PLANNING APPEALS COMMISSION

The Planning (Northern Ireland) Order 1991

Article 7

PUBLIC LOCAL INQUIRY INTO OBJECTIONS TO THE BELFAST METROPOLITAN AREA PLAN 2015

REPORT ON THE STRATEGIC PLAN FRAMEWORK

by

Commissioners E Kinghan, A McCooey, A Speirs & M Jones


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# CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0 Strategy and Objections of a General Nature</td>
<td>1</td>
</tr>
<tr>
<td><strong>STRATEGIC PLAN FRAMEWORK</strong></td>
<td></td>
</tr>
<tr>
<td>2.0 Settlements</td>
<td>12</td>
</tr>
<tr>
<td>3.0 Housing</td>
<td>31</td>
</tr>
<tr>
<td>4.0 Employment</td>
<td>82</td>
</tr>
<tr>
<td>5.0 Transportation</td>
<td>87</td>
</tr>
<tr>
<td>6.0 Retailing</td>
<td>105</td>
</tr>
<tr>
<td>7.0 Offices</td>
<td>122</td>
</tr>
<tr>
<td>8.0 Urban Environment</td>
<td>134</td>
</tr>
<tr>
<td>9.0 Natural Environment</td>
<td>149</td>
</tr>
<tr>
<td>10.0 Countryside and Coast</td>
<td>162</td>
</tr>
<tr>
<td>11.0 Open Space, Sport &amp; Outdoor Recreation</td>
<td>188</td>
</tr>
<tr>
<td>12.0 Tourism</td>
<td>197</td>
</tr>
<tr>
<td>13.0 Public Services &amp; Utilities</td>
<td>201</td>
</tr>
<tr>
<td>14.0 Education, Health, Community &amp; Cultural Facilities</td>
<td>204</td>
</tr>
</tbody>
</table>
STRATEGIC PLAN FRAMEWORK

OBJECTIONS TO THE STRATEGIC PLAN FRAMEWORK

1. OBJECTIONS TO THE PLAN STRATEGY, AND OBJECTIONS OF A GENERAL NATURE

1.1 The Plan Strategy

1.1.1 The Plan Strategy is set out in Part 2 of Volume 1 - Plan Strategy and Framework and consists of 8 key components. These are further developed in the Strategic Plan Framework in Part 3 through 12 topic based strategies such as housing, settlements, retailing etc. and, where appropriate, through strategies for specific key locations. The strategic context for transportation related proposals is provided in the Belfast Metropolitan Transport Plan (BMTP).

1.1.2 Although a significant number of objections were classified as objections to the Plan Strategy, many of the specific concerns raised related to the topic based strategies. These objections are therefore addressed later in the report in the relevant topic sections. Other objections listed as objections to the Plan Strategy do not raise strategic issues and are therefore addressed later in this chapter as general objections.

Spatial Strategy

1.1.3 An objection to the Plan Strategy stated that the spatial strategy and framework does not sufficiently outline the context within which particular proposals are set. The objector provided no specific examples and the concern would appear to be the relationship between individual District proposals and the RDS. The Plan contains an extensive introductory section which sets out the RDS strategic objectives for the Belfast Metropolitan Area (BMA). The components of the Plan Strategy articulate how the Plan aims to address the RDS objectives and the strategic plan framework sets out how the strategy is to be delivered in relation to the various topic areas. The spatial dimension is set out in the District proposals and flows from the strategic plan framework. If the District proposals are read in isolation, the relationship with the RDS may not be apparent; the purpose in providing a strategic document, however, is to set a context for the Plan. We are satisfied that when the document is read as a whole, the relationship between land use proposals and their overarching strategic context is both clear and adequate.

Sustainable Development

1.1.4 Objections suggested that the strategy fails to adequately reflect or understand sustainable development. The Department's approach to sustainable development is set out in paragraphs 11-13 of Planning Policy Statement 1 - General Principles (PPS 1) and is guided by the precautionary principle 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. We therefore disagree with the objector that sustainable development should dictate a presumption against development in ‘protected areas’. The Plan Strategy states that proposals are designed to encourage a widespread and sustainable renaissance of the BMA. Sustainable development is evident in relation to a number of components of the strategy including promoting urban renewal, sustaining a living, working countryside, developing an integrated inclusive transport system and protecting the natural environment. We do not agree that the approach contained in either the strategy or the Plan can be described as ‘tokenism’. There is no evidence to support the assertion that sustainability principles have not been adequately understood in the Plan Strategy; that is not to say, however, that they are always correctly carried through to the various topic sections or Plan proposals. We address specific objections in relation to sustainability issues as they arise later in the report. For example, we express reservations about the transparency of the Department’s application of sustainability principles in the scoring system used to identify additional housing sites and about the amount and location of greenfield land required to meet the housing needs of the Plan.

1.1.5 Zoning and regulating the use of land across different parts of the Plan area inevitably has implications for the need to travel but it would be unrealistic to expect the BMA to function purely as a series of small self-sufficient communities. We note that Key Site Requirements for larger zonings require the identification of a variety of neighbourhood facilities which will support local communities and reduce the need to travel. The land use proposals of the Plan provide a wide range of employment opportunities across the Plan area on both zoned employment and mixed use sites. We are satisfied that proposals are grounded in an integrated transportation/land use approach although we share the concerns expressed that there is a need to ensure that the sustainable transport proposals of the Plan are not delayed. We return to this issue in the Transportation chapter of this report. We agree with one objector that such measures as public transport, free at the point of use, or transfer ticketing would allow greater access to employment opportunities and reduce dependence on the car. Public transport policy is not within the Department’s remit or within the scope of the development plan process, however, and would require a change in government policy. The objector’s suggestions for transport policies based on this concept cannot therefore be considered further. The achievement of greater integration between different modes of travel is an issue for the Belfast Metropolitan Transport Plan (BMTP).

1.1.6 The Plan contains policies related to the land use planning responsibilities of the Department. Planning Control Principle 3 of PPS 12 - Housing in Settlements (PPS 12) states that the use of greenfield land should be reduced and more urban housing accommodated through the recycling of land and buildings. This is carried through to the Plan Strategy which aims to limit expansion at the periphery of built-up areas and promote regeneration and renewal within them. It is implicit that regeneration and renewal will include reuse of existing and derelict buildings where possible but the plan can not insist on reuse in circumstances where buildings or areas have no
statutory protection and accordingly we do not consider that specific reference to such opportunities would achieve what is being sought. We do not consider that reference to environmentally friendly/sustainable building materials and techniques is appropriate in the context of a land use plan.

**Developer Contributions/Infrastructure Requirements**

1.1.7 Concerns were raised that the Plan does not go far enough in seeking developer contributions and about the failure to make reference to developer contributions in the Plan Strategy and elsewhere in the strategic section of the Plan. PPS 1 sets out the Department’s policy in respect of developer contributions and more detail is provided about contributions to transport infrastructure in PPS 13. Requirements for developer contributions cannot exceed what is required by regional policy. We see no need for specific reference to developer contributions in the Plan as they are covered by regional policy and are not unique to the BMAP area. For the same reason there is no need to routinely make specific reference to the requirement for Transport Assessment which is covered in PPS 3 and PPS 13. Belfast City Council requested that the scope of such contributions should be broadened to include the overall objective of sustainable development, community cohesion and development and amenity enhancement and protection. Castlereagh Borough Council thought that key settlement requirements should be set out in addition to key site requirements and that developers should contribute to a fund which would allow infrastructure to be provided in advance of development. Current regional policy requires that contributions are directly related to works required to facilitate specific development proposals and does not encompass the wide ranging contributions sought by either Council. Their proposals are a matter for regional policy and are not appropriate in the context of BMAP. We see no need for an explanatory statement about the purpose and scope of Article 40 agreements in the Plan Strategy as it would duplicate the information contained in PPS 1. It would not be appropriate to require liaison with the relevant Council about Article 40 agreements unless the Council was a party to the agreement.

**Interface Areas**

1.1.8 A number of objectors raised the issue of integrated communities. The general thrust was that the Plan should make specific reference to interface areas and social segregation and that insufficient attention has been given to the problems created by inter-community violence. It was suggested that the Plan should include a policy statement to reflect SPG-SRC 3 of the RDS. We consider that such a policy would unnecessarily repeat the regional planning guidance and that the pertinent issue is whether the Plan adequately addresses the requirements of the guidance. The scope of a development plan is to formulate proposals for the development or other use of land in the area to which it relates. SPG-SRC 3 proposes a number of measures to strengthen community cohesion which go beyond the scope of this process and are within the remit of other agencies. We therefore address only those aspects of the guidance which relate to land use planning.

1.1.9 SRC 3.1 seeks to foster patterns of development supportive to community cohesion by facilitating the development of integrated communities where people wish to live together. We are satisfied that the policy framework in the
Plan makes provision for a wide range of land uses in varying locations which will allow this objective to be achieved. Many interface areas are already largely built up and there is therefore limited scope for greater integration through land use planning proposals. We note the Department’s evidence, however, that the Plan framework extends to more local interface areas through specific proposals, including those for public sector supported regeneration proposals. Objectors suggested that the Holy Lands in South Belfast offered opportunities for integration and that greater community balance could be achieved through greater control of HMO conversions. We recommend the deletion of policy HOU 6 later in this report on the basis that there is now an HMO Subject Plan for the Belfast City Council Area. The Subject Plan is aimed at curtailing excessive HMO development and, if successful, will provide the opportunity for the community balance aspirations of the objectors. Facilitating the removal of physical barriers between communities, as proposed by one objector, is not a matter for the Plan.

1.1.10 SRC 3.2 seeks to foster community interaction which could also contribute over time to greater community integration. Those aspects relevant to the development plan process are the development of ‘shared places’ accessible to all members of the community and the revitalisation of the role of town centres and other areas well served by public transport as focal points providing facilities for the whole community. The Plan gives priority to supporting the role of city and town centres, arterial routes, local centres and ‘urban villages’. Proposals for shopping, offices and community services promote provision at existing focal points and oppose dispersal. There is considerable emphasis in the Plan on regeneration and tackling areas of disadvantage which is where interface areas are primarily located. We acknowledge that community division is not specifically referred to in the Plan Strategy but it is acknowledged as a challenge in the Belfast volume of the Plan where such areas are concentrated. The Belfast City Strategy specifically refers to promoting urban renewal, promoting equality of opportunity and zoning employment sites in new TSN areas in North, West and East Belfast together with providing opportunities in central locations, accessible to all. The issue is a complex one that involves the support of government agencies and programmes as well as the communities themselves. Whilst the Plan proposals can not of themselves deliver greater community cohesion and integration, we are satisfied that they provide a framework, through a variety of proposals, that will facilitate its achievement. In the context of a land use plan, we consider this to be an adequate response.

Needs of the Disabled

1.1.12 Disability Action was concerned that the strategy does not make specific reference to the needs of the disabled and sought the inclusion of a number of statements under various topic headings. PPS 13 - Transportation and Land Use (PPS 13) sets the promotion of accessibility for all as one of its 3 objectives and General Principle 12 addresses the need to make provision for the disabled. PPS 3 - Access, Movement and Parking (PPS 3) contains operational planning policy to create a more accessible environment and PPS 5 – Retailing and Town Centres (PPS 5) states that the needs of people with disabilities will be taken into account in determining applications for the
development of buildings to which the public have access. Building Control Regulations also set specific requirements for disabled access to both public and private buildings. We consider that regional policy and other legislation broadly address the issues of concern and that further reference to the needs of the disabled is more appropriately addressed in regional policy as the issues raised are not specific to the BMAP area.

1.2 Conformity with the RDS

1.2.1 The draft Plan was prepared in the context of the RDS published in 2001. The Review of Housing Figures was published in June 2006 and Adjustments to the Regional Development Strategy were published in June 2008. The implications of these changes are considered as appropriate in this report.

1.2.2 The Planning (Amendment) (Northern Ireland) Order 2003 requires that the development plan is in general conformity with the RDS. The Department for Regional Development (DRD) has the responsibility under the 2003 Planning Amendment Order to advise DOE as to whether in its opinion development plans meet this requirement and DOE is obliged to consider that opinion before deciding whether to adopt a plan. The RDS is the cornerstone on which the development plan process is built. Notwithstanding DRD’s responsibility to reach a final decision on the issue of general conformity, the assessment of the Plan’s performance in relation to many of the requirements of the RDS has been an important issue in the minds of many objectors and has been a critical issue for us in assessing the objections and formulating our recommendations.

1.2.3 Many objectors made general statements about the Plan’s failure to achieve general conformity with the RDS but were unspecific about their concerns; as a result we have been unable to give further consideration to their objections. Similarly, the nature and form of policies and proposals of the RDS are outside the scope of the Inquiry and are not matters open to further consideration by the Commission. A substantial number of objections have been raised in the context of particular aspects of the Plan and we address those objections under the various subject headings later in this document. It is important to recognise, however, that the requirement relates to the need for the Plan in its entirety to be in general conformity with the RDS as a whole.

1.3 Objections of a General Nature

Format, Content and Presentation of the Plan

1.3.1 The Plan was considered by some objectors to be unnecessarily complex. A degree of complexity is inevitable in producing a plan for 6 local government Districts so the issue must be whether the Plan as a whole is legible. BMAP extends to over 1450 pages in 7 Volumes with around 40 loose maps and 6 volumes of bound maps. We consider that a district by district split with an
overarching strategic volume is a logical approach with the exception of Lagan Valley Regional Park which we address later in this report. Despite the complexity of a range of documents, we consider that a single document, as suggested by some objectors, would be unmanageable if produced in its current form.

1.3.2 We find that the complexity arises more from the number and variety of designations and cross referencing between the Plan and maps than between the different volumes. Some of the map bases are out of date and the scale of others is such that road names and other reference points are illegible or are obscured by proposals. We understand the need for maps of manageable size but their value is undermined if the content cannot be understood. It is essential that users of the Plan can see clearly the location and boundaries of the various proposals; this is particularly a problem in the Belfast Volume.

1.3.3 The Department gave an undertaking to consider a more user-friendly way of helping the public through the document, possibly through the addition of a free standing summary. We see no reason why such a document would have to be non-statutory as claimed by the Department and recommend that further consideration is given to such a summary. The Department also agreed that an index would be appropriate and we consider that an index of policies, broken down by District represents a minimum requirement. Consideration could be given to an approach similar to that found in the RDS where the SPGs are set out at the beginning of the document.

1.3.4 The wide range of proposals and designations also leads to confusion because of the amount of information provided; this is compounded by the mapping of existing uses. We acknowledge that such mapping is provided for in regional policy but it is of questionable value in circumstances where, for example, the definition of open space is much broader in PPS 8 than the open space areas shown on the Plan or where areas that are only partially developed are shown in existing employment use. Notwithstanding the reference in the text to map numbers, confusion can also arise between loose maps and bound ones and by the way in which bound maps are sequenced in the map booklets. For example, a site could be affected by a number of designations and it would be necessary to consult 3 or 4 maps which are sequenced under topic headings rather than geographically. We see the broad logic in providing separate maps for the urban areas and the countryside but the inclusion of countryside designations adjacent to development limits on the urban area maps would offer greater convenience to the reader. This is done on some maps but not others. In addition, we see no logic in having to consult each District Volume separately for designations that extend across District boundaries; this is both time consuming for the reader and costly if a number of volumes need to be purchased. In these circumstances, it would be more logical and more convenient for the reader if the designation was shown where it extends into a neighbouring District with the District boundary clearly demarcated. Again, this is done on some maps but not others. The essential issue is that District boundaries represent administrative divisions but do not reflect land use or legibility of the area for those who live there. These are matters that the Department should address before finalising the Plan.
1.3.5 Objectors were concerned that the Plan lacks vision. These objections were articulated in a number of ways including the failure to carry through the vision set out in the RDS, the failure to reflect the increasingly knowledge-based economy set out in the government’s draft Economic Vision, the lack of radical proposals to meet public expectations and the Plan as a technical rather than motivational document. There are clearly wide-ranging ideas among objectors about the nature of development plans and what they should seek to achieve. Many of these misunderstand the statutory position as set out in the 1991 Planning Order: the content and purpose of a development plan as set out in Article 4 of the 1991 Planning Order is to provide proposals for the development or other use of land. Consistent with the Planning Order, Paragraph 35 of PPS 1 refers to the role of development plans in informing the public of the policy framework and land-use proposals that will be used to guide development decisions. Against this statutory and policy background, we consider that it is unrealistic to expect an area plan to provide a response to every economic and social issue facing the area. We consider that criticism of the draft plan for not being as visionary as other government documents is misplaced given the different statutory functions of various agencies.

1.3.6 One objector suggested that the Plan should adopt a spatial rather than a topic based approach. In view of the need to set out the policies that will apply throughout the Metropolitan Area, we consider the Department’s topic based approach in the Strategic Volume to be essential. We do not consider that a spatial approach within the District proposals readily lends itself to the current development plan model; it seems to us that integrated local strategies developed in association with local communities is more appropriate at the local plan level under the current legislative arrangements. The system of local development plans contained in the Planning Act (NI) 2011 is likely to provide more closely the model advocated by the objector. In the absence of specific examples of other concerns about ‘vision’, our view is that the Strategic Plan Framework sets out more clearly the vision for the Plan area than the Plan Strategy and provides sufficient context for development of the spatial dimension in the subsequent District proposals. All in all, we find little substance in the criticism that the plan lacks vision.

1.3.7 Turning to the content of development plans, the primary requirement, as stated above, is to set out proposals for the development or other use of land in the plan area. Paragraph 37 of PPS 1 says that development plans will normally focus on proposals, zonings and designations. Other PPSs specify those issues to be addressed in development plans. We note that most of the strategic framework chapters contain a lengthy introductory section setting out the regional policy context which adds considerably to the length of the document. The District volumes contain zonings which attract extensive key site requirements that repeat regional policy unnecessarily. We make particular comment on this subject in Part 2 of our report. While there is nothing in legislation or policy to prevent the inclusion of relevant descriptive material in an area plan, we consider it important to ensure that the policies and proposals are immediately identifiable and not lost in a mass of supporting background information or unnecessary detail. We see no need for much of this detail and recommend that the Department remove unnecessary duplication from the final document.
1.3.8 Many objectors expressed concern that the Plan is unnecessarily prescriptive and that development will be inhibited as a result. In response to the general concern about the level of prescription in the Plan, we would point out that it contains a wide range of proposals with varying requirements, including mixed use zonings to provide a degree of flexibility in land use where appropriate. More specific concerns were raised about detailed design requirements which we address more fully in Section 8 of this report. Our general conclusion in relation to objections about specific policies is that, where those policies flow from detailed analysis within specified areas and do not involve forensic detail in their requirements, they can be appropriate. However, we also acknowledge the value of supplementary guidance eg design guides in particular circumstances. We agree that detailed requirements over wide areas are not sufficiently responsive to their surroundings and are likely to inhibit perfectly acceptable development. The degree of flexibility that is appropriate is the subject of other objections and will be addressed later in the report.

1.3.9 One objector suggested that many policies should be deleted in order to promote flexibility and de-regulation and that Use Classes should be abandoned. This is essentially a challenge to the basis of the plan making process. The Department has a statutory responsibility to formulate and co-ordinate policy for securing the orderly and consistent development of land and the planning of that development. In this context, it is doubtful that the objector's suggested approach would meet the statutory requirements. Even if it did, it would not comply with the requirements of PPS 1 or meet the statutory requirements of the Use Classes Order. It is difficult to see how development plans could secure general conformity with the RDS if such an approach were to be adopted. These are matters that are outwith the scope of the Inquiry. We acknowledge that the mere fact that something is zoned will not make things happen but the remit of the development plan is to provide a basis for rational and consistent decisions on planning applications and to provide a measure of certainty about which types of development will and will not be permitted. It is also a means of evaluating and reconciling any potential conflict between the need for development and the need to protect the environment within particular areas. In the scenario presented by the objector, the development plan process would be effectively redundant and there would be no context in which such a balancing exercise could take place.

