

**BELFAST CITY COUNCIL'S RESPONSE TO ISSUES
RAISED FOLLOWING PAC'S INITIAL ASSESSMENT OF
THE DRAFT PLAN STRATEGY**

31ST JULY 2020

Introduction

1. This submission is made in response to correspondence from the PAC dated 3rd July 2020 which sets out issues raised by the Commissioners following their initial assessment of the draft Plan Strategy (dPS).
2. The Commissioners have requested that the Council provide further information in relation to the issues raised in their correspondence, in order to assist the Independent Examination (IE). Whilst, in an effort to assist the Commissioners as much as possible, the Council has endeavoured to answer the Commissioners questions, it is the Council's view that the matters raised would be more appropriately addressed at Independent Examination and the Council would welcome the opportunity to respond further to any of these issues in that forum.
3. This submission responds to each of the issues raised by the Commission using the same sub-headings and enumeration as used in the Commissioners correspondence for ease of reference. The issue raised by the Commissioners is set out in *italicised* font below, followed by the Council's response.

1.0 Legislative Competence and Procedural Issues

Question:

1.1. *There is a statutory requirement that the LDP is prepared in accordance with the timetable. The published timetable (BCC-LDP-Tt) sets out notes on the proposed process. In relation to the Publication of the Draft Plan Strategy these notes state:*

- *Published for viewing (4 weeks);*
- *An 8 week statutory public consultation period followed by an 8 week statutory consultation on counter representations;*
- *Publication of the Sustainability Appraisal (including Strategic Environmental Assessment) and Public Consultations report; and*
- *Publication of Equality Impact Assessment and Habitats Regulation Assessment where required.*

It is unclear from the papers provided whether this process was carried out. Please provide a timeline and details of how this was done in accordance with the published timetable.

Answer:

1.1.1. The Council refers to the 'Self-assessment of Soundness' document (Ref: SD004 link: [SD004](#)) and its appendices, which set out details of all key stages in the LDP process, including evidence of actual LDP milestones and public consultation periods. Appendix 5 (Ref: SD005E link: [SD005E](#)) includes copies of public notices at each key stage.

1.1.2. A timeline of key dates as requested is attached at Appendix 1. The process was in line with the indicative dates set out in the approved LDP timetable at that time (approved by DfI March 2018) which indicated that the dPS and associated documents would be published for consultation in August 2018- Spring 2019 - See SD004C Appendix 3 (Link [SD004C_SAS-Ap3](#))

Question:

1.2. *The published timetable stated that the soundness-based examination would take place in May 2019 – August 2020 and that the Plan Strategy would be adopted in late summer 2020. These aspects of the timetable are out of date. While timing of the IE is a matter for the Commission once we receive the papers, how does the Council intend to reconcile this timeline up to the point of submission for IE in accordance with the published timetable?*

Answer:

1.2.1. The timetable sets out *indicative* dates for certain events and the Department has acknowledged that an amount of flexibility (around 3 months) is built into the indicative timetable without triggering the need for a formal change. At the time of submission to DfI this was a feasible timetable. The plan was submitted to the Department in August 2019. At that stage, the Department had not given any formal indication (as it has now done in DPPN 10) as to how long it would take to consider the Council's submission and forward the dPS to the PAC. Following their agreement on 5th December 2019 that the plan was ready to proceed to Independent Examination in December, BCC then submitted the Plan to the PAC

on 2 January 2020. The Commission's Procedures for Independent Examination of Local Development Plans (02.12.19) state that "the current expectation is that Commissioner involvement will last on average nine to twelve months per plan" (paragraph 7).

- 1.2.2. As the Commissioners will be aware the Council has engaged with the PAC on several occasions since the plan was submitted. Despite our best endeavours to seek clarification around timescales, with none forthcoming the Council submitted a revised timetable based on its best guess of when an IE was likely to be heard. This was submitted to the PAC in May 2020 and again in June. On 2nd July PAC responded with an acceptance that the revised timetable may be feasible. The revised timetable was submitted to the Department in July 2020. On 20th July 2020, the Department approved the revised timetable. It sets late autumn 2021 as the indicative date for the IE.

Question:

1.3 Given the provisions of Regulation 18 of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 [the Regulations] and the Council's conclusion in paragraph 2.2.3 of Document BCC-DPS-CRepRpt (SD006) that the representations submitted on foot of advertisement of the representations in accordance with Regulation 17 thereof are not counter-representations as defined by the legislation, what consideration can be given to them as part of the IE?

Answer:

- 1.3.1. The Council's response to this issue already appears in the document: "The Draft Plan Strategy- Counter-representations report" (Submission document SD007 Link: [SD007](#))
- 1.3.2. Paragraphs 2.2.3 explains that "none of the responses can be considered to relate to a "site specific policy representation", instead providing either general comments on the draft Plan Strategy or representations submitted in relation to non-site-specific policies."
- 1.3.3. Para. 2.2.4 notes that, despite the Council's view that the representations are not site specific, they form part of the submission to be considered "as appropriate" as part of the IE. It is for the PAC to make their determination as to the role these representations should play and any consideration given to them as part of the IE, bearing in mind the statutory purpose of the IE.
- 1.3.4. The Council refers the PAC to DPPN 9: Submission and Handling of Representations. Paragraph 8.3 states that "Counter representations supporting a site specific policy representations should not be considered, nor should counter representations proposing alternative sites or proposing any other changes to DPD."

2.0 Status of draft BMAP 2015

Question:

2.1 It is the Commission's position in the context of development management that BMAP 2015 carries no weight because it was unlawfully adopted. Account has been taken of paragraphs 3.2.8 – 3.2.11 inclusive of the dPS and the Council's position on Transitional Plan Period Designations in BCC-DPS-TS17 whereby the draft Belfast Metropolitan Area Plan (dBMAP) referred to throughout is the version that the Court of Appeal declared to be unlawful. As dBMAP 2015 is not a local development plan as defined by Section 6 of The Planning Act (Northern Ireland) 2011, what statutory justification does the Council have for the reliance placed on that document and the policies and designations therein?

Answer:

- 2.1.1. The status of draft BMAP 2015 is an issue which is legally complex. The Council is mindful that the IE is not an inquiry into the lawfulness or status of BMAP; rather, the Commissioner must consider whether the dPS is sound, having regard to the tests of soundness and considering soundness in the round. It is not the Council's intention to exhaustively set out below its views on the status of draft BMAP, however it responds in the context of the specific issues raised by the Commissioner.
- 2.1.5. The Council has not sought to apply BMAP 2015 policies. The Council's reference to draft BMAP 2015 designations was *not* intended as a statement of the Council's position on future land zonings but merely a statement of fact which could offer some guidance to the wider public as the Council consulted on its new Plan Strategy. The new Belfast Local development plan has developed in a particularly complex legal and political environment. BUAP is however recognised as the statutory development plan for most of the Council area. In TS17, which the Commissioners have referred to in their question, the Council makes clear that in addition to BMAP 2015 it also had regard to draft BMAP 2004, the objections which were raised as part of that plan process and the PAC Inquiry report (paragraph 1.3). TS17 also sets out the Council's consideration of BUAP designations (paragraph 1.4 Link: [DPS023](#)).
- 2.1.2. The Council's view on the status of BMAP is set out within the submission and formed part of the consultation process. It is notable that the status of BMAP was not a significant matter raised during the consultation process by respondents or the Dfl. The draft is also utilised by other adopted plans such as the HMO subject Plan. Dfl have indicated that they are still actively looking to resolve the status of draft BMAP formally. Chief Planners update number 4 of 25th November 2019 confirms that draft BMAP remains an emerging plan.
- 2.1.4 The Commission will be aware that an emerging development plan is a material consideration in the wider planning process and I would refer you to the Department's website www.planningni.gov.uk/ministerial_devplans_emerging. The use of the term 'emerging plan' illustrates that the development of a draft plan is an evolving process and not a stationary or immobile one. As is common case an emerging plan gains more weight as it makes its way through the statutory process. The Council cannot lose sight of the fact that many planning applications including those for extensive zonings have been determined and indeed commenced or implemented as a consequence of the advanced emerging plan. The assertion by the Commission that the emerging BMAP carries no weight appears to be at odds with this principle.

