more socially, economically and environmentally sustainable Northern Ireland. Planning authorities should therefore simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society.
- 1.9.** This Framework has therefore been prepared within this context to ensure that new development occurs in an economically, socially and environmentally sustainable way. Its implementation therefore helps the council to meet its statutory obligations with regards to promoting sustainable development when exercising its planning functions.
- 1.10.** In addition, under the Strategic Environmental Assessment (SEA) European Directive² and associated NI Regulations³, certain plans and programmes that set the framework for the future development consent of projects require an SEA to be undertaken. We have undertaken a screening exercise which concludes that the adopted Framework is not likely to have a significant effect on the environment. This position is supported by the Northern Ireland Environment Agency and is published alongside this Framework.

Equality Impact

- 1.11.** This Framework has been prepared in accordance with the council's statutory obligations under Section 75 of the Northern Ireland Act 1998. Section 75 requires public authorities, in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity:
- Between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
 - Between men and women generally;
 - Between persons with a disability and persons without; and
 - Between persons with dependants and persons without.
- 1.12.** In addition, and without prejudice to the above obligation, the council must also, in carrying out its functions relating to Northern Ireland, have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

² European Directive 2001/42/EC

³ Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004

Rural Proofing

1.13. This Framework has been prepared in accordance with the council's statutory obligations under the Rural Needs Act 2016. Since 1 June 2017 the council has a statutory duty to have regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans and when designing and delivering public services.

Managing Public Money (MPMNI)

1.14. In applying the Developer Contributions Framework, the council will have regard to the Department of Finance's guidance on Managing Public Money NI (MPMNI)⁴. The document provides key accountability and financial guidance, and covers a wide range of issues, relating mainly to the proper handling and reporting of public money.

1.15. This guidance sets out the main principles and standards which the council will follow in relation to Developer Contributions. These are:

- honesty;
- impartiality;
- openness;
- accountability;
- accuracy;
- fairness;
- integrity;
- transparency;
- objectivity; and
- reliability.

1.16. The council commits to carrying out these standards in the spirit of, as well as the letter of, the law, in the public interest and to the highest ethical standards whilst achieving value for money.

⁴ Department of Finance Managing Public Money NI guidance document

2. Developer Contributions

What are Developer Contributions?

- 2.1.** Many forms of development give rise to impacts on the city's existing infrastructure, and need new or improved infrastructure, if the impacts of development are to be appropriately managed. The SPPS establishes the principle that developers should be '*...expected to pay for, or contribute to, the cost of infrastructure that would not have been necessary but for the development or which needs to be rescheduled to facilitate the development.*'⁵ These are known as Developer Contributions. Moreover, Developer Contributions can be used to help manage the environmental impacts of new development by securing appropriate mitigation, compensation or monitoring.
- 2.2.** The ability of the planning system to secure Developer Contributions is long established and was previously included in Article 40 of the Planning (Northern Ireland) Order 1991. It is now provided by Section 76 of the Planning Act (Northern Ireland) 2011. Regional planning policy advice on the use of Developer Contributions is set out in the SPPS for Northern Ireland. Guidance on the use of Planning Agreements – the mechanism through which Developer Contributions are normally secured – is provided by Development Management Practice Note 21: Section 76 Planning Agreements, published by the Department for Infrastructure.

When are Developer Contributions needed?

- 2.3.** The SPPS provides advice on the use of Developer Contributions⁶. Contributions may be needed in a variety of circumstances including:
- where a proposed development requires the provision or improvement of infrastructural works over and above those programmed in an LDP;
 - where earlier than planned implementation of a programmed scheme is required;
 - where a proposed development is dependent upon the carrying out of works outside the site; and
 - where archaeological investigation or mitigation is required.
- 2.4.** Moreover, where secured by a Planning Agreement, the following tests⁷ should be satisfied:
- they are needed to enable the development to go ahead;
 - they will contribute to meeting the costs of providing necessary facilities in the near future;
 - they are otherwise so directly related to the proposed development and to the use of the land after its completion, that the development ought not to be permitted without it;
 - they are designed to secure an acceptable balance of uses;

⁵ Par. 5.68 of the Strategic Planning Policy Statement for Northern Ireland 2015

⁶ Par. 5.69 of the Strategic Planning Policy Statement for Northern Ireland 2015

⁷ Par. 5.67 of the Strategic Planning Policy Statement for Northern Ireland 2015

- they are designed to secure the implementation of development plan policies in respect of a particular area or type of development; or
- they are intended to offset the loss of, or impact on, any amenity or resource present on the site prior to development.

What form can Developer Contributions take?

2.5. Developer Contributions may either be “in kind” or financial, whether it is to facilitate the provision of infrastructure that is needed to support the development; or to manage the environmental effects of development to an acceptable level. In the main, contributions may be provided in one of three ways:

- **“In kind” contribution** – the developer directly provides the infrastructure or environmental mitigation themselves; or
- **Financial contribution** – the developer pays a commuted sum to the council or a government department, which will then use it to deliver the infrastructure or environmental mitigation. The monies received will be ring-fenced for that purpose; or
- **Mixture of in kind and financial contributions** – depending on the circumstances of the case. Monies received will again be ring-fenced for that purpose.

2.6. When deciding the most appropriate form that a Developer Contribution should take, the council will consider factors such as the capacity and expertise of the various parties to deliver the infrastructure, value for money and whether there is more than one development proposal contributing towards the same infrastructure or environmental mitigation. In most cases, the default policy position will be for the applicant or developer to provide a direct in-kind contribution. In-lieu contributions, such as financial payments, should not be seen as a means to circumvent planning policy and will only be considered where the council agrees that this is the best approach.

How are Developer Contributions secured?

Planning Agreements

2.7. Developer Contributions are a form of Planning Obligation and are normally secured through a Planning Agreement under Section 76 of the Planning Act (Northern Ireland) 2011. A Planning Agreement is a legally binding agreement between the relevant parties, normally between the council, landowner, applicant and any other parties directly involved in fulfilling the agreement. Planning Agreements are used to secure a Planning Obligation where it is not possible to do so by way of a planning condition. A Planning Agreement is a public document and forms part of the planning permission for the development. It must be signed by the parties before planning permission can be issued.

2.8. Planning Agreements may take the following forms:

- **Unilateral agreement** – the applicant is the sole party to the agreement.
- **Bi-lateral agreement** – the applicant and council are signatories to the agreement.
- **Multi-lateral agreement** – the applicant and council are signatories as well as other parties such as the landowner (if different from the applicant) or government departments.

2.9. In all cases, the council must be satisfied that the form and content of the Planning Agreement will satisfactorily secure the Planning Obligations that are necessary to make the development proposal acceptable.

2.10. The obligations that will be secured by Planning Agreement include, but are not limited to:

- future management and maintenance of: Public Open Space; private public realm; and non-private communal land on housing estates;
- Travel Plans; Travel Cards; and Car Clubs for Major residential development; and
- financial contributions (in all cases).

Planning Conditions

2.11. The imposition of conditions is often simpler to administer and is subject to appeal. Where it is possible to do so, a Planning Obligation will be secured by condition.

2.12. Conditions must satisfy the six tests⁸ set out in the Department's guidance on use of conditions⁹.

2.13. A negatively worded "Grampian" condition may be used to prohibit development authorised by the planning permission (e.g. commencement of development or occupation) until a specified action has taken place (such as the provision of supporting infrastructure, whether on or off-site). Such a condition should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.

2.14. Conditions cannot be used to secure financial contributions.

2.15. A condition should not be used to require the developer to enter into a Planning Agreement.

Community Benefits

2.16. In some circumstances, community benefits may be offered voluntarily by developers to communities likely to be affected by a development. Community benefits can take a variety of forms including payments to the community; in-kind benefits; and shared ownership arrangements. In accordance with the SPPS, such community benefits cannot be considered material considerations in decision-making and are distinct from Developer Contributions and planning conditions (paragraph 5.71 of the SPPS for Northern Ireland 2015).

⁸ Conditions must be: **i.** necessary; **ii.** relevant to planning; **iii.** relevant to the development to be permitted; **iv.** enforceable; **v.** precise; and **vi.** reasonable in all other respects

⁹ Development Management Practice Note 20: Use of Planning Conditions

3. Legal and Planning Policy Context

Legislation

Planning Act (Northern Ireland) 2011

- 3.1. Section 76(1) of the Act enables the council to enter into a Planning Agreement with anyone with an estate in the land. Planning Agreements may be used to secure any of the following:
 - facilitate or restrict the development or use of the land in any specified way;
 - require specific operations or activities to be carried out in relation to the land;
 - require the land to be used in any specified way;
 - require a sum or sums to be paid to the authority on a specified date or dates or periodically; or
 - require a sum or sums to be paid to a Northern Ireland department on a specified date or dates or periodically.
- 3.2. Section 76(2) states that where the Planning Agreement requires a specified sum to be paid, the payment may be required indefinitely or for a specified period.
- 3.3. Section 77 makes provision for the modification or discharge of Planning Agreements.
- 3.4. Section 78 sets out the arrangements for the right of appeal in relation to the modification or discharge of a Planning Agreement.
- 3.5. Section 245 requires Planning Agreements to be recorded on the Statutory Charges Register.

Planning (Modification and Discharge of Planning Agreement) Regulations (NI) 2015

- 3.6. The Regulations set out the procedural requirements around the modification and discharge of Planning Agreements and the right of appeal.

Regional Planning Policy and Guidance

Regional Development Strategy 2035 (RDS)

- 3.7. The Regional Development Strategy (RDS) “Building a Better Future,” published March 2012, is the regional spatial strategy and provides a strategic and long term vision on the future development of Northern Ireland up to 2035. It contains regional guidance to provide policy direction in relation to the economy, society and environment and spatial framework guidance tailored to each component of the spatial planning framework. It sets the context in which to make policy and development decisions in order to achieve sustainable development throughout the region.
- 3.8. The RDS recognises the important role Belfast plays in generating regional prosperity and sets strengthening Belfast as the regional economic driver as part of the eight aims for the region. It recognises the importance of Belfast city at the heart of the wider metropolitan area with the Spatial Framework Guidance (SPF) seeking to:
 - promote urban economic development at key locations throughout the Belfast metropolitan area by ensuring that sufficient land is available for jobs;
 - grow the population of the city of Belfast;
 - enhance the role of Belfast city centre as the regional capital and focus of administration, commerce, specialised services and cultural amenities;

- manage the movement of people within the Belfast metropolitan area; and
- protect and enhance the quality of the setting of the BMUA and its environmental assets.

Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS)

3.9. The Strategic Planning Policy Statement (SPPS), published September 2015, sets out regional planning policies for securing the orderly and consistent development of land in Northern Ireland under the reformed two-tier planning system. The provisions of the SPPS must be taken into account in the preparation of LDPs. The SPPS sets out strategic planning policy for a wide range of planning matters, including the strategic context within which councils should bring forward detailed operational policies within LDPs. In doing so, the five core planning principles should underpin delivery, within the context of furthering sustainable development. The five core planning principles are:

- improving health and well-being;
- creating and enhancing shared space;
- supporting sustainable economic growth;
- supporting good design and positive place making; and
- preserving and improving the built and natural environment.

3.10. Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.

3.11. The SPPS provides specific advice on the use of Planning Agreements and requires developers to bear the costs of work needed to facilitate their development proposals through Developer Contributions. Contributions may be sought where they are needed to enable the development to go ahead, are directly related to the proposal and the development ought not to be permitted without them. Contributions may be needed to provide or improve infrastructure or, where a proposed development is dependent upon the carrying out of works, outside the site.

Ensuring a Sustainable Transport Future: A New Approach to Regional Transportation

3.12. Ensuring a Sustainable Transport Future (ESTF) - A New Approach to Regional Transportation (June 2011) complements the RDS and contains high level aims and strategic objectives to support the growth of the economy, enhance the quality of life for all and reduce the environmental impact of transport. It sets out the transportation vision for the region, namely to have a modern, sustainable, safe transportation system which benefits society, the economy and the environment and which actively contributes to social inclusion and everyone's quality of life.

Planning Policy Statements (PPSs)

3.13. PPSs set out the Department’s policies on aspects of land-use planning and apply across Northern Ireland. They must be considered in preparing development plans and are also a material consideration in determining individual planning applications and appeals. Under the transitional arrangements set out in the SPPS¹⁰, the council will continue to apply the operational planning policies contained in the PPSs until it has adopted its Plan Strategy.

3.14. The following PPSs are relevant to Developer Contributions:

- PPS2: Natural Heritage
- PPS3: Access, Movement and Parking
- PPS4: Planning and Economic Development
- PPS6: Planning, Archaeology and Built Heritage
- PPS7: Quality Residential Environments
- PPS8: Open Space, Sport and Outdoor Recreation
- PPS11: Planning and Waste Management
- PPS12: Housing in Settlements
- PPS13: Transportation and Land Use
- PPS15: Planning and Flood Risk
- PPS23: Enabling Development for the Conservation of Significant Places

Creating Places: Achieving quality in residential environments (2000)

3.15. Published by the former Department of Environment and Department for Regional Development, “Creating Places” is intended to help developers achieve high quality and greater sustainability in the design of all new residential developments in Northern Ireland. It is for use by all those involved in the design of new residential developments and the rejuvenation of existing housing areas – primarily house-builders, architects, landscape architects, urban designers, planners and road engineers.

Living Places: An urban stewardship and design guide for NI (2014)

3.16. “Living Places” was published by the former Department of Environment and establishes the key principles behind good place making. It seeks to inform and inspire all those involved in the process of managing (stewardship) and making (design) urban places, with a view to raising standards across Northern Ireland.

Marine Planning

Marine Policy Statement (2011)

3.17. The UK Marine Policy Statement (MPS) sets out the role of the marine planning system and its interaction and integration with the terrestrial planning system. The MPS has a standing, which is equivalent to that of the Regional Development Strategy and the Strategic Planning Policy Statement and should be considered as such.

¹⁰ Paragraphs 1.10 to 1.16 (inclusive) of the Strategic Planning Policy Statement for Northern Ireland 2015

Draft Marine Plan for Northern Ireland (2018)

3.18. The draft Marine Plan for Northern Ireland seeks to support the sustainable use and management of the marine resource. This includes safeguarding its importance for nature and seascape, whilst balancing its economic use, including for fishing, transportation, leisure and energy. The draft Plan is intended to enable public authorities, including the council, to make decisions that may affect the marine area in a balanced and sustainable manner, integrating economic, environmental and social considerations.

Local Policy context

Overview

3.19. The current planning policy context at a local level is complex as a result of a successful legal challenge to the adoption of the Belfast Metropolitan Area Plan (BMAP) 2015. There are therefore five existing development plans that relate to parts of the Belfast district, alongside draft BMAP. All of these documents will be superseded on the adoption of the new Belfast Local Development Plan 2035.

