

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

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)

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)

RSPB NI, [REDACTED]

Your Job Title (Required)

[REDACTED]

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)

Client contact details:

Title

First Name (Required)

Last Name (Required)

Address Line 1 (Required)

Line 2

Line 3

City

Postcode (Required)

Telephone number (Required)

Email address (Required)

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)

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

Policy (if relevant)

Strategic Policies

5.2 Sustainable development

Policy SP2– Sustainable development

The council will have an overarching presumption in favour of sustainable development where it accords with the LDP, unless material considerations indicate otherwise.

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>

(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.

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.

While the presumption in favour of development is contained within the Strategic Planning Policy Statement (SPPS), the proposed draft LDP strategy policy wording has failed to comply with both the demonstrable harms test and precautionary principle as contained within the SPPS.

In this regard, Paragraph 5.72 of the SPPS states 'planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In such cases the planning authority has power to refuse planning permission'.

It is therefore, requested that Policy SP2 is amended to replicate the precise wording of Paragraph 5.72 of the SPPS in order to be more effective and comply with the SPPS.

Furthermore, Paragraph 3.9 of the SPPS states 'in formulating policies and plans and in determining planning applications planning authorities will also be guided by the precautionary approach that, where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest'.

It is therefore requested that the exact wording of Paragraph 3.9 of the SPPS is included within the justification and amplification section below Policy SP2 in order to comply with the SPPS.

Please refer to our original POP submission for further details – this is attached to the draft LDP consultation response submission email.

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Relevant Section or Paragraph

Policy (if relevant)

5.6 Environmental resilience

Policy SP6 - Environmental resilience

The council will support development where it helps to reduce greenhouse gas emissions and is adaptable in a changing climate to build environmental resilience.

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This policy should be set within a qualifying context that it will be subject to normal planning and environmental considerations. Development is not inherently sustainable, it only becomes sustainable if it incorporates environmental and social considerations. As such it is requested that the main policy wording be revised to include 'planning permission will be subject to meeting all other policy requirements' to make it more effective and compliant with Paragraph 3.9 of the SPPS.

Please refer to our original POP submission for further details – this is attached to the draft LDP consultation response submission email.

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Relevant Section or Paragraph

Policy (if relevant)

Shaping a liveable place

7.1 Housing

Policy HOU1 – Accommodating new homes

There is a requirement for 31,660 new homes in Belfast over the period 2020-2035. This will be delivered in accordance with the requirements set out in Table on Page 60 of the draft Plan Strategy.

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While in simple terms the overall requirement for housing provision has been reduced since the Preferred Options Paper (POP) (i.e. 37,000), the period over which the houses are to be provided has been shortened in the draft Plan Strategy (i.e. down from a 21-year period in the POP 2014-2035 to a 15-year period in the draft Plan Strategy (2020-2035). In real terms therefore, this does not represent an actual reduced housing provision figure. This situation is not clearly set out in the draft Plan Strategy. Furthermore, there has been no accounting for the housing provision which will be provided up until 2020 (i.e. the start of the LDP plan period).

RSPB NI recognises that the need for more housing, particularly affordable housing, is a pressing social concern which must be addressed by the planning system. However, there is a profound tension between delivering ever-increasing amounts of housing, and safeguarding finite environmental capacity - which is itself, another fundamental responsibility of the planning system. Housing and its associated infrastructure inevitably require a high degree of land-take. Furthermore, increased local populations resulting from new housing development increases pressure on local ecosystem services such as water provision.

It is therefore crucially important that the LDP ensures that new housing development, both individually and cumulatively, does not compromise environmental integrity. This task becomes substantially more difficult if the LDP burdens the environment with more housing than is actually needed. In this regard, housing growth and allocations should therefore be based on a robust evidence base. As mentioned previously, land is a finite resource and we need to ensure that all development is within environmental limits.

