



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

Adoption Statement



December 2008



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Environment
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Subject Plan for
Belfast City Council Area
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1.0 Background to Preparation of the Plan

- 1.1 The Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015 (hereafter referred to as the Subject Plan) has been prepared under the provisions of Part III of the Planning (Northern Ireland) Order 1991 by Planning Service, an Agency within the Department of the Environment (hereinafter referred to as 'the Department').
- 1.2 The Draft Subject Plan was published on 27 June 2006. A total of 129 letters of objection and 4 counter-objections were received during the statutory public consultation period that followed its publication.
- 1.3 The Department requested the Planning Appeals Commission (PAC) to facilitate an Independent Examination to consider objections to the Draft Plan. The Examination was conducted by Commissioners Kinghan and Beggs over two days from 1 to 2 October 2007.
- 1.4 The Independent Examination was carried out in accordance with the provisions of The Planning (Inquiry Procedure) Rules (Northern Ireland) 2006 and the Planning (Development Plans) (Amendment) Regulations (Northern Ireland) 2006. The PAC identified a range of Key Issues and Sub Issues, which formed the basis for discussion at the Examination.
- 1.5 The Commissioners' Report of the Examination is published with the Adopted Plan. It contains details of the Commissioners' consideration on each Key Issue and Sub Issue, reflecting the format of the Examination, and their recommendations to the Department on each Issue. This Adoption Statement also reflects the issues approach adopted by the PAC in the Independent Examination.
- 1.6 The PAC recommendations contained in the Commissioners' Report have been fully assessed by the Department and revisions to the Plan made accordingly.
- 1.7 Appendix 1 to this Adoption Statement lists the recommendations identified by the PAC for consideration, and the Department's response to each of the PAC recommendations.
- 1.8 The Department is also publishing a statement in accordance with Regulation 15 of The Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004 and a 'Statement of Finding of No Likely Significant Effects' in accordance with Regulation 64B of The Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2007.

2.0 Consideration of Planning Appeals Commission's Report

- 2.1 Following consideration of the Commissioners' Report of the Examination, the Department is generally in agreement with the PAC recommendations. The Department's response to the individual recommendations is set out in Appendix 1.

3.0 The Adopted Plan Written Statement and Maps

- 3.1 The Department is also publishing The Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015, containing the amendments referred to in the Adoption Statement.
- 3.2 Amendments to the contents of the Draft Plan Written Statement and Proposals Maps have been made as a consequence of the Department's decisions, which followed consideration of the report on the Independent Examination undertaken by the PAC. These amendments make alterations to the text and the maps of the Draft Plan.

4.0 Adoption of The Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015

- 4.1 The Department now adopts The Subject Plan as amended in the Adoption Statement, as a Development Plan under Article 8 of the Planning (Northern Ireland) Order 1991. The Department has made the necessary Order adopting the Plan. A reproduction of this Order is contained in Appendix 2 to this Statement.

5.0 Acknowledgements

- 5.1 The Department wishes to thank the elected representatives and everyone who contributed during the plan preparation process. The Department also wishes to thank Commissioners Kinghan and Beggs.

Appendix 1:

Issues, PAC Recommendations and the Department's Decision

General Objections to Strategy and Policy Framework				
Issue	PAC Report Page	PAC Recommendation	Department's Decision	Department's Comments
The Definition of a House in Multiple Occupation	4	The HMO definition should be tailored to the needs of the planning process and should be set out in full in the Plan.	The Department partially accepts the PAC Recommendation	The Department has addressed the concerns raised by the PAC in respect of the HMO definition and the scope of the Subject Plan by providing clarification on aspects of the definition.
The need for policies to control HMO development and issues to be addressed	6	Part 3 of the Plan should set out more clearly the need for a balanced approach to deal with the tensions between the adverse impacts of excessive concentrations of HMOs and the positive role the HMO sector has in meeting housing need and regeneration.	The Department accepts the PAC Recommendation	The Plan includes greater emphasis on the need for a balanced approach and additional text has been included in Part 3.
The Strategy	8	The Plan Strategy should include the promotion of community balance.	The Department accepts the PAC Recommendation	The Plan includes greater emphasis on community balance and additional text has been included in Part 3.
	8	Policies should, as far as possible, be expressed positively.	The Department accepts the PAC Recommendation	The Plan's policies are expressed more positively. See HMO 1, 3, 5, 6 and 7 in the Adopted Plan.
The Statistical Information	10	The unit based approach to the assessment of existing HMO development is endorsed	The Department welcomes this endorsement.	