- 2.1.6. As the Council has made it clear in the submission, the next stage, the Local Policies Plan (LPP) and not the Plan Strategy, is the correct stage of the LDP process to bring forward new proposals for allocations. It is the Council's position that in this complicated planning environment that a pragmatic approach is essential in order to achieve the desired outcome. The Council cannot bring forward sites or zonings at this stage but some policies have to be written on that basis – retail, other location or designation specific.
- 2.1.7. It would of course be open to the Commissioners, following IE, to conclude on how to apply geographically specific policies in the interim between dPS and LPP as in the case of current policy application taking account of the material considerations.
- 2.1.3. The expressed view of the Commission in relation to status of BMAP 2015 is a matter of opinion. The implications, if any, of the Council's consideration of BMAP 2015 in the dPS and the related evidence base, is a matter which is more appropriately considered at IE and the Council would welcome the opportunity to address this issue further at that stage. The Council's position is that the Commission ought not to finally determine this matter until the IE is concluded.

Question:

2.2 In this legal context, what reliance can be placed on this element of the UCS?

Answer:

- 2.2.1 The UCS approach is in line with the Council's view on the overall status of the 2015 draft BMAP and how the Council has been applying that to decisions.

Question:

2.3 The UCS at Section 5.4, for comparator purposes, uses dBMAP 2015 as representing existing policy. As it is not the development plan as legally defined, what reliance can be given to this comparison exercise in assessing likely delivery of windfall housing?

Answer:

- 2.3.1 The RDS 2035 defines 'windfall sites' as "Housing sites that were neither zoned nor anticipated during the formulation of the development plan but which have become available during the lifetime of the plan" (p109) and the SPPS recognises that "there are a range of methodologies for calculating windfall" and that "the methodology used should be robust". Section 5.2 of the Urban Capacity Study (submission document DPS028) sets out the approach used to consider windfall sites as part of the report. This involves the review of historic delivery as well as taking into account the impact that future policies may have on this trend in the future.
- 2.3.2 The UCS uses the 2015 version of draft BMAP throughout in accordance with the Council's overall approach to draft BMAP, in that this represents the most recent post-examination draft which was purported to be adopted and not the draft published in 2004 (see Footnote 2 on p6). For the purpose of assessing windfall housing, reliance on zonings within the BUAP

would make the exercise of limited value given the significant changes that have taken place since its adoption and therefore the absence of any up to date allocations/zonings.

3.0 Sustainability Appraisal

Question:

3.1 The Council said that the lack of data on the capacity of the Waste Water Treatment (WWT) infrastructure means that it is not possible to fully assess the implications of the preferred growth scenario, particularly in relation to soil quality or water quality. In this evidential context, how has the significance of the likely environmental effects of the growth strategy been assessed?

Answer:

- 3.1.1. The Council refers the PAC to SA objectives 11&16 and to pages 110 and 112 of the SA/SEA which set out the key findings from SA/SEA on the relevant objectives. The SA objectives promote environmental protection and assessing each policy against the various objectives ensured that these matters, such as protecting and enhancing soil quality and promoting the quality and efficient use of water resources, were considered. The significance of likely environmental effects is referenced throughout the overall sustainable growth strategy and the strategic and operational policies that also cover infrastructure. These matters are considered throughout the SA/SEA and, in particular, at pages 32-38, 253-256 and 321-323 of Appendix 11 (Sustainability Appraisal Report – Appendices 10 & 11 DPS004C Link: [DPS004C](#))
- 3.1.2. The best available data at the time was used to assess these matters and the Council engaged extensively with NI Water and other key stakeholders in order to ensure that its assessments were as informed as possible (see Self-Assessment document SD004K which sets out the Thematic Working Groups on water issues, in particular at pages 23-37 Link: [SD004K SAS-Ap11](#)). Therefore whilst the Council appropriately explained the limitations in the data, it is confident that the significance of the likely environmental effects were assessed as best as possible at Plan Strategy stage, bearing in mind the contents and level of detail in a dPS and the fact that the Council was not considering the matters in a site specific context at dPS stage.

Question:

3.2 In document BCC-DPS-ConRep-App D7 (para 5.8, page 5) the Council states that economic growth could be accommodated within the existing urban area within proximity to existing infrastructure. How can this statement be reconciled with the Council's position on WWT infrastructure capacity set out in the SA (see preceding paragraph of this letter)?

Answer:

- 3.2.1 Much of the economic growth is likely to be in the form of office space in line with the UU forecasting. The UCS and other assessments show the capacity exists. All future

development will be subject to the rigours and scrutiny of the development management process to a degree which no plan could ever hope to achieve. Even with the benefit of planning permission other consents will be required for developments to be implemented. This is evident from NI Water's website where guidance is provided for developers who need to connect to NI Water's infrastructure network. The website sets out their commitment to supporting development and regeneration. Although they wish to avoid onsite infrastructure provision they do not rule it out and there are many examples of where localised engineering solutions have been used whether bespoke WWTW or other mechanisms to slowdown storm runoff such as slow release valves or storage chambers. www.niwater.com/services-for-developers/

- 3.2.2. Moreover, they advise that they are responsible for the provision of services associated with all aspects of development and housebuilding including first time service appraisal, diversions of watermains and sewers, watermains in new development, adoption of sewerage systems in new developments and dealing with watermain and sewer requisitions. www.niwater.com/water/, www.niwater.com/sewers/
- 3.2.2 The proposed development at Glenmona is a case in point where NI Water has indicated that there is no further infrastructure capacity for the scale of the project envisaged in the current a planning application for 656 houses, two care homes, a neighbourhood retail centre, a hotel, office and business space and children's play areas. The Council understands that the developer is currently in discussions with NI water around the construction of two on site WWTW and the scheme is to include a significant level of SuDS to help control the level of storm runoff

Question:

3.3 Reference has been made in evidence to the Belfast Infrastructure Study. Copies thereof have not been made available to the Commission; please supply 3 hard copies and an electronic version. Was the final version of this Study published and made available for inspection in accordance with Regulation 15 of the Regulations? What consideration can be given to this Study as part of the IE?

Answer:

- 3.3.1. The Infrastructure Study is not a development plan document, nor is it a supporting document which is relied upon by the Council as part of the IE. The Council is not the body with statutory responsibility for infrastructure. The Infrastructure Study was not intended to be a development plan document, but rather to form a summary of key issues and an overview of the strategic infrastructure requirements to deliver the Belfast Agenda to drive physical and social regeneration. The study was also intended to inform Council opinion as infrastructure providers develop their own delivery plans in line with the growth objectives of the Agenda. It is intended to inform the Local Policies Plan is not relied upon as part of the dPS. It was referred to by the Council in its consultation response document in that context.

Question:

3.4. The Council now appears to place reliance on the Belfast Infrastructure Study; does it intend for the SA to be revisited in light of this (Document BCC-DPS-ConRep-App D7,

Section 6). If this is considered unnecessary, please explain the Council's rationale for this conclusion.

Answer:

3.4.1. See answer 3.3. above.

Question:

3.5 In the Council's document BCC-DPS-ConRep-App D7 (page 6, Para 6.3) it says that where the Belfast Infrastructure Study identifies constraints in the city's infrastructure, there may be a need to phase the delivery of development to align with infrastructural investment. Without evidence of such constraints being available and factored into the SA, this raises the issue of whether the Council has acted consistently with the requirements of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (SEA Directive) and the Environmental Assessment of Plans & Programmes Regulations (Northern Ireland) 2004. If the Council considers that the SA process aligns with legislation in this respect, please set out its reasoning for this conclusion.