Paragraph 7.1.1 of the draft Plan Strategy relating to the Spatial Development Strategy notes 'Belfast has ambitious growth plans that will necessitate new housing provision'. The draft Plan strategy goes on to note that the Regional Development Strategy (RDS) 2035 sets policy direction to achieve sustainable patterns of development. However, RG8 of the RDS prefixes this statement with 'manage housing growth' to achieve sustainable patterns of residential' (our emphasis).

Furthermore, furthering sustainable development is at the heart of the SPPS and indeed, Paragraph 3.3 of the SPPS states this means (in relation the needs and aspirations of our society) 'facilitating sustainable housing growth in response to changing housing need'.

Against this background and that of the Department for Infrastructure (Dfi) Housing Growth Indicator (HGI) figure for Belfast (13,700)¹, it is difficult to reconcile such an ambitious growth aspiration with either the policy direction of the RDS and SPPS in furthering sustainable development. In this regard, the POP proposal of 37,000 new homes represents a very substantial uplift from the 13,700 HGI figure for Belfast (even acknowledging that this is for the period 2012 to 2025).

Please refer to our original POP submission for further details – this is attached to the draft LDP consultation response submission email.

¹ <https://www.infrastructure-ni.gov.uk/publications/2012-based-housing-growth-indicators-hgis-and-methodology-paper>

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Relevant Section or Paragraph

Policy (if relevant)

Policy HOU4 – Density of residential development

Planning permission will be granted for residential development proposals which are brought forward in accordance with density bands contained in Page 66 of the draft Plan Strategy

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Please select all that apply

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While Figure 7.2 of the draft Plan Strategy sets out a housing supply figure for Belfast Harbour of 3,500 units over the plan period, and Figure 7.3 identifies it as a Character Areas, it has not however been identified as a settlement/character area within the main body text of Policy HOU4. All other character areas depicted in Figure 7.3 have been included within Policy HOU4. Given the substantial allocation proposed for this area coupled with its position adjacent to and within internationally protected sites (Belfast Lough SPA and Ramsar) further detail is therefore required in this regard.

RSPB NI reserves the right to comment further once this omission has been clarified.

Notwithstanding this, in general terms, the main policy wording needs to include 'planning permission will be subject to meeting all other policy requirements' to make it more effective and consistent with Paragraph 3.9 of the SPPS.

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Relevant Section or Paragraph

Policy (if relevant)

7.2 Urban Design

Policy DES 1 – Principles of urban design

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In addition to the expectation that all applications will be expected to adhere to supplementary planning guidance and criteria a-k of the policy, the policy wording should also include 'planning permission will be subject to meeting all other policy requirements' to make it more effective and consistent with Paragraph 3.9 of the SPPS.

Unfortunately, the draft Plan Strategy wording has failed to consider the quality of place from a biodiversity perspective including the avoidance of development that impacts adversely upon natural ecosystems. There is currently no recognition of the protection and enhancement of the environment including species and habitats within the option outlined. Furthermore, there is no recognition either implicit or explicit that good design can promote biodiversity and encourage wildlife (as stated in PPS 7, paragraph 4.3), this is a step backwards in policy formulation for sustainable development and biodiversity.

In this regard, RSPB NI advocated in its response to the POP the following points:

- The State of Nature 2016 report highlights that urban biodiversity is declining, with 56% of the species surveyed for this habitat experiencing declines within the last fifty years.
- RSPB NI believes that the protection and enhancement of urban biodiversity can be achieved through careful planning and development.
- To achieve this, RSPB NI believes that the design and layout of new residential developments should aim to protect and enhance biodiversity on sites, and enhance connections between ecological features within and across sites.
- RSPB NI advocates that the Council should adopt the principles outlined within the Exeter residential design code and in The Wildlife Trust's – planning for healthy environment – good practice guidance for green infrastructure and biodiversity.
- These documents highlight key measures in which biodiversity can be protected and enhanced through planning and development.
- Biodiversity features which might be incorporated into the design and layout include:
 - Nesting and roosting bricks to be built as part of the fabric of the building for building reliant birds such as swifts and bats and birds associated with urban areas such as the common pipit and house sparrow;
 - Sustainable Urban Drainage Systems linked to adjacent wetland/riparian systems;
 - Green/living roofs and green walls;
 - A varied structure of wildlife friendly trees, shrubs and flower rich meadows providing food, shelter and breeding places for wildlife, located so as to maximise linkages with nearby green spaces, habitats and wildlife corridors; and,
 - Wildlife friendly lighting.