Belfast Urban Area Plan (BUAP) 2001

3.20. The current development plan for the majority of the Belfast district is the Belfast Urban Area Plan (BUAP) 2001, which was adopted in December 1989. The area covered by the Plan includes the whole of the administrative area of the former Belfast City Council area, together with the urban parts of the former district council areas of Castlereagh, Lisburn and Newtownabbey as well as Greenisland and Holywood.

3.21. The purpose of the BUAP was to establish physical development policies for this broad urban area up to 2001, clarifying the extent and location of development and providing a framework for public and private agencies in their investment decisions relating to land use. Although alterations were made in 1996, the BUAP is now largely out-of-date and was formally superseded by the BMAP in September 2014. However, BMAP was quashed as a result of a judgment in the court of appeal delivered on 18 May 2017, meaning that the BUAP 2001 remains the statutory development plan for most of the council's area.

The Lisburn Area Plan 2001

3.22. The change in council boundary as a result of the local government reform on 1 April 2015, and the subsequent quashing of BMAP, means that the Lisburn Area Plan 2001 remains the statutory development plan for a small portion of Belfast's district around Dunmurry. Adopted on 4 July 2001, the Lisburn Area Plan sought to establish physical development policies for Lisburn and its surroundings up to 2001. However, as work on the development of BMAP had commenced at the time of adoption, an element of provision had been incorporated so that the area's reasonable housing development needs could continue to be met with some certainty until such time as the successor to BMAP was in place.

Lagan Valley Regional Park Local Plan 2005

3.23. The quashing of BMAP also means that the Lagan Valley Regional Park Local Plan (adopted in 1993) was re-instated as the statutory development plan for the Lagan Valley Regional Park (LVRP). It sets out the strategy and policies associated with the protection and enhancement of the natural and man-made heritage of the LVRP. Its main objectives are to conserve the landscape quality and features of the Lagan Valley and to enhance recreational use by the public.

North Down and Ards Area Plan 1984-1995

3.24. A small section of the Belfast District at Knocknagoney was subsumed into Belfast as part of local government reform in 2015. The quashing of BMAP means that this area reverts back to the original North Down and Ards Area Plan 1984-1995.

Belfast Metropolitan Area Plan (BMAP) 2015

3.25. Although formally adopted in 2014, the process of final BMAP adoption was declared unlawful as a result of a judgment in the court of appeal delivered on 18 May 2017. This means the Belfast Urban Area Plan (BUAP) 2001 and the other development plans described above provide the statutory plan context for the area. However, the BUAP was published in 1990, nearly 30 years ago. The Belfast City Council Plan Area has undergone significant transformation since then, particularly in the city centre. The formal development plans which apply are dated and silent on many of the planning issues pertinent to needs of current planning decision making.

3.26. Draft BMAP, in its most recent, post-examination form remains a significant material consideration when making planning decisions. It was at the most advanced stage possible prior to formal adoption. Draft BMAP referred to throughout this document therefore refers to that version. However, in preparing this document the council has also had regard to the provisions of the draft BMAP which was published in 2004; objections which were raised as part of the plan process; and the Planning Appeals Commission Inquiry report.

3.27. The settlement boundaries and land use zonings contained in the Belfast Metropolitan Area Plan (BMAP) 2015, insofar as they relate to the Belfast City Plan Area, will be retained and will continue to form the basis of decision making until the Belfast Local Development Plan is adopted in its entirety. Draft BMAP Plan Strategy & Framework (Part 3, Volume 1) states:

‘The Department will require housing proposals to be designed and implemented in accordance with regional planning policies, and the relevant Plan Proposals, including the key site requirements set out for zoned land. The key site requirements set out the most important matters which developers will need to address when bringing forward proposals for specific sites. They focus on the main infrastructure and local design requirements. Developers should however note that while the key site requirements for the development of zoned sites and Housing Land Use Policy Areas are set out in the Plan, the need for certain supplementary infrastructural works and/or mitigation measures necessary to facilitate the specific scale and form of development proposed may only be identified at planning application stage. An example may be as a result of the findings of an Environmental Impact Assessment or a Transport Assessment.

Many development sites will require the improvement of existing infrastructure and/or the provision of additional supplementary infrastructure to enable the development to take place. The infrastructural works may relate to transport, water and sewerage or land drainage. It is

Government policy that developers will bear the full cost of works required to facilitate their development proposals. This policy applies to both public and private sector developments.

Where appropriate, Planning Agreements under Article 40 of the Planning (Northern Ireland) Order 1991 may be used to enable development to proceed. Developers are urged to liaise early in the preparation of their proposals, with the relevant Department, Agency or service provider.'

Houses in Multiple Occupation (HMOs) Subject Plan for the Belfast City Council Area 2015

3.28. The Houses in Multiple Occupation (HMOs) Subject Plan for the Belfast City Council Area 2015 (the 'HMOs Subject Plan') was adopted in December 2008. It informs the general public, statutory authorities, developers, and other interested bodies of the policy framework that will be used to guide planning decisions in relation to HMOs within the former Belfast City Council Area. It sets out a number of area-based planning policies for HMOs, as well as policy relating directly to the provision of Purpose Built Managed Student Accommodation (PBMSA). Relevant policy designations from the HMOs Subject Plan will continue to form the basis of decision making until the LDP is adopted in its entirety.

Draft Belfast Local Development Plan

3.29. The council is preparing a new Local Development Plan (LDP) for Belfast which will provide the planning framework for the City up until 2035. The LDP will set out how the council area should grow and how this growth can be accommodated to help in the delivery of the outcomes of the Belfast Agenda, the city's first Community Plan.

3.30. The council consulted on its draft Plan Strategy in 2018, which sets out the overarching strategy for new development in the city and includes operational planning policies that will replace the existing suite of Planning Policy Statements.

3.31. The Strategic Aims for the new LDP are:



Purpose Built Managed Student Accommodation in Belfast – Supplementary Planning Guidance

3.32. This document provides additional advice and guidance specific to Purpose Built Managed Student Accommodation in Belfast. It is a material consideration when assessing planning applications for Purpose Built Managed Student Accommodation in Belfast. Planning Agreements, and related Developer Contributions, may be needed where what is secured cannot be adequately addressed by the imposition of conditions alone. Planning Agreements may be used to secure Planning Obligations relating to open space; facilities; transport and travel; public realm impacts and management arrangements.

4. Other Policy Context

- 4.1. The documents set out below are key corporate documents which the council, as Planning Authority, may have regard to in applying this Framework. This non-statutory policy context reflects the council's organisational and community objectives at a given time and may be a material planning consideration in decision making.

The Belfast Agenda Community Plan (2018)

- 4.2. The Belfast Agenda is Belfast's first Community Plan and was launched on 9 November 2018. It was created by a partnership of key city partners, residents and community organisations. Community planning is a responsibility the council took on in 2015 as a result of local government reform. It's about making sure that public services work together with communities to deliver real improvements for local people.

The Belfast Agenda's vision is that by 2035:



Belfast will be a city re-imagined and resurgent. A great place to live and work for everyone. Beautiful, well connected and culturally vibrant, it will be a sustainable city shared and loved by all its citizens, free from the legacy of conflict. A compassionate city offering opportunities for everyone. A confident and successful city energising a dynamic and prosperous city region. A magnet for talent and business and admired around the world. A city people dream to visit.

- 4.3. The five things that people wanted as an outcome by 2035 are that Belfast will be a city:

- where everyone benefits from a thriving and prosperous economy;
- that is welcoming, safe, fair and inclusive for all;
- where everyone fulfils their potential;
- where everyone experiences good health and wellbeing; and
- that is vibrant, attractive; connected and environmentally sustainable.

- 4.4. To help support these outcomes, the Belfast Agenda identifies a number of priorities for the first four years that we will act on right away. These four priorities fall under the strategic objective of Inclusive Growth which will ensure that no one is left behind. The priorities are:



Belfast Agenda priorities

- Growing the economy
- Living here
- City Development
- Working and learning



Belfast City Centre Regeneration and Investment Strategy (2015)

- 4.5.** The Belfast City Centre Regeneration and Investment Strategy was published in September 2015 and outlines an exciting vision to develop a world-class city centre for the future. It is recognised that a thriving city centre is vital to the prosperity of the whole city and the region. Around two-thirds of all jobs in Belfast are located in and around the city centre, so everything that we do to enhance it will benefit the city as a whole. The strategy sets out the collective ambition for the continued growth and regeneration of the city core and its surrounding areas to 2030. It has been shaped by extensive engagement with stakeholders and contains a roadmap of policies to guide city centre decision making and key projects that translate those policies into action.

Belfast Cultural Strategy 2020 – 2030: A City Imagining

- 4.6.** A City Imagining is a consolidation of the foundation, commitments and achievements of several preceding strategies and frameworks. It recognises Belfast’s complex cultural challenges and commits the city to facilitating a new and exciting phase of culture-led transformation with the individual citizen at the heart of the process.
- 4.7.** A City Imagining sets out four strategic themes: A City Belonging, A City Challenging, A City Creating, and A City Exploring. These themes have been shaped by the engagement process that underpinned the development of the strategy.
- 4.8.** A key priority is to transform under-used public spaces into vibrant and diverse cultural destinations. There will be investment in connected, resilient and sustainable infrastructure of quality cultural spaces across the city.

Draft Belfast Open Space Strategy (2019)

- 4.9.** Belfast benefits from a wide range of open spaces. Protecting, developing and improving access to good quality open spaces for everyone improves people’s health and wellbeing, supports urban wildlife and biodiversity and encourages investment in the city’s economy. The Draft Strategy provides a long-term vision for the future of Belfast’s open spaces, in line with the aspirations of the Belfast Agenda and Local Development Plan (LDP).
- 4.10.** Where development places increased pressure on existing assets such as open spaces, Section 76 of the Planning Act (Northern Ireland) 2011 allows the council to agree developer contributions for works to help mitigate adverse impacts. When designing proposals for housing schemes of 25 or more units, developers will be expected to provide the open space on-site as part of the scheme. However, in some circumstances, it may be appropriate for the developer to pay a commuted sum to the council to help improve existing open space in the area. Financial contributions will be secured by a Planning Agreement under Section 76 of the Planning (Northern Ireland) Act 2011.

Draft Belfast Green and Blue Infrastructure Plan (2019)

- 4.11.** This is the first Green and Blue Infrastructure Plan for Belfast. It recognises that the city's vegetated areas (the green) and waterways (the blue) provide a broad range of economic, social and environmental benefits in and around our urban areas. The Plan is high level and sets a strategic vision, framework and key principles for the delivery and enhancement of a network of green and blue assets. It represents an overarching strategy that will guide more detailed future strategies and action plans. The Plan is not spatially-detailed or site-specific, but it does set out examples and potential opportunities for future actions across a range of green and blue typologies.
- 4.12.** The delivery of the Plan will require collaboration and resource from a number of sources, including working with developers. The council may require developer contributions as a means of policy compliance in order to make a development acceptable. Where a developer increases the demand for a particular infrastructure asset, such as green space or drainage, they can be expected to contribute to the delivery of measures to enhance the existing network in order for it to accommodate the growing population. Where developers are unable to deliver sufficient green space on site or where it is preferable to, the council will use developer contributions to create spaces off site, enhance existing spaces or improve the connection to or between existing spaces across the city.

Draft Inclusive Growth Strategy (2019)

- 4.13.** One of the commitments in the Belfast Agenda is to create an inclusive economy. To help support this aim, Belfast City Council has developed a draft Inclusive Growth Strategy. It is essential that everyone across the city benefits from economic growth. The council refers to this as inclusive growth and has committed to a number of actions to make this happen for Belfast. The draft Inclusive Growth Strategy looks at what the council is going to do as an organisation and in collaboration with others, to create a truly inclusive city.
- 4.14.** One of the regional strategic planning objectives is to tackle disadvantage and facilitate job creation. Implementation of the council's Developer Contribution Framework, particularly the policies set out in Chapter 9 Economic Development, will directly support the council's inclusive growth ambitions. In line with the Framework, the council will consider the use of developer contributions to support employability and skills interventions.



Part 2

Identifying when
Developer Contributions
are needed

5. When are Developer Contributions needed?

General Principles

Managing and mitigating impacts

- 5.1. Developer Contributions will be sought where they are necessary to manage or mitigate the impacts of development on the city's infrastructure or its environment. They may be needed in a variety of circumstances and each development proposal will be assessed on its individual merits.
- 5.2. Chapter 3 of this Framework sets out the legal and planning policy context for requiring Developer Contributions. It re-affirms the principle that developers should contribute to the infrastructure that is necessary to make their development acceptable. Developers should consider the infrastructure and environmental impacts of their scheme at the outset when they are formulating their proposals. Early dialogue with the council, communities and statutory consultees can help identify what the impacts are likely to be and how they can be properly dealt with through the planning process.
- 5.3. The nature and extent of infrastructure impacts will depend on the type and scale of development that is being proposed as well as its location. For example, the infrastructure requirements for a strategic housing scheme may be different to the infrastructure that is needed to support a medium scale business enterprise.
- 5.4. Developer Contributions may be sought to manage the impacts of development on infrastructure or the environment. To facilitate the timely progress of a planning application, it is important that developers discuss the need for contributions with the council at the earliest opportunity as part of a Pre-Application Discussion.
- 5.5. This Framework sets out various types of infrastructure or environmental mitigation that may need to be addressed through Developer Contributions. The list below is by no means exhaustive and each planning application will be judged on its merits, having regard to the Local Development Plan and other relevant material considerations.
 - Open space, sport and outdoor recreation;
 - local neighbourhood facilities – including meeting places, crèches, youth facilities, schools, surgeries and local shops;
 - Public realm;
 - employability and skills interventions;
 - sustainable transport;
 - air quality;
 - natural heritage;
 - built heritage;
 - flood risk and sustainable drainage; and
 - waste management.

- 5.6. Chapters 6 to 15 of the Framework expand upon the above list and set out specific examples where Developer Contributions may be sought to mitigate and manage the infrastructure or environmental impacts of new development.

Key tests

- 5.7. In considering the need for Developer Contributions, the council will have regard to the policies contained in the SPPS for Northern Ireland and guidance in Development Management Practice Note 21: Section 76 Planning Agreements.

The council will **only** seek Developer Contributions where they are:

- i) **Necessary** – they are needed to make the development acceptable; and
- ii) **Directly related in scale and kind** – they are so directly related to the proposed development and to the use of the land after its completion, that the development ought not to be permitted without it

Indicative thresholds

- 5.8. Chapters 6 to 15 of the Framework set out various circumstances in which Developer Contributions may be sought. In some cases, thresholds are used to indicate when the need for Developer Contributions will be specifically examined. These thresholds are not rigid and there may be occasions where Developer Contributions are needed for schemes that fall below them – this will be dependent on the impacts of the proposal and each case will be judged on its merits.
- 5.9. The council will be alert to development proposals that deliberately or otherwise fall below the thresholds with the consequence that the need for Developer Contributions do not need to be assessed. For example, the council will consider site capacity and whether the proposal makes optimum use of the land. Where the sub-division of land would result in two or more sites which in turn lead to individual proposals falling below the quantum thresholds, the council will treat them as one site for the purposes of applying the thresholds set out in this Framework.