Answer:

- 3.5.1. The SEA is required to take account of: current knowledge, the contents and level of detail in the plan and the stage of the plan or programme in the decision-making process, and the extent to which certain matters are more appropriately assessed at different levels in the process (See Regulation 11(3) of the 2004 Regulations). The Commissioners' question refers to a statement made by the Council which must be read in its full context; the very next sentence in the extract confirms that phasing will be considered in detail as part of the Local Policies Plan. Any phasing brought forward at LPP would be informed by an up-to-date assessment of the committed land supply and any infrastructure investment identified through the Infrastructure Study.
- 3.5.2. Appendix D1 (submission document SD006A Link: [SD006A](#)) to the Draft Plan Strategy Public Consultation Report demonstrates that 469,391 sq m of employment floorspace had extant planning permission at the point at which the Plan Strategy was developed. Similarly Appendix D2 (submission document SD006B Link: [SD006B](#)) demonstrates that well over 23,000 housing units benefited from extant permission when work began on the new LDP in 2015. Although, according to the 2018/19 housing monitor (submission document SD001 Link [SD011](#)), this had fallen to just over 22,000 units by 31 March 2019, this nevertheless remains a significant level of committed development.
- 3.5.3. In the context of such high levels of existing approvals for both commercial and residential development, there is a limitation as to how phasing can impact upon the delivery of development in the short-term. Rather, any approach to phasing can only seek to align any new land identified for zoning with future infrastructure investment. The existing baseline position demonstrates that the infrastructure investment required would be necessary whether or not a new plan is developed for Belfast, and cannot therefore be considered a pre-requisite for the new plan. It is not a requirement for all infrastructure to be in place for a plan to be sound. This would have major ramifications for the plan programme across NI and the investment rather than driven by sustainability or other considerations would be based on past investment and maintenance of infrastructure.

4.0 Growth Strategy

Question:

4.1 The NI Housing Growth Indicators 2016-based, published in September 2019, set out an estimated dwelling requirement of 7,400 for Belfast for the period 2016 – 2030. This is a marked reduction in the estimated total housing need for Belfast from that presented in the dPS. How do the projected figures and supporting information in the dPS sit with the suggested reduction in housing need for Belfast?

Answer:

- 4.1.1. The HGI's referred to by the PAC were not published until after the Submission of the dPS, so the submitted documentation could not have considered it. However, the Housing Growth Options Report (POP006 Link [POP006](#)) sets out a clear rationale for our decision to depart from the HGIs with the growth strategy. The methodology paper associated with the revised 2016-based HGIs noted that the HGIs are "purely for guidance and should not be considered as a cap or a target on development". It also notes that the "estimates do not take account of any future policy development of social factors". Instead, it suggests that the HGIs provide a "robust starting point" for assessing and adjusting housing targets over a plan period.
- 4.1.2. In fact, within the accompanying letter from DfI's Chief Planner and Director of Regional Planning (25 September 2019), which accompanied the publication of the revised HGIs stated "Rather than accepting the HGI estimate as a target to be planned for, Council's should first consider it's applicability to local circumstances in the context...and other relevant local evidence."
- 4.1.3. The growth strategy advocated in the plan is in line with the aspirations of the RDS. One of the fundamental objectives of the RDS is to better manage and control the level / degree of urban sprawl which is occurring along the main transport arteries into the metropolitan area. The HGIs, which are trend based, merely reflect the continuing failure of planning policy to address that crucial objective. To continue in the same vein as previous plans have simply compounded the problems facing the city and wider metropolitan area. The NISRA website is patently clear on the fact that HGIs do not take account of the effects of policy intervention. The HGIs merely reflect the failure of previous planning regimes responses to the problems identified in the RDS. The approach to city growth advocated in the plan is a sustainable one that addresses critical issues around climate change, air quality and accessibility and a shared community.
- 4.1.3 The HGIs simply project forward past trends, which our work shows is out of step with the RDS and will not delivery the growth aspired to within the Belfast Agenda. The updating of the HGI in 2019 therefore makes little difference to the Council's proposed growth as it have already decided to depart from these existing trends. If anything, it confirms that past trends and existing policies are not delivering the sustainable development for the City and provides stronger justification for a departure.
- 4.1.4 The Council also refers the Commissioners to Technical Clarifications, contained in an Appendix to the Consultation report (SD006E Link: [SD006E](#)) address:

- i. The link between job growth and housing growth, including some of the cross-boundary implications;
 - ii. Migration flows associated with the preferred growth scenario; and
 - iii. The implications of Housing Market Areas.
- 4.1.5. However, the Council has updated the Regional Growth Comparison Report (SD006F Link: [SD006F](#)) to reflect the recent HGI changes. The update contains an overview and critique of the HGI methodology, prepared by Turley and completed in January 2020. This was undertaken in relation to the 2012-based HGIs that were used in the original Housing Growth Options Report (POP006), but it also gives consideration to the 2016-based HGIs, concluding that “The points of critique raised within this note are therefore considered to remain equally valid in the context of the new HGIs”. This report could be provided to PAC if requested, if the Commissioner’s consider it necessary to reflect the change in circumstances in relation to HGI’s following the submission of the dPS by the Council.

Question:

4.2 In respect of housing delivery rates through different market cycles, Document BCC- Evi-02 at page 85, para 6.63 states that: “Further detailed review of the market reality of achieving a notable uplift in the supply of housing should be undertaken to build on this evaluation”. This is reiterated at page 92, para 7.23. No evidence has been provided that this review has taken place. If it did, please provide further details of the review’s nature, scope and conclusions. If not, what implications does its absence have for the growth strategy?

Answer:

- 4.2.1. A review of the market reality of achieving a higher level of housing supply is incorporated within Section 4 of the Housing Technical Supplement (DPS008 Link: [DPS008](#)). Paragraphs 4.05 and Figure 6 (pp23-24) consider the ability of the development industry to build housing at the level proposed in the dPS through an analysis of historic build rates recorded by the housing monitor since 1997/98. It demonstrates that the market has exceeded the average dPS level in two years and approached 2,000 units in four other years. Paragraphs 4.06-4.08, alongside Figure 7, show that the District has a sufficient land supply to achieve the proposed growth and paragraph 4.09, alongside Figure 8, illustrate how the target growth can be achieved in a managed way to account for infrastructure constraints and the economic cycle at the time of drafting. This work is a summary of in-depth analysis of the available data at the time of writing and continues to be monitored as part of the on-going housing land availability assessment.
- 4.2.2. The Council acknowledge that the growth strategy is the departure from past trends, but that is entirely appropriate as part of a plan-led system, as long as it is based on robust evidence. Past trends are not supporting the economic growth that Belfast aspires to, and to a certain extent has to achieve as the Regional economic driver. The following paragraph 6.64 of the Housing Growth Options Report (POP006 Link: [POP006](#)) notes that the “market reality needs to be balanced against the economic potential of Belfast” and that growth of the scale proposed is necessary to support jobs growth.

Question:

4.3 Document BCC-Evi-03, page 86, para 6.69 states that the inter-linked issues of annual completion rates and employment growth “will require further consideration as the wider policy approach is developed”. No evidence has been provided that this review has taken place. If it did, please provide further details of the review’s nature, scope and conclusions. If not, what implications does its absence has for the growth strategy?

Answer:

- 4.3.1. It is assumed that this is a reference to Document BCC-Evi-02, page 86, para 6.69.
- 4.3.2. As noted in paragraph 6.69 of the Housing Growth Options Report (submission document POP006), the changes in labour force behaviour embodied within the draft Plan Strategy’s growth strategy are “reasonable in the context of historic evidence” whilst also recognising the positive role that policy change can play in affecting change. Nevertheless, the Council recognise that there is a need to continue to monitor employment growth, alongside housing and population growth to ensure that policies deliver the desired outcomes over the Plan Period. This is therefore reflected through monitoring indicators 1, 2 and 4 of Appendix F of the dPS.
- 4.3.3. Section 3 of the additional Technical Clarifications (submission document SD006E Link: [SD006E](#)), which was submitted as an Appendix to the dPS Consultation Report, addresses the link between jobs growth and housing growth in more detail. It presents the result of further modelling which shows that the 2012-based HGI for Belfast would support less than half of the 46,000 jobs targeted by the Council over the Plan Period (see paragraph 3.36).
- 4.3.4. To restrain housing growth to the HGI level and seek to deliver the same employment aspirations would result in unrealistic or undesirable changes in labour force behaviours, such as a significantly higher levels of inward commuting to Belfast, an unemployment rate of zero, unprecedented levels of double jobbing and/or a net increase in economic activity despite a rapidly ageing population (see paragraph 3.37).

