DPS-B-AW-3

Representations to Belfast City Council Draft Plan Strategy

On behalf of Lacuna Developments

November 2018

Turley Planning

Contents

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Client

Our reference
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Executive Summary

1. This representation is submitted on behalf of Lacuna Developments Ltd.

2. Lacuna Developments Ltd has experience in a wide range of property markets including private housing, student accommodation, high street retail and offices. They have been one of the pioneering developers who are developing high quality student accommodation in Belfast and have recently delivered major regeneration schemes such as John Bell House and Swanston Hall.

3. Lacuna Developments welcome the opportunity to comment on the Council's draft Plan Strategy and are supportive of the Council's vision.

4. However, we consider the following policies to be unsound and seek the following changes as summarised below.

Schedule of Key Comments

Policy	Comment
HOU 5	*Affordable Housing* ***Change required**:* *HOU 5 is unsound as the policy fails the tests of CE 1, 2 and 3- Coherence and Effectiveness* *The policy is not founded on a robust evidence basis which explains the rationale behind the policy triggers and provides a clear understanding on the implications arising from the policy.* *Lacuna Developments request that Council reconsiders its evidence basis to support the Affordable Housing policy*
HOU6	*Housing Mix* ***Change required:*** *HOU 6 is unsound as the policy fails the tests of CE 1 and 2 - Coherence and Effectiveness* *The policy should be deleted as it duplicates provisions already set out in HOU 5 and places unnecessary restrictions on private housing developers.*
DES3 & HOU4	*Tall Buildings and Density of Residential Development* ***Change required:*** *(a) We are not supportive of setting guideline heights. Based on the analysis undertaken we recommend that the threshold of 35m AOD is revisited and the text 'those which are significantly higher than their surroundings' is removed as there is no guidance to determine what is significantly higher.*

(c) *Criteria is unsound as it doesn't read across other policies in the plan specifically those set out in the Built Heritage section.*

(d) *Replace 'Contribute to a cluster or an interesting skyline when grouped together' with 'Contribute to a cluster or create a focal point or beacon (a Point Block) which acts as a form of marker contributing to a positive skyline.' As drafted there is a conflict in respect of the clustering and grouping and assessing each application on its own merits. Individually, or in groups, tall buildings can affect the image and identity of the city. Para 3.4 of the Technical Supplement 06 states that 'Tall buildings are generally easily recognisable and act as key landmarks within a city's skyline either individually or as a cluster.' (our emphasis)*

(e) *Replace 'Support locations of civic or visual importance including major transport nodes, civic spaces and areas of high employment' with 'Support locations of civic or visual importance including major transport nodes, civic spaces, areas of high employment, at arrival points into the city, waterfront and areas of regeneration including those identified as Development Opportunity Sites and masterplans' Consideration should be given to including criteria in DES3 that 'regard should be had to extant masterplans/frameworks or extant planning permissions whereby locations for taller buildings are identified or approved…'.*

(f) *Add 'will bring significant regeneration benefits and contribute positively to place-making' similar to other UK cities it should be acknowledged that taller buildings can act as catalysts for wider regeneration. Skylines of cities such as Manchester, Leeds, Liverpool and Birmingham act as markers and signposts of regeneration.*

(g) *Remove 'Existing tall buildings within Belfast will not set a policy precedent for similar development on adjacent sites.' This is unsound because it is an invitation to set aside an assessment of context and character, factors which are genuine and important material considerations in making a planning decision within the new policy framework. The PAC decision (ref: 2013/A0124) is of particular relevance.*

Density of Residential Development

Change required:

'An increase in the density of housing and mixed use developments

	will be promoted in town and city centres and other locations which benefit from high accessibility to public transport facilities and major regeneration/masterplan sites including those with a waterfront location.
CGR 1	*Community Cohesion and Good Relations* ***Change required:*** *That the policy be amended.* *Criterion (a) and (b) should be deleted. Criterion (c) reworded to state that where the opportunity exists to improve future connectivity across peace infrastructure and create permeable neighbourhoods that this should be incorporated into design proposals. No change to criterion (d) and (e).* *These changes would assist in making the policy sound as the revised criteria is found on good planning principles and paragraph 4.17 of the SPPS.*
BH2	*Conservation Areas* ***Change required:*** *The policy is unsound as it fails the tests of CE 2 Coherence and Effectiveness* *The policy is not founded on a robust evidence basis which explains the rationale behind the policy triggers and provides a clear understanding on the implications arising from the policy.* *Lacuna Developments requests that Council reconsiders its evidence basis.* *The policy should reference the balance that needs to be achieved with replacement development and recognising there is a legislative test.*
TRAN 8	*Parking and Servicing Arrangements* ***Change required:*** *Policy TRAN 8 is unsound as the policy fails the tests of CE 2 and C4.* *The policy should introduce flexibility and we would suggest deletion of 'DfI standards' and replacement with 'published standards.'*

TRAN 9	Parking Standards within areas of Parking Restraint **Change required:** *The policy fails to satisfy the test of CE2 in that the evidence base prepared to support the policy is not provided within the technical supplements and the recommendations following from Council's Car Parking Strategy (published in May 2018) have not been provided.* *We respectfully suggest that Council prepares an up to date evidence basis to support this policy and on the basis of the evidence collated reassesses whether the evidence supports this policy position.*
OS 3	Ancillary Open Space **Change required:** *There is insufficient evidence within the technical supplement to support the policy proposed* *A robust, up to date evidence basis should be prepared to support this policy.*

2. Introduction

2.1 This representation is submitted on behalf of Lacuna Developments - one of Northern Ireland's leading development and investment companies.

2.2 Established in 1991, Lacuna Developments Ltd is a family run company. It was originally established by David Best and is now run by his son Anthony. Lacuna Developments Ltd has grown steadily over the last two decades to become involved in property development and investment throughout the UK.

2.3 Lacuna Developments Ltd has experience in a wide range of property markets including private housing, student accommodation, high street retail and offices. They have been one of the pioneering developers who are developing high quality student accommodation in Belfast and have recently delivered major regeneration schemes such as John Bell House and Swanston Hall.

3. Legislative Compliance

3.1 In preparing their Draft Plan Strategy (dPS), Belfast City Council (BCC) are required to adhere to the provisions of the Planning Act (Northern Ireland) 2011 ('Act') and the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 ('Regulations').

3.2 This section identifies weaknesses in the compliance of the draft Plan Strategy (dPS) with the Act and the Regulations.

Planning Act (Northern Ireland) 2011

3.3 Under Part 2 (8) of the Act the Plan Strategy must set out:

- the council's objectives in relation to the development and use of land in its district;
- its strategic policies for the implementation of those objectives; and
- such other matters as may be prescribed.

3.4 We note that the dPS does identify a number of strategic objectives under the themes of shaping a liveable space; creating a vibrant economy; promoting a green and active place; and building smart connected and resilient place. Furthermore the dPS includes proposed strategic policies under the same themes. Whilst this information is included within the dPS the remainder of this representation sets out our comments on the soundness of the proposed objectives and policies.