Mixed-use proposals

- 5.10. Developer Contributions may also be sought for mixed-use schemes where individual components of the development exceed the thresholds set out in the Framework.

New build, change of use and conversions

- 5.11. The thresholds set out in this Framework apply to proposals for new build, change of use and conversions. It is recognised that conversion proposals are sometimes subject to specific abnormal costs. Where this means that the proposal cannot support the full level of Developer Contributions, applicants will be expected to justify this by submitting a Viability Appraisal with their planning application (see Chapter 17 Viability).

Key Site Requirements

5.12. Developer Contributions may sometimes be required to fulfil Key Site Requirements for land zoned by draft BMAP, for example, the provision of infrastructure.

Trans-boundary Contributions

5.13. There may be situations where it is necessary to secure developer contributions for infrastructure works outside the boundary of the city, for example, to secure off-site highway improvements in an adjacent district.

Financial Contributions and Capital Costs

5.14. Commuted sums sought through this Framework will normally be based on up-to-date average costs for the specific items needed. In all cases, costs will be inclusive of all costs including fees and construction costs. Costs will be periodically reviewed by the council.

5.15. The value of financial contributions will need to take account of inflation given that the trigger for payment may be some time after the original amount was agreed as part of the planning permission, even years. This requirement for contributions to be index linked will be built into the Planning Agreement.

6. Open Space, Sport and Outdoor Recreation



Belfast Agenda priorities

- Living here
- City Development



Local Development Plan Strategic aims

- Shaping a liveable place
- A green and active place
- A smart connected and resilient place



Introduction

Background

- 6.1. It is vital that people have good access to open space for health, social and recreational reasons. New residential development, including mixed-use housing schemes, can place pressure on existing green infrastructure, or create demand for additional infrastructure, to support residents. When considering planning applications for new residential development, the council will ensure that new residents are served by appropriate types of open space, sport and outdoor recreation facilities.
- 6.2. Provision of open space can have a range of other benefits. These include opportunities to promote connectivity, incorporate Sustainable Urban Drainage Systems (SuDS) and enhance biodiversity. In this regard, there is potential overlap with the objectives of Chapters 10 (Sustainable Transport), 12 (Flood Risk and Sustainable Drainage) and 13 (Natural Heritage).

Policy context

- 6.3. The SPPS stresses the importance of providing amenity space in all residential development and, where necessary, for mixed use schemes:
'The need for adequate private, semi-private and public amenity space is a prime consideration in all residential development and contributes to mental and physical well-being and the strengthening of social cohesion. Such considerations are particularly important in mixed use or high density schemes where unconventional solutions may be appropriate.' (par. 4.9)
- 6.4. Policy OS 2 of PPS8 requires open space to be an integral part of new residential development of 25 units or more, or on sites of one hectare or more. In smaller residential schemes, the need to provide open space will be considered on its individual merits. Exceptions to this policy requirement include apartment developments or specialised housing where a reasonable level of private communal open space is being provided; or where residential development is designed to integrate with and make use of adjoining open

space. Policy OS 2 goes on to specify the proportion of a site that needs to be set aside for open space and the requirement for equipped children’s play area on larger sites.

- 6.5. The planning system also seeks to protect existing and planned areas of open space. The SPPS states that it is a regional objective to safeguard existing open space and sites identified for future such provision (paragraph. 6.201).
- 6.6. Policy OS 1 of PPS8 relates to the protection of open space. It confirms that there is a presumption against the loss of existing open space irrespective of its physical condition and appearance. An exception may be permitted where it is clearly shown that redevelopment will bring substantial benefits that decisively outweigh the loss of the open space. An exception will also be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area. A further exception may be permitted where for open space of two hectares or less, suitable alternative provision is made – or in the cases of playing fields and sport pitches within settlement limits, the development of up to 10% of the overall area is the only means to retain and enhance the facility and will have no adverse effect on the sporting potential of the facility.

Open Space in New Residential Development

When will Developer Contributions be sought?

- 6.7. The council will apply the open space requirements set out in Policy OS 2 of PPS8. For larger schemes of 25 or more units, or sites of one hectare or more, there will be a need for open space to be provided within the site as an integral part of the development. For smaller schemes, the council will assess the need for open space on a case by case basis, including the option of securing a commuted sum from the developer in lieu of on-site provision.
- 6.8. The detailed requirements of Policy OS 2 are summarised in Table 1, below.

Description of Proposal	Open Space Needed
Residential schemes of 300 units or more, or sites of 15 ha or more	<ul style="list-style-type: none"> • On-site provision of around 15% of the total site area; • On-site equipped children’s play area
Residential schemes of between 100 and 299 units, or sites of between five ha and less than 15 ha	<ul style="list-style-type: none"> • On-site provision of at least 10% of the total site area • On-site equipped children’s play area
Residential schemes of between 25 units and 99 units, or sites of between one ha and less than five ha	<ul style="list-style-type: none"> • On-site provision of at least 10% of the total site area
Residential schemes of less than 25 units or sites of less than one ha	<ul style="list-style-type: none"> • Decided on a case by case basis

Table 1: PPS8 open space requirements by scale of residential development

6.9. The council will assess the requirements for open space in consultation with other council service areas. Regard will be had to the Belfast Open Space Strategy and:

- the scale of the development;
- the type and mix of housing; and
- proximity to existing and planned public open space.

Size of Open Space

6.10. Table 1 above sets out how much open space is needed according to the scale of the development. For large-scale residential proposals of 300 units or more, or sites of 15 ha or more, around 15% of the total site area should be provided as Open Space. For medium scale developments of between 25 units and 299 units, or sites of between 1 ha and less than 15 ha, at least 10% of the total site area should be provided as Open Space. For smaller developments the need for open space will be decided on a case by case basis.

6.11. Larger residential sites of 100 units or more, or sites of five ha or more, will be required to provide an equipped children's play area within the site. This may require the provision of a Local Equipped Area of Play (LEAP) or Neighbourhood Equipped Area of Play (NEAP), depending on the specific needs of the proposal. In accordance with PPS8, the council will consider an exception to this requirement where an equipped children's play area exists within reasonable walking distance (generally around 400 metres) of the majority of the units within the development scheme. The council will assess whether there is a need to secure a contribution towards upgrading of the existing play area or to improve access to it.

Type of Open Space

6.12. The type of open space that is needed will be expected to reflect the requirements of the future occupiers of the development. For example, for family housing, children's play space may be needed along with open space for young people and adults. All new open space will be expected to be of an appropriate size and quality to meet the needs of future occupiers.

Distance Thresholds

6.13. The council will have regard to the Fields in Trust 2015 accessibility guidelines and the Belfast Open Space Strategy when considering the availability of existing or planned open space to serve the needs of new development.

6.14. The indicative walking distance are:

Formal recreation:

- Multi-use Games Areas (MUGAs) – 700 metres (nine minutes)
- Neighbourhood Equipped Areas of Play – 1,000 metres (13 minutes)
- Local Equipped Areas of Play – 400 metres (five minutes)
- All outdoor sports – 1,200 metres (15 minutes)
- Playing pitches – 1,200 metres (15 minutes)

Informal recreation:

- Amenity green space – 480 metres (six minutes)
- City/District parks – 1,200 metres (15 minutes)
- Local parks – 400 metres (five minutes)

- 6.15.** Accessibility thresholds should be measured as distances actually walked rather than “as the crow flies”. Account will also be taken of obstacles or impediments to pedestrian and cycle journeys such as major roads, rivers, peace-lines and other geographical constraints.

Exceptions

- 6.16.** In accordance with Policy OS 2 of PPS8, open space will not be sought for apartment developments or specialised housing where a reasonable level of private communal open space is being provided.
- 6.17.** An exception will also be considered in cases where residential development is designed to integrate with and make use of adjoining public open space. However, consideration will be given to whether the existing open space in the area satisfies the distance thresholds set out above; and whether it is able to functionally support the additional population in terms of amount, type and quality.

On-site Provision (“In Kind” Contributions)

- 6.18.** Development proposals of 25 units or more, or sites of one ha or more, will be expected to provide open space as an integral part of the development in accordance with Policy OS 2 of PPS8. On-site provision provides residents with better and more immediate access to open space, supports community cohesion and does not place additional burdens on existing green infrastructure. For larger developments of 100 units or more or sites of five ha or more, children’s play equipment will also need to be provided in compliance with the emerging Belfast Open Space Strategy.
- 6.19.** The developer will be expected to provide on-site open space in accordance with a specification agreed by the council. The open space will be secured by a Planning Agreement to ensure that it is only used for that purpose, and to ensure that arrangements are put in place for its long-term management and maintenance.

Management and Maintenance of On-site Open Space

- 6.20.** The council will adopt new open space in accordance with Corporate Policy. Where open space is required to be managed by the developer, a Planning Agreement will be used to ensure that appropriate arrangements are put in place. Where the open space is to be adopted by the council, the developer will be required to pay a Commuted Sum to the council to cover the cost of its future management. This financial contribution would be secured by a Planning Agreement.

Off-site Provision

- 6.21.** In some cases, as an exception to the normal policy approach, the council may consider it more appropriate for residents of the new development to make use of existing or planned open space in the locality rather than require new open space to be provided on-site as an integral part of the development. When assessing this option, account will be taken of any specific reasons why open space cannot be provided on site, the scale and nature of the proposed development, existing and planned open space in the area, accessibility and connectivity to the open space, and its ability to support residents of the new development.

6.22. It may be necessary for the developer to enhance the existing or planned open space so that it is able to support the additional population and/or improve the site's connectivity to it. In such circumstances, the developer will be required to pay a Commuted Sum to cover the cost in lieu of providing the open space on the site. To ensure consistency with Policy OS 2 of PPS8, the level of off-site provision will be equivalent to that which would have been expected to be provided on site including any necessary play equipment (i.e. for schemes of between 25 and 299 units, open space equivalent to at least 10% of the total site area; and for schemes of 300 units or more, around 15% of the total site area). This will include the cost of improvements to an existing facility where there would normally be a policy requirement to provide this on site. The value of the Commuted Sum will be calculated on a case by case basis.

Protection of Open Space

Principles

6.23. Regional planning policy seeks to safeguard existing and planned open space. There is a presumption against development proposals that would result in the loss of existing open space or land zoned for the provision of new open space. However, Policy OS 1 of PPS8 sets out specific exceptions when a loss of open space might be permitted.

6.24. When applying the exceptions set out in Policy OS 1, the council will consider whether a condition or Planning Agreement is needed to:

- secure any substantial community benefits that are considered to decisively outweigh the loss of the open space; or
- ensure that alternative provision for open space is made; or
- secure measures that protect or enhance facilities.

Planning Agreements

When will a Planning Agreement be required?

6.25. The council will normally require a Planning Agreement in the following circumstances:

- provision of new or enhanced open space prior to occupation of the development or by another trigger point specified by the agreement;
- ensure that new or enhanced open space is only used for that purpose;
- provision of a new play facility to an agreed design and specification;
- arrangements for adoption or long-term management of open space;
- Where the open space is to be adopted by the council, payment of a Commuted Sum to the council to cover its long-term management;
- payment of a commuted sum in lieu of on-site open space provision; and
- where open space is to be lost, to satisfy the requirements of Policy OS 1 of PPS8.

7 Local Neighbourhood Facilities



Belfast Agenda priorities

- Living here



Local Development Plan Strategic aims

- Shaping a liveable place
- A smart connected and resilient place



Introduction

Background

- 7.1. Sustainable communities require an appropriate balance of housing, jobs, educational, leisure and neighbourhood facilities. It is important that new housing developments have good access to community facilities to support health, wellbeing and social cohesion.
- 7.2. When considering planning applications for largescale major residential schemes, the council will consider whether there is need for neighbourhood facilities to be provided as an integral part of the development or whether off-site provision is required. For smaller residential proposals, the council may require payment of a Commuted Sum to support the provision of neighbourhood facilities considered necessary to support the development.

Policy Context

- 7.3. PPS7 recognises the important contribution that neighbourhood facilities make to sustainable communities. Such facilities will typically include social and community uses such as schools, crèches, surgeries, local shops and play facilities. Paragraphs 4.17 to 4.20 of PPS7 state:

'The provision of local facilities within residential development is one of the means to increase vitality, provide a sense of community and enhance the social and economic sustainability of the development. Large scale housing schemes must provide necessary services and community infrastructure to enable new growth to be satisfactorily accommodated. Otherwise they will place further pressure on already overstretched facilities and services and increase the need to travel.'

...Where such a need is identified it will be a requirement that the developer provides for this need as an integral part of the development. Any provision considered necessary will relate fairly and reasonably in scale and kind to the impact of the development proposed.

... [Neighbourhood facilities] should be incorporated into the overall design and layout of the development, designed to a high standard and located to provide focal points and landmark features. The location and design of such facilities should also respect the amenities of proposed and existing housing.

The Department is aware that the provision of local facilities and community buildings may impose additional costs on developers. However, the Department considers it reasonable to expect that developers will contribute to the cost of provision of necessary facilities and/or set land aside for development and use by the local community. This may entail developers and landowners entering into a planning agreement with the Department.'

- 7.4. Policy QD 1 of PPS7 requires that: 'All proposals for residential development will be expected to conform to all of the following criteria.... (d) Adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development.'

Principles

When will Developer Contributions be sought?

- 7.5. The council expects new housing schemes to make satisfactory provision for local neighbourhood facilities in accordance with PPS7. Large scale major housing proposals may need to provide community facilities within the development itself. For example, this could be the provision of a community centre to support new residents. In other cases, developers may be expected to contribute to new off-site facilities or to improve existing neighbourhood community infrastructure to accommodate population growth. These contributions may take the form of a Commuted Sum. There may also be circumstances where the proposal is for development of zoned land where there is a key site requirement to provide neighbourhood facilities as part of the scheme.
- 7.6. The council will apply the thresholds set out in Table 2 below when considering the requirement for new residential development to provide local neighbourhood facilities. These thresholds are indicative and there may be occasions where Developer Contributions are necessary to support schemes that fall below them.

Description of Proposal	Neighbourhood Facilities Needed
Zoned land where provision of neighbourhood facilities is a key site	<ul style="list-style-type: none"> As set out by the zoning policy
Residential schemes of 50 units or more, or sites of two ha or more (Major development)	<ul style="list-style-type: none"> On-site or off-site provision of local neighbourhood facilities considered

Table 2: Local neighbourhood facility requirements by scale of residential development

- 7.7. The level and type of contribution will be specific to each individual application, taking account of the scale and nature of the proposed development, existing and planned neighbourhood facilities in the surrounding area and their ability to support and accommodate residents of the proposed development. Any contributions sought will be towards neighbourhood facilities to support residents of the new development and will not be used to address any existing shortfalls in provision.
- 7.8. The Planning Service will consider the specific requirements for neighbourhood facilities in consultation with other areas of the council. Developers are encouraged to engage with the council as part of a Pre-Application Discussion to establish whether neighbourhood facilities will need to be provided as part of their planning application.

