

Control of Development in Airport Public Safety Zones

SUMMARY OF CONSULTATION RESPONSES

Introduction

1. On 5th October 2006, the Department issued for consultation a draft document entitled 'Control of Development in Airport Public Safety Zones'. The draft document was drawn up in close consultation with the Department for Regional Development and Department for Transport (DfT) and incorporated policy guidance produced by DfT for implementation throughout the UK by local and regional authorities with powers to control development and to restrict the use of land.
2. The Department sent out copies of the Public Consultation Draft to approximately 350 interested parties, including district councils, a wide range of public bodies, MPs, MLAs, non-governmental organisations, professional bodies, and business interests. Notices advertising consultation and inviting responses were posted in the Belfast Telegraph, the Irish News and the Newsletter, on 6th and 13th of October 2006. The document was also made available on the Planning Service website. Consultation responses were requested by 5th February 2007. All responses received were taken into account in reviewing the draft Policy.
3. This report provides an overview of the findings of the consultation process. It is not intended to be a comprehensive report on every comment received, but rather a summary of the key issues raised in the responses. A copy of the responses can be viewed on the Planning Service website www.planningni.gov.uk

Overview of Consultation

4. The Department received a total of 5 responses to the draft Policy which can be broken down into the following categories:

District Councils	1
Voluntary Organisations, Professional Bodies and Individual Responses	2
Government Departments and other Statutory Agencies	2

5. Most responses raised issues regarding the implications of the draft Policy at George Best Belfast City Airport – Runway 04 Public Safety Zone. One respondent indicated that they were content with the PSZ boundaries envisaged but contained no additional comment. A full list of the respondents is provided in Annex A.

Issues Emerging from Responses

General Presumption against Development within Public Safety Zones

6. The Ulster Architectural Heritage Society stated that the potential reuse of Mersey Street School, a listed building, should not be adversely affected by the George Best Belfast City Airport – Runway 04 Public Safety Zone. They noted that the draft Policy includes exceptions to the general presumption against development within public safety zones and suggested that future proposals for the reuse of this building should be viewed favourably within that context. Further to this the respondent requested the insertion of a statement within the document to reflect the importance of the listed school building along with text promoting its sympathetic reuse.
7. The Northern Ireland Housing Executive also expressed support for the reuse of the Mersey Street school building by a local housing association and indicated general support for residential development at the Oval football stadium to meet local needs. Furthermore the Executive raised a general concern that the PSZ Policy could create a 'dead zone' in the Mersey Street area which they believed could obstruct much needed regeneration.

Response: The Department would advise that the purpose of the policy document is to provide advice for all airport public safety zones in Northern Ireland. It is therefore not considered appropriate to amend the document to provide detailed guidance for land or individual buildings located within a specific PSZ. All new development, including a change of use or the intensification of use of a property, where it requires planning permission will therefore be assessed under the general guidance set out for all PSZs in the policy document.

The Department would however take this opportunity to confirm that the PSZ Policy has no significant implications for existing buildings and uses within the George Best Belfast City Airport – Runway 04 Public Safety Zone, although it is acknowledged that it will have implications for new development proposals including potential schemes affecting the listed Mersey Street Primary School and the Oval football stadium. In such cases in the public interest it is considered that the issue of public safety is of paramount importance and will therefore be the most significant consideration in the assessment of any such scheme.

Notwithstanding this the Department would point out that only a small area of land in the Mersey Street area is included within the Runway 04 Public Safety Zone and does not consider this should have significant implications for the overall regeneration of the wider area. The Department also appreciates the local importance of the listed Mersey Street Primary School and, while not wishing to pre-judge the outcome

of any planning application, considers that a suitable and sympathetic scheme for the reuse of this building could be accommodated within the context of the PSZ Policy which advises that a change of use may be permissible where this could not reasonably be expected to increase the number of people living, working or congregating in or at a property or piece of land beyond the current level. As regards any potential redevelopment of the Oval football stadium (or at least that part which lies within the PSZ) the Department would acknowledge that this is now likely to be significantly more difficult in light of the PSZ Policy.