General Objections to Strategy and Policy Framework (continued)				
Issue	PAC Report Page	PAC Recommendation	Department's Decision	Department's Comments
The Statistical Information (continued)	10	The Department should, at the earliest opportunity, supplement the information available to establish existing levels of HMOs.	The Department accepts the PAC Recommendation	The Department is actively seeking, with others, particularly the Northern Ireland Housing Executive (NIHE), to improve its HMO database.
	10	Where policies are generally permissive of development, the onus on demonstrating that thresholds have been exceeded should lie with the Department.	The Department accepts the PAC Recommendation	The Department has always held this view and has revised the wording in the Plan to clarify the situation. Planning Service will demonstrate where the threshold is exceeded. However, if an applicant disagrees with Planning Service's assessment on the number of HMOs in a given area, or status of a property at November 2004, they will be afforded an opportunity to provide alternative evidence.

Objections to Policies HMO 1, HMO 3, HMO 5 & HMO 7				
Issue	PAC Report Page	PAC Recommendation	Department's Decision	Department's Comments
Policies for controlling HMO development – are they appropriate and workable?	16	References to meeting the criteria in Policy HMO 8 should be deleted from the above policies.	The Department accepts the PAC Recommendation	These references have been removed from the text.
	17	References to proposals not being in conflict with other plans and policies should be deleted from the above policies and relocated to the Introduction to the Plan.	The Department accepts the PAC Recommendation	The Department accepts there is no need to restate the policies of other plans in relation to each HMO policy and such references have been removed. However, the Department considers that a reference under the Policy Framework section would be helpful to applicants.
	17	Policy HMO 1 should be reworded to the effect that there will be a general presumption against further HMO development where HMO numbers are in excess of 30% of total housing units in a Policy Area. The reference to measurement on a street by street basis should be deleted.	The Department accepts the PAC Recommendation	The wording has been revised and the street by street reference deleted.

Objections to Policies HMO 1, HMO 3, HMO 5 & HMO 7 (continued)				
Issue	PAC Report Page	PAC Recommendation	Department's Decision	Department's Comments
Policies for controlling HMO development – are they appropriate and workable? (continued)	17	Policy HMO 3 should be amended so that those parts of Nodes which adjoin areas of existing HMO concentration are included within the adjoining Policy Area identified in Designation HMO 2 and subject to the 30% threshold contained in Policy HMO 1.	The Department does not accept the PAC Recommendation	The Department will retain its proposal to designate HMO Nodes adjacent to HMO Policy Areas. This issue only impacts on the Antrim Road area of North Belfast. The Department is of the view that the character of the Antrim Road Nodes, which form elements of an Arterial Route, is distinct from that of the Atlantic, Castleton, Cavehill, Cliftonville and Thorndale Policy Areas, which are not part of the arterial route. The intention of the Nodes is to protect residential amenity by drawing HMO demand away from the Policy Areas and meeting HMO needs in North Belfast.
	17	Policy HMO 5 and Designation HMO 6 should be removed from the Plan and the "University Area" should be designated a HMO Policy Area under Designation HMO 2 and be subject to Policy HMO 1.	The Department accepts the PAC Recommendation	Policy HMO 5 and Designation HMO 6 have been deleted and the Plan has been revised to include the designation of the "University" Policy Area under Designation HMO 2 and subject to Policy HMO 1.