1.3.10 The objector also argues for a new system based on the wishes of local people inputting into “very local plans”. We make no comment on the merit of such an approach as this is not an Inquiry into the development plan system but into the provisions of the draft Plan. For the same reason, we cannot give further consideration to objections that seek to reject many of the strategic policies because they should be developed through the “very local “planning process. We make the general observation, however, that such a system is likely to seek to provide greater certainty about land use rather than less and to that extent we see inconsistency in the objector’s approach.

1.3.11 We are satisfied that the Plan has been prepared in accordance with the statutory process set out in the Planning Order and the Development Plan
Regulations. Comments relating to the process of plan preparation, publicity arrangements and the cost of the Plan can not be considered as objections to the Plan and are beyond the scope of the Inquiry. There is no reason why the Department’s policies and proposals should not be informed by consultants employed to advise them and Article 3(2) of the Planning Order makes provision for the Department to ‘undertake, or cause to be undertaken, such surveys or studies as it may consider necessary…’; this of itself is not a valid basis for objection. In order for such objections to succeed, it would have to be demonstrated that the reports were flawed or that the Department had misinterpreted them in drawing up the relevant policies and proposals. There is no requirement for a development plan to set out a timetable for implementation of its proposals. Programmes for implementation of publicly funded schemes are, however, generally published by the relevant implementing agencies.

1.3.12 Effective monitoring of the performance of development plans is recognised by PPS 12 as being key to the ‘plan, monitor and manage’ approach under which this Plan has been drawn up. We note that Plan Amendment No. 1 gave a commitment to a review of the Plan proposals involving a full appraisal and commencing in 2009. We are not aware that such a review has started. Notwithstanding the wealth of baseline data that informed the draft plan making process, the Department provided no convincing evidence that it would monitor the performance of the Plan in respect of any land use other than housing. Even in relation to housing it provided no clear indication of how it would respond if performance did not match expectations. Regional policy in a number of PPSs states clearly the need to monitor and review land use allocations as one of the key roles of development plans yet there would appear to be no mechanism in place that would allow a forward looking rather than a retrospective response to issues arising from the performance of the Plan. The objector was of the view that the Plan should include a range of appropriate monitoring mechanisms, clearly related to a plan review process. While there is no statutory requirement to do so, we consider that if there is to be confidence in the development plan process, regular updates on the performance of the plan proposals should be made publicly available, together with the Department’s proposals for adjustments where these are considered necessary and we recommend accordingly. Such an exercise could also incorporate an assessment of the extent to which Key Site Requirements are being incorporated into individual proposals.

Equality Issues

1.3.13 Concerns were expressed that designation of a particular Area of Townscape Character (ATC) is contrary to Section 75 of the Northern Ireland Act because it will prevent the development of smaller homes to serve an ageing population. Proposals of this nature have a spatial dimension which may have a differential impact on different groups but these impacts must be weighed against the positive environmental and conservation benefits which they seek to secure. Designations of this type cover relatively small areas and we are satisfied that the Plan provides scope for the development of a range of housing types and sizes elsewhere within these settlements. In any case, the Plan is accompanied by an Equality Impact Statement (EQIA) which concludes that the housing proposals as a whole show no evidence of a
differential impact for different age groups and that the Plan makes provision for increased housing choice for all age groups. Issues in relation to equality in general are addressed in the EQIA which is a technical supplement to the Plan. In the absence of detail of specific concerns about other equality issues raised, we make no further comment.

**Technical Supplements**

1.3.14 The Technical Supplements are not part of the Plan. They provide background and technical information which has informed the Plan proposals. In consequence, objections to the Technical Supplements alone are not matters for the Inquiry which has been set up to consider objections to the policies and proposals contained in the draft Plan. The Technical Supplements are relevant to the consideration of objections to plan policies and proposals inasmuch as the technical information which they contain has informed those proposals. If this information is shown to be incorrect, the basis of those policies and proposals could be substantially undermined. Concerns about the technical basis of the Plan, as contained in the Technical Supplements, is a matter to be taken into account in the context of examining objections to particular policies or proposals. In dealing with the issues raised in objections to the draft Plan policies and proposals, where reference is made to relevant information contained in the Technical Supplement(s), we give consideration to that information to ascertain if those policies or proposals are well founded or if the policies or proposals should be changed. The Technical Supplements per se, however, are not matters for detailed consideration in this Inquiry.

**Living Over the Shop (LOTS)**

1.3.15 Objections were raised about the failure to promote LOTS as a means of maximising housing within the urban footprint and the need to promote LOTS along arterial routes, supported by accessible public transport. We address the general issue of LOTS in relation to the explanatory text of policy HOU 4 later in the report where the issue is raised specifically in relation to city and town centres. We consider that further specific reference to LOTS as requested by the objector is unnecessary as regional policy HS 2 of PPS 12 is supportive of residential use above shops and other business premises. We are satisfied that the Plan seeks to strike a balance between the promotion of town and city centres as the main focus for retail and office development and the accommodation of residential uses within them as promoted by policies HOU 4 and HOU 5. We consider that the resulting mix of land uses will make a positive contribution to the creation of vibrant town and city centres.

**Recommendations**

We recommend that:

- The Plan text is amended to remove duplication with regional policy;
- An up to date ordnance survey base is used for the Plan maps and the maps are provided to adequate scale to ensure that information is readily legible;
Further consideration is given to how mapped information can be presented in a straightforward way;

An index is provided to the policies in the Plan and consideration is given to a summary document outlining the main recommendations for each of the Districts; and

Consideration is given to the production of regular reports setting out performance indicators in relation to the proposals of the Plan and any remedial action deemed necessary by the Department.
2.0 SETTLEMENTS

2.1 General Objections to the Settlement Strategy, Settlement Policies and Designation SETT 1

2.1.1 A substantial number of objectors who sought the zoning of additional lands for development (or rezoning of lands identified for development) referred to the settlement strategy, settlement policies and/or designation SETT 1 as part of their objection. In the vast majority of these cases there was no explanation of how the settlement strategy, policies or designations were considered to be flawed or of their relevance to the overall objection. Consequently, these objections will be considered in the relevant settlement sections of the report. In other cases, evidence related to the housing strategy rather than the settlement strategy and will be addressed in Section 3 of this report. Other objections referred to the failure of specific proposals to meet the settlement strategy, settlement policies or designation SETT 1 and will be considered within the relevant settlement sections of the report. Objections of a general nature that the Plan failed to identify new settlements that provided no explanation or further evidence in support of the point cannot be considered further. The present section will be confined to those objections that are directly relevant to the BMA settlement strategy, settlement policies and designation SETT 1 as set out in part 3 of the Plan Strategy and Framework.

2.2 Objections to the Settlement Strategy and Designation SETT 1

Strategic Directions of Growth

2.2.1 The settlement strategy and designation SETT 1 provide for a hierarchy of cities, towns and small towns for the Metropolitan Urban Area (MUA) and of small towns, villages and small settlements for the Metropolitan Rural Area (MRA). This hierarchy is informed by the 5 elements set out on page 30 of the Plan Strategy and Framework which were confirmed by DRD as being consistent with RDS objectives. The Spatial Development Strategy (SDS) for Northern Ireland is set out in Chapter 5 of the RDS and illustrated on Key Diagram 4. In relation to the Belfast area, it envisages a compact and dynamic metropolitan core centred on Belfast, balanced by the development of the main towns in the ‘travel to work’ hinterland and significant planned expansion of seven small towns close to the BMA. This is further refined in the SDS for the BMA and its hinterland set out on page 50 where the objectives are:

- revitalisation within the Metropolitan Area;
- major areas of planned lateral expansion on the key transport corridors;
- development of a number of towns outside the BMA as counter-magnets to the Metropolitan area; and
• significant planned expansion of a number of nearby small towns, three of which are within the BMA.

Chapter 6 sets out the detailed strategy for the BMA and the strategic objectives are clearly predicated on a hierarchical approach with Belfast at the top of the hierarchy and the other Districts in a complementary role. In relation to the BMA hinterland, the RDS in RNI 3.3 also acknowledges the need to control development in the main commuter zone around Belfast in order to address the intense dispersal pressures within the travel-to-work area. The aim therefore is to consolidate villages and small settlements, to resist their large scale expansion and to establish an appreciable rural zone around the BMA through designation of a Green Belt.

2.2.2 We are satisfied that the principle of identifying a hierarchy of settlements in the Plan Strategy and SETT 1 is essential to the achievement of the RDS objectives for the BMAP area. Within such a hierarchy it is inevitable that provision will be made for varying degrees of growth depending on the role of the settlement within the hierarchy. As a result, there will not be equal amounts of growth across all settlements or all parts of the Plan area but this does not mean that there will be a broader impact on equality issues. In relation to objections to the inequality inherent in the settlement strategy, we have been provided with no information to explain why the proposal that some settlements will have scope to grow more than others impinges on equality issues, nor do we accept that this will be the case.

2.2.3 The RDS places a strong emphasis on the provision of more sustainable forms of housing development in cities and towns by promoting the use of previously developed land, other suitable sites and buildings. It sets a target of 60% of new housing development to be provided within ‘urban footprints’ across N Ireland for the period until 2010 with the expectation that the BMA will make a significant contribution to the target. Notwithstanding the strong emphasis on sustainability, however, the RDS envisages that both brownfield and green field development will deliver the strategy as a whole.

2.2.4 Within the BMA, the RDS proposals include:

• a compact metropolitan area with a protected environment setting;

• the location of new development to reinforce better integration between land use and transportation; and

• a strong emphasis on physical renewal and brownfield housing within existing urban areas.

The framework for development of the BMA indicates major areas of planned lateral expansion on the key transport corridors at Lisburn and Newtownabbey and on smaller sites to be identified in the Plan. The small towns of Ballyclare, Carryduff and Moira are also identified as areas for significant planned expansion. The use of the term ‘expansion’ rather than
‘growth’ suggests that the RDS envisaged greenfield extensions to these settlements.

2.2.5 The settlement strategy articulated in the draft Plan reflects the broad general thrust of the RDS insofar as it relates to development of Belfast as the regional core and to focussing development in existing urban areas through consolidation rather than significant outward expansion. There is no specific reference in either the strategy or the amplification text, however, to major lateral expansion of Lisburn and Newtownabbey as envisaged by the RDS or to the significant expansion planned for Ballyclare, Carryduff and Moira. The settlement hierarchy identified in SETT 1 does not assist in that it identifies Belfast and Lisburn in the same position in the hierarchy, makes no specific reference to Newtownabbey and fails to distinguish between small towns planned for significant planned expansion and other small towns. The only reference to expansion at Lisburn and Newtownabbey is found in the plan strategy where reference is made to major areas of planned greenfield expansion for primarily employment or community uses. We find the absence of any reference in the settlement strategy to the promotion of growth of these settlements to be surprising. The strategic direction of future growth in the RDS is identified by the Department as one of the factors considered in seeking to accommodate the increased Housing Growth Indicators (HGIs) so it is clear that they are aware of these strategic directions. We agree that there is a need to set out clearly their future role in order to support the rationale for directing growth to one area as opposed to another. Accordingly, we consider that the strategy should be amended to reflect the RDS position in relation to these settlements.

2.2.6 The Department confirms in the housing strategy that it followed the search sequence set out in the RDS (Figure 16) in identifying land for housing in the Plan. This requires the use of previously developed and undeveloped land within urban areas before identifying extensions to cities and towns. Although the RDS envisaged that growth of the settlements above would involve their expansion, we can discern no requirement to promote the physical expansion of settlements where such expansion is not required, provided the proposals in the plan follow RDS directions and facilitate settlements in realising their potential within the settlement hierarchy whilst accommodating choice in a sustainable manner. One of the objections assumes that failure to make provision for significant outward expansion of settlements will prejudice opportunities for sustainable development based on key transport corridors. We accept that where expansion of settlements is required to meet the objectives of the Plan, such expansion should maximise the use of key transport corridors. We see no reason, however, why better integration between land use and transportation would be achieved through urban expansion rather than development within existing urban areas if such expansion is not otherwise required. Thus, while we consider it important that the settlement strategy should clearly identify those areas that will be the focus for growth, we consider the emphasis on consolidation rather than urban expansion to be consistent with the sustainability objectives of the Plan.
The Harbour Area

2.2.7 Key Diagram 4 on page 45 of the RDS sets out the SDS for Northern Ireland and identifies the BMA as a major regional city with a major regional gateway role. The Port of Belfast and Belfast City Airport are identified as ‘regional gateways’ connecting the City and the key link and transport corridors with the European and global communications network. Proposals for the BMA are set out in Chapter 6 of the RDS and include measures to enhance the role of the city of Belfast; these include strengthening of the regional gateways and promotion of the development of Titanic Quarter. SPG-ECON 3 in Chapter 10 of the RDS seeks to promote regional gateways as economic development opportunities and ECON 3.1 aims to promote the Port of Belfast, Belfast Harbour lands and Belfast City Airport as an employment resource of strategic significance.

2.2.8 The development plan sets out how the range of measures identified in the RDS will be achieved within the BMAP area by providing a strategy for the Plan area supported by specific policies and proposals. The settlement strategy provides a broad framework for settlements in the Plan area as a whole as a basis for subsequent development proposals. There is no doubt that the Harbour area has an important role to play within the BMAP area but we do not agree with the objection that the settlement strategy has failed to recognise its pivotal role. Proposals for the Harbour area are among a wide range of measures relevant to the development of a compact and dynamic regional core centred on Belfast and its development will fulfil the objective of focussing development opportunities in the existing urban area. We are satisfied that those elements of the settlement strategy that are relevant to the Harbour area reflect the thrust of the RDS and there is no basis on which to conclude that the settlement strategy has failed to provide adequate recognition of its role. Furthermore, in recognition of the importance of its role, the Belfast District proposals in part 4 Volume 2 devote an entire section to the Belfast Harbour Area incorporating a strategy for its future development and policies covering the Port, Airport and Titanic Quarter together with a range of topic based policies.

Villages and Small Settlements

2.2.9 The objector’s reference to the SDS on page 53 of the RDS relates to the balance to be achieved across Northern Ireland as a whole. Nonetheless, balanced growth across the major constituent parts of the BMA and within its associated ‘travel to work’ hinterland is also an objective of the SDS. We consider that in judging whether the settlement strategy for the Metropolitan rural area adequately reflects the SDS, the focus should be on those parts of the RDS that specifically address the BMA and its hinterland as set out in paragraph 2.2.1 above.

2.2.10 In applying the SDS to the towns, villages and small rural settlements in the metropolitan rural area, the settlement strategy in the draft Plan aims to:
• focus development opportunities in existing urban areas through their consolidation;

• support and reinforce town centres;

• encourage vibrant rural communities at all levels within the hierarchy; and

• consolidate small clusters of development in the open countryside to form new rural settlements and prevent further encroachment into the open countryside.

The explanatory text on page 31 refers to the need for consolidation in the villages to reinforce their role but avoiding large scale expansion. This is consistent with the SDS as set out in the RDS which acknowledges the strong dispersal pressures in the BMA hinterland and the need to support the main and small towns. The explanatory text in the Plan, however, also indicates that there should be no expansion in the majority of cases in either existing or newly identified small settlements. Whilst recognising the position of small settlements at the lowest tier within the settlement hierarchy, we find the approach as set out in relation to them to be at variance with the SDS which makes no distinction between the approach to be taken in villages and small rural settlements. Whilst the main thrust of the SDS is aimed at consolidation at this level within the hierarchy, small scale expansion is not ruled out and to that extent the settlement strategy and explanatory text in the draft plan fail to fully reflect the SDS in relation to small settlements. In any case, we note an estimated potential housing yield of 620 dwellings in the small settlements in 2006 which suggests that some expansion is envisaged.

2.2.11 The RDS refers to vibrant rural communities that will be sustained through further development of the complementary relationship between local service centres and their rural hinterlands. It is envisaged that clusters of settlements will provide a wide range of complementary facilities that will be mutually beneficial. There is no requirement for settlements to be of a particular size or provide a minimum range of facilities in order to meet RDS aspirations. We are conscious of the RDS objective of promoting more sustainable patterns of development by controlling mobile housing demand and for this reason do not suggest that all villages and small settlements should be expanded. In view of the emphasis on consolidation, we do not accept that it is necessary to provide a methodology for assessing the appropriate level of development for settlements at this level within the hierarchy. It follows that we do not favour the objectors' suggestion that use of the evaluation framework on page 114 of the RDS is an appropriate approach for villages and small settlements. No convincing argument was provided to support the assertion that the lesser number of small settlements in the east and south east of the Plan area prejudices the achievement of a community support network.

2.2.12 As currently worded, the policy amplification states that large scale expansion has been resisted in the majority of villages and no expansion is proposed in
the majority of existing and newly designated small settlements. We consider that there may be circumstances where consolidation of villages and small settlements would involve small scale expansion (ie small scale in relation to the scale of the settlement) in response to physical form and environmental considerations. There may also be particular circumstances that would justify expansion, for example, to allow for the inclusion of a building to provide community focus over a broader area or a small amount of additional housing land to accommodate more balanced provision across a number of villages or small settlements. It is notable that the Department accepted that allocating land in small settlements could encourage vibrancy. We conclude that the settlement strategy and accompanying text should reflect a common approach to villages and small settlements and that consolidation of such settlements should not preclude small scale expansion provided such expansion can be justified on the basis of its contribution to RDS objectives. In taking such an approach, it will be important that the sustainability objectives of the Plan are not undermined. It will also be necessary to ensure that the outworkings of the strategy do not result in a cumulative impact that creates imbalance in overall growth between different tiers in the settlement strategy.

2.2.13 A number of objectors sought the designation of additional small settlements. The draft Plan does not set out the criteria for the identification of small settlements and we note wide variations in the characteristics of those which have been designated. Some have a clear sense of place and contain a concentration of residential development together with one or more community facilities such as a school or shop while others contain community facilities with little accompanying development. Some amount to little more than an agglomeration of houses in the open countryside. Nonetheless, when pages 30-33 of the strategy are considered, it would appear that in order to constitute a settlement, there should be a concentration of buildings displaying an obvious sense of cohesion and place and offering one or more community facilities. In assessing objections seeking the designation of additional settlements, therefore, we take these factors into account together with any other matters relevant to the specific location. The settlement limits for those recommended for inclusion will be considered in part 2 of the report.

2.2.14 In Lisburn District, the Department conceded that small settlements should be designated at Carr (3459), Crumlin Road/Station Road, Ballinderry (3438) and Ballycarne (3366). In Castlereagh District it was conceded that the concentration of development at the junction of Manse Road with Church Road should be designated as a small settlement to be known as Lough View (245). A further concession was made in respect of a small settlement in North Down at the junction of Craigdarragh Road with the Bangor Road (764). We accept these concessions and recommend that the Plan be amended accordingly.

2.2.15 Objection 2827 identified an area for the creation of a housing settlement located to the north east of Trooperslane within the Carrickfergus District. This objection site constitutes a number of agricultural fields set within the open countryside. There are no buildings on the site and it does not display any of the features that would justify its designation as a small settlement, nor
does it meet the criteria for the designation of a new settlement as set out in HGI 6 of the RDS.

2.2.16 In Castlereagh District objection 3022 proposed a small settlement at Gransha but provided no supporting material. The objection lands include the La Mon House Hotel complex, a small number of properties, Gransha Presbyterian Church, Church Hall and car park and open swathes of agricultural fields. We agree that the concentration of buildings around the Church provides a sense of cohesion that could form the basis of a small settlement. The objection, however, seeks the inclusion of extensive lands beyond the grouping of buildings. The undeveloped land is on rising open ground and any development thereon would be prominent. Given the aim of the plan to consolidate development within small settlements and our view that only small scale expansion is envisaged by regional policy, the extensive encroachment into the open countryside is unacceptable and a small settlement could not be justified on the basis of the objection as submitted. We consider, however, that the concentration of development around the Church justifies designation of a much reduced area at Gransha as a small settlement. It will be for the Department to define the settlement limit in the adopted Plan.