Please refer to our original submission to the POP for full details of our comments on urban design and the opportunities for biodiversity and further sustainable development, including examples of

best practice elsewhere. For convenience, a copy of our original POP response will be attached to our draft Plan Strategy email response submission.

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Relevant Section or Paragraph

Policy (if relevant)

Creating a vibrant economy

8.1 Inclusive economic growth

Policy EC6 – Office Development

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Relevant Section or Paragraph

Policy (if relevant)

Creating a vibrant economy

8.1 Inclusive economic growth

Policy EC8 - Higher Education Institutions

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Relevant Section or Paragraph

Policy (if relevant)

Creating a vibrant economy

8.3 City Centre

Policy CC1 – Development Opportunity Sites

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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?
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- P4 - Did the council comply with the regulations on the form and content of its DPD and procedure for preparing the DPD?
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- C3 - Did the council take account of policy and guidance issued by the Department?**
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- 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.

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.

The policy wording should also include 'planning permission will be subject to meeting all other policy requirements' to make it more effective and consistent with Paragraph 3.9 of the SPPS.

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

Policy (if relevant)

Creating a vibrant economy

8.4 Tourism, leisure and culture

Policy TLC1: Supporting tourism leisure and cultural development

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>

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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.

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.

While the draft Plan Strategy policy aims advocate sustainable growth in tourism, leisure and culture over the plan period, this however is not satisfactorily reflected in the wording of Policy TLC1. This is therefore inconsistent with the Regional Strategic Objectives as set out at Paragraph 6.256 of the SPPS as follows (particularly those underlined below – our emphasis), and the sustainable element of Paragraph 6.263 of the SPPS in relation to tourism:

The regional strategic objectives for tourism are to:

- facilitate sustainable tourism development in an environmentally sensitive manner;
- contribute to the growth of the regional economy by facilitating tourism growth;
- safeguard tourism assets from inappropriate development;
- utilise and develop the tourism potential of settlements by facilitating tourism development of an appropriate nature, location and scale;
- sustain a vibrant rural community by supporting tourism development of an appropriate nature, location and scale in rural areas; and
- ensure a high standard of quality and design for all tourism development.

The LDP in its draft Plan Strategy should therefore provide polices to this effect.

In addition, RSPB NI is concerned that there is no recognition of the natural environment within this policy TLC 1 as proposed. Like Belfast City Council's POP previously, there has been a failure to address the sustainable element of Para 6.263 (p99) of the SPPS in relation to tourism and no cognisance had been given to environmental sensitivity. While tourism can often be related to the enjoyment of the natural environment, and this is something we strongly advocate, human activity, can in some instances, have a negative impact on biodiversity. In this context, the LDP should ensure that proposals do not have an adverse impact on biodiversity. Furthermore, regard should be had to the ecosystem services it provides, as previously noted above, development that fails to respect the environment will ultimately erode the ecosystem services upon which the economy and society relies.

The Belfast council area is rich in its wildlife and diversity of habitat, and, biodiversity does not confine itself to protected sites. As such, it is imperative that the LDP also provides strong policy protection for those areas of natural and semi-natural habitat which lack formal designation (e.g. areas of species rich grassland).

It is therefore recommended that the wording of Policy TLC 1: should also be amended to reflect the current omission of sustainability and environmental sensitivity.

Furthermore, the wording of the final paragraph of Policy TLC1 has effectively created a hierarchy in its requirement to meet all other policy requirements by including the reference to 'particularly those'.

The SPPS in relation to tourism policy does not create such a hierarchical approach, to normal planning considerations, but cites a few examples using the wording 'such as'. This also needs to be revised to take account of the SPPS.