Objections to Policies HMO 1, HMO 3, HMO 5 & HMO 7 (continued)				
Issue	PAC Report Page	PAC Recommendation	Department's Decision	Department's Comments
Policies for controlling HMO development – are they appropriate and workable? (continued)	17	Further consideration should be given to renaming the "University Area".	The Department accepts the PAC Recommendation	The Plan will now refer to this area as Botanic, Holylands, Rugby Policy Area.
	17	The 10% threshold as measured on a street by street basis and set out in Policy HMO 7 is generally endorsed. Further consideration should be given to the approach to be taken on arterial routes outside HMO Development Nodes.	The Department accepts the PAC Recommendation	The Department has given consideration to how this policy could be applied to longer roads and concludes that planning permission will only be granted for further HMO development on longer roads (those in excess of 600 metres in length) where as a result the number of HMOs does not exceed 10% of dwelling units within 300 metres on that road or street either side of the proposal. The policy has been changed accordingly.

Objections to Designations HMO 2, HMO 4 & HMO 5				
Issue	PAC Report Page	PAC Recommendation	Department's Decision	Department's Comments
Designation boundaries	19	Designation HMO 2/10 should be amended to exclude Elmwood Avenue.	The Department accepts the PAC Recommendation	Elmwood Avenue has been removed from the designation and Map 4 has been amended accordingly. The Policy Area has been renamed as "Fitzwilliam".
	19	All the other designation boundaries should remain unaltered.	The Department welcomes this endorsement.	
Designation of additional areas	20	Further consideration should be given to whether additional Nodes should be identified on the Crumlin and Shankill Roads.	The Department does not accept this PAC Recommendation	The Department is of the view that additional Nodes should not be created as housing need and demand in the Shankill and Crumlin Road areas is not as great as it is in other areas. Consequently the need for shared, and, therefore, multiple occupation is significantly less. The Plan is therefore not amended.

Objections to Designations HMO 2, HMO 4 & HMO 5 (continued)

Issue	PAC Report Page	PAC Recommendation	Department's Decision	Department's Comments
Listing of designations	21	The designations listed under HMO 2 and HMO 4 should be included in Policies HMO 1 and HMO 3 and other policies renumbered accordingly.	The Department does not accept this PAC Recommendation	In the event of any future proposal to introduce new policy areas or amend the boundary of a current policy area, the PAC recommendation may require unnecessary consultation on both the policy and its designations. For this reason and in order to maintain flexibility, the Department has decided to keep policies and their designations separate. However, the Department has decided, for reasons of clarity, to adjust the format of the Plan and place both policies and their designations in closer proximity.
	21	The designation numbers should be added to the HMO Policy Areas listed in Appendix 5.	The Department accepts the PAC Recommendation	Designations have been added to the table which now appears as Appendix 3.
Accuracy of maps	22	BMAP designations should not be reproduced on the HMO Plan's maps.	The Department accepts the PAC Recommendation	The reproduction at the draft stage of BMAP designations was to facilitate discussion and debate. These designations are not included in the Adopted Plan.

Objections to Policy HMO 8				
Issue	PAC Report Page	PAC Recommendation	Department's Decision	Department's Comments
The policy criteria – are they appropriate and workable?	26	Criterion 8 should be reworded to apply to dwellings that are currently greater than 150m ² floor space. The policy amplification should clarify why the restriction applies only to proposed HMO flats.	The Department accepts the PAC Recommendation	Policy HMO 8 (now Policy HMO 6) has been amended accordingly.
	26	Criterion 1 and the proposed bedroom and occupancy restrictions are endorsed only in relation to the HMO 1 Policy Areas designated by HMO 2.	The Department accepts the PAC Recommendation	Policy HMO 8 (now Policy HMO 6) has been amended accordingly.
	26	Criteria 2, 3, 5, 6 and 7, 10, 11 and 12 should be deleted.	The Department accepts the PAC Recommendation	The Department welcomes PAC direction on HMO 8. Many of the criteria outlined in the policy have been superseded by the publication of the Addendum to PPS 7. Therefore, their inclusion is no longer necessary. HMO 8 (now HMO 6) has been amended accordingly.
	26	Criteria 4 and 9 are endorsed.	The Department welcomes this endorsement.	

