

Submitted to **Belfast LDP 2035 - Plan Strategy**  
Submitted on **2018-11-14 21:29:30**

## Overview

### 1. Data Protection

**Q1. Please tick to confirm that you have read and understood the privacy notice above.**

I confirm that I have read and understood the privacy notice above and give my consent for Belfast City Council to hold my personal data for the purposes outlined.

**Q2. Do you consent for us to publish your response?**

Yes, with my name and/or organisation

### 2. Your details

**Q3. Are you responding as an individual, as an organisation, or as an agent acting on behalf of an individual, group or organisation?**

**Individual, Organisation or Agent:**

I'm an Agent

**Q4. What is your name?**

**Title:**

Mrs

**Full Name:**

Carrie McDonagh

**Q5. What is your telephone number?**

**Telephone number:**

██████████

**Q6. What is your email address?**

**Email:**

████████████████████

**Q7. Did you respond to the previous Preferred Options Paper consultation phase?**

Yes

If yes, and you have your previous response ID (beginning ANON) please enter it here::

### 5. Agents

**Q10. Please provide details of the organisation or individual you are representing:**

**The name of the organisation or individual you are representing::**

LATT Ltd

**Title:**

Mr

**First Name:**

Stephen

**Last Name:**

McGwoen

**Address Line 1:**

17 Clarendon Road

**Line 2:**

Clarendon Dock

**Line 3:**

**City:**

Belfast

**Postcode:**

BT1 3BG

**Telephone number:**

██████████

**Email address:**

██

**Q11. Would you like us to contact you, your client or both in relation to this response or future consultations on the LDP?**

Agent

**6. Before you submit your comments**

**7. Is the plan sound?**

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

**Q12. Do you consider the Plan Strategy to be sound or unsound?**

I believe it to be unsound

**8b. Unsound**

**Q14a. To which part of the Plan Strategy does your representation relate?**

**Relevant Section or Paragraph::**

Section 5.3

**Policy (if relevant):**

SP3 Improving Health and Wellbeing

**Q15a. If you consider the Plan Strategy to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6:**

CE1 - The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils, CE3 - There are clear mechanisms for implementation and monitoring

**Q16a. Please give details of why you consider the Plan Strategy to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.**

**Please give your reasons:**

Policy SP3 – Improving health and wellbeing states that 'The council will support development that maximises opportunities to improve health and wellbeing. Development will not be permitted where it will result in significant harm to life, human health or wellbeing'.

Clearly improving health and well being is a vital objective for the City but it is unclear what the tests are to enable compliance with this policy or how its success will be monitored over the lifetime of the plan.

**Q17a. If you consider the Plan Strategy to be unsound, please provide details of what change(s) you consider necessary to make the Plan Strategy sound.**

**What would make it sound?:**

The supporting text states that the promotion of health and wellbeing in our communities is a strategic policy in the LDP and the development of sustainable neighbourhoods, with good access to a range of local facilities and services will encourage walking and cycling.

It is unclear if this policy is requiring health and well being to be considered as part of proposals for new development or providing support for new proposals for health or well being facilities. The later would overlap with CI1 - Community Infrastructure in that it supports the Council in protecting and provide development opportunities for community, health, leisure, nurseries and educational facilities based on local need and it is unclear if SP3 is intended to provide support for that policy.

Files should be no more than 10MB and in either PDF or Microsoft Word format:

No file was uploaded

**Q18a. Would you like to highlight another part of the draft Plan Strategy that you consider to be unsound?**

Yes

## **8b. Unsound - Second Submission**

**Q14b. To which part of the Plan Strategy does your representation relate?**

**Relevant Section or Paragraph:**

**Policy (if relevant):**

RET3 District Centre, Local Centre and City Corridors

**Q15b. If you consider the Plan Strategy to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6:**

C3 - Did the council take account of policy and guidance issued by the Department?, CE1 - The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils, CE3 - There are clear mechanisms for implementation and monitoring, CE4 - It is reasonably flexible to enable it to deal with changing circumstances

**Q16b. Please give details of why you consider the Plan Strategy to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.**

**Please give your reasons:**

The SPPS at Para 6.276 it states that 'Planning authorities should retain and consolidate existing district and local centres as a focus for local everyday shopping, and ensure their role is complementary to the role and function of the town centre. In these centres, extensions should only be permitted where the applicant has demonstrated that no adverse impact will result on town centres in the catchment'.