2.2.17 The proposal in the objector’s evidence to designate a small settlement at Crumlin Road and Roses Lane End junction, Upper Ballinderry (3228) can not be given further consideration as it goes beyond the scope of the original objection.

District and Local Centres

2.2.18 The third limb of the settlement strategy aims to support and reinforce the role of city and town centres, the arterial routes within Belfast and ‘urban villages’. The explanatory text sets out the need to strengthen the role of Belfast City Centre and provide it with a strong sense of place and to reinforce the strong local identities found on the arterial routes and in the urban villages. The context for this element of the strategy arises from SPG-BMA 1 in the RDS. There is also a recognition that community focus within the Metropolitan Urban Area (MUA) tends to be locally based rather than focussed on the wider Metropolitan Area and there is therefore a need for the Plan to support local identity and diversity.

2.2.19 The objection aims to extend the scope of this element of the strategy to include district and local centres on the basis that such centres perform an important role for local communities and attract shoppers into the BMA from the rest of Northern Ireland. The importance of such shopping centres to the wider community is not in dispute but this element of the settlement strategy is aimed at a much broader focus than shopping centres. By contrast with arterial routes and urban villages, there is no reference to district and local centres as part of the RDS strategy to enhance the city of Belfast. We consider that there is no basis for supporting and enhancing District and local centres in the settlement strategy. Furthermore, such support would be inconsistent with the retail strategy which seeks to promote the role of city and town centres and control the nature and scale of retail development.
elsewhere. We therefore disagree that this element of the settlement strategy should be amended as proposed.

**Castlereagh, Newtownabbey and Urban Villages**

2.2.20 Newtownabbey and Castlereagh Districts lie partly within the Metropolitan Urban Area (MUA) and partly within the Metropolitan Rural Area (MRA). The Glossary at Appendix 5 describes the extent of the MUA as being the Contiguous Development Zone (CDZ) plus Lisburn, Bangor, Carrickfergus and Holywood. The CDZ is defined as the continuous built up area extending in an arc from Jordanstown to Knocknagoney and includes the metropolitan parts of each of the Districts and Belfast City. The District proposals set out in more detail the extent of the MUA through designations and maps and are structured so that proposals in the MUA are set out separately from the remainder of the District. We are satisfied that there is sufficient acknowledgement of the Districts that make up the MUA within the various District proposals. Designation SETT 1 provides the hierarchy of settlements within the MUA and MRA; within the MUA it comprises the cities of Belfast and Lisburn, the towns of Bangor and Carrickfergus and the small town of Holywood. References to Lisburn, Bangor, Carrickfergus and Holywood are self-explanatory. The reference to Belfast City, however, is confusing and neither the strategy nor the supporting text provides any clarification of its extent or composition. It could mean Belfast City Council area but if it did, extensive parts of the Metropolitan Area, including a number of urban villages, would not form part of the city. It seems logical that the reference to ‘Belfast City’ is a reference to the CDZ (which is defined in Appendix 5) and Map 1 would appear to reinforce the position. There would appear to be a further inconsistency in the identification of both Belfast and Lisburn as cities in the same position in the settlement hierarchy in view of the strategic objectives set out on page 63 of the RDS. We consider that the Plan needs to provide clarity on these points, including recognition of the extent to which the City is comprised of parts of other local government Districts and the position of Belfast within the settlement hierarchy.

2.2.21 General reference is made to ‘urban villages’ in both the settlement strategy and supporting text. They are not settlements in their own right as they are part of the MUA and we do not agree with the objector that they should be included in the designations under SETT 1. Nonetheless, if their role is to be supported and reinforced as set out in the third bullet point of the strategy, it is important that they are identified within the Plan. On examining the District proposals we found that the proposals for Castlereagh refer on page 5 to the urban areas of Dundonald, Gilnahirk, Braniel, Cregagh and Newtownbreda and proposals for Newtownabbey refer on page 5 to Glengormley, Carnmoney, Monkstown, Jordanstown, Whitehouse, Greencastle and Whiteabbey. These references are in the Background section and it is not clear if they are the urban villages that are referred to in the settlement strategy. There is no reference to any urban villages in the Belfast District proposals. The Plan contains retail designations for Dundonald and Glengormley (which we assume to be urban villages) and other designations and policies within the above areas but there are no policies specific to urban villages. We find that there is a lack of clarity in the Plan as a result of the
failure to identify them and consider that it would assist the understanding of the MUA if general reference was made in the amplification text to the inclusion of the urban villages within the City when setting out the extent of Belfast City. The District proposals also need to set out clearly the urban villages within their areas so that policies and proposals that aim to support and reinforce their role can be more readily identified.

Recommendations

We recommend that:

- The settlement strategy reflects more accurately the RDS by specifying those settlements envisaged for major growth.

- The settlement strategy and explanatory text are amended to set out more clearly the Department’s approach to consolidation and expansion of small settlements in line with the RDS.

- Designation SETT 1 is amended to include Ballycarn, Carr, Crumlin Road/Station Road, Lough View, Gransha and Craigdarragh as small settlements within the MRA.

- SETT 1 accurately identifies Belfast’s position within the settlement hierarchy and defines what is meant by ‘Belfast City’, including reference to the urban villages and local government Districts included within the boundary.

- The urban villages are identified in the District proposals.

2.3 Objections to Policy SETT 2

2.3.1 Many of the objections to SETT 2 sought the inclusion of land within settlement limits and did not contain any strategic arguments. These objections will be considered in part 2 of the report. There were two main aspects raised in relation to zoned land. The first was that, as drafted, it is too rigid and does not allow for any related or complementary uses to be provided on zoned land. This was of particular concern on large zoned sites where it was felt that there could be sustainability arguments for considering such complementary uses sympathetically. The second was that the wording of the policy would not allow alternative proposals to be considered on zoned land should circumstances change over time. A number of amendments to the policy wording were suggested.

2.3.2 Paragraph 35 of Planning Policy Statement 1 (PPS 1) states that development plans inform the public and other bodies of the policy framework and land use proposals for a particular area. They ‘provide a basis for rational and consistent decisions on planning applications and provide a measure of certainty about which types of development will and will not be permitted’. The suggestion that the policy should be reworded to allow uses that do not comply with the specified use if it can be demonstrated that they
will not harm the objectives of the Plan would, in our opinion, result in considerable uncertainty. The amendment that proposes consideration of alternative uses based on demonstration of need would also result in uncertainty and neither of these proposed amendments imposes any requirement to give serious consideration to proposed zonings. Such an approach would undermine the rationale for the use of zonings in the Plan and, in the absence of other methods of providing a measure of certainty about the types of development that would be acceptable, we consider that the result would be contrary to Paragraph 35 of PPS 1.

2.3.3 The Department provided clarification that reference to proposals that ‘comply’ with the specified use was intended to include complementary uses and that the ‘specified’ use referred to the zoning but also included those other uses that were included in Key Site Requirements. In the absence of any reference to this in the policy, we share the concerns of objectors that it may be interpreted more rigidly than intended. Accordingly, we consider that the policy relating to zoned land should be reworded to reflect more accurately the Department’s intentions as expressed to the Inquiry, bearing in mind that the scope of the term ‘complementary uses’ will need to be clearly set out in the explanatory text. This clarification would also have the advantage of addressing one objector’s concern about lack of flexibility due to the fact that not all land uses fall within a Use Class or zoning designation.

2.3.4 We consider that the Department’s clarification demonstrates a degree of flexibility in relation to zoned land while still providing the necessary certainty about future land use proposals. In any case, concerns about the inflexibility of the policy must be considered in the context of Article 25(1) of the Planning (NI) Order 1991 which requires the Department to have regard to both the development plan and any other material considerations when considering an application for planning permission. The development plan can not override the provisions of legislation and, while the zonings are designed to provide a degree of certainty about future development, they are not the only factor to be considered. Other material considerations could include a change in circumstances since the zoning was proposed and we do not therefore agree that the policy lacks flexibility for this reason. Nor do we consider that the addition of the word ‘normally’ adds anything to the meaning of the policy as, given the legislative position, it is implicit that there may be circumstances beyond the norm for a particular proposal which would justify the development plan or key site requirements or the criteria in Land Use Policy Areas being set aside. We do not consider that proposed legislative changes which will strengthen the role of development plans are justification for diluting development plan policy and, in any case, scope will remain for other material considerations to outweigh the provisions of the Plan.

2.3.5 It was suggested that the wording of SETT 2 in relation to Land Use Policy Areas should be amended to state that planning permission would not normally be granted for alternative uses unless the alternative could be shown to be in the public interest and where the criteria listed in the Plan were met. We have already indicated why we do not favour the inclusion of the term ‘normally’. The requirement to demonstrate that, in addition to the relaxations already provided for by the policy, the alternative use should be
demonstrated to be in the public interest would be more onerous than the policy as currently drafted. As the basis of the objection is that the policy is unduly restrictive, we fail to see how the objector’s proposed re-wording would address his concerns. Other objections asserting that the criteria to be applied to alternative uses in Land Use Policy Areas were too restrictive were not explained and we therefore make no further comment on them.

**Recommendation**

- We recommend that the policy in relation to zoned sites is amended to allow for the inclusion of complementary uses and uses included in Key Site Requirements.

2.4 Objections to Policy SETT 3

2.4.1 The Department stated that policy SETT 3 provided no additional or alternative policy context to that which prevails at regional level and proposed that it be withdrawn from the Plan. In view of this concession, and the fact that repetition of regional policy is unnecessary in Area Plans, we agree that it should be withdrawn from the Plan.

**Recommendation**

- We recommend that policy SETT 3 is deleted from the Plan.

2.5 Objections to Policy SETT 4

2.5.1 The third criterion of the settlement strategy provides support and reinforcement for the role of city and town centres, the arterial routes within Belfast and ‘urban villages’. In relation to arterial routes, this criterion aims to give effect to the measures set out in BMA 1.1 of the RDS which seek to enhance the role of the city of Belfast. Among the measures listed in BMA 1.1 are the improvement of the physical appearance of the arterial routes by promoting the planning and design of high quality cityscape and promotion of an integrated approach to sustain and enhance the urban villages along the routes. The approach taken in the settlement strategy, as set out in the explanatory text, is to retain a sense of place, a focus for community life and recognition of the function of arterial routes as retail and service centres for the surrounding communities.

2.5.2 Policy SETT 4 gives effect to this part of the settlement strategy by providing strategic policy for arterial routes within Belfast. Arterial routes policies are also found in the District Proposals for Belfast in part 4 volume 2 of the Plan and for Castlereagh in part 4 volume 5. SETT 4 aims to facilitate regeneration of the arterial routes in two ways. Firstly, by allowing an appropriate scale of retail and office development within designated shopping and commercial areas along the routes and, secondly, by promoting good quality urban design. The policy does not set out any specific requirements but cross references to other strategic and District policies that specify what is required. The amplification text clarifies that ‘appropriate scale’ is set out in
strategic policies R 6 and OF 3 in relation to retail and office proposals. The promotion of good quality urban design is to be achieved through urban design policies set out in the strategic Urban Environment section and in the relevant District proposals.

2.5.3 Objectors expressed concerns about different aspects of the scope of the policy. We disagree with the objector who expressed the view that it was inappropriate for the development plan to do anything other than identify the arterial routes and the uses acceptable within them. We are satisfied that the content of the policy is a matter for the Department to decide, consistent with Article (4)(2)(a) of the Planning Order. Such an approach is also consistent with paragraph 35 of PPS 1. It was also suggested that the concentration on retail and office uses was too narrow and did not adequately reflect the aspirations of the settlement strategy and that the policy fails to recognise the multiple functions of arterial routes. We consider that these objections have merit, particularly when considered in the context of the RDS and the arterial routes strategy set out in part 4 volume 2 of the Plan. The strategy as set out in the Belfast District proposals aims to reflect the RDS drive not only to enhance the City but also to promote urban renewal and reduce the need to travel by car. It recognises the importance of encouraging regeneration based housing in proximity to local services. The heading of the policy is ‘Arterial Routes within Belfast’ but its scope is restricted to design matters and retail and office land uses. The policies referred to in the amplification text aim to facilitate a modest level of retail and office use to meet local needs as provided for in the relevant policies in the retail and offices sections of the Plan Strategy. In view of the clear thrust of both the RDS and the Plan to make more efficient use of urban land and to promote urban villages as a focus for communities, however, it is surprising that the policy text makes no reference to the role of housing in regenerating arterial routes and supporting public transport and community facilities. Whilst we acknowledge the Department’s point that other uses are not precluded along arterial routes, we consider that the role of housing is critical to achievement of the third element of the settlement strategy and should be specifically promoted. The reference to housing in the supporting text provides insufficient recognition of its importance and we consider that this matter should be addressed by making specific reference to the role of housing in the policy text of SETT 4. It is clear from the amplification text in both the settlement strategy and SETT 4 that the Department recognises the role of arterial routes in providing a focus for community life and we do not therefore see a need to make specific reference to their social and leisure functions. We do not agree with the objection that asserts the Department has failed to consider how long term planning can facilitate community development and improved transport on arterial routes but consider that the inclusion of specific reference to housing as suggested will reinforce its importance in achieving these objectives.

2.5.4 Objectors also expressed concerns that the scope of the policy as drafted was too restrictive - some felt that regeneration efforts could best be achieved if the arterial routes were designated but had no specific policies and were subject to general development control policies. In these circumstances the designation of commercial nodes and shopping/commercial areas would be unnecessary. It was suggested that the first bullet point be re-worded to read:
allowing an appropriate scale of retail and office use to serve local populations’. We do not consider that the re-wording suggested would meet the objector’s concerns as regional policies would still apply. Arterial routes policies in dBMAP by and large represent a relaxation of regional policy in relation to retail and office uses outside the city centre and to that extent the approach advocated by the Plan is less restrictive than would otherwise be the case. Proposals for commercial developments outside the designated areas could still be acceptable if they met regional policy. We note, however, that SETT 4 is confined to designated shopping and commercial areas and makes no mention of designated commercial nodes. This is surprising in view of the statement in the explanatory text of policy AR 03 (which designates the commercial nodes on arterial routes in part 4 volume 2) that the related strategic policies OF 2 and R 6 are aimed at assisting regeneration. Whilst it is clear that proposals for development on arterial routes will be considered in the context of OF 2 and R 6 irrespective of the content of SETT 4, there is inconsistency in the policy approach in SETT 4 in view of its failure to specify its applicability to commercial nodes. We consider that the policy should be amended to include designated commercial nodes.

2.5.5 Other objectors felt that the policy should not be restricted to accommodating local demand because some of the arterial routes already attracted from a much wider catchment. One objector suggested that the policy be reworded to acknowledge this and to allow retail and office development within and on the edge of shopping and commercial areas. Another objection stated that shopping and office development should be unrestricted along the arterial routes. Concerns were also expressed that regeneration may be hampered as a result of the restricted scope of the policy although no further explanation was provided. We are conscious that a balance needs to be struck between the desirability of promoting arterial routes for the purposes of regeneration and providing support to local communities and the need to protect the city centre from the adverse effects of out of centre shopping and office uses. While we make no comment on the specific retail and office policies, which are the subject of separate objections, our conclusion in relation to these objections is that the principle of promoting parts of arterial routes for retail and office use and of imposing limits on the level of growth is consistent with the objective of enhancing urban villages and promoting regeneration consistent with the settlement strategy and the RDS. Disproportionate support for commercial uses on the arterial routes would undermine the first objective of the settlement strategy which seeks to develop ‘a compact and dynamic regional core centred on Belfast’ and would therefore be unacceptable. We do not support these objections and accordingly do not find the proposed amendments to the wording of the policy acceptable.

2.5.6 Objectors who raised the issue of possible conflict between neighbourhood renewal schemes and arterial routes policy and who sought the interface between the two to be set out provided no explanation of their concerns or reasoning and we are unable to give further consideration to these objections.

2.5.7 Objections which sought nodes or ‘important areas’ on arterial routes to be designated District Centres were not supported by any persuasive evidence
that this designation would be preferable as a means of regenerating arterial routes or supporting local communities. In view of our comments above about the need to strike a balance between the role of arterial routes and that of the city centre, we can not support these objections. Objections seeking the designation of specified additional District Centres are considered in part 2 of this report. It was suggested that the boundaries of the shopping and commercial areas were too restrictively drawn and, as a result, innovative regeneration schemes would be prevented. Other objectors had concerns that not all nodes had been identified in the Plan, that nodes were defined in a restricted and inconsistent manner and that other (unspecified) routes had potential to perform a similar function. Where specified amendments are sought to the Plan, those objections will be considered in part 2 of this report. In the absence of identification of the extensions sought or the additional nodes to be identified or the additional routes envisaged, however, we are unable to give further consideration to these objections.

2.5.8 Objections suggested that the scope of the policy be extended to include Lisburn and Newtownabbey. No further justification was provided in respect of Newtownabbey but we consider that some of the arguments advanced in respect of Lisburn might equally apply to it. The Department accepted that there may be a need for regeneration outside the designated arterial routes but considered that the routes discussed were radial routes serving Lisburn which perform a different function from the arterial routes into Belfast. In the context of the Plan, they considered them to be of less importance. We agree with that assessment and consider the emphasis on creating a stronger role for Belfast than for other Districts and the importance placed on arterial routes as main transport corridors to be consistent with both the Plan strategy and the RDS. Notwithstanding the promotion of an urban renaissance throughout the BMA as articulated in SPG-BMA 2, we conclude that it would be inappropriate to confer arterial routes status on radial routes within Lisburn or Newtownabbey or to extend the scope of the policy to include radial routes.

2.5.9 The second criterion of SETT 4 promotes good quality urban design. A number of objectors expressed the view that there should be flexibility where community needs were met but the design criteria were not. A suggested rewording was as follows: ‘promoting good quality urban design in line with the character of the area and the requirements of the use’.

2.5.10 The policy does not contain any design criteria but refers to the policies set out in the Urban Environment and District proposals sections of the Plan. Policy UE 4 sets out the Department’s requirements for quality in new non-residential developments. The criteria impose similar requirements to those found in policy QD 1 in Planning Policy Statement 7 - Quality Residential Environments (PPS 7). For both residential and non-residential development the relevant policies require development to respect the surrounding context and to be appropriate to the character of the site. We consider it unnecessary therefore to make further reference to character in the text of policy SETT 4. We do not see any benefit in referring to the requirements of the use as such requirements are always a consideration in assessing design.
2.5.11 The RDS at BMA 1.1 places a strong emphasis on both promoting regeneration and community development and improving the physical appearance of the city as the ‘shop window’ of the Region. Particular emphasis is placed on the city centre and arterial routes for the promotion of high quality design and cityscape and the arterial routes are to be upgraded as vibrant ‘showcases’ for Belfast. In addition to the general urban environment policies in volume 1 of the Plan, there are specific design policies for arterial routes in the District proposals thereby reinforcing their role in promoting the image of the city. We see no reason why a requirement for good design would prejudice the achievement of community needs and in view of the importance placed on the upgrading of the arterial routes we are not persuaded that the policy should be amended.

**Recommendations**

We recommend that:

- Housing is promoted as a means of regenerating arterial routes and policy SETT 4 is amended accordingly.
- The scope of SETT 4 is extended to include designated commercial nodes on arterial routes.

2.6 **Objections to Policy SETT 5**

2.6.1 The Department indicated that the second element of SETT 5 provided no additional or alternative policy context to that prevailing at Regional level and accordingly it proposed that this part of the policy be withdrawn. We endorse their view.