Please refer to our original POP submission for further details – this is attached to the draft LDP consultation response submission email.

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

Policy (if relevant)

Creating a vibrant economy

8.4 Tourism, leisure and culture

Policy TLC2: Existing tourism, leisure and cultural facilities and assets

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>

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- 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.

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.

The policy wording should also include 'planning permission will be subject to meeting all other policy requirements' to make it more effective and consistent with Paragraph 3.9 of the SPPS.

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

Policy (if relevant)

Creating a vibrant economy

8.4 Tourism, leisure and culture

Policy TLC 3: Overnight visitor accommodation

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>

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P1 - Has the development plan document (DPD) been prepared in accordance with the council's timetable and the Statement of Community Involvement?

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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?

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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.

Like Policy TLC:1 above, the wording of the penultimate paragraph of Policy TLC3 has effectively created a hierarchy in its requirement to meet all other policy requirements by including the reference to 'particularly those'. The SPPS in relation to tourism policy does not create such a hierarchical approach, to normal planning considerations, but cites a few examples using the wording 'such as'. This will require to be revised to take account of the SPPS.

The wording of Policy TLC 3: should also be amended to reflect the current omission of sustainability and environmental sensitivity to make it more effective consistent with Paragraph 6.263 (p99) of the SPPS.

Please refer to our original POP submission for further details – this is attached to the draft LDP consultation response submission email.

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

Policy (if relevant)

Building a smart connected and resilient place

9.1 Infrastructure, telecoms and utilities

Policy ITU 4 – Renewable Energy

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>

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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.

Paragraph 6.223 of the SPPS advocates that ‘a cautious approach for renewable energy development proposals will apply within designated landscapes which are of significant value, such as Areas of Outstanding Natural Beauty, and the Giant’s Causeway and Causeway Coast World Heritage Site, and their wider settings. In such sensitive landscapes, it may be difficult to accommodate renewable energy proposals, including wind turbines, without detriment to the region’s cultural and natural heritage assets’.

This cautious approach is currently absent from the draft Plan Strategy and therefore needs to be carried across into the LDP if it is to be effective in protecting designated landscapes which are of significant value, and could include the identification of potential areas of constraint which are considered to be sensitive to wind energy development. Such areas must include reference to sensitive nature features, as environmental quality or value is more than a visual assessment alone, and includes habitats and species – many of which are located outwith designated areas. Areas of constraint/sensitivity should also have their nature designations listed. In moving forward, this list should not be seen as the definitive list for sensitive areas, as it is likely that other areas will come forward during the plan development process.

The consideration of cumulative impact should be extended to include all types of renewable energy development (e.g. solar farms) and not just wind farms as is currently proposed if the policy is to be effective in preventing unacceptable adverse impact. Paragraph 6.229 of the SPPS provides for the cumulative assessment of all renewable energy developments, not just wind turbines. This requirement should therefore be copied across to Policy ITU 4.

Other factors for consideration are included within Paragraphs 6.228 and 6.229 of the SPPS which should also be copied across to Policy ITU 4. Importantly, Paragraph 6.229 of the SPPS provides for the consideration of the inter-relation between these considerations – this is also absent from Policy ITU 4 and needs to be copied across from the SPPS.

Should the Belfast LDP plan area contain any areas of active peatland (of particular importance to Northern Ireland for its biodiversity, water and carbon storage qualities), then Policy ITU 4 will need to contain a presumption against energy development on such habitat unless there are imperative reasons of overriding public interest as defined under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended, consistent with Paragraph 6.226 of the SPPS.

The policy wording of Policy ITU 4 requires the provision of details on future decommissioning for windfarms. However, under the justification and amplification section below (at Paragraph 9.1.24) details of site restoration after decommissioning is to be provided ‘where appropriate’. This disparity therefore has the potential to create conflict between the policy wording and the amplification text, as the latter could be argued to apply to all forms of renewable energy development and as such could undermine the policy provision of Policy ITU 4 in relations to wind energy. This must be addressed.