7.9. The types of local neighbourhood facilities that may need to be supported include:

- community centres;
- meeting places;
- crèches;
- youth facilities;
- schools and education;
- health facilities; and
- neighbourhood shops.

7.10. Guidance on the provision of local play facilities and public open space is provided in Chapter 6 of this Framework.

On-site Provision of Neighbourhood Facilities

Principles

7.11. For key sites and major residential schemes, there may be circumstances where it is necessary for local neighbourhood facilities to be provided on-site as an integral part of the development.

7.12. On-site local neighbourhood facilities will be secured by a Planning Agreement. The agreement will set out the design specification of the facilities and at what stage they should be provided. The developer will be expected to supply the land and construct the facility (including fit-out to allow occupation without requiring any additional building works), together with associated highway infrastructure and parking. A Commuted Sum may also be needed to support running costs whilst the facility is being established.

Off-Site Provision of Neighbourhood Facilities

Principles

7.13. Where it is necessary to deliver the neighbourhood facility off-site, the developer will be expected to pay a Commuted Sum to contribute to the cost of provision. A Commuted Sum may also be needed to support costs of running the facility whilst it is being established.

7.14. The Commuted Sum will be proportionate to the capital cost of delivering the facility, either whole or in part. The value of the Commuted Sum will be calculated with input from service providers and will depend upon the type of neighbourhood facility that is needed.

Mechanism for Securing Developer Contributions

Principles

7.15. A negatively worded “Grampian” condition will be used where there is prospect of the neighbourhood facility being delivered on-site within the agreed timeframe.

7.16. A Planning Agreement will normally be used to secure works on private third-party land or the provision of a Commuted Sum towards off-site provision or running costs.

8. Public Realm



Belfast Agenda priorities

- Growing the economy
- Working and learning



Local Development Plan Strategic aims

- Creating a vibrant economy
- A smart connected and resilient place



Introduction

Background

- 8.1.** Good design can change lives, communities and neighbourhoods for the better. It can create more successful places to live, bring communities together, and attract business investment. It can further sustainable development and encourage healthier living, promote accessibility and inclusivity; and contribute to how safe places are and feel.
- 8.2.** Larger scale developments, including business, commercial and residential proposals, have the potential to create significant footfall in the urban environments in which they are located. In the interests of connectivity and good design, it is important that those developments contribute to the upgrading and enhancement of the public realm where it is not up to standard in order to promote safer and more sustainable access such as walking and cycling, as well as to promote better designed places.
- 8.3.** Where considered necessary, the council will expect developers to make improvements to the public realm, including the provision of public art, either by carrying out enhancement works themselves or by providing a Commuted Sum to be used to by the council or its partners to undertake the improvement works.

Policy Context

- 8.4.** The SPPS recognises the importance of shared spaces to communities and quality urban environments. Paragraph 4.15 states that:
'Planning authorities should utilise development planning, regeneration and development management powers to contribute to the creation of an environment that: is accessible to all and enhances opportunities for shared communities; has a high standard of connectivity, and supports shared use of public realm...'
- 8.5.** Living Places provides further regional guidance on public realm. It states that:

‘Urban centres and their public realm are for everyone. They are destinations for economic and social activity and consequently remain for most of us places of necessity as much as they are of choice. It is therefore incumbent upon all those who design and manage urban places to ensure that everyone can reach them with ease. Doing so requires an understanding of all the different users and their needs, regardless of ability or background. It also involves balance to ensure that the necessary infrastructure of access makes a positive contribution to the quality of our urban places.’

- 8.6. Creating Places advises that public art can provide important landmark features in new residential development and that it can be used positively to promote local distinctiveness.
- 8.7. The council will take account of the Belfast Open Space Strategy which will set out the principles for the future delivery and management of open space across the city. This includes guidance on the use and role of public spaces.

Principles

When will Developer Contributions be sought?

- 8.8. Public realm refers to the space between buildings where people have free access (whether publicly or privately owned), such as streets and public squares. New developments can increase pressure on, or affect the suitability of the surrounding pedestrian and cycle environment. It also provides opportunity to improve public realm in the interests of promoting quality places and encouraging connectivity and more sustainable movement.
- 8.9. The council will decide whether new development should contribute to public realm improvements on a case by case basis. Proposals for Major development will normally be expected to make a contribution to the improvement and enhancement of the public realm because of their scale, as set out in Table 3 below. These include applications for major residential, office, retail and commercial development. This threshold is indicative and there may be occasions where contributions are necessary to support smaller schemes.

Description of Proposal	Public Realm needed
Major development proposals	In kind and/or off-site provision of public realm, where the need arises as a result of the development

Table 3: Major developments require consideration of contributions to the public realm

- 8.10. The Planning Service will determine the need for Developer Contributions towards public realm in consultation with other areas of the council, and external partners including the Department for Infrastructure and Department for Communities.

What Public Realm improvements will be needed?

- 8.11. Public realm improvements will be sought towards the upgrading of the walking and cycling environment in the area surrounding or leading to the site, where the need arises as a result of the proposed development.
- 8.12. The council will normally expect as a minimum the upgrading of the footway and pavement immediately surrounding the development. The application site (red line) should be

extended to include the footway and pavement and a design provided for its enhancement as part of the application proposals¹¹.

- 8.13.** There may also be instances where it will be necessary for the developer to contribute to public realm improvements beyond the immediate locality of the site, particularly where the proposal will have a significant impact on footfall on existing walking or cycling routes.
- 8.14.** Developers are encouraged to use the council's Pre-Application Discussion service to discuss detailed design requirements. They should also discuss their proposals with the Department for Infrastructure and Department for Communities.
- 8.15.** Enhancement of the public realm may include (but not be limited to):
- the resurfacing and / or upgrading of footways / carriageways;
 - relocation and / or introduction of kerbstones;
 - permeable and porous paving;
 - channels;
 - pedestrian crossing facilities;
 - public art;
 - urban play;
 - street furniture;
 - bus shelters;
 - street lighting;
 - street trees;
 - green infrastructure;
 - CCTV; and
 - general equipment (i.e. utility boxes).
- 8.16.** The level and type of contribution will be considered in relation to the scale of the proposed development, the nature of its use and potential for footfall, and the quality of the existing pedestrian and cycle environment. Where there is an identified scheme of public realm improvement works in the area, a financial contribution may be sought in lieu of in-kind provision.
- 8.17.** Contributions towards public realm will be considered in conjunction with requests towards highway improvements including those needed to promote connectivity and sustainable transport. Schemes will need to comply with the Department for Infrastructure's Highway Standards.
- 8.18.** When considering implementation, developers should have regard to future-proofing of infrastructure works and the need to liaise with other service providers including water,

¹¹ Inclusion of the footway and pavement within the application site (red line) may require the applicant to serve notice on the owner of the land if different from the applicant when they make the application.

sewerage, waste, electricity and digital infrastructure. The aim should be to avoid the need for further works and excavations shortly after construction of the public realm.

In-Kind Provision

- 8.19.** It will generally be beneficial for the developer to include the public realm improvements as part of their scheme and to carry out the works themselves. This can be more cost effective and ensures that detailed design proposals are properly considered as part of the planning application process. The applicant should identify the works within the application site (red line) even if outside their ownership or control. Applications should be accompanied by a detailed design specification for the public realm improvement works. Whilst the council will normally expect as a minimum the works to include the upgrading of the footway and pavement immediately surrounding the development, there may be a need to extend the works further to promote good connectivity. This will be decided on a case by case basis.

Financial Contributions

- 8.20.** The council will consider the option of a Commuted Sum towards public realm improvement works instead of in-kind provision on a case by case basis. Factors will include the location of the works, ownership and whether the improvement works form part of a wider strategy for enhancement of the public realm.
- 8.21.** A Commuted Sum may be required towards the future management and maintenance of new and improved public realm.

Mechanism for Securing Developer Contributions

Principles

- 8.22.** Enhancements to the public realm may be secured either by a planning condition or Planning Agreement depending on the circumstances.
- 8.23.** A negatively worded “Grampian” condition may be used to secure public realm improvements where there is prospect of the works being fulfilled within the agreed timeframe. Improvement works to public roads and streets controlled by the Department for Communities or Department for Infrastructure, where there is agreement in principle from those Departments established through the planning application consultation process, may be secured by a condition. The developer will need to ensure that they have the necessary highway consents from the Department to carry out the works.
- 8.24.** Works on privately owned third party land or the provision of a Commuted Sum towards public realm improvements will normally be secured by a Planning Agreement. The value of the Commuted Sum will be proportionate to the capital cost of providing the improvement works and an additional payment may also be needed towards future management and maintenance of the public realm.
- 8.25.** New or improved public realm which is not to be adopted and which will remain in private ownership will normally be subject to a Planning Agreement to ensure that it is appropriately managed and maintained.

9. Economic Development



Belfast Agenda priorities

- Growing the economy
- Working and learning



Local Development Plan Strategic aims

- Creating a vibrant economy
- A smart connected and resilient place



Introduction

Background

- 9.1.** The planning system has a vital role to play in supporting the economy and helping job growth. This is especially important for Belfast which is the regional economic driver for Northern Ireland.
- 9.2.** According to the SPPS, one of the regional strategic planning objectives is to tackle disadvantage and facilitate job creation. Belfast has significant challenges around employability and skills. The city has 73,000 people who are economically inactive with 5,400 people in unemployment¹². Nearly 19% of Belfast residents have no qualifications and 46% of citizens have a level 3 or below qualification¹³. The city has some of the highest economic inactivity in the UK and around 30% of children in Belfast live in poverty¹⁴.
- 9.3.** The Belfast Agenda targets 46,000 additional jobs across the city by 2035 (including 15,000 new jobs by 2021). Supporting the key priority of Working and Learning, the Belfast Agenda is committed to:
 - addressing educational inequalities and increase skills attainment;
 - addressing barriers to employment at a structural and personal level;
 - enhancing and increasing the skill levels of our residents and attracting and retaining even more skilled people;
 - matching people and skills to opportunities across Belfast; and
 - reducing poverty and economic inactivity.

¹² Data provided by the University of Ulster Economic Policy Centre, 2019

¹³ <https://www.nisra.gov.uk/publications/labour-force-survey-tables-local-government-districts-2017>

¹⁴ <http://www.endchildpoverty.org.uk/poverty-in-your-area-2018/>

- 9.4. Central to the Belfast Agenda is a commitment to supporting inclusive growth. One key element of this is our investment in activities to support skills development and job creation for our residents. The council and its partners are committed to working with developers to explore how Developer Contributions can contribute to the delivery of these activities, in line with the ambitions set out in the Belfast Agenda and approach described in the Inclusive Growth Strategy.
- 9.5. Regional planning policy seeks to safeguard employment land to ensure that an appropriate balance between housing and jobs is maintained and that the city has sufficient employment land for future needs. Employment land can be a precious resource and once lost it may never be returned to that use. It can provide employment opportunities accessible to large sections of the urban population, including in areas of high unemployment and deprivation.
- 9.6. When assessing development proposals that result in the loss of employment land or for larger developments where there would be a skills shortage, the council will consider the use of Developer Contributions. These may include commitments to employability and skills interventions across the city.

Policy context

- 9.7. According to the SPPS, one of the core principles of the planning system is to support sustainable economic growth. Planning decisions can be used to help support sustainable job creation. Paragraph 4.5 of the SPPS explicitly states that planning decisions should support the provision of jobs, services, and economic growth.
- 9.8. Paragraph 4.20 states that: ‘When taking into account the implications of proposals for job creation, planning authorities should emphasise the potential of proposals to deliver sustainable medium to long-term employment growth. Furthermore, in processing relevant planning applications planning authorities must ensure appropriate weight is given to both the public interest of local communities and the wider region.’
- 9.9. In relation to support for employment, the SPPS, at paragraph 4.22, says that: ‘In addition, for the planning system to be fully effective in facilitating jobs and investment, everyone involved in the planning process such as applicants, public bodies, community organisations, and the general public must commit themselves to engaging as constructively as possible in the LDP and development management process.’
- 9.10. The SPPS also seeks to safeguard employment land. Paragraph 6.89 states that: ‘It is important that economic development land and buildings which are well located and suited to such purposes are retained so as to ensure a sufficient ongoing supply. Accordingly, planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. Any decision to reallocate such zoned land to other uses ought to be made through the LDP process. While the same principle should also apply generally to un-zoned land in settlements in current economic development use (or land last used for these purposes); councils may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits, that are considered to outweigh the loss of land for economic development use.’

- 9.11.** Policy PED 7 of PPS4 seeks to safeguard zoned land and economic development uses. It states that: ‘Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.’ The policy goes on to set out an exception in relation to development of a sui generis employment use within an existing or proposed industrial/employment area.
- 9.12.** Policy PED 7 also seeks to protect un-zoned land that is in, or last used for, Class B2, B3 or B4 use. It sets out circumstances in which the loss of such uses will be acceptable.
- 9.13.** In the justification and amplification of Policy PED 7, at paragraph 5.29, PPS4 states that:

‘The retention of economic development land in urban locations and elsewhere can not only make a substantial contribution to the renewal and revitalisation of towns but can also provide employment opportunities accessible to large sections of the urban population and the rural hinterland. The existence of redundant business premises and derelict industrial land can be an important resource for the creation of new job opportunities in areas of high unemployment, particularly small businesses, and can help reduce the demand for greenfield sites.’

Principles

When will Developer Contributions be sought?

- 9.14.** As shown in Table 4, below, the council will consider the use of Developer Contributions to support employability and skills for all proposals for Major development where there is a skills shortage; and/or for proposals that would result in loss of employment land.
- 9.15.** In considering proposals that result in the loss of economic development uses, the council will take account of proposals to help mitigate the loss of employment land through linkages to employability and skills interventions. This may enable displaced employees and people who may have sought employment at the site to gain employment elsewhere in the city. It must be emphasised that the potential use of Developer Contributions is not a means to circumvent planning policy that seeks to protect employment land. Instead, Developer Contributions will be used to support the application of policy.

Description of Proposal	Developer Contributions
Major development proposals	<ul style="list-style-type: none"> Supporting employability and skills in the city where there is a skills shortage (either during construction or on occupation of the development)
Development proposals resulting in the loss of economic development uses	<ul style="list-style-type: none"> Supporting employability and skills in the city to enable displaced employees and people who may have sought employment at the site, to gain employment elsewhere in the city.

Table 4: Developer Contributions relating to economic development uses

9.16. The Planning Service will consider the need for Developer Contributions in consultation with other areas of the council and, as appropriate, external partners.

How will the need for Developer Contributions be assessed?

9.17. Applications for Major development will need to be supported by a Skills Profile for the development. This should include the following information:

- the level of employment to be created as a result of a development aligned to the construction and operational phases;
- high level occupation levels indicating the type of employment created and associated skills level for each phase. Where this level of information is not available a breakdown of the employment types aligned to sectorial areas can be provided;
- indicative timescales for the employment during the construction and operational phases.