2.6.2 The remaining element of SETT 5 is stated to give effect to the third part of the settlement strategy by supporting and reinforcing the role of city and town centres. Objections to the policy were wide ranging in scope but were primarily aimed at the concept of Development Opportunity Sites (DOS) and the numbers, locations and associated Key Site Requirements (KSR). Although some of the concerns about DOSs are raised in the context of Belfast, we will address them under SETT 5 and site specific aspects will be considered in part 2 of the report.

2.6.3 The District proposals state that policy for DOSs is contained in SETT 5. The policy, however, merely indicates that development within DOSs shall be in accordance with KSRs set out in District proposals. It is self evident that development should be in accordance with policies found elsewhere in the Plan and in our view the strategic policy needs to be specific about its purpose. The amplification text provides some insight into the Department’s thinking but in looking at the individual proposals we note that many have no recommendations as to preferred land use and the majority contain KSRs which involve unnecessary repetition of regional policy (particularly in relation to access and traffic matters) or policy contained elsewhere in the Plan. In the absence of any proposals for them we fail to see how their designation
alone can promote the vitality and viability of town centres as envisaged by the Department or secure more efficient use of land.

2.6.4 Objections were raised that there were too many DOSs, there was no evident priority, no indication of phasing or land availability, a lack of consistency in their identification and a lack of flexibility in relation to land use. We recognise that there is considerable scope for the development of under-utilised and vacant land throughout the Plan area but find the identification of developed sites that are already well utilised within DOS boundaries to be at odds with what we understand to be the purpose of their identification. The logic of their inclusion is unclear in the absence of any indication, for example, that DOSs should be developed in their entirety or that they should be developed comprehensively with existing schemes within their boundaries. For this reason we do not support the inclusion of lands that are already developed with buildings which are in good condition and well utilised. The identification and designation of a large number of sites of greatly varying sizes, spread across city and town centres is unlikely to support and reinforce the role of these centres, as envisaged by the settlement strategy, without guidance on acceptable land use. Proposed land uses are identified for some DOSs and we address specific objections to the proposed uses in part 2 of the report. For many others, however, there are no proposals nor is there any explanation of the relationship of SETT 5 with other strategic policies or with regional policies. In these cases it must be assumed that the normal development management process will be engaged; if this is the intention, we can see no purpose in the designation. We disagree with the Department’s view that these designations are consistent with paragraph 35 of PPS 1 as in many cases they fail to provide any certainty about the types of development that will be permitted. We can not see the relevance of paragraphs 14 and 22 of PPS 5 to them as currently proposed. We note that paragraph 37 of PPS 1 makes provision for the zoning of DOSs in development plans but provides no further guidance on their purpose. In our view there is a need for a focussed and pro-active approach by the Department if DOSs are to deliver the benefits set out in the amplification text of SETT 5. If they are to be genuine ‘opportunity sites’, it must be assumed that acceptable land uses will not merely be limited to what would be acceptable under normal development management policies but will provide a range of options thereby providing incentives to their development which could facilitate their release. Where mixed use is recommended it may be appropriate to provide guidance on the proportion of the site to be devoted to the various uses. If the objective is to promote vitality and viability or enhance townscape as set out in the explanatory text, a more focussed approach will be needed in relation to both the number of DOSs and the land uses proposed within them. The focus should be to identify as DOSs only those sites that have the potential to fulfil the objectives or meet other objectives of the Plan and to provide clear guidance to developers through KSRs of the range of land uses that are to be promoted within them and the specific constraints that need to be addressed. These requirements should allow sufficient flexibility in order to promote rather than constrain their development. This approach would allow greater certainty to prospective developers while at the same time promoting development of a reasonable range of appropriate sites. In order to achieve this, SETT 5 needs to clearly express its purpose in relation to the settlement
strategy and indicate how DOSs will assist in the achievement of that purpose.

2.6.5 Objectors considered that DOS designations should be extended to include the outer city and interface areas. The Department’s stated rationale for their identification was to support and reinforce the role of city and town centres and their evidence was that there was less need to promote diversity of use on individual sites outside these locations. The supporting text for SETT 5, however, refers to “…where development, which might provide a mix of new uses, could promote the vitality and viability of the urban area or town centre or could enhance the townscape” (our emphasis). This indicates a broader remit than set out currently in the draft Plan proposals. It is also consistent with the RDS objectives of tackling areas of disadvantage and physical decline and promoting regeneration within Belfast City and of enhancing the quality of the urban environment throughout the metropolitan area. In view of these factors, we consider that DOSs should not be confined to city and town centres but should also be considered acceptable at strategic locations within the broader urban area where they can promote vitality and viability or enhance townscape. Consideration should also be given to their identification where they contribute to meeting other important objectives of the Plan.

2.6.6 In response to other objections raised, we agree that overly prescriptive KSRs can inhibit development but consider that they should not be so lacking in detail as to give rise to uncertainty for developers. Provided the correct balance is struck, we see no reason to amend the wording of the policy to include the word ‘generally’ in accordance with KSRs’. It is also unnecessary to include the phrase ‘unless there has been a material change in circumstances’ as a change in circumstances would be material to the consideration of any proposal in any case. We do not support the proposed rewording ‘unless it can be demonstrated that an alternative will contribute to meeting the aims of the requirements’ as we consider that a greater rather than lesser degree of certainty is required in respect of the development of these sites. We agree that, depending on the circumstances of individual sites, the promotion of housing within DOSs is desirable and would be consistent with BMA 2.2 of the RDS which seeks to promote revitalisation of urban areas. It would also be consistent with criterion (o) of PPS 12, paragraph 67 which requires development plans to identify opportunity sites and specify the level of housing that is either required or acceptable. There is scope for some DOSs to address the shortfall in social housing which we consider in section 3.3 of the report. In view of the drive to promote more efficient use of urban land and tackle areas of deprivation and physical decline, we consider that phasing would not be appropriate. We address the issue of phasing in more detail in the housing chapter at paragraphs 3.2.15 and 3.2.19. The matter of site availability is dependent on a number of circumstances which may well change over time and for this reason we do not consider it appropriate to impose a requirement on the Department to provide this information. We consider that the zoning maps provide adequate detail of overlapping policy designations and do not favour further cross referencing of DOSs which might result in clutter and confusion. We do not consider it necessary to expand the text to state that regard should be had to
supplementary planning guidance as such guidance would be material to development proposals in any case.

**Recommendations**

We recommend that:

- The Plan is amended to delete the second paragraph of Policy SETT 5.

- Further consideration is given to the concept of Development Opportunity Sites and the scope of strategic and locational policy required to ensure that their designation will meet the objectives of the settlement strategy. Policy SETT 5 should be reworded to reflect the Department’s conclusions.

- Development Opportunity Sites are designated only where there are land use proposals.

- Development Opportunity Sites are identified at strategic locations outside city and town centre boundaries where they will promote the vitality and viability of the urban area or enhance townscape or meet other important objectives of the Plan.

- Key Site Requirements include only the range of land uses that are to be promoted within them and the specific constraints that need to be addressed.

- The designations include only those lands identified for development or redevelopment.

- Housing is promoted in DOSs as appropriate.

**2.7 Objections to Policy SETT 6**

**2.7.1** A Planning Strategy for Rural Northern Ireland (PSRNI) was published in September 1993. The Strategy Area as defined in Appendix 7 excludes the lands beyond the inner edge of the Green Belt for the Belfast Urban Area. The Department indicated that it would consider the need for a formal review in the year 2000 but this has not taken place. Instead, policies in PSRNI have been replaced with Planning Policy Statements (PPS) and further PPSs are in the course of preparation. As a result, only a small number of policies remain in force in the original document and of those that remain, only a small number have any relevance to the urban parts of the BMAP area. Nonetheless, the Department has sought to extend the scope of the document so that the remaining relevant policies will apply to the entirety of the Plan area. Their reasoning is in order to provide consistent coverage of policies in the Plan area and to avoid a policy vacuum until the remaining policies are replaced.
2.7.2 One of the purposes of the development plan is to apply the Department’s regional policies at an appropriate local level. While the RDS applies to Northern Ireland as a whole, it is a strategic document that does not contain operational policies, unlike PSRNI. Notwithstanding the stated scope of PSRNI, there are a number of policies in the document which appear relevant across Northern Ireland, including the areas ‘excluded’ in Appendix 7. In order to give effect to these policies at local level, we find merit in principle in the Department’s approach. We do not accept that there is unfairness in this approach as objectors have had an opportunity to have their views considered through the BMAP public consultation process. We were provided with no specific examples to support the assertion that the remaining PSRNI policies were out of date. We do not agree that there is inconsistency between PSU 3 and the BMAP policies for Belfast City Airport or the Harbour area and consider BMAP policies to represent a refinement and tailoring of regional policy for these areas. If any duplication is found as a result of objections to policies for these areas, the general approach will be adopted that it is unnecessary to repeat regional policy in the development plan.

2.7.3 We accept that the different layers of policy can be confusing but consider that in the context of a range of relevant documents and strategies and the hierarchy that attaches to them, it is not practicable to have a development plan that is free standing and comprehensive. We do not see a need to make specific reference to the Rural Design Guide as it is already material in the consideration of individual proposals.

Recommendation

- We recommend no change to the Plan as a result of these objections.
3. **HOUSING**

3.1 **Background**

3.1.1 The regional policy context for the housing proposals in the draft Plan is set out in pages 39 - 41 of the Plan Strategy. The housing proposals are supported by Technical Supplement 1 - Population and Housing which contains three Volumes covering Population and Housing, Housing Output and a Housing Needs Assessment (HNA) provided by the Northern Ireland Housing Executive (NIHE).

3.1.2 The Spatial Development Strategy (SDS) as set out in Chapter 5 of the RDS seeks to achieve a balance between the BMA Districts and hinterland and the remainder of the Region in order to avoid over-concentration around the BMA. The balance sought was reflected in the proposed Regional Housing Allocation (RHA) which originally allocated 77,500 of the total of 160,000 new dwellings to the BMA Districts and hinterland. The RHA was further refined to guide the distribution of housing in the Region through housing growth indicators (HGI). For the most part, HGI's were set for individual Districts with the exception of the BMA Districts and hinterland. The approach here was to provide individual HGI's for the hinterland Districts of Antrim, Ards, Down and Larne and a further HGI for the 6 Districts comprising the BMA, sub-divided so that 42,000 dwellings were allocated to the BMA and 9,000 to the BMA rural hinterland. The housing allocations in the draft Plan were therefore drawn up on the basis of an allocation of 51,000 dwellings.

3.1.3 The HGI's were reviewed and updated in June 2006 in the Review of Housing Figures published by DRD with the result that the allocation to the BMA Districts and hinterland was increased to 99,800 dwellings with 108,200 allocated to the remainder of Northern Ireland. The increased BMA HGI was 66,500, sub-divided into 54,800 for the BMA and 11,700 for the BMA rural hinterland. In view of the uplift in the HGI, the Department published a paper in January 2007 entitled The Departmental Approach to the Distribution of Housing Growth Potential in the Belfast Metropolitan Area and Belfast Metropolitan Rural Hinterland (Adjusted 9th January 2007). This paper set out its approach to the adjusted HGI's in order to assist the Inquiry on the amount and distribution of housing land needed over the Plan period. A further paper was produced by the Department in June 2007 (the June paper) providing some revisions to the approach in the January paper and providing an assessment of the objection sites. Discussion at the Inquiry was predicated on the need to accommodate the increased HGI over the Plan period and it is on this basis that that our assessment of the housing strategy and proposals is made.
3.2.0 Objections to the Housing Strategy and the Amount and Distribution of Housing Land.

**Housing Strategy**

3.2.1 The Strategy as set out on page 42 of the Plan contains 6 aims. An amended wording was tabled by one objector suggesting some revisions and adding two further aims. We consider it unnecessary to include the aim to ‘focus development in areas identified for strategic growth in the RDS’ as this is implicit in the first aim which encompasses both housing growth and distribution. The second element of the strategy in the draft Plan seeks to accommodate as much development as possible within existing urban footprints but the strategy is silent on the approach to be taken to any necessary urban extensions. For this reason we think there is merit in the inclusion of an additional aim. It was suggested that it should read, ‘where appropriate, identify locations for urban extensions elsewhere, avoiding environmental constraints, achieving compact urban forms and respecting well defined physical boundaries’. We consider that this addition will provide greater clarity to the Strategy but recommend replacing ‘appropriate’ with ‘necessary’ and amending ‘avoiding environmental constraints’ to ‘avoiding significant environmental constraints’ in order to more fully reflect SPG-HOU 2 of the RDS.

3.2.2 The purpose of setting HGIs, as stated in SPG-HOU 3 of the RDS, is to guide the distribution of housing growth in accordance with the SDS. Objectors sought a rewording to the first element of the strategy to ‘deliver a level of housing growth…’. The Plan does not actively deliver housing growth and we agree with the Department that the proposed amendment to the first element of the strategy would therefore be inappropriate. We note that it was content to accept the amended wording provided it was changed to ‘accommodate delivery’ and we accept this amendment as a more accurate reflection of the role of BMAP.

3.2.3 PPS 12 sets out the role of HNAs in assisting the Department to identify the types and tenures of housing to be facilitated by development plans. Affordable housing is one of the categories included within HNAs and we therefore disagree with the objector who considered that affordability was not an issue for the development plan. We fail to understand the Department’s agreement to the amendment of the 4th element from ‘meeting identified needs for social housing’ to ‘meeting identified needs for affordable housing’ on the basis of the Plan as currently drafted. The Department’s position on affordable housing is set out on pages 50-51: at best the Plan aspires to make a positive contribution to affordability issues through a number of indirect measures but it does not claim to meet identified needs. Our consideration of objections in respect of affordable housing is set out in section 3.3 where we conclude that the only element of affordability for which there is policy justification is social housing. As a result, we do not agree that the fourth element of the strategy should be amended to read ‘affordable housing’.
3.2.4 SPG-HOU 6 of the RDS encourages the development of balanced local communities and SPG-HOU 6.1 seeks to ensure that a range of housing types and tenures is available to achieve this end. This is reflected in the 4th bullet point of the housing strategy and encompasses the broad range of different needs that require to be met across the Plan area. Objections that the housing proposals fail to cater adequately for an ageing population are expressed in general terms and we are satisfied that the needs of older persons are encompassed within this element of the Strategy. There is scope to require provision of particular housing to meet the needs of specific groups through Key Site Requirements (KSRs) and we consider such objections in part 2 of this report. In the absence of specific examples, we reject the assertion that the Plan fails to make adequate provision for the ageing population.

Recommendations

We recommend that:

- The first bullet point of the housing strategy be amended to read ‘accommodate delivery of a level of housing growth in accordance with the RDS direction on managing housing growth and distribution’;

- An additional aim be added to the strategy as follows: ‘where necessary, identify locations for urban extensions elsewhere, avoiding significant environmental constraints, achieving compact urban forms and respecting well defined physical boundaries’.

HOU 1

Level of Housing Provision

3.2.5 The Department indicated that it felt the explanatory text of HOU 1 would benefit from a reference to promoting additional housing in town centres. The explanatory text sets out the range of sources from which the housing allocation is derived and town centre housing is already included in the category of sites within existing urban footprints. We see no need for a further specific category. Allocation HOU 1 sets out the amount of land identified for housing across the Districts for both the MUA and MRA. Although the figures are expressed in hectares, the housing supplement and subsequent papers on the distribution of housing growth identify housing provision in terms of the number of units to meet the HGI requirements. Debate was focussed on how many housing units are required to meet the needs of the Plan area and where they should be provided; it is on this basis that we set out our analysis.

3.2.6 Responsibility for regional planning rests with DRD and the concept of growth indicators for housing is enshrined in the RDS. The HGI to 2015 for the BMA was set by DRD as part of the RDS and was reviewed and confirmed in June 2006 following a Public Examination. The level of HGI is not therefore a matter to be addressed as part of the Area Plan process. The issue in relation to the provision of housing is whether the Plan allocates sufficient
land to accommodate the HGI. We will address the differing arguments on
the Department’s conclusions about the amount of housing land to be
provided but, before doing so, it is worth setting out the context in which our
consideration must take place.

3.2.7 The 2003 Planning Amendment Order requires development plans to be in
general conformity with the RDS. The RDS states on page 2 that it is not a
fixed blueprint or masterplan but rather a ‘framework’ providing a spatial
planning context for the development of the region. On pages 3 and 201 it
indicates that planning policy and development plans should be in ‘broad
harmony’ with the strategic objectives and policies of the RDS. In relation to
housing, on page 110 it states ‘Future housing distribution guidance is
set out in the form of housing growth indicators, designed to secure a balance
between the BMA and its hinterland, and the rest of the Region, and to give
guidance at the local level’. SPG-HOU 3 sets HGIs to ‘guide’ the distribution
of housing in the Region through the development plan process and HOU 2.1
indicates that development plans are to ‘take account’ of the HGIs. The
language of the RDS suggests a degree of flexibility in relation to HGIs rather
than a need for rigid adherence to the figures - this was the position adopted
by the Department although they correctly pointed out that the HGI can not
be overlooked as providing a context for future housing growth. It seems to
us that HGIs, whilst clearly an important element of the RDS, must be viewed
in the context of the RDS as a whole. Page 110 makes it clear that future
housing development should be consistent with the SDS with particular
emphasis on ‘integrating housing with economic development, services,
transport and the local environment to achieve more sustainable patterns of
development’. This is an issue we will return to in relation to the distribution
of housing within the Plan area.

3.2.8 The requirement for development plans to be in ‘broad harmony’ with the
strategic objectives and policies of the RDS is qualified on page 201 by the
statement ‘subject to any need to take account of emerging trends relevant to
DOE’s responsibility to secure the orderly and consistent development of
land’. Many of the objections to the Department’s approach to housing were
made on the basis that there should be flexibility in the approach to HGIs but
others may be judged to fall within the context of ‘emerging trends’ arguments
and will be considered within that context.

3.2.9 Table 1 below summarises the position in relation to the HGI on which the
Plan was originally predicated and the land identified to meet that level of
growth in the published Plan. It also sets out the uplifted HGI from the
June 2006 Review of Housing Figures (2006 HGI) and the updated housing
yield figures as set out in the Department’s January 2007 paper. It is clear
from these figures that the HGI was exceeded by some 22.5% by the housing
provision in the draft Plan but that the potential yield according to the
June 2007 paper was insufficient to meet the increased HGI.
Table 1 - HGI and Department's Assessment of Potential Housing Yield

<table>
<thead>
<tr>
<th></th>
<th>2001 HGI</th>
<th>Potential Yield (Housing supplement)</th>
<th>Surplus</th>
<th>2006 HGI</th>
<th>Potential Yield (Jan. '07 paper)¹</th>
<th>Shortfall</th>
</tr>
</thead>
<tbody>
<tr>
<td>BMA</td>
<td>42,000</td>
<td>51,800</td>
<td>+9,800</td>
<td>54,800</td>
<td>52,600</td>
<td>-2,200</td>
</tr>
<tr>
<td>Rural</td>
<td>9,000</td>
<td>10,700</td>
<td>+1,700</td>
<td>11,700</td>
<td>11,500</td>
<td>-200</td>
</tr>
<tr>
<td>TOTAL</td>
<td>51,000</td>
<td>62,500</td>
<td>+11,500</td>
<td>66,500</td>
<td>64,100</td>
<td>-2,400</td>
</tr>
</tbody>
</table>

¹ Figures based on 2006 Housing Land Availability Survey

3.2.10 We reject the suggestion that the housing figures should be uplifted because the HGI has been exceeded in other Area Plans; the mere fact of an uplift of 40% elsewhere could not in itself justify a similar figure here. Nor do we accept that DRD agreement to a Certificate of Conformity for BMAP in the context of a housing yield approximately 20% above the HGI justifies the same or a higher percentage being applied to the uplifted HGI. The extent of existing commitments was stated to have been taken into consideration in granting the original Certificate but in the absence of similar circumstances pertaining in respect of the uplifted HGI, an arbitrary figure to reflect the previous level is not justified. The granting of a Certificate of Conformity is the responsibility of DRD and does not rely only on HGIs but requires consideration of the extent to which the Plan as a whole is in general conformity with the RDS as a whole. In June 2008 DRD published Adjustments to the Regional Development Strategy (RDS) - 2025 which sets out in some detail the approach to general conformity considerations including the need to balance competing objectives and guidelines in reaching an overall conclusion. While this document was produced after the close of the Inquiry, it represents DRD’s up to date position and reinforces our conclusions on this point. Notwithstanding the need to balance competing objectives, however, it is unlikely that an allocation significantly in excess of the HGI could be considered consistent with the SDS or with the RDS as a whole.