The SPPS also states at 6.277 that LDPs should set out:

- appropriate policies that make clear which uses will be permitted in the hierarchy of centres and other locations, and
- the factors that will be taken into account when decision taking.

While policy RET 1 provides for consideration of district centres within the sequential assessment for proposals, the headline in Policy RET3 suggests it provides the detail policy context for proposals within the district centres. The first line reads:

Beyond the city centre , a district centre first approach will apply to proposals for major retail development and other town centre uses.

District centres form part of the retail hierarchy yet the above policy does not fulfil the obligation within the SPPS to provide policy guidance as to how they will be retained or consolidated:

- As a focus for local everyday shopping;
- With a role complementary to the role and function of the town centre; or
- The policy test for extensions.

CE1 – Coherent strategy from which its policies and allocations logically flow and where cross border issues are relevant it is not in conflict with the DPD of neighbouring councils

Policy objectives within the plan strategy must be consistent. Policy RET 1 – Establishing a retail hierarchy sets out how the network and hierarchy is to be maintained and directs development to the appropriate level of centre based on size, function and catchment. Policy RET3 confirms this approach by confirming a district centre first approach outside of the City Centre, however it restricts the application of RET 3 inside the District Centres to major retail development. This introduces inconsistency for retail proposals under 1000sqm with RET1 requiring the assessment of district centres and RET 3 omitting this obligation.

CE3 – Are there clear mechanisms for implementation and monitoring?

There is no way to monitor if the sequential test alone is assisting the district centres to function appropriately at their level on the hierarchy. There is no consideration of how they compete with other district centres or how an improvement in their offer will complement the town centre first approach.

CE4 – It is reasonably flexible to deal with changing circumstances?

District centres are among the most adaptable locations given their ability to respond quickly to local consumer demands. The preform at a local level on the hierarchy and this inherent flexibility should be recognised to provide for adaptable retail provision.

**Q17b. If you consider the Plan Strategy to be unsound, please provide details of what change(s) you consider necessary to make the Plan Strategy sound.**

**What would make it sound?:**

It is requested that further guidance is provided on the scale of development that would be acceptable in the district centres. The amplification text reads:

Convenience and comparison shopping should be of a scale appropriate to meet local needs, appropriate to the scale of the individual centre and managed through planning conditions... Convenience retailing helps to anchor and elevate the role of centres and development proposals which would lead to the loss of local convenience retailing will be resisted.

It should be clarified if this is supporting text relates to district centres.

Para 8.2.20 states 'the future growth of the centres will be in line with the capacity to accommodate growth, the role of the centre and catchment that it serves. It indicates that different centres are considered to have a different capacity for growth, but a the policy test to enable compliance is omitted from within the policy box. Given Policy RET 2 \_ Out of Centre development restricts the assessment of need for such proposals to thresholds of over 1000sqm, it is unclear why a need test would be required for all proposals in district centres regardless of scale. This could be considered to reduce the advantage of a district centre location.

Policy RET 3 should apply to all retail proposals, not just those major proposals over 1000sqm (given it is the more detailed retail policy for district centres) to ensure smaller proposals also have to discount sequentially preferable locations within the district centres.

Given the expansion of leisure within a retailing environment is noted as an important development in traditional retail locations , policy should also promote the district centres as suitable locations for non-retail uses such as restaurants and other functions that support linked trips for the surrounding communities. District centres are among the most adaptable locations given their ability to respond quickly to local consumer demands and this inherent flexibility and the opportunity they provide should be recognised within the policy.