9.18. The Economic Development Unit will then carry out a skills assessment to establish whether employability and skills interventions are required.

9.19. The council will advise the applicant whether employability and skills interventions are needed for their development. Where interventions are required, the applicant will be required to provide an Employability and Skills Plan.

9.20. Applicants will also be required to submit a Skills Profile for proposals that that would result in a loss of economic development uses contrary to PPS4. The Economic Development Unit will advise how employability and skills interventions can help redress any negative economic impacts and support employees and people who may have sought employment at the site to gain employment elsewhere in the city.

9.21. The form of the Developer Contribution will depend upon the nature, scale and location of the development proposal. Contributions may be in-kind, financial or a combination of both depending on the interventions identified and agreed in an Employability and Skills Plan.

Proposals for Major Development

Principles

9.22. Developers will be expected to support employability and skills interventions where there is an identified skills shortage in delivering the scheme – whether the skills shortage is during the construction phase or on occupation. Typical interventions may include:

- creating access to employment opportunities
- delivering training to upskill people
- creation and delivery of apprenticeship opportunities
- ring-fencing opportunities for under-represented groups
- delivery of employability interventions
- addressing barriers to employment and skills development
- delivery of youth interventions

9.23. Each development proposal will be judged on its merits and the specific need in each case will depend on the nature of the proposal, its use and location, the level and type of skills shortage and the availability and suitability of employability and skills interventions.

Proposals Involving the Loss of Economic Development Uses

Principles

9.24. The council will consider the use of Developer Contributions to help mitigate the loss of economic development uses when contrary to planning policy. This could be through support for employability and skills interventions to enable displaced employees and people who may have sought employment at the site, to gain employment elsewhere. Again, this may be through direct participation in work programmes and/or funding of interventions.

9.25. The nature of the contribution will take account of:

- the type of economic development uses that are to be lost;
- the number of people that could have been employed according to the employment floor space to be lost and their job profile;
- the number of displaced employees that would be unable to find new employment without retraining or other support and their job profile;
- the cost of providing the training and support necessary to enable a person to gain employment; and
- whether a proposal seeks to retain a significant element of employment land.

Mechanism for Securing Developer Contributions

Principles

9.26. Developer Contributions towards employability and skills interventions will normally be secured by a Planning Agreement.

9.27. Developers are encouraged to discuss their proposals with the Planning Service at the pre-application stage to establish whether contributions are needed, what form they should take and how they will be secured. The pre-application process should also be used to discuss the type of information that should support the planning application when it is submitted.

10. Sustainable Transport



Belfast Agenda priorities

- Growing the economy
- Living here
- City Development



Local Development Plan Strategic aims

- Creating a vibrant economy
- Shaping a liveable place
- A green and active place
- A smart connected and resilient place



Introduction

Background

10.1. Many forms of development can have a significant impact on transport infrastructure and require new or improved transport infrastructure to be put in place if development is to be acceptable. In consultation with external partners including the Department for Infrastructure, the council will ensure that all new development is supported by the right transport infrastructure. In accordance with regional and local planning policy, emphasis will be placed on ensuring that opportunities for more sustainable modes of transport and a modal shift away from car use are promoted and maximised.

10.2. The promotion of sustainable travel can have a range of other benefits. Not only does it reduce traffic congestion, it also supports environmental improvements to air quality across the city and promotes healthy living through good connectivity for walking and cycling. In this regard, there is potential overlap with the objectives of Chapters 8 (Public Realm) and 11 (Air Quality). The council will consider the use of Developer Contributions to provide the transport infrastructure necessary to support new development. Particular emphasis will be placed on infrastructure and measures that promote sustainable transport.

Policy context

10.3. The SPPS recognises that planning has a vital role in improving connectivity and promoting more sustainable patterns of transport and travel. The provision of improved infrastructure for sustainable transport modes gives people greater choices about how they travel.¹⁵

¹⁵ Paragraphs 6.293 and 6.294 of the Strategic Planning Policy Statement for Northern Ireland (2015)

10.4. General Principle 5 of PPS13 states that: ‘Developers should bear the costs of transport infrastructure necessitated by their development’. Paragraphs 52 to 54 of PPS13 states:

‘Where a development necessitates the provision of additional transport infrastructure, including new or improved public transport services, developers will be required to bear the costs of these works. Contributions from developers will be based around securing improved accessibility to sites by all modes, with the emphasis on maximising access by public transport, walking and cycling. It is anticipated that developers will be expected to contribute more to improving access to development by these modes in locations away from town centres and major transport interchanges, than for development in more central sites. The details of developer requirements will depend on the individual circumstances of each site and the precise nature of the proposal.

...Supporting infrastructure works and/or mitigation measures needed to facilitate the specific scale and form of proposed development may, however, only be identified at the planning application stage. For example, as a result of an Environmental Impact Assessment, Transport Assessment or as part of the normal consultation process.

Planning conditions may be imposed or a planning or other legal agreement may be required, to ensure the appropriate phasing and implementation of any necessary improvements to transport infrastructure.’

Principles

When will Developer Contributions be sought?

10.5. The impacts of new development on transport infrastructure and the need to promote sustainable transport will be considered on a case by case basis. Therefore, as set out in Table 5 below, there are no specific thresholds at or above which Developer Contributions will be needed. However, larger proposals that require a Transport Assessment are more likely to identify the need for specific measures to address infrastructure and sustainable transport contributions.

10.6. Applicants are encouraged to discuss their proposals with the Council, Department for Infrastructure Roads and, where appropriate, Translink as part of a Pre-Application Discussion to establish whether sustainable transport infrastructure or measures are needed to support their proposed development.

Description of Proposal	Transport Infrastructure/Measures Needed
All development types	In Kind provision and/or Financial Contributions where the need arises because of the development

Table 5: Development requiring Developer Contributions towards transport infrastructure

10.7. Table 6, below, provides examples of the type of transport infrastructure and measures that may be needed to support development. Please note that this is not an exhaustive list.

Physical Infrastructure Works	Sustainable Transport
New or improved roads, controlled junctions and sightlines	Public transport services
Pedestrian crossing facilities	Travel Plan (for the lifespan of the use)
Cycle paths, pedestrian routes and improved connectivity (e.g. community	Funding of public transport travel cards for occupants of new residential development
Cycle facilities	Provision of car clubs
Accommodation of bus services e.g. road widening, bus shelter and bus lay-bys	Improved connectivity including blue and green infrastructure

Table 6: Examples of the type of sustainable transport infrastructure that may be needed.

10.8. The council will identify the need for transport infrastructure contributions in consultation with external partners including the Department for Infrastructure Roads and Translink.

Transport Assessments

10.9. Applications for certain larger development proposals should be supported by a Transport Assessment¹⁶. A Transport Assessment is a comprehensive review of all the potential transport impacts of a proposed development, with an agreed plan to mitigate any adverse consequences. Developers need to consider a wide range of options to deal with the transport impacts of a development rather than simply increasing highway capacity to meet demand. Such measures may include the preparation of a Travel Plan, financial incentives to encourage alternatives to private car use, infrastructure improvements to make walking and cycling more attractive or public transport service improvements.

10.10. The council will use the Transport Assessment to inform the mitigation and infrastructure requirements that are necessary to support new development. This may in turn direct the need for Developer Contributions, whether in the form of in kind provision, financial contributions, off-site highway works, public transport infrastructure and local interventions (e.g. walking, cycling and accessibility improvements), where the need arises.

¹⁶ See paragraph 3.5 of *Transport Assessment: Guidelines for Development Proposals in Northern Ireland (November 2006)*

10.11. As a guide, proposals exceeding the thresholds in Table 7 below may have sufficient transport impacts to require a Transport Assessment. However, there may be circumstances where a development falls below these thresholds, but due to the nature or location of the proposal, a Transport Assessment may be required. The need for a Transport Assessment should be discussed early in the process at the Pre-Application Discussion stage.

Use	Thresholds above which a Transport Assessment may be required
Food retail	1,000m ² Gross Floor Area
Non-food retail	1,000m ² Gross Floor Area
Cinemas and conference facilities	1,000m ² Gross Floor Area
Leisure facilities	1,000m ² Gross Floor Area
Business	2,500m ² Gross Floor Area
Industry	5,000m ² Gross Floor Area
Distribution and warehousing	10,000m ² Gross Floor Area
Hospitals	2,500m ² Gross Floor Area
Higher and further education	1,500m ² Gross Floor Area
Stadia	1,500 seats
Housing	100 dwellings

Table 7: Planning applications requiring a Transport Assessment (based on Department guidance)

Transport Assessment Forms

10.12. A Transport Assessment Form (TAF)¹⁷ is a useful tool that applicants can use to screen out those applications where no further information on the transport impacts of the proposal is required. A TAF should be submitted for the following types of proposal:

- residential comprising 25 or more units
- non-residential with a gross floor area of 500 sqm or more
- likely to generate 30 or more vehicle movements per hour
- likely to generate 10 or more freight movements per day or 5 in any given hour

Mechanism for Securing Developer Contributions

Principles

10.13. Physical infrastructure works to the public highway will generally be expected to be carried out by the developer under the Roads (Northern Ireland) Order 1993. The works may be secured by a negatively worded “Grampian” condition where there is prospect of the works being fulfilled within the agreed timeframe.

¹⁷ The Transport Assessment Form can be found on the [Planning Portal website](#)

10.14. A Planning Agreement will normally be used to secure the following types of obligation:

- to secure works on private third-party land
- Travel Plans; Travel Cards; and Car Clubs for Major residential development; and
- financial contributions (in all cases).

10.15. In relation to contributions towards sustainable transport improvements, the value of the Commuted Sum will be proportionate to the capital cost of providing the obligation and an additional payment may also be needed towards future management and maintenance.

11. Air Quality



Belfast Agenda priorities

- Living here
- City Development



Local Development Plan Strategic aims

- Shaping a liveable place
- A green and active place
- A smart connected and resilient place



Introduction

Background

11.1. Air quality can be an important material consideration when assessing planning applications. It is especially relevant to Belfast which has four Air Quality Management Areas where air quality is either at risk or known to be exceeding national and European health-based standards for nitrogen oxide. It is important to ensure that new development does not give rise to unacceptable impacts on air quality and that sensitive developments, such as new housing and schools, are constructed in a way so as to prevent occupants or users from being impacted by poor ambient air quality. The council will consider the use of Developer Contributions to manage the impacts of development on air quality on a case by case basis.

11.2. The council has a statutory duty to periodically assess ambient air quality conditions in order to determine if standards and objectives are being achieved, or if they are likely to be achieved within relevant time periods. A particular contributor to the city's air pollution is vehicular traffic and opportunities will therefore be sought to secure more sustainable forms of development that encourage a modal shift away from reliance on car use towards more sustainable transport modes. Given that the effects of vehicular traffic on ambient air and human health are critical, there is an overlap in the objectives of this chapter with Chapter 10 on Sustainable Transport. Furthermore, there is linkage to the aims of Chapter 13 on Natural Heritage as new tree planting and semi-natural habitats can contribute to improving the city's air quality.

Policy Context

11.3. The SPPS recognises that the planning system can positively contribute to the improvement of air quality and minimise its harmful impacts on health and well-being.

11.4. Annex A of the SPPS states that: ‘In exercising their planning functions, planning authorities should consider the location of development which may give rise to air pollution. They should also ensure that other developments are, as far as practicable, not adversely affected by major existing or potential future, sources of air pollution.

‘...Where a proposed development is likely to have a significant air quality impact or add to a cumulative impact in an area, applications should be supported by sufficient information to allow full consideration of the impact on local air quality. ...Planning authorities should consider whether adequate means of mitigation of harmful air quality impacts can be achieved when making a decision.’

Principles

When will Developer Contributions be sought?

11.5. The impacts of new development on ambient air quality will be considered on a case by case basis as indicated by Table 8, below. There is no set threshold at or above which Developer Contributions will be sought in respect of managing the impacts of development on air quality. However, applications for larger developments may require an Air Quality Impact Assessment, which may identify the need for mitigation through Developer Contributions.

Description of Proposal	Developer Contributions
Development giving rise to significant air quality impact or adding to the cumulative impact in the area	<ul style="list-style-type: none"> In kind provision and/or financial contributions where the need arises because of the development

Table 8: Development requiring Developer Contributions in relation to air quality

11.6. The Planning Service will identify the need for Developer Contributions in consultation with its Environmental Health service and, where appropriate, other partners.

11.7. Developer Contributions may be sought towards:

- provision of ambient air quality monitoring;
- provision of public and sustainable transport infrastructure, including for walking and cycling;
- provision of electric vehicle charging points and associated ultra-low emission infrastructure;
- provision of car clubs;
- funding for the provision of personal travel planning;
- provisions of annual Travel Cards for public transport;
- provision of low or zero carbon on-site energy generation; and
- tree planting and semi-natural habitats to reduce the carbon footprint of the city.

11.8. In addition, the council will consider the use of Planning Agreements to put in place an appropriate mechanism to allow communities to engage with developers and the public sector about tackling the environmental effects – such as ambient air quality and noise – resulting from larger developments once they have been implemented.

Air Quality Impact Assessment

11.9. Applications for development where there is the risk of a significant air quality effect may require an Air Quality Impact Assessment (AQIA)¹⁸. Where there would be a significant effect, the AQIA should set out measures to avoid, reduce and, where appropriate, offset the effect. These measures may identify the need for Developer Contributions.

Mechanism for Securing Developer Contributions

Principles

11.10. Measures needed to manage the impacts of new development on ambient air quality will be secured either by planning condition or Planning Agreement. A negatively worded “Grampian” condition will be used where there is prospect of the works being fulfilled within the agreed timeframe.

11.11. A Planning Agreement will normally be used to secure works on private third-party land or the provision of a Commuted Sum towards mitigation or monitoring. The value of the Commuted Sum will be proportionate to the capital cost of providing the obligation and an additional payment may also be needed towards future management and maintenance.

¹⁸ The requirements for an AQIA are set out in guidance from Environmental Protection UK and the Institute of Air Quality Management, *Land-use Planning & Development Control: Planning For Air Quality* (January 2017) and within the council’s ‘Air quality and land use planning A Belfast specific guidance note for developers and air quality consultants’ guidance document

12. Flood Risk and Sustainable Drainage



Belfast Agenda priorities

- Living here
- City Development



Local Development Plan Strategic aims

- Shaping a liveable place
- A green and active place



Introduction

Background

- 12.1.** There is widespread potential in Northern Ireland for localised flooding. Significant flood events have occurred in the recent past. Sources of flooding include rivers, coastal flooding, surface water or pluvial flooding, and from impounded water bodies such as rivers and dams. Whilst flooding is a natural phenomenon that cannot easily be prevented, the planning system has an important role to play in natural flood risk management at catchment scale and also in local flood adaptation such as facilitating sustainable drainage in new development and redevelopment schemes.
- 12.2.** The council will consider the use of Developer Contributions to manage flood risk and provide appropriate drainage infrastructure including Sustainable Urban Drainage Systems (SuDs), where they are needed.
- 12.3.** The provision of SuDs can have a number of benefits, not only in terms of managing flood risk and improving city resilience in a more environmentally sensitive way, but also in relation to the promotion of biodiversity, health and wellbeing, water and air quality, amenity and connectivity. In this regard, there is potential overlap with the objectives of Chapters 10 (Sustainable Transport), 11 (Air Quality) and 13 (Natural Heritage). In addition, the inclusion of practical and appropriate SuDs and other resilience measures in development can have economic benefits by reducing project lifetime costs and impact on other infrastructure.