Question:

4.4. Document BCC-DPS-ConRep (SD006), page 95 – reference is made to commissioned work to assess the likely market impact of emerging housing policies on different areas of the city. If this work has been carried out, please advise on its scope, findings and conclusions /recommendations. If the matter is outstanding, how can the Council be satisfied that the housing policies will support its growth strategy ?

Answer:

- 4.4.1 This work is contained in submission document SD006D: Market Impact Report by Colliers International (Link: [SD006D](#)). At the time of writing in April 2019, Colliers International concluded that, with the exception of the City Centre core, “there is no overriding impediment to the draft policies set out in the DPS” (p21). It also made a number of recommendations to assist the market, such as the need for new affordable housing products and potential for public sector intervention to stimulate the market, and significant work has been taken forward in relation to these recommendations in the intervening period, in partnership with the Department for Communities. This includes detailed viability

work in relation to specific developments in the city, including schemes that represent significant public sector interventions of the type recommended by Colliers.

Question:

4.5 *In response to a representation concerning density requirements for major regeneration/masterplan sites, the Council replied (Document BCC-DPS-ConRep, page 117SD006) that these would be dealt with by the Local Policies Plan (LPP) through the use of detailed Key Site Requirements (KSRs). Without any indication of how Policy HOU4 would be applied to those sites pending adoption of the LPP, their (re)development has the potential to be blighted. How can the policy be implemented and its aims achieved in the absence of KSRs and delivered within the context of the Plan Strategy?*

Answer:

4.5.1 The draft Policy HOU4 states below the table of density bands that; “The above density bands are to be used as a guide to inform proposed developments within the relevant settlement areas and development proposals outside of these broad bands will be considered on their merits. This will be subject to meeting all other policy requirements”. It also indicates that SPG may also be appropriate. In the absence of KSRs for sites within the LPP, the Council will require development to meet HOU4 density bands. They are broad enough to be flexibly applied in different locations. Further SPG can also be produced if required.

5.0 Windfall Housing

Question

5.1. *Document BCC-Evi-02POP006, page 16, Figure 2.11 – Does the potential yield per sector take into account potential windfall sites that could accommodate < 5 units? If so, please advise where this has been taken included in the Council’s evidence base?*

Answer

5.1.1 Yes. Figure 2.11 was drafted by Turley on the basis of emerging data from the Housing Monitor supplied at the time of the commission. Housing monitor data includes all sites that provide any net gain in units, so would include sites yielding 1-4 units, where they do not represent replacement dwellings.

5.1.2. The raw data provided to Turley to inform their research was therefore further refined as part of the routine monitoring processes and verified figures were later included within 2015/16 housing monitor report, which forms part of the submission documentation (submission document SD008 Link: [SD008](#)). There are therefore some minor discrepancies in relation to the exact figures, but the overall analysis and conclusions remain valid.

Question

5.2. *Is the potential contribution of windfall housing realistic in light of the statement at paragraph 2.72 of document BCC-Evi-02: “A significant majority of the potential housing*

land supply is provided by unzoned windfall and opportunity sites”? If it is considered to be so, what is the Council’s evidential basis for reaching this conclusion?

Answer

- 5.2.1 As noted above, the RDS 2035 defines ‘windfall sites’ as “Housing sites that were neither zoned nor anticipated during the formulation of the development plan but which have become available during the lifetime of the plan” (p109) and the SPPS recognises that “there are a range of methodologies for calculating windfall” and that “the methodology used should be robust”. Section 5.2 of the Urban Capacity Study (submission document DPS028) sets out the approach used to consider windfall sites as part of the report. This involves the review of historic delivery as well as taking into account the impact that future policies may have on this trend in the future.
- 5.2.2. There has been a historic over-reliance on windfall sites due to a lack of an up to date land use plan. The last two paragraphs in Section 5.5 of the UCS (submission document DPS028, p36 Link: [DPS028](#)) note that the future policy approach is unlikely to continue this pattern of heavy reliance on windfall. A new plan with up to date zonings will inevitably change the planning context and significantly reduce windfall delivery.
- 5.2.3 To arrive at a realistic level of windfall housing, the Council has looked at the historic supply of housing on land which is considered unlikely to be zoned – generally speaking sites less than 5 units – see Figure 11 in Housing Technical Supplement (submission document DPS008). However, modest provision has been made for other larger sites that may come forward over the plan period. Whilst it would arguably be easier to increase the expected windfall delivery and consequently reduce the amount of housing actively planned for, it is considered more appropriate to provide greater clarity and certainty in this regard. The Council will however continue to monitor both delivery and future land supply as outlined in the Delivery section of the draft Plan Strategy.

6.0 Affordable Housing

Question:

6.1 Document BCC-DPS-ConRep-AppendixD4SD006D, page 9, Recommendation 3 identifies two matters relating to social housing that need to be resolved: procurement issues; and the implications of allocation policies on the wider development that are beyond the influence of a private developer. Without such clarity at this stage in the LDP process and with attendant implications for viability, how does the Council consider that Policy HOU 5 is both effective and deliverable?

Answer:

- 6.1.1. The issues raised in Recommendation 3 of the Colliers Market Impact Report (submission document reference SD006D Link: [SD006D](#)) reflect views within the private market known to the consultants at the time of drafting the report, rather than a statement of fact regarding mixed tenure development. This assertion reflects the fact that “the majority of social housing developments to date have been delivered in single identity, mono-tenure developments” meaning that “the delivery mechanisms for mixed tenure development are not well established or tested.” (3rd paragraph on p9).

- 6.1.2. It is the Council’s understanding that NIHE and DfC have reached agreement, based on independent legal advice, that the procurement challenges can easily be resolved through an update to the guidance in the Housing Association Guide (HAG). DfC are therefore currently working to action these changes and the Council are content that this issue no longer represents a barrier to the delivery of affordable housing in the future. In fact, there are now numerous examples of mixed tenure developments being taken forward in a NI context, including the recent outline approval for the mixed use, mixed tenure Waterside (Sirocco) regeneration development in Belfast.
- 6.1.3. In relation to concerns regarding the impact of the allocation policies (for social housing) on mixed tenure development, the recent publication ‘Mainstreaming Mixed-Tenure in Northern Ireland: The way forward for developing homes?’ (Link: www.communities-ni.gov.uk/publications/mainstreaming-mixed-tenure-northern-ireland) authored by NIFHA and DfC addresses this directly. It notes that “there is a real concern amongst private developers, based upon their customer engagement and knowledge of local markets, that the inclusion of social and affordable housing could devalue their market sale properties and discourage potential buyers” (p38). However, it concludes in reference to recent research in England, where mixed tenure development is firmly established, that “it is the quality of design, layout and location that influence house prices and that there is little evidence that a spatially integrated mix of tenures has any impact on buying or selling homes.”
- 6.1.4. In addition to this, a significant amount of work has been undertaken, both individually and collectively by Belfast City Council, NIHE and DfC to ensure that the affordable housing policies drafted are deliverable. DfC summarise this in their recent briefing note as follows:
- 26. To further assist Councils, the Housing Executive is preparing a draft advice/practice note on a suggested implementation method for affordable housing policies. This advice/practice note is not intended to be formally published by the Housing Executive, but will be sent to Councils to provide a ‘starting point’, which can be tailored by Councils to their specific affordable housing policies, should they wish to produce Supplementary Planning Guidance.*
- 27. The purpose of the advice/practice note is to try to ensure a clear and consistent approach to the assessment of residential development schemes which will include an element of affordable housing, as established within LDP housing policy. It is intended that this advice/practice note will assist Councils to meet the soundness test for LDP affordable housing policy: CE3 ‘there are clear mechanisms for implementation and monitoring’ (Development Plan Practice Note 6, DfI). It does not introduce new policy, but aims to ensure that existing policy is implemented effectively.*
- 6.1.5. This statement provides assurance that the statutory bodies with responsibility for the implementation of this policy are confident that the policy can be delivered in the future. Whilst this may not have been the case in the past, there needs to be care the viability of the proposed affordable housing Policy (HOU5) is not pre-determined on the basis of past challenges or ways of working.
- 6.1.6. In addition to this, it is worth noting that there was a public consultation on the Review of Social Housing Allocations in 2017, and the Council’s understanding is that DfC are now working through the outcomes.