3.5 The Act also stipulates that the Plan Strategy should be prepared in accordance with the Council's Timetable, as approved by the Department and in accordance with Council's Statement of Community Involvement.

3.6 The BCC Timetable, as approved and published on Council's website is dated, March 2018. We note that Council has published its dPS within the broad timeframe that they provided (i.e. Spring –Autumn 2018). However, we would highlight that the timeframe proposed was to include:

- A period of 4 weeks for the viewing of the document;
- An 8 week statutory public consultation period followed by an 8 week statutory consultation on counter representations;
- Publication of Sustainability Appraisal (inc. SEA) and Public Consultation Report; and
- Publication of EqIA and HRA where required.

3.7 Given that the first period of statutory consultation will end on 15 November, the remaining consultation will not take place in accordance with the published Timetable. Furthermore the published Timetable proposes that the Independent Examination in to the dPS will take place in Late 2018. This will not be the case. Should there be any

information relating to a revised timetable or agreement for an extension from the Department this should be made public.

3.8 In preparing a plan strategy, the council must take account of:

- "the regional development strategy;
- the council's current community plan
- any policy or advice contained in guidance issued by the Department;.
- such other matters as the Department may prescribe or, in a particular case, direct, and may have regard to such other information and considerations as appear to the council to be relevant."

3.9 These representations consider all of the above requirements which form part of the soundness test. Please refer to individual policy comments for our consideration on whether this requirement is met.

3.10 The Act also requires that the Council:

(a) carry out an appraisal of the sustainability of the plan strategy; and

(b) prepare a report of the findings of the appraisal."

3.11 We note that this information has been prepared and is provided as part of the consultation information, however our detailed comments on the findings of the SA are provided in response to individual policies.

The Planning (Local Development Plan) Regulations (Northern Ireland) 2015

3.12 In addition to the Act, Parts 4 & 5 of the Regulations set out the requirement for the preparation of the Plan Strategy DPD. Part 4 set out the requirements for the Form and Content of Development Plan Document

3.13 Part 4 Regulation (1) establishes that a development plan document must contain:

(a) a title which must give the name of the council district for which the development plan document is prepared and indicate whether it is a plan strategy or a local policies plan, and

(b) a sub-title which must indicate the date of the adoption of the development plan document.

3.14 We note that the title required by Part 4 (1)(a) is provided as required, however the date of adoptions of the development plan documents is not provided. The date provided is 2035. We do however acknowledge the draft status of the documents at this stage but request that this is corrected prior to formal adoption of the DPD.

3.15 Part 4 Regulations (2)& (3) set out that a development plan document must contain a reasoned justification of the policies contained in it and that the policy and justification

text should be readily distinguishable. We note that the Council has provided justification text associated with each proposed policies, however this should be considered alongside detailed comments on the soundness of the proposed policies, contained within the remainder of this representation.

3.16 Regulation 13 refers to the requirement for a proposals map/s to be provided within the DPD. The BCC dPS provides a range of maps, however the Regulations stipulate that the map *"is sufficiently detailed so as to enable the location of proposals for the development and use of land to be identified".* Whilst the dPS includes a number of maps, the legibility of the information provided is questionable and little further information is provided in the supporting information to provide clarity.

3.17 Part 5 of the Regulations relates to the procedures for the preparation of the Development Plan Documents. Regulations 15 and 16 relate to the preparation of the dPS. Regulation identifies a schedule of the information that should be made available alongside the publication of the dPS. This includes:

"such supporting documents as in the opinion of the council are relevant to the preparation of the local development plan."

3.18 It is our view that insufficient supporting information is available to support a number of the proposed policies in the dPS. Reference is made within the dPS and supporting documents to a range of reports and information that has informed the DPD, however the information is not available for consideration. We have identified these concerns within the remainder of these representations.

4. Visions, Aims and Objectives

4.1 Our client is supportive of the following ambitious vision set out within the DPS:

'In 2035, Belfast will be a globally successful, smart regional city that is environmentally resilient with a vibrant economic and social heart. As a centre of learning and business, the knowledge economy flourishes where collaboration and innovation attracts investment, talent and jobs. We will value and conserve our unique natural and built heritage to enhance and develop tourism.

Thriving socially inclusive well connected neighbourhoods, that encourage a healthy active lifestyle with well-designed homes where people love to live. A strong, inclusive local economy will support progressive, safe and vibrant communities. The city will provide a gateway to opportunities locally, nationally and worldwide'.

4.2 However, our client submits that the DPS must be amended in line with the modifications sought within and throughout this submission, if it is to deliver upon the LDP DPS vision.

5. Representations to Shaping a Liveable Place

Housing HOU5 – Affordable Housing

HOU 5 is unsound as the policy fails the tests of CE 1, 2 and 3- Coherence and Effectiveness

The policy is not founded on a robust evidence basis which explains the rationale behind the policy triggers and provides a clear understanding on the implications arising from the policy

Lacuna Developments requests that Council reconsiders its evidence basis to support the Affordable Housing policy

Full Response

5.1 Council's proposed policy for securing affordable housing is set out at Policy HOU5. The policy states that: "*Planning permission will be granted for residential development on sites greater than 0.1 hectares and/or containing 5 or more dwelling units where a minimum of 20% of units are provided as affordable*."

5.2 The draft policy then goes on to clarify that:

- Affordable housing will comprise social and/or intermediate housing.
- The size, type and tenure of provision will be determined by an up to date analysis of demand.
- A tenure blind approach is proposed.
- Where it can be demonstrated that it is not sustainable or viable for a proposal to meet the requirements, Council will consider suitable alternatives on a case-by-case basis.
- Provision will be secured via a Section 76 Legal Agreement.

5.3 The justification and amplification text proposed goes on to set out that:

- The 20% requirement is a minimum and Council could seek more where it is considered necessary and viable. If is instance arose, the applicant will be required to provide the relevant amount. This will be secured through key site requirements.
- Council will seek to secure the affordable housing element through the use of a Section 76 Agreement.
- Affordable Housing is defined as social rented housing and intermediate housing.

- Intermediate housing is currently defined as a shared ownership housing product provided by registered housing associations. It is acknowledged that other intermediate products do exist in other jurisdictions.

- The definition of intermediate housing may be further expanded in the future to include these products.

- Viability assessments will be required where an applicant is proposing to provide less that the policy requirement.

5.4 Lacuna Developments support and welcome the intent of the policy which flows from the Regional Development Strategy 2035 and the SPPS. However, in its current format the policy does not meet the tests of Soundness for the following reasons:

- The proposed threshold approach does not fully align with the approach set out in the SPPS (soundness test C3);

- The proposed approach does not align with the Council's own evidence base (soundness test CE2);

- A more robust evidence base is required (soundness test CE2);

- The proposed approach will not be effective as it does not reflect the mechanisms for the provision of social and intermediate housing in Northern Ireland (soundness test CE2 and CE3); and

- It has not been demonstrated that the policy is coherent with other policies proposed (soundness test CE1).