RSPB NI recommends that details of site restoration after decommissioning should be provided in all cases. Such an approach would therefore be consistent with Paragraph 6.233 of the SPPS in that it applies such a requirement to both wind farms and solar farms, and stipulates that in such cases planning conditions (or a legal agreement where appropriate) should be used’.

Therefore, in order to eliminate policy conflict and be consistent with the SPPS, the ‘where appropriate’ reference contained within Paragraph 9.1.24 of the draft Plan Strategy should be deleted, and the full requirements of Paragraph 6.233 of the SPPS be copied across to Policy ITU 4 if it is to be effective.

Paragraph 4.17 of PPS 18 further deals with the issue of repowering/re-equipping turbines at the end of its planning permission life (in most cases planning permission will be linked to the expected operational life of the turbine). Paragraph 4.27 of the PPS states while there are obvious advantages in utilising established sites, such cases will have to be determined on their individual merit and in the light of the then prevailing policy and other relevant considerations’. In order therefore for Policy ITU 4 to be effective, the provisions of Paragraph 4.17 of PPS 18 require to be copied across. The issue of re-powering or re-equipping is likely to become more of an issue as many of the first generation of windfarms will be approaching their end of life within the LDP plan period.

Furthermore, in terms of information requirements, Paragraphs 9.124 of the draft Plan Strategy highlights that such proposals may be subject to the Environmental Impact Assessment Process. This paragraph should be extended to include reference to the Conservation (Natural Habitats, etc) Regulations (NI) 1995 (as amended) where the ‘competent authority’ is required to undertake an Appropriate Assessment of any proposal that has the potential to significantly affect a European Site, either directly or indirectly. In such cases, developers must provide such information as the competent authority may reasonably require. The inclusion of such information within the LDP will provide clarity for developers.

Please refer to our original POP submission for further details – this is attached to the draft LDP consultation response submission email.

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

Policy (if relevant)

Building a smart connected and resilient place

9.3 Minerals

Policy M1 - Minerals

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>

Please select all that apply

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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.

Paragraph 6.155 of the SPPS requires Councils when preparing LDPS to bring forward appropriate policies and proposals that must reflect the policy approach of the SPPS. While local tailoring is permissible, Paragraph 6.155 nevertheless states that LDPS should (*inter alia*) ‘*identify areas² which should be protected from minerals development because of their intrinsic landscape, amenity, scientific or heritage value (including natural, built and archaeological heritage). There should be a general presumption against minerals development in such areas...*’.

However, Policy M1, as proposed, has effectively weakened the SPPS policy approach by stating that ‘the council will not normally (which suggests that it could, on occasion, be permissible) permit significant (introduces a new qualification element) mineral extraction proposals in areas designated of importance for landscape quality, nature conservation or scientific interest (our emphasis). It has therefore omitted the general presumption against minerals developments in such areas.

In order for Policy M1 to be effective, and having cognisance of the SPPS, the requirements of Paragraph 6.155 as it relates to the identification of Areas of Constraint on Minerals Development’ should be copied across.

Furthermore, if Policy M1 is to truly further sustainable development (a requirement of the SPPS), then Paragraph 9.39 of the draft Plan Strategy should include the potential for restoration for nature conservation interests.

Please refer to our original POP submission for further details – this is attached to the draft LDP consultation response submission email.

² Normally referred to in Development Plans as ‘Areas of Constraint on Minerals Development’.

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Relevant Section or Paragraph

Policy (if relevant)

Building a smart connected and resilient place

9.5 Environmental resilience

Policy ENV2 – Mitigating environmental change

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>

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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.

While the merits of Policy ENV 2 are not disputed, it does however contain a number of inherent weaknesses in both its policy, and justification and amplification wording, which either individually or cumulatively could serve to undermine its overall effectiveness and ability to deliver the SPPS objective of furthering sustainable development.

In this regard, the use of the wording 'where feasible' or 'where appropriate' provides unnecessary wriggle room in the application of this policy and could allow a scheme proponent to simply state that it was simply 'not feasible or appropriate' to undertake policy provision x or y of Policy ENV 2.