- 6.1.7. The Council have also actively discussed the operation of a shared City Centre Waiting List in detail with NIHE. This has now been established and is in the process of being populated by eligible households. The Sirocco development is likely to be the first allocations from this new list. The Council are also actively involved in the work that CIH have undertaken into 'Rethinking Social Housing'. The Council participated in workshops as part of the original research, and are now also engaging as part of the key stakeholder group brought together with DfC, CIH and RHAs to discuss findings in more detail.

Question:

6.2 Document BCC-DPS-ConRep-Appendix D4SD006D, page 12, Recommendation 5 – Although referring to the adoption of UK housing delivery models, the statement that “the market will require a period of transition to enable future land sales to reflect the new policy context” is arguably applicable in respect of affordable housing as defined by the dPS. If this consideration has been taken into account in assessing the deliverability not only of Policy HOU5 but also Policy HOU1, where is this found in the Council’s evidence base? If not, please explain why the Council considers that it does not have the potential to fetter implementation of these policies and adversely impact on realising the growth strategy?

Answer:

- 6.2.1 The reference to UK housing delivery models follows a review of other intermediate housing options from other UK jurisdictions. Within this context, the report is essentially saying is that you can’t simply transplant the housing delivery models from elsewhere to NI context.
- 6.2.2 Within this context, it is notable that CBRE have recently completed research for SIB/DfC looking at the potential for transferring Affordable Rent Product(s) from other jurisdictions into the NI context. It is understood that DfC are now progressing additional research to further refine this potential product and to consider funding mechanisms for its introduction.
- 6.2.3. In addition, the Council are working jointly with DfC and the Co-ownership Housing Association to learn from best practice examples of intermediate housing in other jurisdictions and consider their applicability for a Belfast City Centre context.
- 6.2.4. A transition is always going to happen when new policies are introduced and there may be a lag time in land values adjusting when new policy obligations arise. However, the Market Impact Report (submission document SD006D Link: [SD006D](#)) provides high level assurance that, outside of the city core, “there is no overriding impediment to the draft policies set out in the DPS contributing to the supply of affordable housing in Belfast”. It is inevitable that any new area of policy will see this challenge and it is important to review approach / delivery. The Plan, monitor, manage approach is implicit within the LDP system.

Question:

6.3 In responding to representations in respect of Policy HOU5 at document BCC-DPS-ConRep the Council refers to the possibility of Supplementary Planning Guidance (SPG) being prepared specifically addressing how the issue of viability will be considered as part of the planning process. In the absence of such guidance, there is the potential risk

that developers/investors with sites that could accommodate more than 5 dwellings may bank their land pending certainty on this point. With this important issue outstanding, please explain why the Council considers this policy to be realistic and appropriate?

Answer:

- 6.3.1. The viability of an individual development proposal is already a material consideration in assessing a planning application. The introduction of Policy HOU5 does not change this, but rather may lead to a rise in the number of cases where viability needs to be taken into account.
- 6.3.2 At present there is no guidance relating to viability, either regionally or locally, and yet there is still scope to consider viability. SPG relating to both Affordable Housing and Viability are being prepared in parallel but this cannot be adopted in advance of the Plan Strategy. This will seek to provide greater clarity and certainty for developers as to how viability will be considered as part of the planning process, helping to streamline and simplify the process in a transparent and open way. However, SPG does not represent new policy, but rather supports the policies drafted and as such, the policies themselves are considered deliverable even in the absence of the SPG.

7.0 Infrastructure

Question:

7.1 Belfast Green and Blue Infrastructure Plan – has the final version been published? It is noted that this Plan is listed as SPG at Appendix E of the dPS. In addition to forwarding 3 hard copies and an electronic copy of it to the Commission, please provide evidence that the requirements of Section 6.1 of the Council’s Statement of Community Involvement have been observed in respect of it. What consideration can be given to this Plan as part of the IE?

Answer:

- 7.1.1. The current Belfast Green and Blue Infrastructure Plan (GBIP) is not SPG in current form, nor is it a DPD. It is not part of the IE. The GBIP 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 across the city. It was adopted by Council in January 2020, following extensive public consultation. When the dPS is adopted, separate SPG will be published (following public consultation) to assist interpretation of policy GB1 and other G&BI aspects of the Plan.

Question:

7.2 Doc BCC-DPS-ConRep, page 329 in response to concerns about the capacity of the Belfast WWTW, the Council said that where infrastructure constraints are identified, there may be a need to phase the delivery of housing or employment so as to align with infrastructure investment. It advised that this will be considered in more detail as part of the LPP informed by the “pending Belfast Infrastructure Study”. This is echoed at pages 46 and 51. Account has also been taken of the statement at page 120 thereof with regard to monitoring. As the capacity of infrastructure is a strategic, rather than just a

site-specific matter, how does the dPS growth strategy set out a coherent strategy from which its policies logically flow when it is not currently underpinned by evidence?

Answer:

- 7.2.1 As previously noted, the Council is not the body with statutory responsibility for infrastructure. However, when undertaking the Urban Capacity Study (submission document ref: DPS028 Link: [DPS028](#)) and drafting the Plan Strategy, the latest available information relating to infrastructure was fully acknowledged and taken into account. This is evidenced within a number of the Technical Supplements and the Sustainability Appraisal (submission document ref: DPS004 Link: [DPS004](#)), which includes specific mitigation measures.
- 7.2.2 It was acknowledged within the UCS and Technical Supplement 15: Public utilities (submission document ref: DPS021 Link: [DPS021](#)), for example, that infrastructure constraints exist in relation to waste water treatment, particularly the Belfast Waste Water Treatment Works (WWTWs). At the time of writing, it was understood that “to permit greater than 5% growth in the Belfast WWTWs catchment, significant investment would need to be made to increase the capacity” during the plan period.
- 7.2.3 At the time of writing, the UCS also estimated that there are approximately 13,500 committed residential units within Belfast WWTWs catchment. These would need to be accounted for irrespective of any new plan requirements. It also acknowledged that on top of this there would be significant requirements from employment and other uses within Belfast City Centre which will be competing for connections to the WWTWs.
- 7.2.4 In response to consultation responses relating to this issue, the Housing Baseline Report (submission document SD006B Link: [SD006B](#)) was prepared, demonstrating that there remained a significant number of residential units benefitting from extant permission when work began on the new LDP in 2015. Although, according to the 2018/19 housing monitor (submission document SD001 Link: [SD011](#)), this total number of committed housing had fallen to just over 22,000 units in the District by 31 March 2019, this nevertheless remains a significant level of committed development.
- 7.2.5 In the context of such high levels of existing approvals there is a limitation as to how much impact phasing can have on the delivery of development in the short-term. Rather, any approach to phasing can only seek to align any new land identified for zoning with future infrastructure investment. This is fully acknowledged within the Sustainability Appraisal (submission document ref: DPS004 Link: [DPS004](#)), which notes as a mitigation measure the need for “effective infrastructure investment management in line with development” in order to “offset the medium to long term waste water treatment capacity issues.” The SA also references the scope to mitigate the impacts of Policy SP1: Growth through “co-ordinated site releases to mitigate impact during the plan period.”
- 7.2.6 To build upon this, the Belfast Infrastructure Study is intended to help identify where investment may be required and the associated risks, which can be addressed at the LPP stage. It will also help inform DfI, as the statutory authority responsible for regional infrastructure provision, in the discharge of their duty. It is accepted that this is a strategic issue, but the existing baseline position demonstrates that the infrastructure investment required would be necessary whether or not a new plan is developed for Belfast, and cannot therefore be considered a pre-requisite for the new plan. Rather, it is vital that all stakeholders in the process work together to realise the aspirations of the Plan as enshrined

in the Belfast Agenda. Where infrastructure becomes a constraint on development, this will become apparent through the routine monitoring of plan objectives.