3.2.11 Planning Policy Statement 12 - Housing in Settlements (PPS 12) sets out the Department’s approach to meeting the key objectives of the RDS in relation to residential development. In respect of development plans, the PPS sets out the measures to be contained in plans, the processes for allocating housing land and the approach to implementing, monitoring and reviewing development plans. Notwithstanding the approach taken to housing land supply in PPS 3 - Housing produced by Communities and Local Government, it is PPS 12 that sets regional housing policy for Northern Ireland. Irrespective of whether PPS 3 represents more up to date government thinking or provides a broader range of mechanisms to secure delivery of housing, responsibility for planning matters in Northern Ireland rests with the Northern Ireland Assembly and it is for local Ministers to decide if there are aspects of PPS 3 policy that should be adopted in Northern Ireland. We do not accept the proposition that the English PPS 3 (or its Scottish equivalent) should influence our consideration of the BMAP housing proposals. The
Semple Review into Affordable Housing has been produced at the request of DSD in the context of local circumstances. As things currently stand, however, the Department’s response to the report is not known and PPS 12 must therefore take precedence. We return to this issue in more detail in section 3.3.

3.2.12 The RDS acknowledges that it is a long term strategy and that lead-in times will be required for the alignment of policies. It was envisaged, however, that it would have increasing effect from 2005/06 onwards as a complete suite of updated plans became available. It introduces a ‘plan, monitor and manage’ approach to provide for more sustainable patterns of development and to assist regeneration. The progress anticipated has not been achieved and many areas continue to develop in accordance with plans drawn up under the ‘predict and provide’ model. It is not surprising therefore that the regional balance sought by the RDS has not been realised. Significantly, however, irrespective of whether housing start or completion figures are used, the BMAP share of growth is within 4% of what was envisaged. We are not attracted by arguments that the BMAP figures should be increased to redress the current regional imbalance or to compensate for under-performance elsewhere in the BMA hinterland. In the absence of a complete suite of development plans for the region under the ‘plan, monitor and manage’ approach, it will be difficult to achieve the regional balance sought by the RDS. Increasing the BMAP figure, however, risks creating an imbalance between the BMA and its hinterland without addressing the more fundamental issue of seeking to align plans with the RDS across the region as a whole. This is an issue to be resolved between DRD and DOE.

3.2.13 A number of objectors sought an extension to the plan period quoting the Lisburn Area Plan (LAP) as a precedent. In that case the Plan period had been curtailed to allow a first phase of development until a successor plan could be produced in line with regional policy. It was clear that the LAP’s expiry date was unlikely to extend significantly beyond the date of adoption and a replacement plan was not programmed to be in place for a further 3-4 years. The Plan period was not extended but an additional 5 years housing provision was made on the Commission’s recommendation. BMAP’s end date is 2015 and it is unlikely to be adopted before 2012. This would leave up to 4 years for planning applications to be submitted and determined post adoption and for development to commence. When allowance is made for a ‘lead-in’ period of around 3 years, we consider that this timescale will be challenging. We agree with the point made by the Department, however, that the Plan does not just ‘bite’ at adoption stage and we acknowledge that many schemes will already be in the pipeline by the time the Plan is adopted. While challenging, this timescale is not impossible in the context of making provision up to 2015. The purpose of the plan is to make provision for a level of housing development that will accommodate the HGI and we find the proposition that houses must be on the ground and capable of occupation by the end of the Plan period in order to achieve the HGI to be an overly rigid interpretation of RDS intentions. We found the Department’s acceptance of this proposition to be at variance with its stance that the Plan should ‘accommodate delivery’ rather than ‘deliver’ housing.
3.2.14 The plan, monitor and manage mechanism aims to ensure timely periodic release of land for housing development. The RDS recognises that a balance has to be struck between the need to ensure that strategic objectives are met and the need to be able to respond flexibly to unforeseen demand for additional housing land. It supports the establishment of long-term reserves of development land through the development plan process. PPS 12 sets out how the release of housing land is to be managed. It refers on page 55 to the need for ‘a continuous housing land supply sufficient to meet prevailing housing needs’ but makes no reference to the need for a 5 year supply although this was the approach favoured by the Department. It suggests that where phasing is to be adopted, phases of 7 or 8 years are appropriate and states that the level of housing provision should be sufficient to meet the needs of the current period and to allow for lead-in to the later phase developments as may be necessary. PPS 12 envisages rolling forward the management of housing supply by 7-8 years following the review of housing progress.

3.2.15 The housing allocation in the draft Plan is to be provided in a single phase, largely because of the extent of existing commitments. The Department's expectation at the outset of the plan process was for a post adoption period of 10 years. In such circumstances any necessary adjustments arising from monitoring of the Plan’s performance could have been approached through alteration or review of the Plan in a timely manner. Irrespective of the timing of adoption of the Plan, however, the Department has a responsibility to both monitor and manage housing supply across the BMAP area. We agree with the concerns expressed by objectors that in the absence of such mechanisms as phasing or the sequential release of land, there is currently no active management of the release of housing land. PPS 12 recognises that management of land release may be inhibited by extant permissions and we agree with the Department that the extent of commitments across the BMAP area does not allow for any practical retrospective solution. As a result, although land to meet much of the increased 2006 HGI has been identified through the process set out in PPS 12, its release can not be managed as envisaged. There is no reason to await adoption of the Plan before identifying problem areas although we agree that it would be prudent to await the outcome of the current process before undertaking any formal alteration or review.

3.2.16 Concerns were expressed about a hiatus in land supply between the take up of land in the current Plan post-adoption and any replacement plan. Notwithstanding a commitment in the Plan Amendment No 1 to commence a review of the Plan in 2009, to date we are not aware that such a review has taken place. Whether or not a review of the Plan commences following adoption, the current process is so protracted that a new Plan would be unlikely to be in place before the end date of the present one. This would not be problematic if sufficient housing land still remained at the end of the end of the Plan period to cover the ‘lead-in’ period until a new or altered Plan was in place. Average housing starts of around 3,900 pa suggest that, if past trends continue, the HGI will have been taken up by the end of the Plan period while monitored completions of around 3,500 pa (excluding rural dwellings) suggest that it will not be exhausted until 2017. On the basis of these trends therefore
at best there would be around 6 years supply post adoption. Prediction of future trends is particularly difficult in the current economic climate but the general slowing in the property market suggests that provision of a level of housing to meet the HGI will be adequate to cover housing needs until the end of the Plan period but may not be sufficient to allow for a lead-in period post 2015 as required by PPS 12. In view of the potential delay until a successor plan is in place, there is a need to address this issue as part of the current plan process.

3.2.17 We consider it vital that the Plan should be capable of being responsive to any future economic recovery. Despite the Department’s assurances to the Inquiry that it could provide a prompt response in the event of a need for further housing provision, we are unconvinced that there is an effective ‘fast track’ mechanism for the timely release of additional land should it be required to ‘roll forward’ housing requirements beyond the end of the plan period. The Plan as currently formulated makes no provision for the management of land release as required by PPS 12 and the proposed streamlining of the system through the planning reform proposals, although agreed in principle, has not yet reached a detailed stage. This, combined with delays in the progress on the Review of Public Administration, must add uncertainty to the timing of any replacement plan. In addition, there will be a Census in 2011 and a further review and ‘rolling forward’ of HGI’s prior to the end date of the Plan which may affect predicted housing requirements. When these factors are taken in combination with the rate of development across the BMAP area, we consider that there is justification for making additional housing provision beyond the end of the Plan period to allow a lead-in period for development post 2015, if required.

3.2.18 Objectors requesting additional housing provision sought up to an additional 10 years supply of housing land. Notwithstanding the Department’s confidence that it could respond promptly to a need for further housing provision, its final position at the Inquiry was that the Plan should make provision for a further 12,000 dwellings, equivalent to 3 years additional housing supply, calculated on the basis of the current HGI. On the assumption of a post-adoption period of up to 4 years remaining, we conclude that in view of the particular circumstances outlined above, it would be prudent to make provision for a 7 year supply post-adoption (subject to a policy for release which we discuss below) thereby allowing the Department, or incoming Councils, adequate time to review or modify the plan, if required, in the light of any revised HGI. We consider that further provision beyond the additional 3 year supply would undermine both the RDS and the development plan process. We have not been persuaded that the variety of reasons advanced by objectors for more extensive periods could be justified, particularly given the slow down in the property market. The additional 3 years supply would have the effect of providing a short term reserve of housing land until such time as proposals for a mechanism for the release of a strategic reserve, to which DRD gave a commitment following the review of HGI’s in 2006, is in place. In view of the strategic objective of accommodating housing growth in accordance with RDS requirements, we consider that the HGI rather than past build rates should form the basis of the additional provision and on that basis we endorse, in principle, the Department’s
concession and consider that provision should be made for 78,500 dwellings. We note that DRD did not have concerns about this increase in relation to the issue of general conformity with the RDS.

3.2.19 In view of our reasoning for the additional housing provision, it should not be seen as an increase in the HGI; it is intended as a short term land reserve (STLR) to be released towards the end of the Plan period, if required, to facilitate the provision of a continuous supply of housing land as envisaged by PPS 12. We reject the Department’s contention that the land should represent a ‘3 year supply flexibility’ to be released as part of the Plan as to do so could undermine both the SDS objective to avoid over-concentration around the BMA and the sequential approach envisaged by SPG-HOU 2 of the RDS which places a premium on the re-use of previously developed land and buildings and land within existing urban areas. The flexibility which we envisage is for a land reserve to be identified at this stage which would only be released in particular locations, if required, subject to a policy setting out the conditions for its release. The need for its release could only be confirmed by adequate monitoring of the performance of the Plan in relation to housing supply across the Plan area. It is critical that the Department includes a policy in the Plan setting out clearly the process for management of its release in order to ensure that the HGI to 2015 is not undermined, use of existing resources and infrastructure are optimised, sustainability objectives are met, the tension between urban footprint and greenfield sites is maintained and development in the BMAP area is consistent with the SDS. For reasons which we set out in detail in paragraphs 3.2.72 and 3.2.73, land to accommodate approximately 800 dwellings should be advanced from the STLR of 12,000 to meet the specific needs of Ballyclare. In paragraph 3.2.84 we recommend the allocation of a further 80 dwellings to Dromara. Land to accommodate 45 of these dwellings is inside the development limit and should also be provided for within the current Plan period. Ongoing monitoring will ensure that housing delivered as a result of regeneration and windfall will be counted as part of the total provision and greenfield land release adjusted accordingly. The approach set out in Annex 2 of PPS 12 suggests phasing as the most likely mechanism to be adopted. Criteria based release or release based on ranking remain possibilities that the Department may wish to consider under PPS 12 but objectors also raised sequential release and a ’white land’ reserve as possible options. It will be for the Department to consider the most appropriate mechanism including whether it is necessary to bring forward an alteration to the Plan to facilitate such release. Our references to STLR release elsewhere in the report should therefore be taken to encompass the range of possible measures for the managed release of land. It should be stressed that we do not consider this additional provision to represent overzoning which is limited to 10% as a contingency measure by the RDS. Overzoning specifically relates to circumstances where a potential land supply difficulty is likely to arise and does not encompass the circumstances set out above.

3.2.20 Objectors suggested that in order to deliver the build rate required, additional land should be zoned to compensate for lands that are subject to supply difficulties. In support of these arguments it was stated that the rate of development on many of the larger sites was slow and that as many as 17%...
of the monitored sites identified by the Department had not delivered in the
previous 5 monitor years. Fluctuations in the rate of development of sites
may arise for a number of reasons, most notably as a result of economic
factors in the current climate. It can not be concluded that the zoning of
additional lands will address supply problems of this nature - in our view an
economic upturn is more likely to deliver acceleration in build rates than
identification of further lands. In addition, many sites have delivered higher
numbers than were envisaged. We note that a number of sites across the
Districts appeared in the monitor for 5 years or more before development
commenced and do not find this delay, of itself, to be persuasive evidence
that such sites are unlikely to come forward - as the objectors acknowledged,
there are a variety of reasons why sites may not become available straight
away. In the absence of information about specific impediments to
development, we do not consider that a general allowance should be made
for overzoning. We acknowledge, however, that if specific potential supply
problems are identified which would result in prejudice to the achievement of
the HGI or the appropriate distribution of housing, it would be prudent to
make allowance for a level of overzoning as a contingency measure in the
relevant area. There was a divergence of opinion about the rate at which
larger sites would be developed but we are satisfied that the range of sites
and their distribution is such that there is no need to make additional
provision on this basis. It was suggested that there should be a reduction in
allocation on the basis that 20% of the BUAP allocation had not been taken
up. There may be many reasons why zoned land is not developed but
comparisons with BUAP are not helpful in the context of the ‘plan, monitor
and manage’ approach as opposed to the ‘predict and provide’ model under
which BUAP was produced. We agree in principle with the objector who
stated there should be incentives to prevent land banking but in the absence
of a development plan approach that identifies only land that is deliverable (ie
available, suitable and achievable), it is difficult to see how this could be
achieved. This is an issue to be addressed by the Department at regional
level.

3.2.21 Increased housing was sought to cater for what are perceived to be specific
areas of under provision such as housing for migrant workers, social and
affordable housing and shortages arising from changes in rural planning
policy. These categories are subsumed within the HGI for the BMA and, as
indicated previously, the level of HGI is beyond the scope of the Inquiry. We
will return to specific objections about policy for social and affordable housing
and the implications of rural planning policy for housing distribution later in
this section of the report.

Recommendations

We recommend that:

- The Plan should make provision for sufficient land to accommodate
  78,500 dwellings;

- Land for 11,155 of the above dwellings should be held as a short term
  land reserve and the Plan should include a policy setting out clearly the
process for management of its release including, as appropriate, an indication of the required level of take up of land within urban footprints.

Process for Allocating Housing Land

3.2.22 The RDS states that the allocation of housing growth to specific locations is a matter for the development plan process, taking into account strategic planning guidance and views expressed through public consultation. PPS 12 sets out in detail the process for allocating housing land in development plans. The approach is derived from the RDS and follows a 7 stage process. The Population and Housing Technical Supplement Volume 1 sets out the housing analysis for each of the Districts in the draft Plan in accordance with the steps identified in PPS 12. A Housing Paper was produced in January 2007 setting out the Department’s approach to the increased HGI and a further Paper was produced in June 2007 making some adjustments to the approach set out in the January paper, allowing for an additional 3 year supply flexibility and providing an assessment of the objection sites in accordance with the approach. All of these documents were debated at the Inquiry. Objections to the Department’s general approach to housing distribution and to the approach for distributing the increased HGI are considered below. Consideration of specific wording contained in the Department’s January and June papers is unnecessary as the critical issue is whether the approach is consistent with the RDS and PPS 12.

Application of a sequential approach and identification of suitable sites for housing

3.2.23 The promotion of more sustainable patterns of residential development is an important element in meeting future housing needs in the RDS. SPG-HOU 2 requires the adoption of a sequential approach to the allocation of land for housing in cities and towns and sets out a search sequence which seeks to re-use previously developed land and buildings and undeveloped land within urban areas before considering settlement extensions. The search sequence is repeated in PPS 12 and paragraph 35 sets out the criteria to be considered in identifying suitable sites. HOU 4.1 of the RDS requires an increased share of future residential development and associated job provision to be accommodated within existing urban limits to reduce greenfield housing extensions. In order to meet its objectives, it sets a regional target of 60% of urban housing growth to be provided within the existing urban areas of cities and towns of over 5,000 population. The potential for achieving this is to be determined through the development plan process which is to set targets for individual towns.

3.2.24 Clearly sustainability and compact urban form are important elements of the RDS but they are not the only elements to consider in identifying additional residential land. Widening opportunity and choice and encouraging the development of balanced local communities are also objectives of the RDS and we agree with objectors that choice should include both choice of location and choice of dwelling type. We disagree with the view of some objectors that urban footprint and brownfield sites are unsuitable for family
housing. We acknowledge that many inner city sites have been developed for small unit housing in recent years but there are also many examples of good quality family housing in inner city locations and it is desirable that further provision is made for family housing in order to restore balance in many of these communities. Many urban footprint sites are in suburban locations, and these are also well suited to provide family housing. While the sequential approach inevitably results in the identification of a large number of smaller sites, they have an important role in meeting housing needs in a sustainable manner. The capacity of existing infrastructure, availability of public transport and integration with centres of employment, services and other facilities are also factors that need to be considered. The RDS sets out on page 110 the need to balance the demands of the housing market with the adverse environmental impacts that flow from unfettered market choices and the search sequence set out in Figure 16 does not rule out greenfield development if it is required to meet housing needs. It seems to us that what is being sought by the RDS is a clear bias in favour of more efficient use of urban land in order to achieve compact urban form and more sustainable development while not ruling out an appropriate level of greenfield extension of cities and towns in sustainable locations. Provided the release of such land is carefully managed, there is an opportunity to respond to the broad range of housing needs within the BMA while not compromising RDS objectives.

3.2.25 The housing technical supplement sets a yield for urban footprint housing for each of the Districts. This figure is provided at the end of the process on the basis of what is likely to be achieved rather than set at the start of the process of the level that should be attained. Nonetheless it demonstrates that 5 of the 6 BMAP Districts are likely to provide in excess of 60% of new housing within their urban footprints and 2 Districts, Belfast and Carrickfergus, will exceed 90%. Only Castlereagh with 42% falls significantly below the RDS figure. The overall level of more than 70% exceeds the regional target in terms of the sites identified. Should objections on urban footprint sites be successful, this will be increased further. It is inevitable that some areas will have greater capacity to achieve the 60% target than others but insistence, as suggested, on a figure of 90% of housing to be provided within the existing urban area or on the basis of past performance over a specific period could undermine the achievement of the other RDS objectives set out above even if it could be delivered. Whilst we accept that excessive greenfield release will undermine the drive for more housing within existing urban areas and could have an impact on regeneration objectives, we are satisfied that it is appropriate to identify some greenfield sites and we consider that the RDS approach of maximising the use of urban land while making allowance for the factors set out above will facilitate identification of the appropriate balance. The final proportion of housing potential within the urban footprint will depend on the level of provision to meet the HGI and STLR but even if the uplift of 12,000 dwellings was provided entirely on greenfield land, the proportion within the existing urban areas of the BMA would be around 65% and would exceed the regional target. We consider that there is remaining scope within the urban area for some of the additional housing to be provided for reasons which we set out below and consider the proportion is likely to be higher.
3.2.26 We share the concerns expressed by objectors that maximising the use of urban land can not be secured by merely identifying it in the Plan. Our views on maintaining the tension between greenfield development and development within existing urban areas are set out in paragraph 3.2.19 above from which it will be clear that management of land release is unlikely to be achieved in the short term. In the absence of a mechanism for land release, we fail to see how the specification of a minimum level of housing to be provided within existing urban areas could be secured. We consider, however, that in managing the release of additional lands to meet the STLR, the Department should clearly set out the process for release, including the required level of take up of land within urban footprints.