5.5 These aspects are considered further below, along with recommendations for actions that should be undertaken to ensure that the policy will pass the Soundness test when subject to an independent examination.

5.6 The policy as proposed is a threshold policy that applies across the Council area. The SPPS is clear at paragraph 6.143 that:

"The development plan process will be the primary vehicle to facilitate any identified need by zoning land or indicating, through key site requirements, where a proportion of a site may be required for social/affordable housing."

5.7 The approach set out in SPPS directs us towards a locational policy approach where affordable housing is catered for through zonings and key site requirements. Whilst Councils can depart from the approach set out in the SPPS, they should only do so where the evidence exists to justify such a departure. We note that the feedback received from the Preferred Options Paper (POP) showed that a move to social housing zonings would not be welcome, however Council's evidence for underpinning a varied approach is lacking and therefore there is no evidential case for a departure from the SPPS in this case and as such fails soundness test C2.

5.8 Council alludes to the Developer Contributions for Affordable Housing framework which was published for consultation by DSD in 2015. They are reliant upon a

document which is subject to objection, has not been the subject of a thorough assessment and is not policy. Furthermore, the document does not reflect the current and most up to date position and evidence within the draft framework should be relied upon with caution.

5.9 In order to comply with soundness test CE2 it is recommended that Council should undertake their own assessment and consideration of the affordable housing to reflect the baseline and future requirements for Belfast. This should also include a robust assessment of various thresholds for provision.

5.10 The Council has published a number of evidence base documents in support of their proposed policies in the Draft Plan Strategy, including:

- Size and Type of Housing Needed (December 2017); and
- Housing Market Analysis Update (September 2017);

5.11 These reports, prepared by external bodies, have been used to inform technical supplement 2 – Housing (August 2018) and form part of the evidence base for Policy HOU5.

5.12 Figure 17 of the technical supplement sets out a detailed breakdown of social housing need in Belfast for the plan period. This is considered separate from the 630 intermediate homes that are required annually. The table identifies settlement areas within the city and shows that there is a need for social housing across the city, with some areas not having any requirement. The proposed threshold policy approach does not reflect this position and therefore fails soundness test CE2.

5.13 While Council acknowledges that the areas identified as being in highest need of social housing are the areas where land is in short supply, it fails to consider the intricacies of the housing markets within Belfast and the impact on the delivery of social housing. For example, it is unlikely that it would be possible to meet the social housing requirement for the Middle West area within the Mid Shankill due to religious and political divisions in the provision of social housing. The proposed policy does not reflect this position but instead it is proposed that this will be considered through the Local Policies Plan. As such Council has not duly considered the implementation of the policy and therefore fails against soundness test CE3.

5.14 We would suggest that this cannot be dealt with in isolation as it goes to the heart of ensuring the deliverability of affordable housing and as Council has already set out, there is insufficient land within areas of high need.

5.15 Paragraph 7.1.25 of the Draft Plan Strategy sets out that the purpose of the LDP is to ensure the delivery of a range of housing types and tenures and more specifically minimise the disadvantage often associated with large areas of social housing. In relation to the effectiveness of a policy which proposes a 20% contribution, we would firstly identify that Council's evidence identifies that 75% of the proposed housing requirement (23,550 units) is needed to meet affordable housing need across the plan period. Whilst, it is recognised that a 75% contribution would undoubtedly cripple the housing market, its goes to demonstrate that 20% may not be effective.

5.16 Council acknowledges that 75% is an unrealistic requirement, yet provides little evidence to support a 20% requirement. Council assert that the justification for a 20% requirement is set out within the Housing Market Analysis (HMA) prepared by the Northern Ireland Housing Executive (NIHE) in 2017 and the Developer Contributions for Affordable Housing in Northern Ireland – Report of Study in 2015. Whilst the NIHE HMA identifies areas where affordability is an issue for the sales and rental market this report does not consider the levels of requirement needed.

5.17 The Report prepared by Three Dragons in 2015 is not available as part of the evidence base supporting the Draft Plan Strategy and therefore cannot be commented upon. Failure to provide this report as part of the evidence is a flaw on Council's part. In any event, whilst the report may have considered a 10-20% requirement appropriate in this location, it did not consider the viability of site development in the city which takes account of the other policy requirements being put forward within the Draft Plan Strategy. This incoherent approach to assessing policies is unsound (soundness test CE2). Council has chosen a 20% requirement without any robust assessment to discount 10% as suggested in the 2015 report.

5.18 The HMA amongst other things considers house prices and affordability, intermediate housing and social housing. Disappointingly the paper does not make recommendations, however it does state in the conclusion that:

"Land availability is a key issue for the future delivery of social housing in Belfast. There was insufficient land zoned for social housings within BMAP and it is hoped that the new LDP will address this. The predominant of single person and small family households on the waiting list will mean that smaller units and higher densities will be required. Such developments can be problematic from management and maintenance viewpoints. It is therefore important that larger scale developments deliver mixed tenure, mixed income communities to avoid large concentrations of social housing, deprivations and social inequality."

5.19 This statement would suggest a conflict with the 0.1 hectare or 5 unit threshold proposed in the draft Plan Strategy. The policy approach does not therefore reflect the delivery and management of social and intermediate housing. It appears from the proposed policy that the delivery of affordable housing is dependent upon registered social housing providers. However, given the statement above, providers may not be willing to partner up with private developers on small schemes and as such this could impact of the effectiveness of the policy. Council has also failed to consider the practical implementation of the policy and therefore fails against soundness test CE2 and CE3.

5.20 Finally, it is unclear from the draft policy or the supporting evidence base how affordable housing requirements will be applied to the Build to Rent/ Private Rental Sector housing market. Given the recognition within the Council's City Centre Regeneration and Investment Strategy that the private rental sector provides an unrealised opportunity to deliver city centre housing it is disappointing that no consideration has been given to the impact of the draft policy on this product. The rental market will provide a significant opportunity for the city, as is already been seen in emerging proposals that are coming forward. In ensuring that the development plan

does not prevent the delivery of alternative housing products the Council should consider the impact of affordable housing requirements on the delivery of such schemes, particularly given the financial model they work within. The failure of the council to consider other housing products is a flaw under soundness test CE2.

5.21 In order to have robustly and coherently assessed the effectiveness of the policy it would have been appropriate to:

- Identify a sample of sites of varying scales and types across the housing markets within the city;
- Undertake a feasibility appraisal to understand the residential capacity of the sites;
- Identify the other policy requirements and developer contributions that would be applied to the development;
- Identify a series of affordable housing requirements (e.g. 5, 10 and 20% - 'reasonable alternatives');
- Undertake a strategic viability appraisal of each requirement level for each site to understand the threshold for viability; and
- Apply the findings of the viability assessment to inform a proposed policy approach.

5.22 This approach is well established within other jurisdictions and without such a robust approach it is not possible to:

- ascertain the effectiveness of such a policy;
- understand the operational implications of such a policy; and
- understand the cumulative impact of policies on the delivery of housing numbers within the city.

5.23 In relation to the proposed site threshold, Council has no substantive evidence to:

- to justify the proposed threshold; and
- to justify a 20% requirement across all site sizes.