- 7.2.7 Furthermore, work is already in progress to address the challenges, and plans for the investments required are already developed through the LWWP and other work. As noted above, alternative solutions can be deployed as in the case of proposed developments such as Glenmona (application ref: LA04/2020/0804/F), which proposes an onsite WWTW solution. Clearly, therefore, local solutions are possible, even in the absence of the full strategic investment needed.

Question:

7.3 In response to questions (Document BCC-DPS-ConRep, page 330) about the proposed use of Section 76 Agreements to secure infrastructure improvements, the Council referred to the guidance outlined in its Developer Contributions Framework. Has the final version of this document been published? If so, in addition to providing the Commission with 3 hard copies and an electronic copy, was the final version published and made available for inspection in accordance with Regulation 15 of the Regulations? What consideration can be given to this Framework as part of the IE?

Answer:

- 7.3.1 The Council's adopted Developer Contributions Framework (DCF) was finalised in January 2020. However, it relates to the existing policy framework, and is not reflective of changes that will be made as a result of the dPS. It will therefore be reviewed once the Plan Strategy is adopted. References to the DCF cited in the PAC's question were made in response to specific questions raised by consultees in relation to the use of Section 76 Planning Agreements in order to provide responses to those specific questions. It was made clear elsewhere in the consultation response document that the DCF relates to existing policy and will be updated as the new policies are implemented (see page 142 of *Document BCC-DPS-ConRep* Link: [SD006](#)). It is not a supporting document relied upon by the Council to support the dPS.

Question:

7.4 As the Council is not the statutory provider for the strategic infrastructure improvements required to deliver its growth strategy, please explain why it considers associated policy to be realistic and appropriate?

Answer:

- 7.4.1. See answer to 7.2 above. The policies in the DPS are generally supportive of infrastructure provision— no specific additional requirements in terms of infrastructure identified. No local Council is the statutory provider for strategic infrastructure improvements. It is not a requirement for all infrastructure to be in place for the plan period in order to make the plan sound. The Council has however engaged with infrastructure providers.

Question:

7.5 *How can developers make informed decisions on the basis of the dPS when it: seemingly: does not identify required infrastructure improvements: there is no evidence of associated costing; and no indication of when deficiencies therein would be remedied?*

Answer:

7.5.1 See answer to 7.2 above. Developers continue to make these decisions and are encouraged to go through a pre application enquiry process with NI Water/Rivers Agency.

7.5.2 NI Water's website provides guidance for developers wishing to connect to NI Water's infrastructure network (www.niwater.com/services-for-developers/). They advise that they are responsible for the provision of services associated with all aspects of development and housebuilding including first time service appraisal, diversions of watermains and sewers, watermains in new development, adoption of sewerage systems in new developments and dealing with watermain and sewer requisitions. www.niwater.com/water/
www.niwater.com/sewers/

7.5.3. The Glenmona proposals are a case in point where NI Water has indicated that there is limited infrastructure capacity for the scale of the project envisaged in the current a planning application for 656 houses, two care homes, a neighbourhood retail centre, a hotel, office and business space and children's play areas. The Council understands that the developer is currently in discussions with NI water around the construction of two on site WWTW and the scheme is to include a significant level of SuDS to help control the level of storm runoff.

Question:

7.6 *Document BCC-DPS-ConRep, page 335 – the Council refers to assisting NI Water with its consideration of the implications for water & sewerage infrastructure and arrangements for on-going liaison on the issue. How does the Council consider this approach to be coherent and appropriate in respect of the growth strategy?*

Answer:

7.6.1 The Council refers further to its answer to 7.2 above. The Council engaged extensively with NI Water during the development of the dPS in order to inform the Council's decision making (see SD004K-Appendix 11 Link: [SD004K](#)). It is appropriate that work continues to address potential challenges. Plans for the investments required are already being developed through the LWWP and other work. As part of the LWWP and during early engagement on the dPS the Council provided detailed information to NIW in relation to current applications, the sites within the housing monitor and the urban capacity study.

7.6.2 An important element of the Living with Water programme was to bring together the key stakeholders to work collaboratively to deliver integrated solutions that are efficient and sustainable. The work by NIW has identified the hard-engineered solutions that will be required and which will be done through its price control process, which are essentially major six-year business plans agreed with the Utility Regulator and, indeed, all the other regulators. The current price control, referred to as PC15, ends in March 2021. The next price control, PC21, will run from April 2021 until March 2027. Whilst investment figures will be finally known only once the Utility Regulator publishes its final determination in

December 2020, it is clear from the NIW assessment that the level of funding required for PC21 will be significantly higher than the level in the current price control.

Question:

7.7. Document BCC-DPS-ConRep – In response to representation about policy ENV5 of the dPS, the Council refers to SPG on SuDS measures. Given acknowledged issues about deficiencies in existing associated infrastructure to cater for the planned scale of growth, how can the Council be satisfied that the growth strategy is realistic and appropriate when alleviation measures that the adoption of SuDS might provide have not been identified as part of the dPS?

Answer:

7.7.1. SPG on SuDS to support ENV5 and other aspects of the Plan is being prepared and will be brought forward as the Plan is adopted. Appropriate SuDS measures are to be required in all built developments to help address waste water collection/treatment capacity whilst also providing wider environmental and social benefits. This is in line with the SPPS. Specific measures on or off site will depend on each development proposal and, where appropriate, may be further detailed as KSRs in the LPP. These matters are considered throughout the SA/SEA and, in particular, at pages 333-335 of Appendix 11 (DPS004C Link: [DPS004C](#)).

8.0 Delivery

Question:

8.1 Concerns about the role of Section 76 Agreements have been raised in respect of water and sewerage infrastructure at paragraph 7.3 of this letter. However, the degree of reliance placed on them in delivering the growth strategy is also an issue that requires the Council's further consideration.

Answer:

8.1.1. The Council notes the Commissioners comment and answers to the specific questions raised by the Commissioners in this regard appear below.

Question:

8.2 Document BCC-DPS-ConRepSD006, page 429 – in response to representations about the use of S76 Agreements for road improvements the Council advised that “such detail will be addressed on a case by case basis as part of the development management process”. This piecemeal, discretionary approach is seemingly at odds with its stated aim for the PS (para 1.2.2) as “to provide a level of certainty on which to base key development decisions in the area”. With regard to the more widespread references to the use of S76 Agreements throughout the dPS, how does the Council envisage that one-off legal agreements, to be negotiated on a case-by-case basis, would afford developers clarity, consistency and certainty in making investment decisions? If it is considered that this approach would not prejudice delivery and implementation of the growth strategy, please explain the Council's reasons for such a conclusion.

Answer:

- 8.2.1. The response quoted by the Commissioners was made in response to “Specific comments in relation to the use of Section 76 Planning Agreements for access to public roads and protected routes” which referred to their use as a mechanism to manage access to public infrastructure, not provision.
- 8.2.3. The current approach to s76 Agreements is piecemeal and discretionary and introducing new policy won’t change this. The use of Section 76 Planning Agreements is an option for development management purposes provided by legislation and may be used where appropriate to secure facilities or funding contributions. The Plan Strategy does not have to provide certainty on its own, in isolation from the rest of the policy context. Developers can also consider guidance in the RDS, SPPS, Local Policies Plan and subsequent SPG, which by definition is designed to provide greater clarity in relation to specific policies (see notes under para 8.4 below). At present, the Council’s Developer Contributions Framework provides some further clarity in relation to the existing policy context. This will be updated when the Plan Strategy is adopted to reflect any changes in approach.