Urban capacity including windfall and density considerations

3.2.27 Notwithstanding our views about the need to maintain an appropriate balance between development in existing urban areas and urban extensions, it is important that robust information about urban capacity is available to inform housing land allocations. This information should be assessed on the basis of definitions and methodology contained in PPS 12 rather than elsewhere in the UK. Belfast City Council were concerned that the urban capacity study under-estimates output. This is confirmed by the January 2007 Housing Paper which demonstrates that, by and large, developments approved between 2003 - 006 were within the density ranges set out in the draft Plan but that output was higher than predicted. This would appear to be due to the fact that some developments were approved at the higher end of the density ranges while the site capacities predicted in the Technical Supplement were generally taken to be 20% above the minimum of the density ranges. The figures show that the potential housing yield increased by 758 additional dwellings in the MUA and 855 in the MRA over the 3 year period.

3.2.28 There were widely differing views among objectors about the approach to estimating windfall development. Some considered that windfall estimates were too optimistic and would not be delivered, others that supply was declining or exhausted and no further allowance should be made. Some objectors felt that windfall offered potential for significant additional housing supply which would reduce the need for greenfield sites and provide added flexibility in housing supply. The view was also expressed that further significant windfall development should be counterbalanced by greenfield extensions. The figures provided by the Department indicate that committed windfall development to 2006 had almost reached the windfall estimate for the Plan period as a whole. This is partly accounted for by the net increase in output on urban footprint sites above anticipated levels. Despite the reference to the Glossary in paragraph 64 of PPS 12, it does not contain a definition of ‘windfall’ and, although the methodology in PPS 12 does not provide for inclusion of these figures in windfall calculations, we see no reason not to include them in order to ensure that increased output on zoned land is not overlooked as a source of housing provision. On the basis of the Department’s figures, BMRG estimated that the windfall figure over the Plan...
period could be as high as 25,000 resulting in a need for fewer greenfield sites.

3.2.29 Assessment of windfall is part and parcel of the urban capacity study exercise and a requirement of PPS 12. Paragraph 64 of PPS 12 requires that an allowance be made for windfall through the development plan process in order to prevent the excessive allocation of housing land. Appendix 1 sets out a detailed approach to urban capacity studies in which it states that windfall is crucial (our emphasis) to allowances made within the plan for the provision of housing not specifically identified through zoning. It recognises that a failure to make an allowance for windfall might prejudice compliance with the RDS. The methodology for calculating windfall is reproduced in Volume 2 of the Population and Housing Technical Supplement. The approach in the ENTEC study is thorough but the increased level of windfall supports the URBED analysis that capacity is intrinsically fluid and influenced by the market and policy context. The inescapable conclusion is that the windfall allowance in the draft Plan represents a gross under estimate of the potential supply from this source.

3.2.30 It is surprising that the Department was content to view further windfall as a ‘bonus’ to provide added flexibility, particularly in view of the high level of such development approved to date and their acknowledgement that continuation of the current rate of windfall could result in the HGI being exceeded by as much as 8% in the MUA. We note the Department’s reservation about the difficulty of predicting the actual level of windfall but this is a point acknowledged by PPS 12 and is not a justification for failing to revisit the issue, particularly in view of the performance of this element of housing contribution to date. Their concern about the ‘anticipatory’ nature of windfall in the MUA is inconsistent both with their approach to date and the requirement of PPS 12.

3.2.31 In current market conditions we consider it unlikely that the rate of windfall will continue as predicted by BMRG but accept the general point that the level of windfall has been under-estimated. It would not be appropriate to ignore it on the basis that provision is made in the RDS for overzoning as such provision is only permitted as a contingency measure where a potential land supply difficulty is likely to arise. We consider specific objections about problems of supply in part 2 of this report and accept that in circumstances where land supply difficulties have been identified, an estimated increase in windfall may avoid the need to identify further lands to a greater or lesser extent.

3.2.32 We fail to see how the Department’s proposed solution of ‘making adjustments’ following monitoring can address the issue in the absence of any management mechanism for the release of land - it would be a purely paper exercise. Accordingly we consider this aspect of their approach to be flawed and find the residual figure of 178 uncommitted windfall sites in the MUA to be a gross underestimate of the potential windfall contribution. Evidence of the potential at the 6.57ha DOS at Belfast’s Sirocco Works alone significantly undermines this assumption. Irrespective of whether the regional target is met for the BMAP area for 60% of additional dwellings to be
provided within urban footprints, the RDS seeks to maximise the use of urban land and the contribution made by windfall development cannot be ignored. We therefore consider that the Department should reassess its windfall estimates in order to provide a more robust analysis of the land needed to meet both the increased HGI and the STLR. In this respect we note that PPS 12 allows for past levels of windfall as a factor in making assumptions about future levels. We consider that any adjustments as a result of the Department’s exercise should be taken into account in the final analysis of objection sites to be included within the Plan. We do not agree with objectors that an increase in the windfall allowance should result in a compensating increase in greenfield allocation for reasons set out paragraph 3.2.23.

**Recommendations**

We recommend that:

- The Department undertake a further windfall exercise to assist in providing a robust analysis of the additional land required to meet the housing growth indicator and short term land reserve;

- Any required adjustments should be taken into account in determining the final level of land required to meet the housing needs of the Plan.

**Density**

3.2.33 SPG-HOU 5 of the RDS seeks to encourage an increase in the density of urban housing in order to make more efficient use of land and reduce the lateral spread of towns. This is reflected in the strategy for the BMA which supports the concept of the compact city and it is recognised that Belfast particularly has scope for accommodating more housing within its built up area through densification. SPG-HOU 5.1 seeks to encourage the use of medium to high density housing schemes appropriate to their location and to promote densification near public transport corridors, in town centres and around centres of community facilities, where possible. The initiative for increased density is, however, qualified in a number of respects:

- increased density is be appropriate in scale and design to the towns and cities of Northern Ireland;

- it should not result in town cramming; and

- personal preferences for medium density family housing will continue to be respected.

3.2.34 PPS 12 sets out a requirement for development plans to set minimum density levels for all sites within the urban footprint and, where appropriate, for other sites. It also allows for maximum densities to be set, where appropriate, and requires density levels to be appropriate to the character of the surrounding area. Appendix 1 sets a range of density levels varying from 15 to 50+...
dwellings per ha (dph) for sites within the urban footprint. Irrespective of examples provided by objectors of higher densities in other cities and in other Plans, there is no requirement for BMAP to exceed the levels set out in Regional policy. We note, moreover, that a number of built and committed schemes, particularly in the city centre, have significantly exceeded 50 dph.

3.2.35 Figures from the Population and Housing Technical Supplement demonstrate a wide range of densities across the Districts. Built and committed sites within the urban footprint in Belfast have generally higher densities than urban footprint sites in the other Districts. Densities on built and committed greenfield sites are generally lower as would be expected and there is considerable variation between Districts. In terms of zonings, KSRs propose a range of densities within and between Districts. We are satisfied that the ranges set out reflect PPS 12 which takes a very broad approach and accordingly we are satisfied that the general approach to density in the Plan is acceptable. Objections to the densities proposed on specific sites will be considered on their merits in Part 2 of this report. Any resulting adjustments may have implications for the amount and distribution of housing land. We note that PPS 12 does not require densities to be specified for all housing sites and in considering the output from objection sites that are to be included in the Plan, our calculations are normally based on development at 25 dph. Where appropriate, we have specified densities for particular sites.

3.2.36 We see no reason why minimum densities should inhibit house builders. If they consider that the required minimum density is too high for a particular site, it is open to them to demonstrate to the Department through the development management process why it can not be achieved. Concerns were expressed by one objector about maintaining high quality design; in general terms, we do not accept that higher densities inhibit good design and return to the point that PPS 12 requires density levels to be appropriate to the character of the surrounding area. Objections about the capacity of individual sites, including those which are the subject of environmental designations, will be considered in this context in part 2 of the report. The equality impact of density differentials falls within the scope of the EQIA which is a matter for the Department and is not before the Commission.

Methodology for distributing housing growth

3.2.37 The Department indicated that its approach to the distribution of housing in the draft Plan was significantly influenced by the level of committed housing. The figures in Table 2 set out the anticipated yields in the draft plan, updated to reflect the situation in 2006. The projected yield of 51,828 exceeded the HGI of 42,000 for the MUA but was considered by DRD to be in general conformity with the RDS. According to the Department's January 2007 housing paper, the balance of lands to be identified was based on the shortfall between the 2006 potential yield and the increased HGI for the MUA of 54,800. This amounted to 2,214 additional dwellings which the Department considered would require to be accommodated on greenfield sites. In view of the previous constraints affecting the allocation of housing land, the Department's view was that the main focus for any additional housing growth should be in West Lisburn and Newtownabbey in order to
achieve the major planned expansion envisaged by the RDS. Growth in the other component parts of the BMA was considered to be in accordance with their role and function as set out in the RDS.

3.2.38 Following the Department’s agreement at Stage 1 of the Inquiry to make provision for an additional 3 years supply of housing land, the June paper proposed that the distribution should be in accordance with the figures shown in Table 2 below. The paper provided a detailed methodology for its proposed allocation which was debated extensively at the Inquiry. Based on a pro rata distribution of the increased figure of 78,500 between the MUA and MRA, provision would be required for approximately 64,700 dwellings in the MUA. It will be clear from the Department’s June 2007 figures that the final figure of 63,324 represented a shortfall of almost 1,400 dwellings.

Table 2 - Department’s Proposed Housing Distribution MUA

<table>
<thead>
<tr>
<th>District</th>
<th>Draft Plan - housing yield</th>
<th>2006 housing yield</th>
<th>June 2007 proposed housing distribution</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
</tr>
<tr>
<td>Belfast</td>
<td>20483</td>
<td>39.5</td>
<td>25030</td>
</tr>
<tr>
<td>Carrickfergus</td>
<td>3516</td>
<td>6.8</td>
<td>3755</td>
</tr>
<tr>
<td>Castlereagh</td>
<td>3565</td>
<td>6.9</td>
<td>4044</td>
</tr>
<tr>
<td>Lisburn</td>
<td>7910</td>
<td>15.3</td>
<td>8699</td>
</tr>
<tr>
<td>Newtownabbey</td>
<td>4740</td>
<td>9.1</td>
<td>5509</td>
</tr>
<tr>
<td>North Down</td>
<td>4883</td>
<td>9.4</td>
<td>5371</td>
</tr>
<tr>
<td>Windfall(uncommitted)</td>
<td>6731</td>
<td>13.0</td>
<td>178</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>51,828</strong></td>
<td><strong>52,586</strong></td>
<td><strong>63,324</strong></td>
</tr>
</tbody>
</table>

1 includes 21 dwellings in Ards District

3.2.39 The principle of re-visiting housing allocations at public Inquiry stage as a result of increased HGIs is one that has been endorsed by the Courts and we are satisfied that it was appropriate to do so in the case of BMAP. We recognise that in seeking to accommodate the increased HGI and the STLR there is a need to achieve more sustainable patterns of residential development but the zoning of greenfield sites cannot be ruled out if they are required to meet housing needs. The extent of the land needed will be influenced by successful objections on land zoned for other purposes and the Department’s conclusions following revision of the windfall allowance as set out in our recommendations at 3.2.32 above.

The MUA - Strategic Factors

3.2.40 HGI 3 of the RDS states that the allocation of housing growth to specific locations within a district is a matter for the development plan process, taking into account the strategic planning guidance in chapters 5-9 and the views expressed during public consultation. In contrast with other parts of Northern Ireland, the RDS does not provide a breakdown of the HGI by districts in the BMAP area but instead provides an ‘urban’ and ‘rural’ allocation for the area as a whole. On the basis of this approach we can not agree with those
objectors who sought a district allocation approach to housing provision. Nonetheless, within the SDS there is specific reference to the different component parts of the BMAP area and to specific areas and settlements within both the MUA and MRA. The conclusions of the housing allocation process must be consistent with the directions of growth set out in the SDS as this provides the context to guide future housing development within the Plan area. We do not support the objector who sought to apply the MRA allocation process to the MUA as the approach in the MRA is based on a settlement hierarchy which is not comparable to the MUA. The criteria on pages 53-54 of PPS 12 are relevant to the allocation of sites to different phases but we do not accept that they should form the basis of the distribution process.

3.2.41 Objections seeking a strategic allocation to the component parts of the MUA argue that the starting point should be to identify strategic directions of growth before making site specific assessments. The Department’s approach to the distribution of the additional housing allocation in the MUA was based on a scoring system of objection sites on the basis of 2 strategic and 8 site specific factors. The sites were then ranked into categories and each category was assigned an acceptability index. The Department’s starting point in the ranking of sites was determined initially by their score in terms of RDS directions followed by the number of positive and negative scores against the other factors. Provision was also made to allow a positive score on RDS directions to be reflected where there was an otherwise unsuitable score on site specific factors. The results are essentially an allocation based on an assessment of acceptable sites that meet RDS directions to a greater or lesser extent. Irrespective of whether or not this approach represents an RDS-led allocation, the critical issue is whether the outcome adequately reflects the RDS.

3.2.42 One of the strategic factors identified by the Department is ‘Council Views’. The Department consulted with Councils as part of the statutory process and Councils have participated both in terms of the consultation process and as objectors to the Plan. The Inquiry process has allowed those Councils who had concerns about the housing proposals in the Plan to put their views, to become involved in the debate about the approach to accommodating the increased HGIs and to have those views duly considered. In this context we agree with objectors that the introduction of Council Views as a separate strategic factor is unnecessary.

3.2.43 The RDS acknowledges that topographical factors strongly constrain the direction of future urban growth and limit the potential for greenfield expansion in the BMA. It also sets out the strategic role and broad constraints to development in each of the component Districts of the BMA. The exclusion from consideration at strategic level of sites that lie within an AOHSV or LVRP, however, ignores the fact that there are objections to these designations and the designations may not be confirmed or the boundaries may be altered. Although we accept that these designations, if confirmed, will constrain future development, we think that these sites should be assessed as part of the site specific ‘Environmental Designations’ category in
common with other environmental designations. We do not agree that a score of ‘X’ is justified in the context of RDS directions.

3.2.44 HGI 4 sets out the strategic directions for growth in the BMA and its travel to work hinterland. The 5 bullet points address different elements of housing provision and must be read in the context of the strategy for the BMA and its hinterland as a whole. In this context we can not agree that HGI 4 places any special emphasis on ‘smaller sites’ within particular locations and interpret the references to the identification of smaller sites as a general acknowledgement that there will be a need to identify sites outside the areas of major planned expansion through the development plan process.

3.2.45 The RDS at Diagram 8 sets out the HGI for the 6 Districts which comprise the BMA and Figure 18 provides a numerical breakdown between the urban and rural components. Table 1 of the June 2006 DRD Review of Housing Figures follows a similar approach in relation to the uplifted HGIs. Despite the fact that there is no allocation to the component parts of the BMA Districts, strategic guidelines are set out in Chapter 6 of the RDS and further detail is set out in the Family of Settlements Report (FOSR). The general position in respect of directions of growth within the MUA Districts is set out on pages 65-70 and Diagram 5. The broad aims of enhancing the role of the city of Belfast, developing the complementary roles of Newtownabbey and Castlereagh and developing the towns of Bangor, Carrickfergus and Lisburn reflect a strategy that aims to provide a reasonable balance across the area whilst identifying some areas as a focus for growth and identifying general factors that will inhibit further expansion. It seems to us that a ranking system based on strategic RDS scores will not accommodate the balance envisaged across the MUA and enable the Districts to fulfil their respective roles. In view of the generality of factors identified, we do not favour the numeric score approach but consider that an assessment of RDS directions of growth on the basis of ‘high’, ‘medium’ and ‘low’ as is done in the MRA is to be preferred. These categories should be used to guide both the direction and levels of growth to be accommodated to deliver the balance sought across the component Districts. The Department has awarded a negative score to those objection sites that are of such excessive scale that they go beyond the scope of RDS directions for the particular settlement. It is the responsibility of objectors to identify the extent of their objection sites and it is not the role of the Department to amend those sites to what might be acceptable. We consider that they were perfectly entitled to reach a view that the scale of an objection site was such that it exceeded RDS directions. There was an opportunity at the Inquiry for objectors to challenge the Department’s assessment or to reduce the objection site to a more acceptable scale.

3.2.46 We agree that the allocation process should take a strategic view of distribution between RDS growth areas and the remainder. The Department has identified some general factors on pages 11 and 12 of its June paper which reflect its understanding of the strategic directions of growth in the MUA and which have informed the scores allocated under the ‘RDS Directions’ category in the scoring matrix. The guidance on page 65-70 of the RDS is complemented by the FOSR which identifies more specifically the opportunities, constraints and future potential of the main settlements within
the MUA. We can find no evidence of the Department having given any consideration to the FOSR and, having considered the scores allocated by the Department, we think that some adjustments are needed to more accurately reflect RDS directions.

3.2.47 Turning now to the component parts of the BMA, the RDS seeks to create a thriving Metropolitan Area centred on a revitalised city of Belfast. Notwithstanding the anticipated dispersal to centres within the BMA and its hinterland in order to ensure more balanced growth, we are surprised at the Department’s assessment that Metropolitan Belfast has a ‘nil’ strategic role and should be allocated a score of 0 in RDS Directions. The objective of the strategy is to reinforce Belfast’s role as the regional capital. The District population has been declining over the past 40 years although there was a considerable slowing in the rate of population decline between 1991 and 2001. If this decline is to be reversed it is important that sufficient housing is provided for within the Plan. According to the Department’s June paper, Belfast's share of the housing allocation in the MUA would be almost 40%. This is similar to its share in the draft Plan but less than the percentage share in the 2006 yield of 48%. According to the Housing Supplement, Belfast's urban population accounted for almost 49% of the population of the MUA and 45% of the BMA housing stock was in Belfast District. In order to reinforce its role and maintain its position in the hierarchy as envisaged by the RDS, we think that it should deliver significantly more than 40% of the overall housing allocation. Scope for expansion of the metropolitan area within Belfast District is limited due to the strategic landscape setting of the City. We have already indicated that we think there is scope for delivery of a higher windfall figure and further development could be delivered within the urban footprint as a result of successful objections and our recommendations in respect of policy SETT 5 at section 2.6. In addition, although the RDS focuses on finding sites within the built up area and protecting the setting of the City, greenfield sites are not ruled out in principle and may in some circumstances enhance the setting of the City. They may also provide part of the increased allocation as a more sustainable option than other more peripheral sites within the MUA. An objection seeking ‘squaring off’ of the development limit and zoning the additional lands for housing did not specify the lands concerned and can not be considered further. Objections seeking the inclusion of specific sites, however, will be considered in part 2 of the report. Taking the above factors into account we think that Metropolitan Belfast should be ranked ‘high’ in terms of RDS directions.