5.24 We would propose that the steps identified above should be undertaken by Council to ensure that reasonable alternatives have been considered and that the proposed policy is founded on robust evidence.

5.25 At this stage no reasonable alternatives have been considered within the supporting SEA and would dispute the Council's view that there are no reasonable alternatives to assess.

Housing HOU6 – Housing Mix

HOU 6 is unsound as the policy fails the tests of CE 1 and 2 - Coherence and Effectiveness

The policy should be deleted as it duplicates provisions already set out in HOU 5 and places unnecessary restrictions on private housing developers

Full Response

5.26 HOU 6 sets out that planning permission will be granted for new residential development on sites greater than 0.1 ha and /or containing 5 units or more where the proposed development provides a suitable mix of house types and sizes to promote choice and assist in meeting community needs.

5.27 Specific reference is made to providing smaller homes across all tenures to meet future household requirements. The policy clearly directs that the exact mix of house types and sizes will be negotiated with developers on a case by case basis.

The policy fails to satisfy the tests of Soundness in that:

- It has not been demonstrated that the policy is coherent with other proposed residential and design policies (soundness test CE1).
- The policy is not founded on evidence which demonstrates how Council has tested the viability implications arising from the policy (soundness test CE2).

5.28 Council has published a number of evidence base documents in support of their proposed policies in the Draft Plan Strategy, including:

- Size and Type of Housing Needed (December 2017); and
- Housing Market Analysis Update (September 2017).

5.29 It is important to note that within the Size and Type of Housing Need report it clearly states that a housing mix policy should not be applied on a site by site basis, as there needs to be flexibility to respond to the local market context, viability, demand and local market need (paragraph 3.3, page 15).

5.30 Notwithstanding the above, Lacuna Developments has concerns that information regarding housing need are set out in the Housing Needs Assessment prepared by the NIHE. This is specific to social rented housing and does not provide any justification for the type of houses which should be developed by private developers.

5.31 If Housing Associations are to work in partnership with private developers to deliver mixed tenure developments, such developers will want to deliver a housing product which is bespoke to that housing market area i.e. a product that home owners want to buy. There is no evidence within the plan documents which sets out how viability has been considered and justifies why the policy should be applied to all housing developments irrespective of tenure.

Recommendation

5.32 Lacuna Developments fully support the intent behind the policy and acknowledges that the Strategic Planning Policy Statement (SPPS) advocates the need for a variety of house types and sizes and tenure to meet different needs in order to support balanced communities (page 70, SPPS). We disagree however with Council's approach on this aspect and contend that the issue of housing type and size should only apply to affordable housing (as defined within the SPPS) and be considered as an integral part of a revised version of HOU 5.

5.33 Policy HOU 6 should be deleted.

Tall Buildings and Density of Residential Development (Policy DES3 & HOU4)

5.34 This section of the submission makes a separate representation on each of the following policies:

- HOU4 - Density of residential development; and
- DES3 - Tall Buildings

Density of residential development (Policy HOU4)

DPS Policy Context

5.35 The SPPS notes within Section 6.137 that *'higher density housing developments should be promoted in town and city centres and in other locations that benefit from high accessibility to public transport facilities.'*

5.36 The SPPS also requires measures to be included in development plans, including the need to *'set density levels for housing sites appropriate to the location of the site and the character of the surrounding area'.*

Is it sound?

5.37 HOU4 sets out density ranges for new developments across Belfast. The opening sentence of the policy sets out a positive stance in that planning permission will be granted for residential developments which are brought forward in accordance with the following density bands. The latter part of the policy text directs that the density bands are to be used as a guide to inform proposed developments.

5.38 The policy fails to satisfy the test of CE2 in that:

- The policy is not founded on evidence which demonstrates that the density ranges are realistic and achievable having taking account of other policies within the draft Plan Strategy, in particular policy RD1.
- No evidence has been provided to test whether or not the proposed density bands will help deliver the Council's housing ambition as set out in Policy SP1 and HOU1. The density bands, prescribe a density of development that is inconsistent with the planning context and the already approved and completed developments in Belfast - see Table 1.

Development	Status	Height	Density – dwellings per hectare	Accordance with proposed density band (dwellings per hectare	Proposed Settlement / character area (HOU 4)
Completed schemes or currently under construction					
Titanic Quarter - ARC Residential Apartments	Complete	12 storeys	1.3ha 474 units **364dph**	No	City Corridor
Portland 88	Planning permission granted (under construction)	8 storeys	0.2 88 **440dph**	No	City Centre
35 - 41 Queens Square, Belfast	Under construction	16 storeys	0.034 60 **1,764dph**	Yes on the basis that it would be classified a *'tall building'*	City Centre
14-18 Montgomery Street	Planning permission granted (under construction)	14 storeys	0.026 38 units **1,461dph**	Yes on the basis that it would be classified a *'tall building'*	City Centre
Approved (either Planning Permission or Masterplan)					
Titanic Quarter – Block 1	Planning permission granted	30 storeys	0.29ha 350 **1,206dph**	No	City Corridor
Queens Quay DSD Masterplan site	On-hold	19 storeys	0.12 ha 278 units **2,316dph**	No	Belfast City Centre
Academy Street	Pending (approved at Committee subject to S76)	16 storeys	0.06 90 units **1,500dph**	Yes on the basis that it would be classified a 'tall building'	City Centre

- There is a tension within the policy. The opening paragraph jars with the final paragraph insofar as the opening paragraph directs that development proposals should accord with the density bands, but later it states that the density ranges are guide.

- The position set out for Tall Buildings within the Density Table is at odds with the Tall Buildings policy (DES3). The table notes that the location of tall buildings within the city centre will be identified. This is not the position set out within DES3. DES3 makes no reference to a locational based policy. Rather, that the policy will apply to buildings over 35 metres AOD or those which are significantly higher than their surroundings and such buildings will be assessed against a criteria based assessment.

Recommendation/Modifications Sought - HOU4

5.39 Whilst we welcome that the density bands are to be used as a 'guide' to inform proposed developments and development proposals outside of these broad bands will be considered on their merits we feel there should be an exception for major regeneration/masterplan sites including those with a waterfront location.

5.40 We would support the policy being reworded to read:

'An increase in the density of housing and mixed use developments will be promoted in town and city centres and other locations which benefit from high accessibility to public transport facilities.'

5.41 In the absence of evidence to support the density bands set out in policy, this information should be moved to the Local Policies Plan (LPP) and clearly identified as a guide.

5.42 Finally, there needs to be greater clarity in the identification of tall buildings within the city centre as there is no reference to the identification of sites in DES3.

Policy DES3 Tall Buildings

5.43 DES 3 Tall Buildings is a specific policy to be used in the assessment of tall buildings within the Council area. The policy is founded on a gateway test in that only proposals over 35 metres AOD or those which are significantly higher than their surroundings will be assessed against the policy provisions which is a criteria based assessment.

Is it sound?