Objections to Policy HMO 9				
Issue	PAC Report Page	PAC Recommendation	Department's Decision	Department's Comments
The policy criteria – are they appropriate and workable?	29	The policy title should be amended to refer to “Large Scale Purpose Built Student Accommodation” and the policy amplification should set out the policy’s scope more clearly.	The Department accepts the PAC Recommendation	Policy HMO 9 (now Policy HMO 7) has been amended accordingly.
	29	Criterion 1 should be reworded to the effect that developments should consist of a minimum of 200 occupants.	The Department accepts the PAC Recommendation	Policy HMO 9 (now Policy HMO 7) has been amended accordingly.
	29	Criteria 6, 7, 9, 10 and 11 should be deleted.	The Department accepts the PAC Recommendation	The Department welcomes PAC direction on Policy HMO 9. Many of the criteria outlined in the policy have been superseded by the publication of the Addendum to PPS 7. Therefore, it is no longer necessary to include them. Policy HMO 9 (now HMO 7) has been amended accordingly.
	29	The policy should be reworded to allow for smaller incremental extensions and consolidations of existing halls of residence and the phased development of larger schemes.	The Department accepts the PAC Recommendation	The Department accepts the PAC recommendation. Policy HMO 9 (now Policy HMO 7) has been amended accordingly.

Other Objections				
Issue	PAC Report Page	PAC Recommendation	Department's Decision	Department's Comments
	31	The Department should set out the arrangements for regular monitoring of the progress and effectiveness of the Plan to allow an informed review of the Plan, its policies and the extent of its designations.	The Department accepts the PAC Recommendation	The Department will outline its plans for monitoring on its web site following discussion and agreement with other agencies.

Appendix 2

THE PLANNING (NORTHERN IRELAND) ORDER 1991

PLANNING (DEVELOPMENT PLANS) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2004

HOUSES IN MULTIPLE OCCUPATION (HMOS) SUBJECT PLAN FOR BELFAST CITY COUNCIL AREA 2015 (ADOPTION) ORDER (NORTHERN IRELAND) 2008

Made 5 December 2008

WHEREAS the Department of the Environment (hereinafter referred to as 'the Department') in accordance with Part III of the Planning (Northern Ireland) Order 1991 (hereinafter referred to as 'the Order') has consulted with Belfast City Council and prepared a Development Plan in respect of HMO policies and designations City Council Area.

AND WHEREAS the Department has complied with Article 5 of the Order;

AND WHEREAS objections and representations have been duly made within the time stated for making objections, as amended by Regulation 2 of the Planning (Development Plans) (Amendment) Regulations (Northern Ireland) 2004, the Department caused an Independent Examination to be held, in accordance with Article 7 of the Order and The Planning (Inquiry Procedure) Rules (Northern Ireland) 2006, by the Planning Appeals Commission over two days from 1 to 2 October 2007 for the purpose of considering such objections;

AND WHEREAS the Department has considered the said objections and representations and the Report of the Planning Appeals Commission on the said Examination;

NOW THEREFORE the Department in exercise of the powers conferred by Article 8 of the Order and all other powers enabling it in that behalf hereby orders as follows:

- 1 This Order may be cited as the Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015 (Adoption) Order (Northern Ireland) 2008;
- 2 (i) The Plan is hereby adopted as a Development Plan to the extent approved and endorsed by the Department in the Statement entitled 'Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015 Adoption Statement 2008';

(ii) The Plan together with the said Statement shall be known as the Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015 which shall become operative on 15 December 2008.

Sealed with the Official Seal of the Department of the Environment on 5 December 2008.

T J CLARKE

Senior Officer of the Department of the Environment