3.2.48 We are satisfied that the allocations in the draft Plan demonstrate a balance across different parts of the city and that the ‘broad grain’ of the housing market has been adequately understood. Whilst it is desirable that this balance is maintained in accommodating any uplifted figure, environmental constraints will limit the physical expansion of the City in some directions. Particular arguments were made for increasing the housing allocation to different parts of the city, particularly to north and west Belfast. We do not consider that north or west Belfast have been disadvantaged by the allocations to date nor do we doubt that there is buoyant demand for new housing and for family housing in these parts of the City. Accommodation of such demand should not override the protection of significant environmental
assets nor does it justify providing a disproportionate share of the uplift to these areas of the City. We are satisfied, however, that part of the additional allocation should meet the needs of north and west Belfast if it is possible to accommodate such growth sustainably. Concerns were expressed that family housing should be provided in the Shankill area of the City in an attempt to restore balance in the area which has an ageing population. We note that the objector referred to the potential of undesignated land in the area; provided there are no specific obstacles to housing development on these lands, there is no reason why they could not be developed for housing. General reference was also made to the potential of open space in NIHE estates being developed to meet such needs but in the absence of identification of specific sites, we are unable to consider the zoning of these lands for housing. Other site specific objections seeking housing will be assessed in part 2 of the report. The Harbour Area has been identified for high density residential development with an allocation of approximately 3,500 dwellings in the draft Plan of which 10-15% are to be social housing. We agree that it has many advantages as a location to accommodate further development; it is in a sustainable location close to the city centre, there are employment opportunities within the area, the land has been previously developed and it offers the opportunity to contribute to social and affordable housing needs. It will also benefit from improved public transport through provision of the CITI route rapid transit scheme. Concerns that it is not a neutral location are not supported by the Plan’s Equality Impact Assessment (EQIA) which observes that Titanic Quarter is physically separate from existing nearby segregated housing areas and considers it to be open to both sides of the community. It makes the observation that the CITI route is a key element to ensure a strong transport link through neutral areas. We note that a development framework has been agreed which includes a mix of land uses and, provided the relationship of housing with employment uses is adequately addressed, we consider there is scope for additional housing development in the general area. We address the Harbour Area in detail in part 2 of the report.

3.2.49 Objections that HOU 1 fails to provide flexibility to meet identified local needs arising from particular local circumstances were unconvincing although there is a clear requirement to address the high level of social housing need which we return to in section 3.3. Limitations on the outward growth of the City may result in some of Belfast’s housing need being provided in other parts of the BMA. The current market overlap with Metropolitan Lisburn will provide a degree of flexibility in the provision of additional housing to meet the needs of west Belfast and Newtownabbey has scope for the provision of additional housing to meet the needs of North Belfast. Unfulfilled need in east Belfast as a result of limitations to the growth of this part of the City could be provided in Dundonald. In view of the objective to protect and enhance the setting of the City, we consider the Department’s re-appraisal of uncommitted BUAP whitelands to be justified; objections to environmental designations or the exclusion of specific sites will be judged on their merits.

3.2.50 **Lisburn** is identified as having high potential for significant growth but we do not interpret Diagrams 4 and 5 of the RDS as indicating that growth should be focussed on the west of the city as suggested by the Department. We interpret the symbols on Diagram 5 to relate to Lisburn City in general and
consider that the strategic constraints to future growth relate to the need to maintain the green wedge between Metropolitan Lisburn and Dunmurry and protection of the Lagan Valley Regional Park and Belfast Hills. The south and south west of Lisburn City are identified as having development potential in the FOSR and also benefit from proximity to the key transport corridors. On the basis of Lisburn’s position within the settlement hierarchy as a city, the scope for integrating housing and public transport and the potential to facilitate an appropriate housing and employment balance, we agree that RDS directions endorse the Department’s view that there should be high levels of growth in Lisburn. We consider that growth should be concentrated in the south, south west and west of the city. Policy AG 1 of A Planning Strategy for Rural Northern Ireland (PSRNI) sought to avoid zoning high grade land in development plans but PPS 21 now takes precedence over this policy and makes no reference to agricultural land quality. Encroachment onto high quality agricultural land is therefore an issue to be weighed with other considerations in determining those sites most suitable for development in the context of ENV 1.1 of the RDS which aims to protect the best and most versatile agricultural land as far as practicable. We see no need for a separate assessment of Metropolitan Lisburn but acknowledge that the environmental constraints identified above are likely to limit growth in this part of the City. Notwithstanding the lack of greenfield opportunities in West Belfast and the fact that Lagmore already provides for the West Belfast market, potential for significant further growth is therefore likely to be constrained. The proportion of the MUA population living in Lisburn in 2001 was 12.6% and we note that the draft plan provided an allocation of 15.3% of new housing to Lisburn. This was increased further to 16.5% with the increased HGI and the 3 year supply flexibility has resulted in a further increase to almost 20%. Notwithstanding Lisburn’s high development potential and its scope to accommodate significant housing expansion, when considered in the context of the strategic objectives for the other Districts, the scale of additional development suggested in the Department’s June paper of 12,208 exceeds what is necessary to fulfil the strategic objectives for the City.

3.2.51 Newtownabbey Borough is identified as an area for major planned expansion with the potential for significant greenfield housing, particularly with the reopened Bleach Green rail link and along key transport corridors. The only other specific reference to the direction of growth within the Borough is in the MRA where Ballyclare is identified for significant planned expansion. As stated above, we consider that the symbols on Diagram 5 of the RDS are not intended to be definitive in terms of the location of growth within the District. Nonetheless, the FOSR suggests that growth associated with the re-opened rail link may be within existing limits which supports the direction of growth as being primarily towards the north west of the metropolitan area. We note that the draft Plan already makes provision for housing development to take advantage of the rail link. The RDS seeks to develop Newtownabbey’s complementary role as a suburban district and, although not listed as a settlement in its own right within the settlement hierarchy, its location adjacent to a KTC and major employment potential at Mallusk reinforce the Department’s assessment that the part of the District within the MUA has high development potential. We acknowledge that the environmental setting, need to prevent coalescence with the urban parts of Carrickfergus District...
and strong barrier provided by the A8 are factors that will constrain the direction of growth in **Metropolitan Newtownabbey** but consider that there is scope for additional development in the north western part of the district. We agree that the allocation to Newtownabbey in the draft plan is less than its RDS role would suggest and that its potential 2006 housing yield of 10.5% should be increased to around or slightly less than the level proposed in the Department’s June paper thereby enabling it to better fulfil its complementary role. We are satisfied that sufficient housing sites can be identified in sustainable locations where integration with public transport can be achieved and the environmental setting is not compromised. The Hightown Road link is to be completed by developers and this suggests further development in this area as a focus for future growth.

3.2.52 Sites in Metropolitan Castlereagh, Bangor and Carrickfergus have been scored as +1 or ‘medium’. The need to prevent coalescence with nearby settlements and proposed environmental designations are factors that may restrict growth in some directions in all of these settlements but will be subject to assessment under the site specific factors. **Castlereagh’s role** as an attractive residential location is to be enhanced while protecting its environmental setting. He FOSR acknowledges that greenfield expansion will be limited by environmental factors and the focus for growth would appear to be along major transport corridors with improved public transport. Carryduff in the MRA is identified for significant planned expansion but there is no specific reference to directions of growth in the metropolitan area. We consider that medium growth in the metropolitan part of the District is not inconsistent with RDS directions provided such growth can be provided sustainably. Castlereagh’s allocation in the draft Plan was only 7% of the total despite the fact that it has approximately 10% of the MUA population. We think this figure was too low and did not allow for sufficient growth to enable it to fulfil its role. Irrespective of concerns raised about the slowing in the historic rates of growth in the District, however, we find the Department’s proposal in the June paper to increase its yield to 6,526 to be too high in terms of RDS directions. A more modest increase in the proportion of growth would still enable Castlereagh to develop its complementary role as a suburban district. We agree that Dundonald has the potential to make a significant contribution to housing needs in this part of the MUA, particularly with the delivery of the E-way proposal. Its attraction is enhanced by major employment provision at Stormont and the Ulster Hospital and the range of services and facilities available to support growth. The extent to which growth will be accommodated within the urban footprint will depend primarily on zoned sites coming forward for development and the outcome of objections seeking housing on sites proposed for other uses. These issues will be considered in detail in part 2 of the report. The growth of some parts of metropolitan Castlereagh will be limited due to environmental constraints.

3.2.53 Although the RDS suggests a strengthened housing role for the town of **Carrickfergus**, the constraints to its outward expansion are also acknowledged. The FOSR envisages a slower rate of growth and the need for phased development in conjunction with infrastructure improvements. Nonetheless, it benefits from good transport links with Belfast and, on balance, we endorse the Department’s assessment although we would place
it within the lower end of the ‘medium’ category, bearing in mind the constraints on the growth of metropolitan Carrickfergus. We note that the potential yield in 2006 of 3755 dwellings amounted to 7.1% of the MUA allocation but Carrickfergus has only 5% of the MUA urban population and the District has less than 6% of the MUA housing stock. We consider that the Department’s proposed increase to 7.6% is excessive in relation to its role and consider that no further allocation should be made to metropolitan Carrickfergus to meet RDS directions.

3.2.54 **Bangor** is identified as an important commuter settlement but its role as a dormitory town is to be reduced and its residential role consolidated. The FOSR identifies a need for more compact urban form and greater emphasis on development within the town is envisaged. There is no suggestion, either explicitly or otherwise, to support the objector’s assertion that historic build rates should be maintained and the plan, monitor and manage approach of the RDS would not endorse such an approach. In view of the above factors and the need to prevent coalescence with other settlements we conclude that its score on RDS directions only just falls within the category of ‘medium’. We see no support in the RDS for increased scores on the basis of the high proportion of the District living in the urban area or the nature of the North Down housing market. The acknowledgement in the SDS that Newtownards is to be developed as a counter-magnet to the BMA would not rule out ‘leakage’ to Newtownards. The 2006 potential yield of 5371 represents a slight increase in the proportion of growth to this part of the MUA over the allocation in the draft Plan and reflects a reasonable share of the MUA allocation to North Down and we consider that this proportion should be maintained and that a slight increase above the potential yield in the Department’s June paper is justified to enable it to fulfil its role. We have not been persuaded that there is justification for any significant increase in the share of the allocation. Concerns about delays in sites coming forward and the suitability of sites for development can only be assessed if they form the basis of specific objection. These objections will be considered in part 2 of the report and any implications for the identification of further lands will be considered at that stage. We see no reason for a separate score for **Metropolitan North Down** and **Holywood** but accept that there is little growth potential in this part of the Borough due to the landscape wedge and setting of the Holywood Hills and as a result most of the growth will be focussed on Bangor.

**Recommendations**

We recommend that:

- Provision be made within the Plan to accommodate the Metropolitan Urban Area housing growth indicator of 54,800 dwellings;

- Provision be made within the Plan to accommodate a further 9,900 dwellings within a short term land reserve for the Metropolitan Urban Area;
• The distribution of the housing allocation to the Metropolitan Urban Area be in accordance with the final figures set out in Part 2 of the report.

The MUA - site specific factors

3.2.55 The Department’s use of a scoring system was undoubtedly intended to provide a transparent and objective assessment of preferred development sites. In view of the wide range of considerations, both objective and subjective, the interrelationship of many of the factors, the potential for double counting and the differing weight to be attributed to different factors, we do not find that the results of such a process necessarily fulfil the objective. Nonetheless, we accept that it is important to assess a wide range of factors and that the results of a process that fails to include material factors or considers irrelevant ones cannot be relied on.

3.2.56 We generally endorse the view that RDS directions should not override important negative site specific factors. For example, a ‘high’ score in RDS directions would be unlikely to justify development of a site that was unsuitable in terms of urban form. There may be occasions, however, when RDS directions will outweigh other factors depending on the strategic importance of the site and the nature of the unsuitable aspects identified. We consider that where individual sites have specific strategic benefits, these should be taken into account as part of the overall assessment.

3.2.57 Concerns were raised about a range of site specific factors. We disagree with those objectors who considered that sites should not be assessed against environmental designations as this factor is intended to give protection to a wide range of environmental and nature conservation features. We consider that they should not be excluded from further consideration with a score of ‘X’ but the existence of a proposed environmental designation must weigh against the suitability of the site in the first instance. In the event that the environmental designation is not confirmed in Stage 2, the site can be re-appraised. We also agree that there are some environmental designations that may limit but do not preclude development such as Local Landscape Policy Areas (LLPAs) and Sites of Local Nature Conservation Importance (SLNCIs). The scoring in the category of constraints on development fails to recognise that some constraints may be capable of resolution. We agree that sites where constraints are an overriding consideration, e.g. sites subject to flooding, should be excluded from consideration but consider that otherwise a similar approach should be adopted to that for environmental designations. In practice, this approach formed part of the site specific discussion where the Department re-evaluated many of its scores following consideration of the evidence to the Inquiry. The Department provided figures from the updated Housing Needs Assessment which concluded that there is a need for social housing in all component parts of the BMA. We can see no benefit, however, in scoring social housing as a factor on the basis advanced by the Department that all sites are to be scored equally under this category. The result of such an exercise is meaningless in trying to establish preferred sites for development. Nonetheless, we acknowledge that there is a clear need to address the issue
of social housing and the potential of individual objection sites to contribute to social housing provision is a factor to be considered.

3.2.58 There is a degree of overlap between factors 3-6 and they are given equal weight in the scoring process with the result that there is a danger of double counting and of the overall scores being distorted. The actual scoring process is also unnecessarily prescriptive. We consider it preferable to assess each individual site's suitability for development taking into account its characteristics and topographical features, the impact of overhead lines, the resulting urban form and the resulting development limit in the round. Such assessments necessarily involve a degree of judgement and do not readily lend themselves to a numerical scoring system.

3.2.59 Despite the Department's claim that sustainability is at the heart of a number of factors, it is not obvious how the process as devised incorporates the wide range of sustainability considerations set out in the RDS nor does it acknowledge the benefits that may be delivered through concentration of development in a particular area. Paragraph 36 of PPS 12 sets out the criteria to be considered in the identification of suitable sites which include such factors as the capacity of existing infrastructure, the degree of integration with centres of employment, services, other facilities, public transport etc and the ability to unlock major strategic development opportunities. The potential to reduce the financial burden on the public purse by taking advantage of developer contributions in respect of road or public transport delivery is also a factor to be considered in respect of particular sites and social and equality issues are also included as criteria to be considered. The Department's analysis lacks these dimensions and we agree with objectors that such factors should be considered in reaching conclusions about the most appropriate sites. We are not persuaded, however, that early delivery should be a factor unless particular problems are identified in an area.

3.2.60 Notwithstanding the weaknesses in the Department's methodology, we endorse their approach that RDS considerations should be the prime strategic factor in determining the broad directions of future growth within the MUA. Objectors have had the opportunity to identify what they consider are the benefits of their particular sites and we are satisfied that the Department's June paper assists in reaching conclusions about the most appropriate sites for inclusion. Our final recommendations will take into account the views of objectors, the Department's assessment, the relevant factors set out above and our judgement of the relative merits of individual sites.

The MRA - Strategic Factors

3.2.61 The RDS allocation to the MRA, in common with the MUA, provides an overall figure to be divided across the component Districts. The draft Plan made provision for 10,700 dwellings in the MRA in the context of an HGI of 9,000, exceeding the HGI by some 19%. The uplifted HGI provides an allocation of 11,700 dwellings and the updated 2006 potential yield figures provide for 11,500 dwellings resulting in a shortfall of 200 to meet the HGI.
3.2.62 The pro rata allocation to the MRA on the basis of an additional 3 years housing supply is 13,800 dwellings. In view of the assessed 2006 yield of almost 11,500, there is a need to identify a further 2,300 sites. The Department’s methodology for the distribution of the MRA allocation differs from the approach to the MUA and is set out in detail in its June paper. The Department’s final position after making a number of adjustments to the allocation resulted in a total potential housing yield of 14,433 which exceeds the additional 3 year supply allocation by approximately 600 dwellings. The Department’s proposed distribution is shown in Table 3.

Table 3 - Department’s Proposed Housing Distribution MRA

<table>
<thead>
<tr>
<th></th>
<th>Draft Plan housing yield</th>
<th>2006 housing yield</th>
<th>June 2007 proposed distribution of increased HGI (11,700)</th>
<th>June 2007 proposed distribution of additional 3 year supply</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
<td>%</td>
</tr>
<tr>
<td>Towns</td>
<td>6387</td>
<td>60.0</td>
<td>6598</td>
<td>57.4</td>
</tr>
<tr>
<td>Villages</td>
<td>2908</td>
<td>27.3</td>
<td>3431</td>
<td>29.9</td>
</tr>
<tr>
<td>Small settlements</td>
<td>507</td>
<td>4.8</td>
<td>620</td>
<td>5.4</td>
</tr>
<tr>
<td>Countryside</td>
<td>844</td>
<td>7.9</td>
<td>844</td>
<td>7.3</td>
</tr>
<tr>
<td>TOTAL</td>
<td>10,646</td>
<td>11,493</td>
<td>12,524</td>
<td>14,433</td>
</tr>
</tbody>
</table>

3.2.63 Objections were raised in respect of the methodology, the factors considered by the Department and their assessment of those factors in respect of specific settlements. The Department’s methodology involved 4 stages with stages 1-3 addressing the HGI uplift and the final stage addressing the 3 years additional supply. We agree with objectors that this approach is overly complex. Some objectors thought that housing potential in the small settlements and open countryside should not be included in the housing allocation figures but there is no basis in the RDS or elsewhere to exclude them as they make a contribution to the overall housing supply and are therefore legitimately part of the HGI. For this reason we find the revised methodology proposed to be unacceptable although we agree with many of the points made about the Department’s approach. We consider that the elements considered in the Department’s first three stages should be combined into a single stage with the 2006 yield as a baseline due to the fact that it represents the most up to date position on the level of commitments.

3.2.64 We agree that the allocation of growth to different levels in the settlement hierarchy and to particular settlements is important to achieving the objectives of the SDS. The draft Plan allocations are relevant to decisions about the distribution of the uplifted figure and in our view the 40% allocation to the villages, small settlements and open countryside in the draft Plan is somewhat higher than would be expected on the basis of the concerns expressed in RNI 3.3 of the RDS about the BMA ‘travel to work’ hinterland. This proportion increased to 42.6% in the 2006 potential yield figures, primarily due to increased growth in the villages. We agree with the Department and some objectors that the objective should be to increase the
proportion of growth to the town tier and consider that a lower proportion in the remainder of the MRA would still allow the complementary balance between urban and rural communities envisaged in HGI 3 and support and reinforce the main and small towns as envisaged by RNI 3.3. The reality is that the over-provision in the draft Plan against the original HGI combined with an assessment of the 2006 yield results in a need for only 207 additional dwellings to meet the increased HGI. In view of the reduced proportion to the town tier demonstrated by the 2006 yield figures, logic dictates that the additional allocation should go to the towns. The issues to be addressed are whether this distribution is consistent with the SDS and whether the overall level of housing provision will allow the Plan objectives to be met. If the objectives can not be met, an increase in the allocation could be justified to meet the increased HGI. This could be achieved by advancing part of the STLR to the current Plan allocation. The further issue to arise is how the additional 3 years supply should be distributed across the MRA.

3.2.65 We have indicated that we consider the 60% draft Plan allocation to the towns to be too low. Although the 2006 yield showed an increase of over 200 dwellings, the proportion of growth to the towns was reduced to less than 58%. In view of the 2006 potential yield from the villages, small settlements and open countryside, the maximum remaining share of the HGI of 11,700 that could be allocated to the towns would be 6,805 dwellings. Despite the reduction in the proportion of allocation to the town tier from that proposed in the draft Plan, accommodation of a further 207 dwellings to meet the increased HGI would allow a slight improvement in the relative position of the towns. This would be a step towards restoring their position at the top of the MRA hierarchy. Although there have been suggestions that the towns’ share should be as high as 73%, we are conscious of the need for balanced growth across the districts and can not endorse this level of urban growth. We consider that in the longer term an increased share to the towns would reflect a better balance between the towns and their rural hinterlands but do not consider the current imbalance to be so significant as to fundamentally undermine the settlement strategy. The RDS recognises that a change of direction will take time due to the pattern of development being committed as a result of existing consents and zonings. We are therefore not attracted to the Department’s approach in respect of the revised HGI of increasing the overall amount of housing as a means of addressing the current imbalance between the towns and remainder of the MRA. In any case, the 3 years additional supply provides scope for adjustment in the short term towards a longer term objective of concentrating more development in the MRA towns. In order to return the focus of development to the towns and improve their position, we consider that the aim should be to allocate around 8,460 dwellings to the town tier. This would represent over 61% of the housing allocation to them and would result in a need to identify land to accommodate a further 1862 dwellings. We consider the allocations to individual towns in more detail below.