5.44 The policy fails to satisfy the test of CE2 in that:

- The policy is at odds with HOU 4 as the density ranges of the policy jar with the policy provisions of DES 3 (refer to para 5.52).

- There is tension between the policy and its supporting technical supplements which suggest that further policies may be through forward at Local Plan Policies stage based on clusters.

- The policy is founded on analysis which considers some but not all extant planning permissions.

5.45 Analysis undertaken to inform Council policy for tall buildings involved a study of city centre applications for taller buildings in the period of 2011 to the present day. It was concluded that taller buildings of above 9 or 10 storeys (approx. 35m) were more apparent and it was therefore concluded that 35m would be an appropriate threshold.

5.46 We submit that this analysis should have:

(a) considered all extant planning permissions in the city centre (see Table 5.1).

(b) analysed other planning permissions and guidance outside of the BMAP city centre boundary and other masterplans/frameworks; and

Table 5.1: Committed Schemes not considered

Development	Status	Height
Queen Street – Student Scheme	Complete	13 storeys
G5 Office Development	Approved	14 storeys
Odyssey, Queens Quay	Approved	Up to 28 storeys
City Quays	Approved	Up to 16 storeys
Sirocco Quays	Approved	Up to 20 storeys

5.47 On the basis that (a) and (b) have not been undertaken we consider the threshold of 35m AOD is unsound.

5.48 VU.CITY was also used to test the threshold of 35mOD and identify clusters and emerging clusters. This additional analysis considers some but not all existing, committed and implemented schemes and therefore we also consider it unsound. Without considering these schemes, which are greater than 35mOD, we would disagree with the identification of the clusters and emerging clusters.

5.49 The policy text within the draft Plan Strategy makes no reference to any locational based assessment in the future, however, information detailed in technical supplement 6 - Urban Design & Built Heritage (page 14) states that within these broad clusters (as shown in Appendix 2) further detailed analysis will be carried out during the local policies stage of the LDP. Clarification is sought as to whether there is an intention to identify clusters or locations for tall buildings to be developed.

Soundness Tests

5.50 Whilst we are supportive of criteria based policy there is insufficient evidence in the Sustainability Appraisal which tested reasonable tall building policies. We would ask the Council to formulate an evidence base to address this policy, and having done so reassess whether there is sufficient evidence to support the policy.

5.51 We consider that the abovementioned proposed policy, in its current form, fails soundness tests CE2 and CE4.

Recommendations/Modifications Sought – DES3

5.52 Lacuna Developments support the assessment on a case by case basis. In respect of the criteria based policy we have set out below our proposed modifications.

(a) We are not supportive of setting guideline heights. Based on the analysis undertaken we recommend that the threshold of 35m AOD is revisited and the text 'those which are significantly higher than their surroundings' is removed as there is no guidance to determine what is significantly higher.

(b) Criteria is unsound as it doesn't read across other policies in the plan specifically those set out in the Built Heritage section.

(c) Replace 'Contribute to a cluster or an interesting skyline when grouped together' with 'Contribute to a cluster or create a focal point or beacon (a Point Block) which acts as a form of marker contributing to a positive skyline.' As drafted there is a conflict in respect of the clustering and grouping and assessing each application on its own merits. Individually, or in groups, tall buildings can affect the image and identity of the city. Para 3.4 of the Technical Supplement 06 states that *'Tall buildings are generally easily recognisable and act as key landmarks within a city's skyline either individually or as a cluster.' (our emphasis)*

(d) Replace 'Support locations of civic or visual importance including major transport nodes, civic spaces and areas of high employment' with 'Support locations of civic or visual importance including major transport nodes, civic spaces, areas of high employment, at arrival points into the city, waterfront and areas of regeneration including those identified as Development Opportunity Sites and masterplans' Consideration should be given to including criteria in DES3 that 'regard should be had to extant masterplans/frameworks or extant planning permissions whereby locations for taller buildings are identified or approved…'.

(e) Add 'will bring significant regeneration benefits and contribute positively to place-making' similar to other UK cities it should be acknowledged that taller buildings can act as catalysts for wider regeneration. Skylines of cities such as Manchester, Leeds, Liverpool and Birmingham act as markers and signposts of regeneration.

(f) Remove 'Existing tall buildings within Belfast will not set a policy precedent for similar development on adjacent sites.' This is unsound because it is an invitation to set aside an assessment of context and character, factors which are genuine and important material considerations in making a planning decision within the new policy framework. The PAC decision (ref: 2013/A0124) is of particular relevance.

5.53 In addition to the above, we would recommend that further consideration is given to the following:

- Promotion of well-designed and high architectural quality tall buildings.

- Ensure the merits of new taller ‘iconic’ buildings next to buildings of architectural and historic interest is considered. Two types of architecture (both the old and the new) sitting side by side can positively co-exist, as evidence by Titanic Belfast and the Titanic Hotel) and it is important to recognise the merits of new taller 'iconic' buildings next to buildings of architectural and historic interest.

- Resolve conflict between policies HOU4 and DES3, specifically the reference to the tall buildings in the city centre and 'locations to be identified'. There is no reference in DES4 that tall building locations will be identified which conflicts with HOU4.

5.54 We disagree with the requirement for applications to be accompanied by a tall building design statement. The consideration of a tall building is normally set out in a Design and Access Statement, Concept Masterplan (if applicable), Townscape and Landscape Visual Impact Assessment and other technical assessments e.g. Daylight and Sunlight, Wind etc.

5.55 Finally, if the Council intends to introduce a locational based assessment for tall buildings that evidence to support this change is provided.

Rationale

5.56 As set out in Section 1 of the Historic England’s Tall Buildings Historic England Advice Note 4 “Towns and cities evolve, as do their skylines”. Identifying the role and contribution of tall building(s) as part of an overall vision of a place is important.

5.57 To accommodate the expected growth in population, including 31,000 additional people and other growth needs within the lifetime of the Plan, the city should allow for the appropriate construction of higher and denser buildings. The importance of going upwards has been brought to the fore in the south of Ireland with the publication of the draft guidelines by the Department of Housing, Planning and Local Government on building heights. The purpose of the guidelines is to *‘Secure better and more compact forms of future development. This is for the benefit of our economy, our environment and most of all, our citizens. Our cities and our towns must grow upwards, not just outwards, if we are to meet the many challenges ahead’* (our emphasis).

5.58 Allowing for taller buildings does not mean that Belfast will become a city dominated by skyscrapers or that the unique historical architectural character of Belfast will be lost. Rather, it will allow for projects that will meet the needs of the future whilst adding ‘positively’ to the city's skyline like many other cities in UK, Ireland and beyond.

5.59 The council needs to be flexible and to be able to respond to changing economic conditions.

CGR 1 – Community Cohesion and Good Relations

CGR 1 is unsound as the policy fails the test of C 3: Consistency and CE 2: Coherence and Effectiveness

The policy fails to take account of legislative provisions in the Planning Act regarding pre application community consultation nor is evidence provided to support the policy

Full Response

5.60 CGR 3 sets out the policy requirements for assessing development proposals at interfaces or within close proximity to peace infrastructure, or proposals which are judged to impact upon contested community space. If proposals fall within one of the locations cited, proposal must demonstrate how the development proposals comply against set criteria.