Policy context

12.4. The SPPS says that a central challenge in furthering sustainable development is mitigating and adapting to climate change. This includes avoiding development in areas vulnerable to flood risk, and promoting the development of green infrastructure and the use of SuDs to reduce flood risk and improve water quality¹⁹.

12.5. Paragraph 4.7 of the SPPS states:

'Networks of green spaces, commonly referred to as green infrastructure, provide a wide range of environmental benefits (in both rural and urban areas) including flood water storage, urban cooling, improved air quality and habitats for wildlife. Additionally, they can provide opportunities for social interaction by serving as a focal point for recreation and community activities. This green infrastructure should be designed and managed as a multifunctional resource capable of delivering on a wide range of environmental and quality of life benefits for communities.'

12.6. The main policy objectives of PPS15 include:

- seeking to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere;
- seeking to protect development that is permitted within flood risk areas by ensuring that adequate and appropriate measures are employed to mitigate and manage the flood risks to the development and elsewhere;
- supporting the retention and restoration of natural flood plains and natural watercourses as a form of flood alleviation and an important environmental and social resource, and ensure that this is recognised in the decision making process;
- promoting sustainable development through encouraging the use of sustainable drainage for new developments and redevelopment or regeneration schemes; and
- promoting an integrated and sustainable approach, both locally and at catchment scale, to the management of development and flood risk which contributes to:
 - the safety and wellbeing of everyone;
 - the prudent and efficient use of economic resources;
 - the conservation and enhancement of the natural environment and biodiversity; and
 - the conservation of archaeology and the built heritage

¹⁹ Paragraphs 3.10 to 3.13 of the Strategic Planning Policy Statement for Northern Ireland (2015)

Principles

When will Developer Contributions be sought?

- 12.7.** Applicants should consider flood risk and drainage at the very outset. They will need to comply with the policy requirements set out in the SPPS and PPS15.
- 12.8.** Policy FLD 1 of PPS15 provides policy on development within fluvial (river) and coastal flood plains. Development will only be permitted where the applicant demonstrates that the proposal constitutes an exception to the policy. Where the “Exceptions Test” is satisfied the applicant will be required to submit a Flood Risk Assessment. Part of the role of the Flood Risk Assessment is to demonstrate adequate measures to manage and mitigate any increase in flood risk arising from the development. Whilst on-site flood alleviation or adaption measures may be secured by condition, some may also need off-site measures. Such off-site works may need to be secured by Planning Agreement and this will inform the need for Developer Contributions. In addition, it is important to secure the proper future management of all flood alleviation or adaption measures. Therefore, arrangements to ensure their long-term effectiveness may also be subject to a Planning Agreement.
- 12.9.** Certain development proposals may need to be supported by a Drainage Assessment as required by Policy FLD 3 of PPS15. The Drainage Assessment should be used to inform how storm and surface water drainage will be dealt with and what drainage infrastructure will be needed. SuDs measures may include new ponds, swales, green roofs, rainwater harvesting and additional landscaping/tree planting. In this regard, whilst on-site SuDs measures may be secured by condition to help compensate for built development and hard surfaces, some may also need off-site SuDs measures. Such off-site works may need to be secured by a Planning Agreement and will inform the need for Developer Contributions. In addition, it is important to secure the proper future management of any SuDs measures, whether on-site or off-site, to ensure their long-term effectiveness. The developer will normally be expected to manage SuDs infrastructure with such arrangements secured by a Planning Agreement.
- 12.10.** Table 9, below, indicates the circumstances in which Developer Contributions may be needed to support the flood risk and drainage infrastructure needed to make new development acceptable.

Description of Proposal	Developer Contributions
Development requiring flood alleviation or adaption, or drainage infrastructure	<ul style="list-style-type: none"> <li data-bbox="874 1637 1385 1742">• In kind provision and/or financial contributions where the need arises because of the development

Table 9: Development requiring Developer Contributions in relation to flood risk and sustainable drainage

12.11. The council will identify the need for Developer Contributions in consultation with the Department for Infrastructure Rivers and, as appropriate, other partners.

12.12. It should be emphasised that the potential use of Developer Contributions is not a means to circumvent planning policy including the operational policies contained in PPS15. Instead, Developer Contributions will be used to support the application of policy.

Mechanism for Securing Developer Contributions

Principles

12.13. A planning condition will be used to secure flood management measures or drainage infrastructure within the site or on land controlled by the applicant (where there is prospect of the works being fulfilled). For off-site works or measures, Developer Contributions will normally be secured by a Planning Agreement.

12.14. Where a financial contribution is needed, this will be secured by a Planning Agreement. The value of the Commuted Sum will be proportionate to the capital cost of providing the obligation and an additional payment may also be needed towards future management and maintenance.

12.15. A Planning Agreement will also normally be used to secure the future management of any flood alleviation/adaption and SuDs measures, whether on-site or off-site.

13. Natural Heritage



Belfast Agenda priorities

- Living here
- Working and learning



Local Development Plan Strategic aims

- Shaping a liveable place
- A green and active place



Introduction

Background

- 13.1.** Sustaining and enhancing biodiversity is fundamental to furthering sustainable development. The Wildlife and Natural Environment Act (Northern Ireland) 2011 places a statutory duty on the council to further the conservation of biodiversity so far as is consistent with the proper exercise of its functions. The Northern Ireland Biodiversity Strategy and EU Biodiversity Strategy seek to halt the loss of biodiversity and ecosystems services by 2020.
- 13.2.** The council will consider the use of Developer Contributions to manage the environmental impacts of new development on biodiversity, as well as to further the conservation of biodiversity, where it is appropriate to do so.

Policy context

- 13.3.** The SPPS recognises that the planning process has an important role to play in working towards the restoration of and halting the loss of biodiversity. The SPPS sets out the approach that councils should take in assessing development proposals that affect natural assets that are internationally, nationally and locally protected.
- 13.4.** There may be exceptional circumstances where the benefits of a development proposal are considered to outweigh the value of the natural heritage assets when assessed in the round. In such cases, appropriate environmental mitigation may be needed. This approach is reflected by PPS2. Where considered necessary, compensatory measures may be agreed by a planning condition or Planning Agreement.
- 13.5.** Table 3 in Part 3 of Volume 1 of the BMAP Plan Strategy & Framework sets out the International and National Nature Conservation Designations within Belfast, including Ramsar and Special Protection Areas; Areas of Special Scientific Interest; and Areas of Scientific Interest. BMAP also establishes 61 Sites of Local Nature Conservation Importance across Belfast.

13.6. Policy ENV 1 of BMAP relates to the management of development in Local Landscape Policy Areas. It states that: ‘In designated Local Landscape Policy Areas (LLPAs) planning permission will not be granted for development that would be likely to have a significant adverse effect on those features, or combination of features, that contribute to the environmental quality, integrity or character.’

Principles

When will Developer Contributions be sought?

13.7. The impacts of new development on natural heritage and biodiversity will be considered on a case by case basis. As indicated in Table 10, below, there is no set threshold above which Developer Contributions will be sought in respect of managing the environmental impacts of development on natural heritage assets. Applicants should complete the official Biodiversity Checklist which will help them identify if a development proposal is likely to adversely affect any biodiversity and natural heritage interests and whether further ecological assessments/surveys are required. Developer Contributions may be required towards ecological management, mitigation, monitoring or compensation.

Description of Proposal	Developer Contributions
Development that requires natural heritage to be mitigated and/or compensated	<ul style="list-style-type: none"> In kind provision and/or financial contributions where the need arises because of the development

Table 10: Development requiring Developer Contributions in relation to natural heritage

13.8. The council will identify the need for Developer Contributions in consultation with the Northern Ireland Environment Agency (“NIEA”) and, as appropriate, other partners.

13.9. It should be emphasised that the potential use of Developer Contributions is not a means to circumvent planning policy including the operational policies contained in PPS8. Instead, Developer Contributions will be used to support the application of policy.

Biodiversity Checklist

13.10. Applicants will be required to complete the NIEA’s “Biodiversity Checklist” to help establish the likely impacts of new development on natural heritage assets and whether they should seek further specialist advice from a consultant ecologist. This will in turn inform whether Developer Contributions are an appropriate means to deal with the environmental impacts that would result from the proposal.

Mechanism for Securing Developer Contributions

Principles

- 13.11.** Measures needed to manage or compensate the impacts of new development on natural heritage including biodiversity will be secured either by planning condition or Planning Agreement. A negatively worded “Grampian” condition will be used where there is prospect of the works being fulfilled within the agreed timeframe.
- 13.12.** A Planning Agreement will normally be used to secure works on private third-party land and the provision of a Commuted Sum towards management, mitigation, monitoring or compensation. The value of the Commuted Sum will be proportionate to the capital cost of providing the obligation and an additional payment will likely be needed towards future management and maintenance.

14. Planning, Archaeology and the Built Heritage



Belfast Agenda priorities

- Living here
- Working and learning



Local Development Plan Strategic aims

- Shaping a liveable place
- A green and active place



Introduction

Background

14.1. Archaeological and built heritage assets such as tombs and ring forts, historic and vernacular buildings, planned parklands, buildings and features associated with industrial heritage, are all important sources of information about our past, and are often significant landmarks in the present townscape and countryside. This archaeological and built heritage constitutes an irreplaceable record which contributes to our understanding of both the present and the past and is an important economic resource. Their presence usually adds to the quality of our lives and promotes a sense of local distinctiveness which is an important aspect of the character and appearance of cities, towns, villages and the countryside. The preservation and enhancement of heritage assets is enshrined in legislation and supported by regional and local planning policy.

14.2. The council will consider the use of planning conditions and planning agreements to manage and mitigate the impacts of new development on archaeology and built heritage assets, where it is necessary to do so.

Policy context

14.3. The SPPS says that the planning system has a key role in the stewardship of our archaeological and built heritage. The aim of the SPPS in relation to Archaeology and Built Heritage is to manage change in positive ways so as to safeguard that which society regards as significant whilst facilitating development that will contribute to the ongoing preservation, conservation and enhancement of these assets.

14.4. The regional strategic planning objectives are to:

- secure the protection, conservation and, where possible, the enhancement of our built and archaeological heritage;
- promote sustainable development and environmental stewardship with regard to our built and archaeological heritage; and

- deliver economic and community benefit through conservation that facilitates productive use of built heritage assets and opportunities for investment, whilst safeguarding their historic or architectural integrity.

- 14.5.** PPS6 sets out regional planning policies for the protection and conservation of archaeological remains and features of the built heritage. Policy BH3 of PPS6 relates to archaeological assessment and evaluation. Where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, Policy BH3 requires developers to provide further information in the form of an archaeological assessment or an archaeological evaluation.
- 14.6.** Policy BH4 of PPS6 relates to archaeological mitigation. Where it is decided to grant planning permission for development which will affect sites known to contain archaeological remains, the council will impose a condition to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including, where appropriate, the completion of a licensed excavation and recording of remains before development commences.
- 14.7.** Archaeological assessment, evaluation and mitigation will need to be funded and carried out by the applicant.
- 14.8.** Paragraph 10.2 of PPS6 refers to the use of Planning Agreements. It states that they ‘...may be used in association with development proposals which affect the archaeological or built heritage. For example planning permission could be granted for a development, where by means of a planning agreement, the developer agrees to restore a listed building on the same site.’
- 14.9.** The SPPS provide advice on enabling development²⁰. Enabling Development is a development proposal that is contrary to established planning policy and in its own right would not be permitted. Such a proposal may however be allowed where it will secure the long term future of a significant place and will not materially harm its heritage value or setting. Enabling development typically seeks to subsidise the cost of maintenance, major repair, conversion to the optimum viable use of a significant place where this is greater than its value to its owner or market value. The justification for allowing the enabling development lies in the over-riding public benefit to the conservation of the significant place and its sustainable future use which would be derived from the implementation of the principal proposal which otherwise would have little prospect of being carried out.
- 14.10.** PPS23 sets out planning policy for assessing proposals for Enabling Development in support of the re-use, restoration or refurbishment of heritage assets such as historic buildings, scheduled monuments, industrial heritage and historic parks, gardens and demesnes. Consistent with the definition provided by the SPPS, PPS23 states that the justification for allowing the enabling development lies in the over-riding public benefit to be derived from the implementation of the principal proposal which otherwise would have little prospect of being carried out.

²⁰ Paragraphs 6.25 and 6.26 of the Strategic Planning Policy Statement for Northern Ireland 2015

Principles

When will Developer Contributions be sought?

14.11. The impacts of new development on archaeology and built heritage will be considered on a case by case basis. As indicated in Table 11, below, there is no set threshold above which Developer Contributions will be sought in respect of managing or mitigating the environmental impacts of development on heritage assets, including provision of enabling works. Information on archaeology and built heritage assets, including what they are and where they can be found, is publicly available (see paragraph 14.14 below).

Description of Proposal	Developer Contributions
Development that requires impacts on archaeology or built heritage assets to be managed or mitigated	<ul style="list-style-type: none"> In kind provision and/or financial contributions where the need arises because of the development
Enabling development to support the long term future of a significant place where there is overriding public benefit	<ul style="list-style-type: none"> In kind provision and/or financial contributions to secure the conservation works necessary to make the enabling development acceptable

Table 11: Development requiring Developer Contributions in relation to archaeology and built heritage

14.12. The council will identify the need for Developer Contributions in consultation with the Department for Communities and, as appropriate, other partners.

14.13. It should be emphasised that the potential use of Developer Contributions is not a means to circumvent planning policy including the operational policies contained in PPS6. Instead, Developer Contributions will be used to support the application of policy.

Heritage Asset Resources

14.14. The Department for Communities *Historic Environment Map Viewer* can be used to identify the location of and find out information about the following heritage assets:

- Listed Buildings;
- Scheduled Monuments;
- Historic Park and Gardens;
- Industrial history;
- Sites of Significant Archaeological Interest; and
- Sites of Potential Archaeological Interest.

14.15. The Department for Communities' Buildings Database provides information about Listed Buildings including listing descriptions.