The change requested would meet the requirements of the sustainability appraisal and is more appropriate in meeting sustainability objectives. District Centres are important in both social and economic terms for local communities having provided a service for local neighbourhoods for many years. They are located within the core of the communities and a clearer definition of their role, purpose and potential for growth provides for greater certainty in the delivery of future proposals and the provision of economic benefits for the local communities.

The implementation section includes supplementary planning guidance as one of the intended measures but no indication is provided as to what this will consist of or how it is meant to supplement this limited policy context for district centres. Detail should be included.

**Files should be no more than 10MB and in either PDF or Microsoft Word format:**

No file was uploaded

**Q18b. Would you like to highlight another part of the draft Plan Strategy that you consider to be unsound?**

Yes

## **8b. Unsound - Third Submission**

**Q14c. To which part of the Plan Strategy does your representation relate?**

**Relevant Section or Paragraph::**

**Policy (if relevant):**

TLC3 Overnight Visitor Accommodation

**Q15c. If you consider the Plan Strategy to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6:**

C1 - Did the council take account of the Regional Development Strategy?, C3 - Did the council take account of policy and guidance issued by the Department?, CE2 - The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base

**Q16c. Please give details of why you consider the Plan Strategy to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.**

**Please give your reasons:**

C1 – Compliance with RDS?

The Regional Development Strategy 2035 (RDS) recognises tourism as a key element underpinning sustainable economic growth in Northern Ireland and Regional Guideline 4 (RG 4) seeks to promote a sustainable approach to the provision of tourism infrastructure.

At Page 34 it states:

'All new or extended infrastructure required to support and enhance the tourist industry needs to be appropriately located and sited with proper regard to tourism benefit and the safeguarding of the natural and built environment on which tourism depends.

Promote a balanced approach that safeguards tourism infrastructure while benefiting society and the economy. Sufficient choice of the right type of visitor accommodation in the right areas is important; there must also be an adequate supply of things to do.

The regional strategic objectives for tourism include utilising and develop the tourism potential of settlements by facilitating tourism development of an appropriate nature, location and scale .

The plan moves away from this guidance and limits the locations to the City Centre, ignoring the potential of rest of the City.

C3 – Did the Council Take account of policy and guidance issued by the Department?

The SPPS states the following at Para 6.258:

'There will be a general presumption in favour of tourism development within settlements, subject to meeting normal planning requirements.

PPS 16 Policy TSM 1 Tourism Development in Settlements again confirms that Planning permission will be granted for a proposal for tourism development

(including a tourist amenity or tourist accommodation) within a settlement; provided it is of a nature appropriate to the settlement, respects the site context in terms of scale, size and design, and has regard to the specified provisions of a development plan. The amplification text at Para 7.3 adds that 'Larger settlements, as transport hubs are also readily accessible by tourists'.

Neither the SPPS nor PPS 16 directs tourist accommodation to town or city centres, only to Cities.

CE2 – Is the strategy policies and allocations realistic and appropriate, have they considered the relevant alternatives and founded on robust evidence?

The Technical supplement refers to many reasons for staying in Belfast which do not require a city centre location such as visiting friends and relatives where visitors prefer to stay close to family. Figure 2 sets out the main reasons for visiting Belfast. While 44% visited for holiday purposes, over a third at 37% were visiting friends and relatives and then followed by business trips at 16%. Many of these groups don't require a city centre location, and their requirements are not adequately represented in the policy as drafted.