5.61 The policy fails to satisfy the tests of Soundness:

- There is no evidence within the technical supplements to support the policy position or information that alternatives were considered (soundness test CE2).
- The proposed policy jars with the pre application community consultation requirements set out in The Planning Act (Northern Ireland) 2011 (soundness test C3).

5.62 Lacuna Developments fully supports the promotion of community cohesion and the importance of developing good community relations. However, having reviewed the technical supplements which support the plan we cannot find any evidence to support this policy or an acknowledgement that other relevant alternatives were considered.

Recommendation

5.63 That the policy be amended.

5.64 Criterion (a) and (b) should be deleted. Criterion (c) reworded to state that *where the opportunity exists to improve future connectivity across peace infrastructure and create permeable neighbourhoods* that this should be incorporated into design proposals. No change to criterion (d) and (e).

5.65 These changes would assist in making the policy sound as the revised criteria is found on good planning principles and paragraph 4.17 of the SPPS.

Policy BH2 – Conservation Areas

The policy is unsound as it fails the tests of CE 2 Coherence and Effectiveness

The policy is not founded on a robust evidence basis which explains the rationale behind the policy triggers and provides a clear understanding on the implications arising from the policy.

Lacuna Developments requests that Council reconsiders its evidence basis.

The policy should reference the balance that needs to be achieved with replacement development and recognising there is a legislative test.

5.66 Policy BH2 deals with development in conservation areas, including new or replacement dwellings; alterations and extensions and demolition.

5.67 Paragraph 7.4.21 (justification and amplification text) states that;

'Façade retention will not generally be permitted in conservation areas and where a case is made for total or partial demolition in a conservation area structural issues will not be given substantive weight where these have arisen due to neglect of a building through lack of maintenance or failure to secure by current or previous owners. Evidence will also be required that all efforts have been made to retain the building through finding an alternative use, which may not be the preferred use of the developer.'

5.68 Technical Supplement 6, Urban Design and Built Heritage states;

'There are 13 conservation areas within the council area. The SPPS notes that in managing development within a designated conservation area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. Accordingly, there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle.

In the interests of preserving or enhancing the character and appearance of the city's conservation areas, ***the draft plan strategy has adopted the policies set out in PPS6. SPG will reflect and update the guidance available for each conservation area****.'*

5.69 The Council have not justified why façade retention will not generally be permitted in conservation areas. There are façade retention schemes in Belfast (which have enhanced the character of the conservation area) such as the former Athletic Stores.

5.70 No evidence has been provided to support this approach and furthermore this addition to the policy goes beyond PPS 6.

Recommendation

5.71 The policy is not founded on a robust evidence basis which explains the rationale behind the policy triggers and provides a clear understanding on the implications arising from the policy.

5.72 Lacuna Developments requests that Council reconsiders its evidence basis.

5.73 We would also recommend that the policy references the balance that needs to be achieved with replacement development and recognising there is a legislative test.

6. Building a Smart Connected and Resilient Place

TRAN 8 – Car Parking and Servicing Arrangements

Policy TRAN 8 is unsound as the policy fails the tests of CE 2 and C4.

The policy has not taken into consideration other relevant plans, policies and strategies relating to the council's district, namely the Belfast Agenda and Belfast City Centre Regeneration and Investment Strategy.

The policy is formulated on the basis of evidence which has not been provided as part of the plan nor is it supported by an up to date evidence base.

6.1 Technical Supplement 14, Transportation, states that the recommendations of the draft Car Parking Strategy have been used as evidence for drafting policies relating to car parking in the draft plan strategy. But we note the evidence base prepared to support the policy is not provided within the technical supplements and the recommendations following from Council's Car Parking Strategy (published in May 2018) have not been provided.

6.2 TRAN 8 requires development proposals to provide adequate provision for car parking and appropriate servicing arrangements, however the emphasis will be to allow parking provision that will assist in reducing reliance on the private car in particular for commuting into the city.

6.3 The policy goes on to state that '*the precise amount of car parking for development proposals will be determined according to the specific characteristics of the development and its location having regard to the DfI's published standards or any reduction provided for in an area of parking restraint.'*

6.4 A reduced level of parking provision may be acceptable where it can be demonstrated through a TA that it forms a package of measures to promote alternative transport modes; where the development is in a highly accessible location well served by public transport; where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking; where shared car parking is a viable option; or where the exercise of flexibility would assist in the conservation of the built or natural heritage, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.

Commentary in respect of Commercial Developments

6.5 The policy goes on to state that *'proposals involving car parking in excess of the DfI's published standards will only be permitted in exceptional circumstances.'*

6.6 Belfast City Council are seeking to attract major commercial investment and promote city centre living with ambitious targets as outlined in the Local Development Plan

documentation published to date, the Belfast Agenda and the Belfast City Centre Regeneration and Investment Strategy.

6.7 In attracting major commercial development, flexibility should be provided so that an appropriate provision of car parking is permitted in line with occupier requirements. In some cases, a higher level of car parking provision will be required, for example logistics warehousing. Flexibility in respect of the application of policy and other material considerations will be key to delivering Council targets for economic growth.

6.8 Furthermore, constrained parking requirements places difficulty in lettable spaces. Industrial locations offer no residential patronage for public transport provision beyond 6pm – e.g Dargan Road, making attraction of workers utilising public transport or alternative means of transport extremely challenging. Fringe and out of town parking requirement are the same, however public transport provision is not normally comparable in both locations. The traditional 9 to 5 working day is changing and there is requirement to meet workers travel patterns in a growing timeframe across the day which is not ordinarily provided for by public transport.

6.9 The inability of the policy to cater for this flexibility makes the plan unsound because it indirectly affects the ability of developers to support the delivery of employment targets as prospective tenants may choose to invest in other competing locations outside of the City.

Suggested revisions to ensure soundness

6.10 Incorporate flexible approach to ensure operational requirements and investment opportunities can be catered for. This would consider a band of higher parking provision where public transport accessibility is limited beyond traditional core working hours.

Commentary in respect of Residential Developments

6.11 In respect of residential development, we welcome flexibility where a reduction in standards is acceptable where the development is located in highly accessible and sustainable locations.

6.12 This flexibility is vital in attracting new residential products and tenures to Belfast, such as *'Build to Rent'* and *'Purpose Built Managed Student Accommodation.'*

6.13 As mentioned above, the evidence base prepared to support the policy is not provided within the technical supplements and the recommendations following from Council's Car Parking Strategy (published in May 2018) have not been provided nor any recent analysis of parking demand.

6.14 Importantly, the Council's draft Belfast Parking Strategy and Action Plan suggests that *'the current parking standards for development within parking restraint should be re-examined in order to provide greater clarity by development type'.*

6.15 The Belfast Agenda and emerging Belfast Local Development Plan 2035 aim to promote city centre living, with an objective of 8,000 new residential units to be delivered in the city centre over the plan period.