14.16. Draft BMAP shows the location of Conservation Areas and Areas of Townscape Character on the proposals maps.

Mechanism for Securing Developer Contributions

Principles

- 14.17.** Archaeological assessment or evaluation may need to be carried out before a decision on the application can be made. Investigation should be carried out prior to the application being made so that the council has all the available information at the beginning of the application process. Further advice on the level of information required can be obtained from the Department for Communities or Planning Service as part of a Pre-Application Discussion.
- 14.18.** Where the need for archaeological mitigation is identified, this will normally be secured by means of a planning condition (where there is prospect of the works being completed).
- 14.19.** Similarly, the provision of interpretation boards to help the public understand the significance of heritage assets will normally be secured by a planning condition.
- 14.20.** The need for a developer to carry out enabling works to a significant place (such as a scheduled monument, archaeological remains, historic building, any historically related contents, industrial heritage, conservation areas or a historic park, garden or demesne) will be secured by means of a planning condition where there is a prospect that the works can be implemented within the necessary timescale or by way of a Planning Agreement where the works are to be carried out on third party land.
- 14.21.** Public access to heritage assets, where needed as part of the scheme, will normally be secured by a Planning Agreement.

15. Waste Management



Belfast Agenda priorities

- Living here



Local Development Plan Strategic aims

- Shaping a liveable place



Introduction

Background

- 15.1.** It is inevitable that where there are people there is waste. The planning system has a very important role to play in ensuring that waste is appropriately managed through good design and the provision of appropriate infrastructure.
- 15.2.** Sustainable waste management is essential for the health and wellbeing of society and our quality of life. The management of waste is an important requirement of modern society and yet it has the potential to result in pollution of air, land and water. Waste management and associated development can therefore raise sustainability concerns. Similarly, the disposal of products derived from non-renewable resources, which could potentially be reused, conflicts with the principle of sustainable development and the European Waste Hierarchy.
- 15.3.** Northern Ireland Waste Management Strategy – “Delivering Resource Efficiency” – emphasises that waste is a resource and an opportunity, rather than a burden. The strategy recognises that smarter use of scarce resources is both a strategic necessity and an economic opportunity. It sets out the EU Waste Framework Directive (WFD) target of recycling (including preparing for re-use) 50% of household waste by 2020.
- 15.4.** The council will consider the use of Developer Contributions to ensure that new development is supported by sustainable waste infrastructure; and to help mitigate the environmental effects of new waste management facilities.

Policy context

- 15.5.** Paragraph 6.310 of the SPPS sets out the regional objectives for waste management:
 - promote development of waste management and recycling facilities in appropriate locations;

- ensure that detrimental effects on people, the environment, and local amenity associated with waste management facilities (e.g. pollution) are avoided and minimised; and
- secure appropriate restoration of proposed waste management sites for agreed after-uses.

15.6. PPS11 provides advice on the provision of new waste management facilities. Paragraph 1.20 states that:

‘The precautionary principle, outlined in Planning Policy Statement 1, General Principles, advises that where there are significant risks of damage to the environment associated with a development proposal, its protection will be paramount unless there are imperative reasons of overriding public interest. In some cases, it may be possible to grant planning permission for a particular waste management facility subject to conditions and/or a planning agreement to mitigate or compensate for any adverse environmental effects. The polluter pays principle means that polluters should pay the full costs of any measures required to protect the environment as a result of their actions.’

Principles

When will Developer Contributions be sought?

- 15.7.** As indicated in Table 12, below, the council will consider the use of Developer Contributions in making sure that new development is supported by sustainable waste infrastructure; and to ensure that the environmental impacts of new waste management facilities are appropriately managed.
- 15.8.** In considering development proposals for new waste management facilities, the council will apply the precautionary principle and advice contained in PPS11. The council will look to ensure that measures needed to mitigate or compensate any adverse environmental effects expected to result from waste management facilities are secured as part of the planning permission. These may take the form of Developer Contributions and will be assessed on a case by case basis.

Description of Proposal	Developer Contributions
Development that requires new or improved sustainable waste management to support it	<ul style="list-style-type: none"> • In kind provision and/or financial contributions where the need arises because of the development
Development that requires management of the environmental effects of new waste management facilities	<ul style="list-style-type: none"> • In kind provision and/or financial contributions where the need arises because of the development

Table 12: Development requiring Developer Contributions in relation to waste management

- 15.9.** The Planning Service will assess the need for Developer Contributions to either support new development; or manage the environmental effects of new waste management facilities, in consultation with other areas of the council and the Northern Ireland Environment Agency.

Supporting New Sustainable Waste Infrastructure

Principles

- 15.10.** Waste management should be integral to the overall design of a proposal and not an after-thought. Developers should therefore consider the waste infrastructure needs of new development at the outset. The council's Pre-Application Discussion service may be used to discuss waste management issues at an early stage.
- 15.11.** Developers should refer to regional guidance, Local Government Waste Storage Strategy, when considering the design of waste management. This guidance encourages innovative solutions to waste management that reduce costs, promote transport sustainability and minimise the impact on the public realm.
- 15.12.** Developers will be expected to provide sustainable waste management facilities within their scheme and/or contribute to the improvement of existing waste management infrastructure that will support it.
- 15.13.** The council encourages developers to discuss their approach to waste management with the Planning Service as part of a Pre-Application Discussion.

Managing the Impacts of Waste Management Facilities

Principles

- 15.14.** New waste management facilities may give rise to environmental impacts that will need to be managed if the development is to be acceptable. In assessing proposals, the council will apply the precautionary principle and advice contained in PPS11.
- 15.15.** The council will ensure that measures needed to mitigate or compensate any adverse environmental effects expected to result from waste management facilities are secured as part of the planning permission. These may take the form of measures directly provided by the developer ("in kind contributions") or a commuted sum to be used to manage the environmental impacts. The approach will be assessed on a case by case basis.

Mechanism for Securing Developer Contributions

Principles

- 15.16.** Developer Contributions needed in connection with waste management will either be secured by a planning condition or Planning Agreement.
- 15.17.** A negatively worded "Grampian" condition will be used where there is prospect of the works or objective being fulfilled within the agreed timeframe.
- 15.18.** A Planning Agreement will normally be used to secure works on private third-party land or the provision of a Commuted Sum towards management, mitigation or monitoring. The value of the Commuted Sum will be proportionate to the capital cost of providing the obligation and an additional payment may also be needed towards future management and maintenance.

Supporting new Sustainable Waste Infrastructure

Principles

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- 15.12.** Developers will be expected to provide sustainable waste management facilities within their scheme and/or contribute to the improvement of existing waste management infrastructure that will support it.
- 15.13.** The council encourages developers to discuss their approach to waste management with the Planning Service as part of a Pre-Application Discussion.

Managing the impacts of Waste Management Facilities

Principles

- 15.14.** New waste management facilities may give rise to environmental impacts that will need to be managed if the development is to be acceptable. In assessing proposals, the council will apply the precautionary principle and advice contained in PPS11.
- 15.15.** The council will ensure that measures needed to mitigate or compensate any adverse environmental effects expected to result from waste management facilities are secured as part of the planning permission. These may take the form of measures directly provided by the developer ("in kind contributions") or a commuted sum to be used to manage the environmental impacts. The approach will be assessed on a case by case basis.

Mechanism for securing Developer Contributions

Principles

- 15.16.** Developer Contributions needed in connection with waste management will either be secured by a planning condition or Planning Agreement.
- 15.17.** A negatively worded "Grampian" condition will be used where there is prospect of the works or objective being fulfilled within the agreed timeframe.
- 15.18.** A Planning Agreement will normally be used to secure works on private third-party land or the provision of a Commuted Sum towards management, mitigation or monitoring. The value of the Commuted Sum will be proportionate to the capital cost of providing the obligation and an additional payment may also be needed towards future management and maintenance.

16. The Planning Application Process

Pre-Applications

Pre-Application Discussions

- 16.1.** The council encourages applicants to discuss their proposals with its Planning Service, communities and statutory consultees before they make a planning application. This adds value to the planning process by improving the quality of the proposals and allowing applicants the opportunity to amend their emerging proposals to accommodate community and stakeholder opinion. This seeks to ensure that all parties are clear on the process that leads to a decision²¹.
- 16.2.** The council offers a formal Pre-Application Discussion (PAD) service²² so that applicants can discuss their proposal with a Planning Officer, other council services, statutory consultees and other partners. Although non-binding on the final outcome of the planning application, Pre-Application Discussions are an extremely useful tool in helping to identify issues early which can improve the quality of proposed schemes, thereby speeding up the application process.
- 16.3.** Where they are relevant, Developer Contributions should be discussed as part of the PAD process. We will help applicants identify what Developer Contributions are relevant to their proposal, what information needs to be provided with their application and how Developer Contributions will be secured as part of the planning permission, if granted.
- 16.4.** The PAD process can also be used to begin drafting the Planning Agreement, which might be required to secure the Developer Contributions once planning permission has been permitted. However, it should be made clear that any work carried out at the pre-application stage is without prejudice to the outcome of the planning application which will be subject to consultation and will follow due process.

Community Engagement

- 16.5.** There is a statutory requirement for applicants to engage with communities prior to submitting applications for Major development²³. Although not all development proposals will fall within this statutory definition of Major development, pre-application community and stakeholder consultation is highly recommended. Developers should therefore consider the need for engagement beyond the minimum level to increase the likelihood of delivering successful development proposals, through better understanding of local concerns and circumstances. This early engagement ensures action can be taken to address issues before a detailed scheme is finalised, including those relating to infrastructure impacts and Developer Contributions. Further guidance on community engagement is provided by

²¹ Paragraph 1.1 of Development Management Practice Note 10: Pre-Application Community Consultation

²² Details of the Council's Pre Application Discussion service can be found at <http://www.belfastcity.gov.uk/buildingcontrol-environment/Planning/pad.aspx>

²³ Section 27 of the Planning Act (Northern Ireland) 2011

Planning Applications

Supporting Information

- 16.6.** In accordance with the council's Application Checklist²⁴, and where relevant, applicants will be expected to set out their approach to Developer Contributions when they make their application. Applicants should include the following information in their Planning Statement:
- how infrastructure or environmental impacts are to be dealt with by the application;
 - the types of Developer Contributions that apply;
 - the detailed provisions that are to be made for Developer Contributions as part of the development proposal;
 - Heads of Terms for the Planning Agreement that may be required to secure the Developer Contributions; and
 - justification if Developer Contributions cannot be met in full – the applicant will be expected to provide a Viability Appraisal (see Section 17 Viability).
- 16.7.** The Planning Officer will confirm which Developer Contributions are applicable to the application as part of the application process. Contributions will be negotiated where they are necessary to make the development proposal acceptable and are directly proportionate to the impacts of the development. Once agreed with the applicant, the type and level of Developer Contributions will be reported in the Planning Officer's report with the final decision either delegated or made by the Planning Committee.

Planning Agreements

- 16.8.** Planning permission will not be issued until the Planning Agreement that secures the Developer Contributions has been signed by all relevant parties. The applicant will be expected to pay all the council's reasonable legal costs in completing the Planning Agreement. The council's Legal Services will not commence work on the Planning Agreement until the applicant has submitted a written undertaking to confirm this.
- 16.9.** Where Developer Contributions involve payment of a Commuted Sum, appropriate triggers for when payment is due will be inserted into the agreement. The Commuted Sum will be index linked to ensure future payments take account of inflation so that the value of the contribution continues to match the cost of provision.
- 16.10.** Depending on the nature of the Developer Contribution, the council will normally require payment of a monitoring fee for monitoring compliance with completed Planning Agreements. This will be secured as part of the Planning Agreement and will be expected to be paid upon commencement of development.

²⁴ The Application Checklist can be found at <https://www.belfastcity.gov.uk/buildingcontrol-environment/Planning/application-checklist.aspx>

Refusal of Permission

16.11. If an applicant is unwilling to provide Developer Contributions in accordance with planning policy and this Framework and they are unable to provide justification for not doing so, the application will be refused.

Post-decision

Monitoring

16.12. The council will proactively monitor completed Planning Agreements to ensure that they are properly implemented and that the obligations contained within them are discharged.

Registering the Planning Agreement

16.13. Once a Planning Agreement is signed the council will register it on the Statutory Charges Register as required by Section 245 of the Act. The purpose is to make the Planning Agreement a matter of public record and that its provisions are enforceable against successive owners of the site to which the agreement relates to. The council will notify the Land Registry of any modifications to, or discharge of, the Planning Agreement.

Modification or Discharge of Planning Agreements

16.14. In accordance with Section 77 of the Act, the developer may formally apply to modify or discharge a Planning Agreement after a period of five years from when it is signed and completed or such other period specified in the agreement.

16.15. The council will provide informal written confirmation of the status of compliance with the obligations contained in the Planning Agreement if requested to do so.

Appeals

16.16. Section 78 of the Act sets out the right of appeal against the council's determination under Section 77 to modify or discharge a Planning Agreement. An appeal must be lodged within 16 weeks if no determination is made or, where a determination is made, within four months of the date of the notice of the determination.

Enforcement

16.17. Section 76 of the Act allows the council to take action against the person entering the Planning Agreement and any person deriving title from that person.²⁵ The council will enforce obligations through the relevant legal channels, once all other reasonable approaches to remedying a failure to comply have been explored. There is no time limit for enforcement action against the breach of a Planning Agreement.

²⁵ Persons who no longer have an estate in the relevant land cease to be bound by the planning agreement and therefore cannot be subject to the enforcement action as specified by Section 76(5) of the Act.

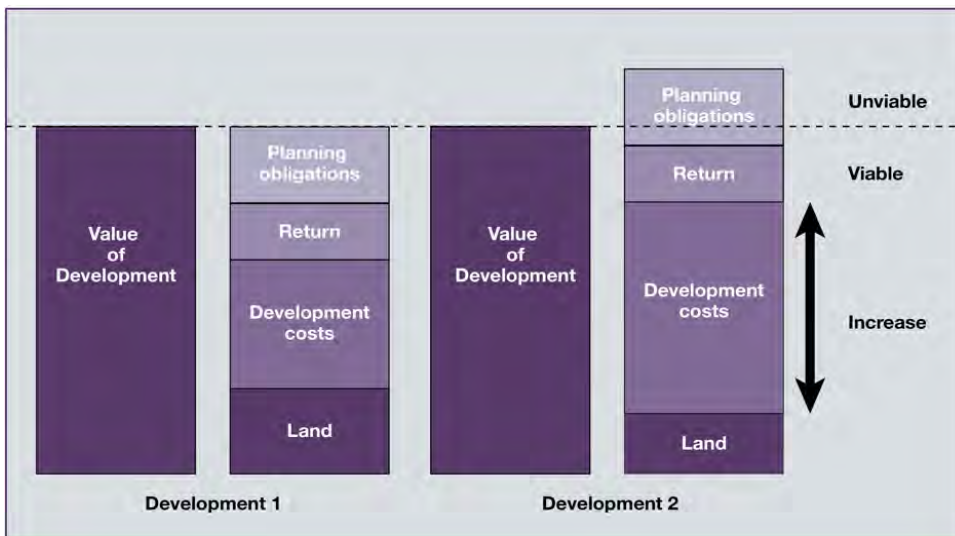
17. Viability

What is Viability?