A potential solution to increasing the effectiveness of Policy ENV 2 is to incorporate the provisions of Paragraph 9.5.28 of the draft Plan Strategy into the main policy wording by requiring a statement of sustainability to demonstrate how the proposal has considered sustainable patterns of development and sustainable design. While such an approach may be unnecessarily burdensome for minor projects/schemes, such an approach could initially be required in all cases for major/significant developments, with the effectiveness of such an approach being monitored as part of the LDP monitoring programme during the plan period to maximise its effectiveness.

The policy wording should also include 'planning permission will be subject to meeting all other policy requirements' to make it more effective and consistent with Paragraph 3.9 of the SPPS.

Please refer to our original POP submission for further details – this is attached to the draft LDP consultation response submission email.

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

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Relevant Section or Paragraph

Policy (if relevant)

Building a smart connected and resilient place

9.5 Environmental resilience

Policy ENV 3 – Adapting to environmental change

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>

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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.

The policy wording should also include 'planning permission will be subject to meeting all other policy requirements' to make it more effective and consistent with Paragraph 3.9 of the SPPS.

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

Policy (if relevant)

Building a smart connected and resilient place

9.5 Environmental resilience

Policy ENV 5 – Sustainable drainage systems (SuDs)

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>

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?
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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.

Given the environmental, social and economic benefits of SuDs acknowledged in the SPPS, it is recommended that the policy wording of Policy ENV 5 is strengthened by removing the inherent weakening terminology of 'where appropriate'. As Paragraph 9.5.43 of the draft Plan Strategy acknowledges, SuDs schemes can vary in size and composition varying from the relatively straightforward such as soakaways and permeable surfaces through to green roofs and drainage ponds. As a consequence, the provision of SuDs schemes should be appropriate in some form within all developments. It is therefore recommended that Policy ENV 5 be strengthened by removing the 'where appropriate' reference to apply to all development to make it more effective. This would be consistent with draft Plan Strategy Policy GB 1 – Green and Blue Infrastructure which states 'new development should incorporate green infrastructure features as part of the design, including green roofs and walls, SuDs, tree and hedgerow planting....' (our emphasis).

Please refer to our original POP submission for further details – this is attached to the draft LDP consultation response submission email.

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

Policy (if relevant)

Promoting a Green and Active place

10.2 Natural Heritage

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>

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- 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?
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- 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.

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.

Figure 10.1: Natural heritage designations in Belfast contains a number of errors. While it is appreciated that this is essentially an illustrative map, it does not, however, provide a basic accurate representation of the SPAs. In this regard, the SPAs spatial extent should cover the same area of coastline as the Ramsar. Furthermore, D3 within the Harbour estate is still shown as an open water lagoon, despite being infilled for a number of years previously and currently the subject of planning application for cruise ship facilities. These errors should be rectified in any future version of the Plan Strategy.

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

Policy (if relevant)

Promoting a Green and Active place

10.2 Natural Heritage

Policy NH 1- Protection of natural heritage resources

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>

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?
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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.

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.

RSPB NI welcomes the Council's adoption of the precautionary principle when considering the impacts of a proposed development on local, national or international natural heritage resources, including designated sites, protected species and the other important interests of biodiversity and geodiversity.

Care must be exercised by Belfast Council in the language it uses to highlight the policy tests it will utilise for designated sites, species and habitats within the main text body wording of Policy NH1, as the syntax used in these policy tests is not interchangeable between the different levels of the policy hierarchy for natural heritage resources. As such, any attempt to generalise or summarise tests across the natural heritage resource hierarchy should be avoided as it could result in the inadvertent raising of a policy test threshold, which in turn could result in a higher level of impact or affect being acceptable and thus allowing planning permission to be granted.

It should be noted that policy tests for European sites is set within The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended, which transposes the provisions of the Birds and Habitats Directives and is not at the gift of the LDP to alter.