6.16 We note within TRAN 8 that car parking provision in development proposals should *'have regard'* to the DfI's published standards. If the Council is to encourage 8,000 new residential units in the city centre over the plan period, it is unrealistic to apply DfI's current standards, especially as DfI Roads currently do not accept *'zero parking'* proposals, except for some Purpose Built Managed Student Accommodation proposals.

6.17 For example, DfI Roads recently suggested a requirement for approximately 25-45 car parking spaces for a 90 unit residential development proposal located in a highly accessible location within the City Centre.

6.18 If this standard is applied across new residential proposals in the city centre, with no acceptance of a more flexible approach in sustainable locations, this will equate to a requirement of up to 3,600 additional car parking spaces to serve the City's 8,000 unit City Centre residential objective.

6.19 These spaces would need to be served by new multi-storey car parks (four of City Quays scale); additional surface car parking (36 acres/15ha @ 100 spaces per acre); or multiple levels of expensive basement car parking within the site of each proposal – none of which are likely to be deliverable.

6.20 Adoption of this approach would likely render city centre residential development unviable. This approach is obviously unsustainable and does not align with the Council's desire to reduce reliance on the private car and a change in travel behaviour in Belfast City Centre. Indeed, it goes to the heart of the deliverability of the Belfast Agenda as expressed in the DPS.

6.21 Consideration should also be given to available planning guidance, not just DfI published standards, such as Creating Places, which states that;

'car free' developments will be considered appropriate if it is demonstrated that household will not own a car or will keep it elsewhere.'

6.22 There should be sufficient flexibility in policy/guidance to allow both reductions (including zero parking proposals) and parking in excess of standards (e.g. commercial development which requires a higher level of operational parking), where other material considerations are at play.

Suggested revisions to ensure soundness

6.23 The policy should introduce flexibility and we would suggest deletion of *'DfI standards'* and replacement with *'published standards.'*

TRAN 9 - Parking Standards within areas of parking restraint

TRAN 9 sets out the parking standards within areas of parking restraint for residential and non-residential developments.

The policy fails to satisfy the test of CE2 in that the evidence base prepared to support the policy is not provided within the technical supplements and the recommendations following from Council's Car Parking Strategy (published in May 2018) have not been provided.

Commentary

6.24 We fully support a reduced level of car parking within areas of parking restraint and welcome the evidence basis for this policy being revaluated. We note that technical supplement 14 acknowledges that:

The draft Plan Strategy has been developed in the absence of an up to date transport plan for the city, however it makes reference to the Department's extant transport plan (BMTP) within the transport policy section (page 19, paragraph 4.3).

6.25 Information on the approach taken to formulate the car parking policies largely flows from Council's Car Parking Strategy (published in May 2018). This document has not been provided as part of the evidence basis, but can be located on Council's website. Paragraph 2.46 of technical supplement 14 notes that *the Car Parking strategy has informed the development of policies in the draft plan strategy relating to transport and car parking.* Paragraph 3.30 *goes to say that the recommendations from the parking strategy have been used as evidence for drafting policies relating to car parking in the draft plan strategy.*

6.26 We note the evidence base prepared to support the policy is not provided within the technical supplements and the recommendations following from Council's Car Parking Strategy (published in May 2018) have not been provided nor has any recent analysis of parking demand within areas of parking restraint.

Recommendation

6.27 We respectfully suggest that Council prepares an up to date evidence basis to support this policy and on the basis of the evidence collated reassesses whether the evidence supports this policy position.

7. Promoting a Green and Active Place

OS 3 Ancillary Open Space

OS 3 is unsound as the policy fails the test of CE 2

There is insufficient evidence within the technical supplement to support the policy proposed

A robust, up to date evidence basis should be prepared to support the this policy

Full Response

7.1 OS 3 requires all new development proposals to include appropriate provision for open space, including hard and soft landscape areas and outdoor amenity areas, to serve the needs of the development.

7.2 The policy larges mirrors the current policy provisions set out in Planning Policy Statement 8 (PPS8): Open Space, Sport and Outdoor Recreation, policy OS 2 par a few notable changes Council proposes to introduce:

- The provisions of the policy will apply to all new developments, not just residential development.
- In instances where public open space is required regard should be had to providing complementary and ancillary equipment and facilities, including for active or passive enjoyment of residents or occupants should be incorporated into the design of the development.

7.3 The policy fails to satisfy the test of Soundness – CE 2 in that no evidence has been provided to demonstrate why complementary and ancillary equipment and facilities are required in providing public open space. In addition no consideration has been given to the impact such a requirement has on the overall viability of a project and the implications arising out the maintenance and management of such areas.

Recommendation

7.4 We respectfully suggest that:

- Council prepares an up to date evidence basis to support this policy; and
- defines what is meant by *complementary and ancillary equipment.*

7.5 On the basis of the evidence collated Council should reassess whether they have sufficient evidence to support this policy position.

Appendix 1: Proforma

Belfast LDP 2035 - Plan Strategy

Overview

We're developing the new Local Development Plan (LDP) which is the land use plan for Belfast up to 2035. The Plan will guide investment and set out policies and proposals for the use, development and protection of land across the city. Once adopted the plan will be used to determine planning applications. It will take approximately four years to develop and formally adopt the new LDP.

A series of consultation stages are built into the process for creating the LDP and are defined by legislation to help local people input into this Plan. We are currently undertaking the second stage of the consultation process in relation to the draft Plan Strategy.

Your opinions matter to us and we want to hear from you during the various stages throughout the preparation of the plan. While you can provide feedback using this form, we encourage you to use our online questionnaire via the Council's Consultation Hub at: **https://yoursay.belfastcity.gov.uk/**. The consultation closes on 15th November 2018.

What is the LDP?

The LDP:

- Guides development
- Provides certainty and a framework for investment
- Facilitates sustainable growth
- Puts communities at the heart of the process
- Allows for speedier decision making under the new plan-led system

How will this impact on me?

Our LDP will have an impact on everyone who lives, works and visits Belfast because it will shape how the city will develop in the future. Your views are important so we'd like you to get involved in its preparation.

What is the Plan Strategy?

The Plan Strategy will be a strategic policy framework for the plan area as a whole across a range of topics. It will set out an ambitious but realistic vision for Belfast as well as the objectives and strategic policies required to deliver that vision. Establishing this strategic direction early in the plan process will provide a level of certainty on which to base key development decisions in the area as

well as the necessary framework for the preparation of the Local Policies Plan. You can find out more about the Plan Strategy, and access all relevant documents, on the Council's website at: **www.belfastcity.gov.uk/LDP**.

Accessibility

The relevant documents are available, on request, in alternative formats - Braille, audio, large print, easy read. The council will also consider requests to produce it in other languages. If you require the documents in these or other formats please contact us:

Belfast Planning Service
Belfast City Council Cecil
Ward Building
4-10 Linenhall Street Belfast
BT2 8BP

Telephone: 028 9050 0510
Email: **localdevelopmentplan@belfastcity.gov.uk**

A. Data Protection

Belfast City Council is the Data Controller under the General Data Protection Regulation (GDPR) for the personal data it gathers for the purposes of sending regular email updates on the Local Development Plan from Belfast Planning Service.