Question:

8.3 Document *BCC-DPS-ConRep-Appendix D4SD006D*, page 18 refers to potential cost issues associated with the use of S76 Agreements and identifies the issue as “a potential impediment to development”. What account has been taken of this in considering whether Policies SP1, HOU1 and HOU5 of the dPS are realistic & appropriate?

Answer:

- 8.3.1. See answer at 8.2.3 above. At the time of writing in April 2019, the Council’s Developers Contributions Framework was still in draft form and therefore did not provide the level of certainty that developers required. Since then it has been fully adopted and provides greater clarity on the likely additional costs associated with s76 Agreements. As noted above, this will be updated when the Plan Strategy is adopted to reflect the changes in the policy environment.
- 8.3.2. Analysis of s76 Agreements signed to date in relation to planning approvals identifies an average cost of £1,000 per residential unit for other local infrastructure measures (excluding transport), which is likely to have a minimal impact on overall scheme viability. It is unlikely that this position will change significantly as a result of the new dPS, given that the infrastructure challenges are strategic in nature and therefore need to be resolved at a strategic level. In relation to affordable housing, which is likely to be largest single policy ‘cost’ associated with the dPS, the Colliers report (Link [SD006D](#)) notes that “not all affordable housing provision can be considered a ‘developer contribution’ in the traditional sense, as in some cases (e.g. social housing) the affordable housing itself is in most cases fully funded by grant funding or through private finance of a HA, providing a competitive return for developers.”
- 8.3.4. There is ongoing requirement to engage with statutory consultees including for the provision of infrastructure and the LWWP is an example of where the Council is not only engaging but partnering with infrastructure providers to demonstrate the potential of new forms of provision such as SuDS.

Question:

8.4. Similarly, specific concerns about the role of SPG have already been raised. However, SPG is frequently mentioned in the dPS, listed at Appendix E thereof and numerous references to its role are referred to in the Council's Document BCC-DPS-ConRep. As with Section 76 Agreements, how could potential developers make informed investment decisions on the basis of the Plan Strategy pending publication of the suite of SPG needing to be read alongside it? Does this approach prejudice delivery and implementation of the growth strategy?

Answer:

- 8.4. 1. SPG does not represent new policy, but rather supports the policies drafted and as such, the policies themselves are considered deliverable even in the absence of the SPG. The evidence underpinning the growth strategy does not rely upon SPG and demonstrates that the growth strategy is deliverable itself.
- 8.4.2. To have included all of the operational detail that will be within the suite of SPG documents as part of the Plan Strategy would have made it an extremely long and unwieldy document. By definition, SPG cannot be put in place in advance of the dPS being adopted, there will inevitably be a transitional period when new policy is introduced.

Question:

8.5. Document BCC-DPS-ConRep-Appendix D4SD006D, page 19, Recommendation 7 & page 23, point 7 refer to the: possible need for greater latitude and flexibility within the City Centre in the short- term; and use of viability testing as vital in the application of new policies. What provision has been made for these considerations in respect of the implementation and monitoring of housing policies?

Answer:

- 8.5.1 There are a number of pieces of work currently being undertaken by the Council, in partnership with the Department for Communities and the Co-ownership Housing Association, to look at the recommendations raised in the Colliers' Market Impact Report (SD006D Link: [SD006D](#)). Much of this work is delivery-focussed and therefore does not affect the broad policy approach outlined within the dPS.
- 8.5.2 For example, in relation to the need for new Intermediate rent products, DfC have recently completed initial research to determine whether affordable rent product(s) are required in Northern Ireland (NI) in terms of helping reduce housing stress and to explore the most cost-effective and viable model(s) for delivery, having regard to the level of government intervention that would be needed. The research concludes that there is a selective role for an affordable rent product in NI, particularly in parts of Belfast and the North West with relatively higher market prices. It recommends that further research is required to develop the parameters for such a product and the Council understand the DfC have already commenced on this next phase of work.

- 8.5.3 Similarly, as noted above, the Council are working jointly with DfC and the Co-ownership Housing Association to learn from best practice examples of intermediate housing in other jurisdictions and consider their applicability for a Belfast City Centre context..
- 8.5.5 It is noted that viability will always be a material consideration in the determination of any future planning applications and the Council are currently completing work to inform the Council's approach to viability testing, which will be set out clearly within future SPG. Policy HOU5 recognises that viability is likely to be a particularly challenge in the case of affordable housing requirements and is therefore explicit saying where it can be demonstrated that it is not viable to meet the requirements of the policy in full, the council will "consider suitable alternatives on a case-by-case basis." Work is also ongoing to provide greater clarity as to the 'suitable alternatives' that will be considered as part of future Affordable Housing SPG.
- 8.5.6 The Council is of the view that sufficient flexibility exists in the policy, as currently worded, to enable viability to be taken into account at application stage. Furthermore, when taken together, this range of work serves to demonstrate a significant commitment from the public sector to invest where required to see the type of development required to deliver the DPS objectives incentivised.

Question:

8.6. With regard to the City Centre, Document BCC-DPS-ConRep-Appendix D4, page 21 says that a public sector intervention in the form of a market stimulus may be required in developing a residential base therein. How is this taken account of in the DPS?

Answer:

- 8.6.1 The Belfast Agenda set a bold ambition that the City should be a home to an additional 66,000 people by 2035. The dPS takes that aim into account and the LDP is recognised as being a vital tool to deliver the Belfast Agenda. The Belfast City Centre Regeneration Investment Strategy informed both the Belfast Agenda and the dPS. One of its key aims is to increase the residential population of the City. The issues of delivery and the need for public sector support is considered in respect of each area of policy and the matter of delivery is addressed in Section 11 of the dPS (Link: [DPS001](#))
- 8.6.2. The Council was well-aware that, owing to historic lack of residential housing in the City, it would have to take a different and ambitious approach. Alongside the development of the dPS, the Council has committed to proactively engage with other stakeholders to address potential challenges and to ensure that growth can be sustained over time. For example, the Council has been a main driver in establishing a City Centre Regeneration Task Force which is a collaborative public sector response to drive and resource the city centre recovery efforts in response to the Bank Buildings fire in the shorter term but also to provide a high level forum for the consideration of cross cutting issues and proposals for collaborative working and co-investment in the city centre to support longer term aspirations, which includes delivering a range of housing tenures across the city whilst specifically addressing barriers to city centre living to support an increased city centre population and drive forward opportunities for sustainable mixed use developments. The partnership embodies a commitment to the delivery of city regeneration and investment projects and initiatives as part of the overall growth ambition.

9.0 Cross Boundary Issues

Question:

9.1. Document BCC-Evi-03 POP006, page 85, para 6.80 – The overview of the Metropolitan Area Spatial Working Group meetings at Vol 11, Appendix 10 does not indicate whether the required “dialogue with other districts sharing strong labour-force relationships with the city to ensure that assumptions relating to job growth and housing provision don’t have wider implications” has occurred. If it has, the outcome is not clear from the Council’s evidence including the associated implications it has for job growth and housing provision. Please confirm how the Council concludes that its dPS is not in conflict with DPDs of neighbouring Councils and that the requirements of paragraph 5.4.13 of Development Plan Practice Note 6: “Soundness” have been taken on board.