In the circumstances, and to avoid any potential to misinterpretation of the various policy tests, it is recommended that the second paragraph of Policy NH1 which essentially attempts to summarise all natural heritage resources into a single paragraph and have a 'one size fits all' policy test of 'not have an unacceptable effect' should be reworded as follows 'not have an unacceptable effect (as defined by the relevant policy and legislative provisions set out in the SPPS)', would resolve this issue and make Policy NH1 more effective and compliant with the SPPS.

Similarly, with regards to where 'potential adverse impacts cannot be avoided' (last paragraph of page 255, continuing onto Page 256 of Policy NH 1), the proposed policy wording again interchanges references to policy tests and exceptional circumstances from differing levels of the natural resource hierarchy. Such interchanging text does not accurately comply with the requirements set out in the SPPS and relevant legislative provisions on such matters. This will require be reworded to comply with the SPPS and other legislative requirements to ensure there is no weakening or dilution of planning policy for natural heritage assets. For example, the Birds and Habits Directive brings its very own distinctive approach to exceptional circumstances with regards to European or Ramsar sites, and as noted above, such tests are not within the gift of the LDP to alter.

Therefore to provide additional clarity and assurances, it is s further recommended that the last sentence of Paragraph 10.2.8 of the justification and amplification section i.e. 'the SPPS sets out the planning policies that apply to international, national and local designations, protected species and other important natural heritage assets and the council will take full account of these in assessing development proposals' be included within the main body policy wording of Policy NH 1(i.e. within

the green box). This is considered to be consistent with the approach which the LDP has already adopted with regards to Policy ENV 4.

Please refer to our original POP submission for further details – this is attached to the draft LDP consultation response submission email.

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

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Relevant Section or Paragraph

Policy (if relevant)

Promoting a Green and Active place

Technical Supplement 7 – Natural Heritage – Appendix 3 - Belfast City Council Priority Species List.

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>

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?
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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.

The data source link contained within the Appendix 3 does not work and as such RSPB NI has been unable to qualify its contents. Further rationale on the inclusion/exclusion of priority species from the NIEA's overarching priority species list would be welcome from the Council in order to ensure it is robust and sound. Similarly, an exercise should also be undertaken for priority habitats within the plan area.

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

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Relevant Section or Paragraph

Policy (if relevant)

Promoting a Green and Active place

10.4 Landscape and coast

LC1A – AONBS

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>

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?
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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.

Paragraph 10.4.15 of the draft Plan Strategy states, 'the SPPS sets out the planning policy that applies to AONBs and the council will take full account of this in assessing development proposals'. It is recommended that this text be included within the main body policy wording (within the green box) of Policy LC1A. This is consistent with the approach that the LDP has already adopted with regards to Policy ENV 4, as noted above.

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

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Relevant Section or Paragraph

Policy (if relevant)

Promoting a Green and Active place

10.4 Landscape and coast

Policy LC 4 – Coastal area

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>

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?
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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.

Like Policy NH1, 'unacceptable effect', will require additional qualification in the first paragraph as follows 'not have an unacceptable effect (as defined by the relevant policy and legislative provisions set out in the SPPS). This would make Policy LC 4 more effective, align with Policy NH1 and comply with the SPPS and other legislative requirements e.g. Birds and Habitats Directives.

The mitigation and compensation measures set out in Paragraph 10.4.21 will need to be clarified by additional text to ensure any scheme proponent is aware that such will be subject to relevant legislative provisions, and that it complies with the SPPS. For example, compensation measures within the context of the Birds and Habitats Directive has a distinct meaning – in this regard, Article 6(4) of the Habitats Directive allows plans or projects which may have an adverse effect on the integrity of a European site to go ahead on grounds of "imperative reasons of overriding public interest" (IROPI) when there are no alternative solutions and compensatory measures have been secured. This would make Policy LC 4 more effective, align with Policy NH1 and comply with the SPPS and other legislative requirements e.g. Birds and Habitats Directives.

Other Comment

Appendix F – Monitoring Indicators

Ref. 26 reference to Dfl rivers under trigger should, it is assumed, read NIEA.

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.