**Q17c. If you consider the Plan Strategy to be unsound, please provide details of what change(s) you consider necessary to make the Plan Strategy sound.**

**What would make it sound?:**

A key issue is that hotels and overnight accommodation are not just for tourists. The policy provides no consideration of the need for overnight accommodation for other groups including those visiting or staying with relatives in hospital, weddings and funerals or those working on shorter term contracts during the week and for social occasions including festivals. None of these groups require a city centre location, in fact many want a location out of the centre because their trip necessitates the use of their car for work (with the price of parking in the City Centre prohibitive or unavailable) or many want to be close to the relatives they are visiting or family occasion they are attending. None of these circumstances fall within the policy exception of out of centre proposals sited either within an existing tourism cluster or adjacent to a visitor attraction.

The policy should be extended to include for provision other than tourists subject to a business or locational need and district Centres should be noted as suitable for new hotels given their sustainable location in the heart of local communities and close to strategic transport routes. Inclusion in policy as the second-choice location for hotel developments after the city centre is equally appropriate in terms of the sustainability appraisal.

**Files should be no more than 10MB and in either PDF or Microsoft Word format:**

No file was uploaded

**Q18c. Would you like to highlight another part of the draft Plan Strategy that you consider to be unsound?**

Yes

**8b. Unsound - Fourth Submission**

**Q14d. To which part of the Plan Strategy does your representation relate?**

**Relevant Section or Paragraph::**

**Policy (if relevant):**

EC6 Office Development

**Q15d. If you consider the Plan Strategy to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6:**

CE2 - The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base,  
CE4 - It is reasonably flexible to enable it to deal with changing circumstances

**Q16d. Please give details of why you consider the Plan Strategy to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.**

**Please give your reasons:**

CE2 – The strategy policies and allocations are realistic and founded on evidence?

Outside of designated areas the policy states: Development proposals for B1(a) general offices outside the above specified areas must comply with the sequential approach with those in excess of 1,000sq.m gross floor space accompanied with an impact assessment and an assessment of need as set out in policy RET2.

The office study prepared in July 2018 in support of the plan (page 36) concluded that a portfolio of offices locations should be created- which should include district and local centres with consideration of the threshold or not more than 400 sq. metres. It then stated that 'Outside of city centre, district centres and local centres, a limit of 200 sq. metres should be considered along arterial routes. However, this should be subject to meeting normal planning considerations such as protecting residential amenity and compatibility with adjacent land use.

It is unclear why the reports recommended floorspace cap of 400sqm is applied to district centres within Policy EC6 yet the recommended floorspace cap of 200sqm is not applied to out of centre locations given the more sustainable location within the district centres. The only requirement of this policy is that proposals less than 1000sqm on locations outside of designated centres and office nodes have to go through a sequential test, arguably a more significant

quantum of office development could take place in these locations than within more sustainable district centres.

CE4 – It is reasonably flexible to deal with changing circumstances

There is no detail on the ability to introduce flexibility over time dependent on the take up of offices.

**Q17d. If you consider the Plan Strategy to be unsound, please provide details of what change(s) you consider necessary to make the Plan Strategy sound.**

**What would make it sound?:**

The policy includes district centres as the preferential location outside of city centres, for offices but it should include the flexibility that is within the policy for out of centre office provision for a quantum above 400sqm but below 1000sqm subject to the sequential test. District centres are a more sustainable location with good transport connections, the opportunity for linked trips and shared parking and their consolidation and expansion is in line strategic growth strategy.

This is a more sustainable approach to the location of these uses and will assist in delivering the preferred option of creating a vibrant economy as these uses have the potential to generate local jobs, rates and income in their local communities in line with the sustainability objectives of the plan.

**Files should be no more than 10MB and in either PDF or Microsoft Word format:**

No file was uploaded

**Q18d. Would you like to highlight another part of the draft Plan Strategy that you consider to be unsound?**

Yes

## **8b. Unsound - Fifth Submission**

**Q14e. To which part of the Plan Strategy does your representation relate?**

**Relevant Section or Paragraph:**

**Policy (if relevant):**

ENV3 Adapting to Environmental Change

**Q15e. If you consider the Plan Strategy to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6:**

C3 - Did the council take account of policy and guidance issued by the Department?