Answer:

- 9.1.1. The Document quoted by the Commissioners seems to refer to the Addendum to Housing Growth Report, but it doesn’t have a page 85 or paragraph 6.80. Instead, it is assumed that this is referring to Paragraph 6.60 of the Housing Growth Options Report (submission document POP006 Link: [POP006](#)) 2016.
- 9.1.2. The Council refers the Commissioners to pages 29-32 of its Self-Assessment of Soundness document (SD004_SAS Link: [SD004](#)). Whether the dPS is in conflict with the DPDs of neighbouring Council’s is a wide topic and relates not only to housing growth. It is an issue much be considered in the context of the dPS as a whole; the Council considers that this issue is more suitably addressed in full at IE.
- 9.1.3. The matters raised in the Commissioners question were addressed via the MASWG forum and engagement with adjoining Council’s continues via this forum. It is important to note that Belfast City Council was one of the first Council to advance a dPS to this stage through the new process. At the time it was considering scenarios, there was no coherent strategies from surrounding Councils, who were at much less advanced stages of the LDP process. Nevertheless, through co-operation and discussion at the MASWG, the Council had regard to what adjoining Council’s intended to do, as far as that was known. Data and assumptions were shared to inform the work of all participants at that stage.
- 9.1.4. In addition, Antrim and Newtownabbey Borough Council and Lisburn and Castlereagh City Council submitted responses to the Councils’ POP. They were considered when preparing the dPS.
- 9.1.5. The Housing Growth Options undertook a high level consideration of the cross boundary implications of each scenario. This enabled a considered view to be reached on an appropriate and reasonable level of housing to be provided for the emerging Belfast LDP. From the possible scenarios considered by the Council at POP stage the middle projection was selected to align with the Agenda work and what could be achieved within the BCC area with existing land supply thereby minimising the potential for impact on surrounding districts. Representations were made by adjoining Councils in response to the dPS and the Council’s response to issues raised appear throughout its consultation response document (submission document SD006 Link: [SD006](#)).
- 9.1.6. The further advice contained in the “technical response to comments on the DPS for Belfast”, June 2019, authored by Turleys submission document SD006E Link: [SD006E](#)), offers further analysis of the migration implications of the growth strategy for other districts

and the implications of housing market analysis in the context of the wider HMA in which Belfast is situated.

- 9.1.7. The principal source of evidence to demonstrate that the dPS is not in conflict with the DPDs of neighbouring Councils, is the content of the dPS itself. It is submitted that a full examination of the dPS will demonstrate that no conflict arises.

Question:

9.2 This question also applies to the statement in Document BCC-Evi-03 POP006, page 83, para 6.51 that reads: “the cross-boundary implications of the scenarios, highlighting the possible wider consequences of planning for different levels of growth”?

Answer:

- 9.2.1. See answer at 9.1 above

10. Proposed Modifications

Question:

10.1 It is noted that publication of Development Plan Practice Note 10: “Submitting Development Plan Documents for Independent Examination” (DPPN 10) in January 2020 followed the submission of the dPS for IE. In Document BCC-DPS-ConRep, at Appendix 7, the Council sets out a series of “Errors and suggested minor modifications”. Both individually and cumulatively, some of the “errors” may amount to changes to policy and some of the proposed amendments seem to go beyond “minor changes” as described by DPPN 10. In light of the cautious approach advocated by paragraph 4.6 thereof, some may represent “focussed changes”.

Answer:

- 10.1.1 The Commissioners’ statement does not actually articulate a question for the Council to answer. However, the Council would comment generally that, as has been highlighted by the Commissioners, this guidance post-dates the Council’s submission of the dPS. In fact, the Council found itself in the position where much of the guidance and clarification has been put in place in a reactive manner after or as the Council moved through the stages of what has been a changing or evolving process. This iterative approach illustrates the increased complexity the council has faced as the first local authority in seeking to bring forward the new local development plan. It was in this context that the Council identified these issues in an attempt to assist with the process and in no way intended to prescribe or limit the scope of any IE.
- 10.1.2 The Council does not agree with the Commissioners comment that some of the proposed amendments may represent “focused changes”; none of the circumstances set out in paragraph 4.7 of DPPN 10 exist. Further, the Council does not agree with the comment that either the “errors and suggested minor modifications”, either individually or cumulatively go beyond the “minor changes” described in DPPN 10. The Council notes that DPPN 10 makes provision for proposed minor modifications to be discussed at IE (see paragraph 4.5 DPPN 10). It contends that that is how the Council’s proposed modifications should be considered.

The Council further notes that this appears to be accepted by the Commissioners at section 10.2 of their letter (below) which states that each proposed change “would be discussed at IE.” The Commission should not come to any conclusions on the proposed modifications until they have been discussed at IE.

Question:

10.2 The attached/enclosed table briefly records the Commissioners’ initial concerns. Whilst every proposed “correction” and change would be discussed at IE, not all have been included on this table. The Council’s response to each is not necessary at this stage; it is simply provided to give a flavour of the Commissioners’ preliminary thoughts on the issue. Rather, it would be helpful if the Council would engage with paragraphs 4.6– 4.10 inclusive of DPPN 10 and give its advice on what implications, if any, they have for this element of the IE.

Answer:

10.2.1. The Council notes the Commissioners’ comments in both the correspondence and the attached table. It is noted that the Commission has not invited a detailed response at this stage. The Council reiterates its position as outlined at 10.1 above. These are matters which ought to be discussed at the IE and the Commissioners should refrain from coming to any conclusions on this matter until it has been fully considered at IE.

Appendix: Draft Plan Strategy Consultations: Timeline of key dates

Pre-statutory period availability of documents - commences Thursday 23/08/2018

DPD	Newspaper	Date 1	Date 2	Website/ Office
draft Plan Strategy & evidence	Belfast Gazette	24/08/2018	31/08/2018	23/08/2018
	Local Press *	23/08/2018	30/08/2018	
HRA	Belfast Gazette	24/08/2018	31/08/2018	23/08/2018
	Local Press *	23/08/2018	30/08/2018	
SA/SEA	Belfast Gazette	24/08/2018	31/08/2018	23/08/2018
	Local Press *	23/08/2018	30/08/2018	
RNIA	Belfast Gazette	24/08/2018	31/08/2018	23/08/2018
	Local Press *	23/08/2018	30/08/2018	
draft EQIA	Belfast Gazette	24/08/2018	31/08/2018	23/08/2018
	Local Press *	23/08/2018	30/08/2018	

Statutory period for submissions - commences Thursday 20/09/2018

DPD	Newspaper	Date 1	Date 2	Website /Office
draft Plan Strategy & evidence	Belfast Gazette	21/09/2018	28/09/2018	23/08/2018
	Local Press *	20/09/2018	27/09/2018	
HRA	Belfast Gazette	21/09/2018	28/09/2018	23/08/2018
	Local Press *	20/09/2018	27/09/2018	
SA/SEA	Belfast Gazette	21/09/2018	28/09/2018	23/08/2018
	Local Press *	20/09/2018	27/09/2018	
RNIA	Belfast Gazette	21/09/2018	28/09/2018	23/08/2018
	Local Press *	20/09/2018	27/09/2018	
draft EQIA	Belfast Gazette	21/09/2018	28/09/2018	23/08/2018
	Local Press *	20/09/2018	27/09/2018	

End of statutory period (close of submissions) was Close of Business Thursday 15/11/2018

Statutory period for counter-representations - commences Friday 01/03/2019

DPD	Newspaper	Date 1	Date 2	Website/ Office
Publication of all submissions on dPS, SEA/SA, HRA, EQIA	Belfast Gazette	01/03/2019	08/03/2019	01/03/2019
	Local Press *	01/03/2019	08/03/2019	

End of statutory period for counter-reps (close of submissions) was CoB Friday 26/04/2019

* Note: Local newspapers-
Belfast Telegraph *Irish News* *News Letter*
Andersonstown News

Copies of all documents were made available for inspection together. The council published notices for the availability of all LDP documentation four weeks prior to formal consultation in the Belfast Gazette and local papers on the weeks commencing 20th August and 27th August 2018. This additional period was to facilitate widespread engagement. Public notice of the 8-week statutory consultation period was published in the Belfast Gazette and the local press on the week commencing 17 September 2018 and week commencing 24 September 2018. All such notices clearly referenced the availability of the SA/SEA, EQIA, HRA and Rural Needs Impact Assessment, all of which were prepared in tandem with the draft Plan Strategy. The closing date for submissions in any of the LDP documentation was 15 November 2018.