“An individual development can be said to be viable if, after taking account of all costs, including central and local government policy and regulatory costs and the costs and availability of development finance, the scheme provides a competitive return to the developer to ensure that development takes place and generates a land value sufficient to persuade a land owner to sell the land for the development proposed. If these conditions are not met, a scheme will not be delivered.”²⁶

- 17.1. The council recognises the importance of viability if development proposals are to go ahead. The viability of a scheme is a material planning consideration and will be taken into account when considering the need for Developer Contributions.
- 17.2. Although applicants will be expected to provide, pay for, or contribute towards infrastructure provision where the need arises as a result of a development proposal, there may be occasions where schemes are unable to provide all the necessary Developer Contributions whilst still remaining viable. Table 13 below illustrates two development scenarios where Development 1 is viable and Development 2 is not ²⁷.



²⁶ **Local Housing Delivery Group**, *Viability Testing in Local Plans – Advice for planning practitioners* (LGA/HBF – Sir John Harman), June 2012

²⁷ The RICS viability guidance sets out the basic viability graphic demonstrating when development is viable and when it is not. This graphic illustrates the planning obligations ‘bar’ crossing the viability line.

17.3. For development proposals that are unviable, such as illustrated in Development 2 above, it will not automatically follow that Developer Contributions will be reduced or even waived. The other “cost assumptions” of the development will need to be thoroughly examined and tested before such options are considered. For example, applicants will be expected to factor in the costs of a planning policy compliant scheme, including the requirement to deliver Developer Contributions, at the land purchase stage. In their Viability Appraisal, the applicant will need to demonstrate a reasonable approach to development costs such as the cost of materials, labour, professional fees, borrowing and any abnormal costs; the price they are paying for the land and the expected return (profit) to the developer. Where the cost of materials is reduced to support viability, this should not be at the expense of good quality design.

Considering Viability

17.4. Developer Contributions will be negotiated between the applicant and council on a case by case basis. If the applicant believes that their development proposals are unable to support the level of contribution required by the council, they will need to justify this and demonstrate why with evidence. The application will need to be supported by a Viability Appraisal that sets out why a lower level of contribution, or if relevant no contribution at all, can be provided. A Viability Appraisal Checklist is provided at Appendix A as a guide to the level of information that the applicant should provide. The form and content of a viability appraisal can be discussed with the Planning Officer as part of any negotiations including at the Pre Application Discussion stage.

17.5. The council may seek an independent review of the applicant’s viability appraisal to verify the analysis, the cost of which will be met by the applicant. Viability will be considered having regard to current best practice.

Deferring, Reducing or Waiving Contributions

17.6. Developer Contributions are sought on the basis that they are necessary to make development acceptable. Where the council accepts that a development proposal will be unviable if full Developer Contributions are sought, the following options will be considered in order:

- i) **Deferred timing of contributions** – this option would be explored first before seeking to reduce the level of contribution. It may be that a delay in the timing or phasing of delivery of a planning obligation may enable a proposed development to remain viable. For example, the need to provide Public Open Space within a new residential development might be deferred until occupation of 25% of the houses so that the developer can use the receipts from the sale of the houses to help fund the developer contribution;
- ii) **Reduced level of contributions** – where measures outlined in the above option are not sufficient to enable a development to remain viable, then a reduction in the level of contribution may be considered. Any reduction would be limited to the minimum necessary for the scheme to remain viable. If more than one type of contribution is needed, the council will determine which contributions will be reduced and by how much on a case by case basis. The council may consider the need for a review mechanism to be built into the Planning Agreement to re-assess the viability of the scheme at a set point in

the future, taking account of prevailing market conditions at that time. If the market conditions improve then the value of the contribution may be able to be increased;

iii) **Waiving of contributions** – the council will consider the removal of all Developer Contributions in only exceptional circumstances and as a last resort. Again, the council may consider the use of a review mechanism in the Planning Agreement to re-assess the viability of the scheme at a set point in the future.

17.7. In considering each of the above options in turn, the council will assess whether deferral, reduction or removal of contributions in their entirety would render the development proposal unacceptable in planning terms bearing in mind the premise that the obligation is necessary to make the development acceptable. In considering this issue, the council will have regard to the Local Development Plan and all other relevant material considerations.

17.8. If the applicant is unable to provide sufficient justification for varying the timing or level of Developer Contributions, planning permission will be refused.

Appendix A: Viability Appraisal Checklist

1. Overview of Proposal		
Brief description of the proposed development / redevelopment	Including site area (ha), development details and reasons why the applicant considers there is an economic case for lower levels of Developer Contributions than those sought.	
Address and site location plan	With a site boundary plan including the GROSS site area (in hectares/acres) and NET development area (in hectares/acres).	
Total Number of Dwellings	Type, square metre size, number of beds and mix, including proposed number, type, size and mix of Affordable Housing.	
Total Gross Internal Area	Calculated in accordance with the RICS code of measuring practice to the new buildings to be built/converted/refurbished (in square metres/square feet).	
2. Development Revenues		
Market Values	Market values of sale units (per unit or by size of unit per sqm basis) with total revenue for the whole site. Please include a summary sales specification and indicate the car parking (number and type) to be provided per unit; also include details of ground rents, service charges.	
Sales Revenues	For other mixed-use elements with calculation to give capital values including rental stream and yields used.	
Value of around rents / leases	Type, square metre size, number of beds and mix, including proposed number, type, size and mix of Affordable Housing.	
Service charge information	Calculated in accordance with the RICS code of measuring practice to the new buildings to be built /converted /refurbished (in square metres/square feet).	
NB. All sales information should be supported by professional evidence of values for comparable units in the area of the development, for independent verification on a unit-by-unit basis (e.g. one bed two person flat with balcony, view, car space etc.).		
3. Development Costs		
Land Costs	Market value of the application site	
Build Costs	Cost of units, with detailed cost plan to support the headline	
Site infrastructure costs	i.e. roads, sewers, services, highways/access, landscaping,	
Abnormal Costs (if applicable)	With supporting professional evidence.	
Contingency sum or %		
Professional fees identified by specialism together with supporting information of appointment.		
This should include:	% of:	
Professional fees		
Agency and Marketing (Open Market)	GDV	
Agency and Marketing (Commercial)	GDV	
Legal costs associated with disposals	% GDV or £'s per unit	
Finance – Debit interest	Borrowing	
Finance – Credit interest	Any development surplus	
Developer's return (profit) for market	GDV or cost	
Developer's return (profit) for commercial	GDV or cost	
Other (please specify)		

This is an example checklist which may be revised on a case by case basis to take into account specific viability issues with may arise in respect of individual applications.

Appendix B: Glossary

<p>Affordable Housing</p>	<p>For the purposes of the SPPS, ‘affordable housing’ relates to social rented housing and intermediate housing. These are defined as follows:</p> <p>Social Housing is housing provided at an affordable rent by a Registered Housing Association; that is, one which is registered and regulated by the Department for Social Development as a social housing provider. Social rented accommodation should be available to households in housing need and is offered in accordance with the Common Selection Scheme, administered by the Northern Ireland Housing Executive, which prioritises households who are living in unsuitable or insecure accommodation.</p> <p>Intermediate Housing helps households who can afford a small mortgage, but that are not able to afford to buy a property outright, to become homeowners. At present this includes ‘shared ownership’ housing and ‘rent to own’ housing, although the exact definition of intermediate housing may change over time to incorporate other forms of housing tenure below market rates aimed at helping assist households into affordable housing.</p> <p>This definition of Intermediate Housing may change over time to incorporate other forms of housing tenure below open market rates.</p>
<p>Belfast Agenda (Community Plan)</p>	<p>The Belfast Agenda is the city’s first Community Plan and was published in November 2017. The Belfast Agenda was created by a partnership of key city partners, residents and community organisations. The plan sets out the city’s joint vision and long-term ambitions for Belfast’s future, as well as outlining priorities for action over the next four years.</p>
<p>Community infrastructure</p>	<p>The health, leisure, educational and welfare facilities and services that serve and help to sustain a community. These include cultural and youth centres, leisure and sports grounds, community allotments, places of worship, cemeteries, surgeries and health facilities and educational facilities, such as nurseries, schools and colleges.</p>
<p>Committed Sum</p>	<p>A financial payment made to the council, Department or other party to mitigate or off-set the impacts of a development proposal. A committed sum is a form of Developer Contribution and must be secured by way of a Planning Agreement under Section 76 of the Planning Act (Northern Ireland) 2011.</p>
<p>Creating Places</p>	<p>Creating Places is a best practice guide describing the contributions to quality and sustainability that developers in Northern Ireland will be expected to make through the design of new residential developments.</p>
<p>Developer Contribution</p>	<p>A contribution, either financial or in kind, which may be used to ensure that new development is supported by the right infrastructure or to make sure that the environmental impacts of proposals are appropriately managed.</p>
<p>Grampian condition</p>	<p>A condition worded in a negative form i.e. prohibiting development authorised by the planning permission (e.g. commencement of development or occupation of premises) until a specified action has been taken (such as the provision of supporting infrastructure). Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.</p>

Green and Blue Infrastructure	Green and Blue Infrastructure is a phrase used to describe all green and blue spaces in and around our towns and cities. The term enables the consideration of the collective value of all of these spaces together. Constituent elements of green and blue infrastructure include parks, private gardens, agricultural fields, hedges, trees, woodland, green roofs, green walls, rivers and ponds. The term covers all land containing these features, regardless of its ownership, condition or size. It is all green and blue spaces in and around our towns and cities.
Infrastructure	The transport, community, health, leisure, nurseries and educational facilities and services that serve and help to sustain a community.
Material Consideration	Any factor that can be considered relevant when making a planning decision as to whether to grant or refuse an application for planning permission. There is no legal definition for what constitutes a material consideration but they are understood through case law to include any consideration which relates to the use and development of land. Whether a particular consideration is material in any given case will depend on the circumstances.
Major development	As described in the Schedule in <u>The Planning (Development Management) Regulations (Northern Ireland) 2015</u>
Open Space	All open space of public value, including green infrastructure and civic space, as set out in the Belfast Open Space Strategy. It also includes inland bodies of water such as rivers, canals and reservoirs that offer important opportunities for sport and outdoor recreation and can also act as a visual amenity.
Planning Agreement	A legally binding agreement between the relevant parties, normally between the applicant, landowner and council. Planning Agreements are used to secure a Planning Obligation, such as Developer Contributions, where it is not possible to do so by a planning condition. The Planning Agreement must be signed and completed before the planning permission can be issued. (Section 76 of the Planning Act NI 2011)
Planning Authority	A council, the Department for Infrastructure or Planning Appeals Commission.
Planning Obligation	A planning requirement necessary to make development acceptable. Planning Obligations are secured by a Planning Agreement and run with the land (the application site) in perpetuity. They may be enforced by the council against the original covenantor and its successors in title.
Pre-Application Community Consultation (PACC)	For Major development proposals, applicants must undertake community consultation before submitting their planning application to help to create better quality developments and place making from the outset. This process is referred to as “Pre-Application Community Consultation”.
Pre-Application Discussion	The council provides a PAD service to give opportunity for an applicant or developer to discuss their proposal with a Planning Officer before making a planning application. A PAD adds value to the planning process by improving the quality of the proposal and allowing applicants the opportunity to amend their emerging proposals to accommodate community and stakeholder opinion.
Proposal of Application Notification (PAN)	For Major development proposals, developers are required to submit a ‘Proposal of Application Notice’ 12 weeks before submitting a formal planning application, explaining how they will engage with the local community. The council then has 21 days to consider the proposal and can either confirm their acceptance of the proposal or direct the applicant to modify their approach.

Public Realm	The space between buildings where people have free access (whether publicly or privately owned), such as streets and public squares.
Social Housing	Housing provided at an affordable rent by a registered Housing Association; that is, one which is registered and regulated by the Department for Communities as a social housing provider. Social rented accommodation should be available to households in housing need and is offered in accordance with the Common Selection Scheme, administered by the NIHE, which prioritises households who are living in unsuitable or insecure accommodation.
Statement of Community Involvement (SCI)	The SCI sets out how and when the council will engage with the local community in both the preparation of planning policy and decisions around planning applications.
Strategic Environmental Assessment (SEA)	The SEA is set out in European Directive 2001/42/EC and is transposed into Northern Ireland law by the 'Environmental Assessment of Plans and Programmes Regulations (NI) 2004 (EAPP (NI) 2004). The SEA is a procedure that contributes to the integration of environmental considerations in the preparation and adoption of plans and programmes.
Supplementary Planning Guidance	Guidance to support, clarify and/or illustrate by example planning policy statements and plans. This can take the form of design guides or guides prepared for Conservation Areas and the suite of DCANs. Where relevant to a particular development proposal supplementary planning guidance will be taken into account as a material consideration in making decisions.
Viability	A development can be said to be viable if, after taking account of all costs, including central and local government policy and regulatory costs and the costs and availability of finance, the scheme provides a competitive return to the developer to ensure that development takes place and generates a land value sufficient to persuade a land owner to sell the land for the development proposed. If these conditions are not met, a scheme will not be delivered.
Viability Appraisal	An assessment supported by evidence that demonstrates whether a development proposal is viable. A Viability Appraisal is submitted by an applicant in support of their planning application. The council may seek an independent review of the Viability Appraisal, the cost of which will be met by the applicant.

Appendix C: Useful References

Legislation

[Planning Act \(Northern Ireland\) 2011](#)

[Planning \(Modification and Discharge of Planning Agreement\) Regulations \(Northern Ireland\) 2015](#)

[The Planning \(Development Management\) Regulations \(Northern Ireland\) 2015](#)

Regional Planning Policy

[Regional Development Strategy 2035 \(RDS\)](#)

[Strategic Planning Policy Statement for Northern Ireland \(SPPS\)](#)

[Planning Policy Statements](#)

[Creating Places](#)

[Living Places](#)

Local Planning Policy

[Draft Belfast Metropolitan Area Plan \(BMAP\)](#)

[Houses in Multiple Occupation Subject Plan \(2015\)](#)

[Belfast Local Development Plan](#)

[Purpose Built Managed Student Accommodation in Belfast – Supplementary Planning Guidance](#)

Non-statutory Policy Context

[Belfast Agenda \(Community Plan\)](#)

[Belfast City Centre Regeneration and Investment Strategy](#)

[Belfast City Council Corporate and Improvement Plan 2017-2021](#)

[Belfast Cultural Strategy 2020-2030: A City Imagining](#)

Guidance

[Biodiversity Checklist \(NIEA\)](#)

[Development Management Practice Note 10: Pre-Application Community Consultation \(and Pre-Application Discussions\)](#)

[Development Management Practice Note 20: Use of Planning Conditions](#)

[Development Management Practice Note 21: Section 76 Planning Agreements](#)

[Environmental Protection UK and the Institute of Air Quality Management \(2017\), Land-use Planning & Development Control: Planning For Air Quality](#)









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