It should also be noted that in accordance with Regulation 17 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, the council must make a copy of any representation available for inspection. The Council is also required to submit the representations to the Department for Infrastructure and they will then be considered as part of the independent examination process.

The council accepts that you are providing your personal data on the basis of consent and are positively agreeing for the council to hold and further use it, publish it (without personal information such as name and email, but will include organisation). Belfast City Council must also share it with the Department for Infrastructure and whoever they appoint to undertake the independent examination.

Any personal details that you provide the Council will be handled in accordance with the GDPR and Data Protection Act 2018. As such we will only use your data for the purposes that you have given this information for and will only be shared where necessary to provide the service that you are contacting us about. If you would like further information in regards please see the website belfastcity.gov.uk/about/privacy

The personal data is held and stored by the council in a safe and secure manner and in compliance with Data Protection legislation and in line with the council's Records Retention and Disposal Schedule.

If you wish to contact the council's Data Protection Officer, please write to:

Belfast City Council,
City Hall Belfast,
BT1 5GS

or send an email to **records@belfastcity.gov.uk**

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

✓ 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?

Under planning legislation we are required to publish responses received in response to the Plan Strategy. On this page we ask for your consent to do so, and you may opt to have your response published anonymously should you wish.

Even if you opt for your comments to be published anonymously, we will still have a legal duty to share your contact details with the Department for Infrastructure and the inspectorate they appoint to oversee the examination in public into the soundness of our plan. This will be done in accordance with the privacy statement above.
(Required)

Please select only one item

✓ Yes, with my name and/or organisation

◯ Yes, but without my identifying information

B. 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?

(Required)

Please select only one item

- ○ Individual *(Fill in the remaining questions in this Section, then proceed to Section C)*
- ○ Organisation *(Fill in the remaining questions in this Section, then proceed to Section D)*
- ✓ I'm an Agent *(Fill in the remaining questions in this Section, then proceed to Section E)*

Q4. What is your name?

Title

Mrs

First Name (Required)

Sheila

Last Name (Required)

Murphy

Q5. What is your telephone number?
Telephone number

[redacted]

Q6. What is your email address?

[redacted]

Q7. Did you respond to the previous Preferred Options Paper consultation phase?
(Required)

Please select only one item

✓ Yes ○ No ○ Unsure

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

Not received

C. Individuals

If you are responding as an individual, please complete this Section, then proceed to Section E

Q8. What is your address?

Address Line 1 (Required)

n/a

Line 2

Line 3

City (Required)

Postcode (Required)

D. Organisation

If you have selected that you are responding as an organisational respondent, there are a number of pieces of information that we are legally required to gather from you.

Q9. If you are responding as a representative of a group or organisation, please complete this Section, then proceed to Section E.

Organisation (Required)

n/a

Your Job Title (Required)

Organisation address (if different from above):

Address Line 1 (Required)

Line 2

Line 3

City

Postcode (Required)

E. Agents

If you have selected that you are responding as an agent on behalf of other people/organisations, there are a number of pieces of information that we are legally required to gather from you.

Q10. Please provide details of the organisation or individual you are representing: The name of the organisation or individual you are representing: (Required)

Lacuna Developments

Client contact details:

Title

Mr

First Name (Required)

Anthony

Last Name (Required)

Best

Address Line 1 (Required)

Lacuna Developments

Line 2

74A High Street

Line 3

City

Holywood

Postcode (Required)

BT18 9AE

Telephone number (Required)

[redacted]

Email address (Required)

[redacted]

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

(Required)

Please select only one item

✓ Agent ○ Client ○ Both

F. 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?
(Required)

Please select only one item

◯ I believe it to be sound *(Proceed to Section G)*

✓ I believe it to be unsound *(Proceed to Section H)*

G. Sound

Q13. If you consider the Plan Strategy to be sound and wish to support the Plan Strategy, please set out your comments below, then proceed to Section I:

(Required)

Please refer to content of report

Note: If you wish to attach any evidence to support your comments above, please enclose your document(s) with this form. However, if you wish to refer to specific sections within a separate report, this is best included within the above text box.

H. Unsound

Here we will be asking you to specify which part of the draft Plan Strategy you believe to be unsound and why.

Note: If you wish to notify us of more than one part of the plan that you consider to be unsound, each part should be listed separately. Complete this page in relation to one part of the plan only. You will then be able to make further responses to other parts of the plan by completing and submitting a copy of Section H for each part you choose to identify.

Q14. To which part of the Plan Strategy does your representation relate?

This should relate to only one section, paragraph or policy of the draft Plan Strategy. If you wish to notify us of more than one part of the plan that you consider to be unsound you can choose to submit further responses to other parts of the plan by completing and submitting a copy of Section H for each part you choose to identify.

Relevant Section or Paragraph

Refer to supporting report

Policy (if relevant)

Refer to supporting report

Q15. 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, available at: **https://www.planningni.gov.uk/index/advice/practice-notes/common-newpage-9.htm**

You can select more than one reason you believe this part of the draft Plan Strategy to be unsound. However, the soundness test(s) you select here should only relate to the relevant section, paragraph or policy identified above.

If you wish to notify us of more than one part of the plan that you consider to be unsound you can choose to submit further responses to other parts of the plan by completing and submitting a copy of Section H for each part you choose to identify.

(Required)

Please select all that apply

- ☐ P1 - Has the development plan document (DPD) been prepared in accordance with the council's timetable and the Statement of Community Involvement?
- ☐ P2 - Has the council prepared its Preferred Options Paper and taken into account any representations made?
- ☐ P3 - Has the DPD been subject to sustainability appraisal including Strategic Environmental Assessment?

☐ P4 - Did the council comply with the regulations on the form and content of its DPD and procedure for preparing the DPD?

✓ C1 - Did the council take account of the Regional Development Strategy?

☐ C2 – Did the council take account of its Community Plan?

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

✓ C4 - Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

✓ 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

✓ CE2 - The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base

✓ CE3 - There are clear mechanisms for implementation and monitoring

✓ CE4 – It is reasonably flexible to enable it to deal with changing circumstances

Q16. 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 refer to supporting document

Q17. 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.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. **There will not be a subsequent opportunity to make a further submission based on your original representation.** After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

Please refer to supporting document

Note: If you wish to attach any evidence to support your comments above, please enclose your document(s) with this form. However, if you wish to refer to specific sections within a separate report, this is best included within the above text box.

I. Type of Procedure

Q19. Please indicate if you would like your representation to be dealt with by:
(Required)

Please select only one item

- ○ Written representations (Choose this procedure to have your representation considered in written form only.)
- ✓ Oral hearing (Choose this procedure to present your representation orally at the public hearing event(s))

Unless you specifically request a hearing, an independent examiner will proceed on the basis that you are content to have your representation considered in written form only. Please note however that an independent examiner will be expected to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Turley Office
Hamilton House
3 Joy Street
Belfast
BT2 8LE

T [redacted]