**Q16e. Please give details of why you consider the Plan Strategy to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.**

**Please give your reasons:**

C3

Policy ENV3 – Adapting to environmental change allows for planning permission for development that incorporates measures to adapt to environmental change, in order to support sustainable and enduring development. It also states that in order to minimise the impact of extreme weather conditions, new developments should also embed resilience to current and future climates, including:

- g. Demonstrate what measures have been included to ensure the safety of people and the protection of the development during extreme weather events; and
- i. Demonstrate how the development is resilient to flood events.

This is a significant addition to the requirements to be included within a planning application given it is information that needs to be assessed by a flood proofing expert as part of a drainage plan. This is a significant cost burden on applicants and is inconsistent with the approach in the SPPS and PPS 15 where such information is contained in drainage assessments only as part of proposals over the specific size thresholds in FLD3 or where there is a record of surface drainage issues.

**Q17e. If you consider the Plan Strategy to be unsound, please provide details of what change(s) you consider necessary to make the Plan Strategy sound.**

**What would make it sound?:**

The obligations which exceed those within FLD 3 of PPS 15 should be removed.

**Files should be no more than 10MB and in either PDF or Microsoft Word format:**

No file was uploaded

**Q18e. Would you like to highlight another part of the draft Plan Strategy that you consider to be unsound?**

Yes

## **8b. Unsound - Sixth Submission**

**Q14a. To which part of the Plan Strategy does your representation relate?**

**Relevant Section or Paragraph:**

**Policy (if relevant):**

ENV4 Flood Risk

**Q15a. If you consider the Plan Strategy to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6:**

C3 - Did the council take account of policy and guidance issued by the Department?, CE1 - The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils, CE3 - There are clear mechanisms for implementation and monitoring

**Q16a. Please give details of why you consider the Plan Strategy to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.**

**Please give your reasons:**

ENV4 – Flood risk states that planning applications in flood risk areas must be accompanied by an assessment of the flood risk in the form of a Flood Risk Assessment (FRA) and In all circumstances, the council will adopt a precautionary approach in assessing development proposals in areas that may be subject to flood risk presently or in the future as a result of environmental change predictions. All planning applications will be determined with reference to the most up to date flood risk information available and in consultation with DfI Rivers and other relevant bodies as appropriate. It also states that the SPPS sets out the planning policies for flood risk to minimise flood risk to people, property and the environment. The council will take full account of these in assessing development proposals.

The policy provides no guidance on exceptions: this is a significant omission given the brownfield status of many sites in Belfast and the condition of much of the cities underground sewer network.

The current procedure is that Rivers PAU will not review a FRA until planning service grant an exception, it is therefore excessive to require a FRA in instances where an exception is not granted as it results in abortive costs on applicants.

**Q17a. If you consider the Plan Strategy to be unsound, please provide details of what change(s) you consider necessary to make the Plan Strategy sound.**

**What would make it sound?:**

The policy should set out the exceptions to flood risk policy under the current FLD15 PPS 1 with amplification on any additional circumstances when exceptions may be granted given the unique circumstances of Belfast and the limitations caused by the flood plain in specific areas and due to the historic infrastructure. Advice should be provided for commercial premises in particular such as car parks belonging to district centres.

Policy in respect of reservoir flooding in FLD5 also needs application within the plan strategy. As Belfast City Council control of some of the key infrastructure a definitive requirement could be included.

The policy refers to the SPPS and taking full account of it in assessing development proposals. The relevant sections within the SPPS should be included within the policy given the SPPS is subject to review and transitional arrangements.

**Files should be no more than 10MB and in either PDF or Microsoft Word format:**

No file was uploaded

**Q18a. Would you like to highlight another part of the draft Plan Strategy that you consider to be unsound?**

No

## **9. Type of Procedure**

**Q18. Please indicate if you would like your representation to be dealt with by:**

Oral hearing