Development Permissible within Public Safety Zones

8. One respondent, a planning consultancy involved in a proposed Community Greenway at Connswater, indicated that part of this scheme falls within the George Best Belfast City Airport – Runway 04 Public Safety Zone. The response advised that this open space scheme would not represent a high intensity of use and that the level of increased activity would be insignificant, particularly within the context of existing traffic on the Sydenham Bypass. Furthermore the respondent requested that the PSZ document should be re-worded to facilitate this particular proposal given the evident community benefits and the flexibility afforded within the policy for low intensity open space usage.

Response: As indicated above the Department would advise that the purpose of the policy document is to provide advice for all airport public safety zones in Northern Ireland. It is therefore not considered appropriate to amend the document to provide detailed guidance for land or individual buildings located within a specific PSZ. The proposed Community Greenway scheme will therefore stand to be assessed against the general guidance set out for all PSZs in the policy document.

Notwithstanding this the Department appreciates the local community benefits that the proposed Greenway scheme could deliver and, while not wishing to pre-judge the outcome of any planning application, broadly concurs with the respondent that the usage proposed is not considered to be of a high intensity.

9. In its response, Belfast City Council considered there was no clear guidance or indication as to how intensification of open space facilities would or could be assessed in reference to Victoria Park, much of which falls within the George Best Belfast City Airport – Runway 04 Public Safety Zone.

Response: The Department would point out that only those proposals that require planning permission will be appraised against the PSZ Policy. The policy document does not deal with uses that are beyond planning control, such the informal use of existing open space facilities or the staging of community events.

The Department would however advise, following discussions with the Department for Transport, that the current usage of Victoria Park does not bring with it a high risk relative to its location within a PSZ and in most instances informal intensification of use is unlikely to raise major concern. Nevertheless as the body with statutory responsibility for the Park the Department would suggest that the Council may wish to seek specific advice on this matter from the Department of Transport – Aviation Branch.

Transitional Arrangements

10. Belfast City Council also sought clarification on how the PSZ Policy would impact on existing operations or development proposals. Furthermore the Council advised that many proposed developments could have been under consideration for a significant period of time prior to publication of the revised policy and associated PSZs. As such investment decisions may have been taken unaware of the implications resulting from this Policy.

Response: As indicated previously, the Department would confirm that the PSZ Policy has no significant implications for existing buildings and uses within the revised PSZs, although it is acknowledged that it will have implications for new development proposals. The Department appreciates this may impact on several developments which have been mooted for a period of time, but in the public interest it is considered that the issue of public safety is now of paramount importance and will therefore take precedence in the assessment of such schemes.

It should also be noted that where planning permission was previously granted and remains extant this can be lawfully implemented. Only in cases where such permission has expired would the development now be re-considered by the Department in light of the new PSZ Policy.

Transport Infrastructure

11. As part of its response Belfast City Council also queried how the PSZ Policy would impact on the consideration and suitability of the current BMAP Proposal BHA 11 Non Strategic Road Scheme New Junction on the A2.

Response: The Department would state that the road scheme proposed at this location, as with any development, would need to take into account its location within a PSZ.

As regards the current proposal for a new grade separated junction on the A2 which lies within the George Best Belfast City Airport – Runway 04 Public Safety Zone, the Department for Regional Development Roads Service have been in discussions with officials from DfT on this matter. The initial outcome of these discussions is that location within the PSZ should not affect the principle of this junction scheme, but may require incorporation of some specific design measures.

Other

12. Belfast City Council commented that the document was unclear with regards to the issue of intensification of existing residential uses such as the extension or subdivision of properties to flats or HMOs, particularly within the context of permitted development rights.

Response: The Department would advise that neither the subdivision of property for use as flats nor the conversion of a property to HMO use are permitted development and both therefore require express planning permission. Such proposals would then stand to be assessed in light of the guidance contained in the PSZ Policy. For other forms of permitted development paragraph 18 of the document indicates that consideration will be given by the Department as to whether a direction made under Article 4 of the Planning (General Development) order would be appropriate to remove such rights if this is deemed to be in conflict with the guidance of the PSZ document.

Annex A

List of Respondents to Public Consultation Draft - Control of Development in Airport Public Safety zones

Belfast City Council
Farningham McCreadie Partnership
Ulster Architectural Heritage Society
Northern Ireland Housing Executive
Eastern Health and Social Services Board