3.2.66 Much of the draft plan allocation to villages has been dictated by completed developments and commitments but there is no requirement to make further land available for development under the plan, monitor and manage approach when the clear focus is on the next tier in the hierarchy. The 2006
yield of 3,431 reveals that the village proportion had actually increased from 27% to almost 30% of the overall yield and represents 29.3% of the uplifted HGI. In view of the strategic focus on the town tier, we cannot support objectors whose concerns are that growth in the towns will be at the expense of rural settlement growth. There is, of course, a need to allow for limited growth in the rural settlements in order to achieve consolidation and allow them to support and reinforce the towns but it is important that such growth is complementary to urban growth. In view of our comments above about the role of the towns and the extent of growth that has already taken place in the villages, we take the view that villages should not benefit from the increased HGI. Further scope for modest growth of some of the villages can be considered beyond the end of the plan period from the STLR but their total share should be reduced slightly from the level in the draft Plan to 27%. This would provide a STLR allocation to the villages of 295 dwellings providing a total of 3,726. More detailed consideration of objections in respect of specific villages is considered below but is limited to those villages where objections included strategic arguments.

3.2.67 We indicated in paragraph 2.2.10 that consolidation involving minor expansion of small settlements is not ruled out by the RDS which, despite their position in the hierarchy, considers that they have potential for limited growth. We note, however, that there is already a potential yield of 620 dwellings in the small settlements and consider that any further expansion to meet the HGI and STLR can not be justified if the appropriate balance is to be maintained between different levels in the settlement hierarchy. While we consider that no further growth should be planned for at a strategic level, small individual objection sites may be considered suitable if they consolidate the built form of the settlement and will be considered in part 2 of the report. We consider that the allocation to the small settlements should remain at 620 which would represent 4.5% of the final allocation. Individual small settlements are addressed below but consideration is limited to those settlements where specific strategic objections were presented.

3.2.68 The allowance for the open countryside is an estimate of what is likely to be built there and we do not consider that changes to rural policy as a result of PPS 21 will have a significant effect on the figure in view of the previous Green Belt status of most of the MRA. We therefore disagree that policy will prevent the level of rural growth predicted by the Department and that additional growth should be allocated at the small settlement tier to accommodate any shortfall. Accordingly, we endorse the Department’s figure of 844 which represents an allowance of 7.1% of the increased HGI to be built in the open countryside. We note that the Department did not increase its estimate of development in the open countryside in its three year supply flexibility but in our view it would be unrealistic to assume that the level of growth there will be confined to its current level. We note that the estimated growth in the open countryside exceeds the planned growth in the small settlements. While undesirable, there is no mechanism to control the release of rural sites which are determined under individual planning applications in accordance with regional planning policy. Nonetheless, rural housing contributes to the HGI and therefore, in the interests of consistency, an allowance should be made from the STLR to accommodate such growth. We
estimate that on a pro rata basis additional provision of 150 dwellings is realistic. The total estimate for development in the open countryside would therefore be 994 dwellings.

3.2.69 The recommended distribution between the different tiers in the settlement hierarchy is set out below in Table 4. We now consider the distribution of the housing allocation and whether there are factors that would justify an allocation in excess of the HGI and STLR.

Table 4 - PAC Recommended Distribution to Meet HGI and STLR - MRA

<table>
<thead>
<tr>
<th></th>
<th>Draft Plan Allocation</th>
<th>2006 potential yield</th>
<th>Allocation to meet HGI</th>
<th>Allocation to meet STLR</th>
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</thead>
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<tr>
<td></td>
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<td>%</td>
<td>No</td>
<td>%</td>
</tr>
<tr>
<td>Towns</td>
<td>6387</td>
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<td>620</td>
<td>5.4</td>
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<tr>
<td>Countryside</td>
<td>844</td>
<td>7.9</td>
<td>844</td>
<td>7.3</td>
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<td>Total</td>
<td>4259</td>
<td>40.0</td>
<td>4895</td>
<td>42.6</td>
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</table>

MRA TOTAL: 10,646, 11,493, 11,700, 13,800

3.2.70 Turning to the factors considered by the Department, we endorse the view that RDS directions should be the prime factor in determining the direction of future growth and consider inclusion of some of the factors to be unjustified. The broad evaluation framework (BEF) set out in Table 4 of the RDS is intended to assist judgement about allocations to the main and small towns in the context of the SDS, SPG-HOU 2 and SPG-HOU 3 and should therefore have been subsumed within the overall category of ‘RDS Directions’ rather than included as an additional factor. The framework is intended to be used to inform the growth potential of main and small towns. As we have concluded at paragraph 2.2.10 that the main thrust of the SDS is aimed at consolidation at village level, we consider that villages should not be included within the BEF as a means of determining future growth potential. We accept however that the BEF will assist in deciding which villages have capacity for the limited amount of growth envisaged for them. We fail to see the relevance of including the age of extant plans or land removed from extant plans as factors to determine the distribution of future growth as these plans were drawn up under the ‘predict and provide’ approach. In the context of the more directional ‘plan, monitor and manage’ approach adopted by the RDS, such considerations are not relevant. The infrastructure category is one that is unique to Ballyclare and is a relevant consideration in the context of achieving the growth envisaged by the RDS. Spare capacity in infrastructure is already encompassed in the resource test under the BEF and should not therefore be an additional factor under the heading of infrastructure. For the reasons set out in paragraph 3.2.42 above we do not consider that Council views should be included as a factor at this stage in the process. We acknowledge that the final category, social housing, is an issue to be
addressed by the Plan but in view of the relatively small number of dwellings required it is a factor that must carry less weight than RDS directions. In summary, we consider that the allocation to the towns should be based primarily on RDS directions but should also take account of social housing needs and, in the case of Ballyclare, the relief road proposal BE 4.

3.2.71 Turning to the Department’s assessment, the process is not one that can be reduced to a scoring system of the individual elements that are then totalled to provide a result; it requires judgement on the relative importance of the individual tests in the context of the particular settlement concerned and its role within the SDS. We agree with objectors that the tests should not carry equal weight; there is a degree of overlap in the BEF factors - for example, the community services and economic development tests are encompassed to an extent within the resource test and there is a strong relationship between the environmental capacity and urban and rural character tests. The RDS places a strong emphasis on conserving the setting for the metropolitan area and recognises the extent to which topographical factors constrain the directions of future urban growth. In this context, the environmental capacity test must be an important consideration in respect of the growth potential of the MRA towns. The resource and transport tests are aimed at supporting sustainable development and towns which have the environmental capacity for growth and score strongly in terms of the resource and transport tests must be considered to have strong growth potential in the context of this element of RDS directions.

3.2.72 Notwithstanding our reservations about the methodology, we broadly agree with the Department’s final ranking of the MRA towns in Table 10 of its June paper with the exception of Moira. In our view, however, these conclusions must take account of the growth allocated to the settlements through the draft plan and can not be confined only to the additional provision. The RDS identifies Ballyclare, Carryduff and Moira as 3 of 7 small towns for significant planned expansion to accommodate growth related to the BMA. As a result, their potential for growth must be greater than the other 3 towns in the MRA. We endorse the Department’s view that a higher level of growth is justified for Ballyclare than the other two towns. In this context we interpret the text on page 120 of the RDS distinguishing Ballyclare’s position from other towns planned for growth to endorse a higher allocation to it than to the other two towns to enable it to fulfil its envisaged role as a main town. Taking this factor into account together with the Department’s assessment against the resource, environmental capacity and transport tests in the BEF, there is strong support for growth of Ballyclare in terms of RDS directions. The Department recognises that expansion of the town is constrained by the capacity of the existing road network and proposes a relief road to the west of the town between Templepatrick and Rashee Roads to be funded by developers. It is clear that the relief road is important in 'unlocking' the wider growth of the town and provision has already been made in the draft Plan through Key Site Requirements (KSRs) for many of the greenfield housing sites requiring developer contributions to fund the road. We note that most of the zoned lands are already committed and the remaining uncommitted sites have no KSR to contribute to the road. In view of the Department’s approach in the June paper to the identification of further lands, it must be assumed
that it is not confident that the relief road can be delivered in its entirety through the draft Plan’s provisions. We find its statement that additional housing growth will allow housing to take advantage of the road scheme to be surprising in the context that the proposed road does not currently serve zoned lands for a significant part of its length and there are extensive zonings in the town that will not benefit directly from the road. The obvious question must be why the allocation to Ballyclare did not secure provision of the road by zoning adequate lands to the west of the town before identifying lands elsewhere. Notwithstanding the failure to secure provision of the road, we acknowledge that difficulty with its delivery would compromise the proper functioning of the town and could prejudice its ability to fulfil its role as envisaged by the RDS. We therefore accept the Department’s assessment under the ‘infrastructure’ category. The shortfall of social housing identified in the Plan is relatively small but, when taken together with RDS directions and the need to make provision for delivery of the road, we endorse the Department’s assessment that Ballyclare should accommodate a high level of growth.

3.2.73 The draft Plan already makes generous provision for the town which had an estimated yield of 2269 dwellings in 2006 representing 34% of the growth allocated to the towns. The proposals in Table 11 of the Department’s June paper recommend that an additional 681 dwellings be allocated to meet the increased HGI with a further 450 to meet the 3 year flexibility. This would result in Ballyclare’s housing allocation being increased by 1,131 dwellings to 3,400. Following consideration of the objection sites, the Department recommended a yield of 3,974 on the basis of inclusion of a large site which it claimed, if excluded, would leave the town underprovided against its allocation. This claim is not substantiated by the site specific scorings and concessions made which account for in excess of 1,500 dwellings to meet the 1,131 dwellings needed. In any case, a yield significantly in excess of requirements can not be justified on this basis. We are satisfied that the 2006 potential yield reflects Ballyclare’s position at the top of the towns’ hierarchy. In determining its future growth, however, there is a need to ensure an adequate share of the HGI can be allocated to the other towns, particularly those identified for major planned expansion. In view of its generous allocation, we consider that under normal circumstances there would be no basis for a further allocation to Ballyclare to meet the increased HGI. A figure of 3,974 or 44% of the proposed allocation of 9,057 to the towns would represent a disproportionate share of new housing being allocated to Ballyclare and would substantially increase the level of over-provision above the 3 year flexibility figure. Whilst we recognise the importance of the additional infrastructure provision, we have not been provided with a convincing justification for the accommodation of 3,974 dwellings in the town and can not support this level of growth. We also consider the Department’s proposed allocation of 3,400 to represent a disproportionate level of growth to Ballyclare and recommend that that its allocation should be around 3,072. This would allow an additional 803 dwellings to support delivery of the Ballyclare relief road. The RDS cautions that premature release of too much land in the small towns identified for major planned expansion could take the focus off revitalisation of the BMA and main towns. In view of the need to advance the roads infrastructure at an
early date, however, we consider that there is justification in making this level of allocation and in making it available as part of the current Plan rather than placing it in the STLR.

3.2.74 The Department’s assessment of Carryduff rates it as high against all the BEF tests with the exception of the transport test. Notwithstanding concerns that it should also have been rated as high on the transport test, we agree that there is no need for adjustment as the overall evaluation assessment which is ‘high’ would not change. No adjustment is necessary to allow for its spare capacity in infrastructure as it already scores high in this category. Although identified for significant planned expansion in the RDS, this is aimed at reinforcing its role as a local service centre and its position in terms of RDS directions can not be considered comparable with that of Ballyclare. We therefore reject the suggestion that a similar level of growth should be planned for in Carryduff. We give detailed consideration to the proposal for a developer funded link road between Saintfield and Ballynahinch Roads in part 2 of the report and conclude that there is no persuasive need for its provision. The offer of a developer contribution to the SuperRoute does not change the position. Whilst we note the Council support for the road proposals, we do not consider that these proposals represent a community benefit that would justify a higher level of housing provision. Accordingly, we do not consider that Carryduff should benefit from the ‘infrastructure’ category. Arguments that Carryduff should have a greater allocation to redress an imbalance in the amount of land zoned in Castlereagh by comparison with Lisburn and Newtownabbey fail to acknowledge the higher baseline populations in both these Districts and RDS directions which identify them as having significant potential for housing growth. Historic rates of growth in the town are not relevant to the current allocation and objections seeking more land on the basis of the high level of current commitments can not be supported under the plan, monitor and manage approach of the RDS. The shortfall in social housing of 10 units could not justify an increased score under this category. We have not been persuaded that other factors support an increase in Carryduff’s relative position and therefore endorse the Department’s assessment of its capacity for growth as ‘medium’. In this context we note that the potential housing yield allowed for in the draft Plan was assessed in 2006 as 1,443 dwellings amounting to almost 22% of the allocation in the town tier of the hierarchy. In order to maintain this level of allocation we agree that more land should be allocated to Carryduff to meet the increased HGI and the 3 year flexibility. The Department proposed an additional allocation of 228 dwellings to meet the HGI and a further 270 to meet the 3 years additional supply, increasing Carryduff’s allocation to 1,941. The potential yield after assessment of objection sites was 2,018. We endorse the Department’s allocation of 1,941 but consider that around 107 should be allocated to meet the increased HGI with a further 391 held as a STLR. This level of growth will allow Carryduff to maintain and slightly improve its strategic position in line with the RDS. The strategic direction of growth of the town will be considered in relation to the site specific objections.

3.2.75 Moira’s significant planned expansion is also aimed at reinforcing its role as a local service centre and its position is therefore similar to that of Carryduff. Although the Department’s overall assessment against the BEF is less
favourable to Moira than Carryduff, we note that it scores high against the transport and economic development tests and medium against the resource and environmental capacity tests. The Department's BEF and RDS assessments provide scores of medium and it is difficult to see how it concluded that the overall score for Moira should be 'low', particularly given its role in terms of RDS directions. We note the Council's view that its growth should be limited to infilling and rounding off but find this to be inconsistent with RDS aspirations for the town. Although constrained in an arc from the north west to south east by proposed environmental designations, there is scope for growth in other directions. Whilst it is not in as strong a position as Carryduff, we disagree with the Department's assessment and find its capacity for growth to be medium. Its potential yield from allocations in the draft Plan provides for only 868 dwellings or 13.1% of the growth in the towns. We consider this to be unacceptably low in the context of its role as a town identified for significant planned expansion, particularly when compared with a potential yield of 969 in Greenisland and 803 in Hillsborough, neither of which are identified for significant growth. The Department proposed increasing Moira's allocation to 936 to meet the increased HGI and by a further 136 to 1,072 to provide for the 3 year flexibility. Following consideration of objection sites, it concluded that the potential yield was 966 which represents a reduction rather than an improvement in its relative position. If Moira is to achieve the role identified for it in the RDS, we consider that in the longer term there is a need to allocate more housing to it to increase its share relative to those towns that are not identified for significant planned expansion. For this reason we endorse the Department's allocation of 936 to meet the HGI but consider that an additional 370 dwellings should be allocated to the STLR providing a total of 1,306 or 15.5% of the towns' allocation.

3.2.76 Hillsborough is not specifically identified for growth in the RDS and its position as a town in the settlement hierarchy is the same as Whitehead and Greenisland. We consider that overall it has low priority in terms of RDS directions in relation to the other towns. It has been assessed as medium under the transport test; its proximity to the M1 could not of itself justify an increase in its score to medium as the transport test is based on the potential for integrating land use and public transport rather than proximity to key transport corridors. There is clearly a shortfall in social housing provision which needs to be addressed but overall we endorse the Department's assessment that it should have low growth. The potential yield from the draft Plan allocation was 803 dwellings representing 12.2% of the yield in the towns. The Department proposed a small increase of 16 dwellings to meet the increased HGI and a further 83 to allow for the additional 3 year flexibility making a total of 902 dwellings. We consider a slightly higher overall figure to be acceptable and recommend an increase of 32 to meet the HGI making a total of 835 and a further 91 dwellings to be allocated to the STLR providing a total allocation to Hillsborough of 926. This level of growth is likely to amount to more than infilling and rounding off as envisaged by the Council but is considered justified in strategic terms. The recommended growth would reduce its relative position to better reflect the strategic priority to Ballyclare, Carryduff and Moira.
3.2.77 The Department has allocated a zero score to Greenisland and Whitehead against the seven factors on the basis of their assessment under the environmental capacity test in the BEF. Notwithstanding the majority of scores being ‘medium’ for Greenisland under the BEF and RDS directions being assessed as ‘low’, the Department has concluded that environmental capacity should be the overriding consideration and that, at a strategic level, no further growth should be allocated to the town. Environmental capacity will depend on the outcome of objections to green wedge proposals CE04 and 05 and the strategic road proposal will have some impact on the setting of the settlement. Nonetheless, environmental designations will have a limiting effect on the growth of the town in order to prevent the merging of settlements and we therefore consider that the assessment under environmental capacity should be ‘low’ rather than ‘zero’. In terms of its relative position in strategic terms, Greenisland is comparable with Hillsborough and Whitehead. We therefore consider that in terms of RDS directions its score should be very low. The potential 2006 yield of 969 represented 14.7% of the town tier and was higher than Moira which is identified as a town for significant planned expansion. It was also higher than Hillsborough which we consider should have low growth. In view of its strategic role and its high allocation to date, we do not favour a further allocation to Greenisland. By restricting its growth to that identified in the draft Plan, its proportionate share of the housing allocation to the towns will be reduced to 11.5% which we consider more appropriately reflects its role.

3.2.78 Whitehead is in a similar position to Greenisland and Hillsborough in the settlement hierarchy in RDS terms. In common with Greenisland, its overall growth potential has been dictated by its ‘nil’ score on the environmental capacity test despite its high score on the resource test and medium scores on all but the urban and rural character test. There is no doubt that environmental factors pose a serious constraint to the development of the town and, combined with its position in the hierarchy, we consider its score in terms of RDS directions to be very low and conclude that its overall score should be very low rather than zero. We note that its 2006 potential yield of only 246 is significantly lower than either Hillsborough or Greenisland and less than the villages of Glenavy and Doagh which lie in a lower tier of the settlement hierarchy. Nonetheless, the constraints posed by environmental designations adjacent to the settlement boundaries are acknowledged and reflect the difficulty of providing a further strategic allocation to the town. Concerns that insufficient land has been allocated to allow it to continue to grow at recent build rates are not justified on the basis of the plan, monitor and manage approach although we accept that in the absence of environmental constraints, a much higher housing allocation could be expected in order to more fairly reflect its position in the settlement hierarchy. In view of the environmental constraints, we endorse the Department’s assessment that no further housing be allocated to the town.

3.2.79 We set out our recommended strategic allocation to the towns to meet the increased HGI and STLR in Table 5 below. It should be stressed that the final recommended yield may differ from the allocation depending on our conclusions about site specific objections. Adjustments will address the individual circumstances of particular sites or settlements such as rounding
off to provide sensible boundaries and the final estimated yield will be provided in part 2 of the report.

Table 5 - PAC Recommended Allocations to Towns to Meet HGI and STLR

<table>
<thead>
<tr>
<th>Town</th>
<th>2006 potential yield</th>
<th>Allocation to meet HGI</th>
<th>Allocation to meet STLR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No</td>
<td>%</td>
<td>No</td>
</tr>
<tr>
<td>Ballyclare</td>
<td>2269</td>
<td>34.4</td>
<td>2269 [3072]^1</td>
</tr>
<tr>
<td>Carryduff</td>
<td>1443</td>
<td>21.9</td>
<td>1550 [803]^1</td>
</tr>
<tr>
<td>Moira</td>
<td>868</td>
<td>13.1</td>
<td>931</td>
</tr>
<tr>
<td>Hillsborough</td>
<td>803</td>
<td>12.2</td>
<td>840</td>
</tr>
<tr>
<td>Moira</td>
<td>868</td>
<td>13.1</td>
<td>969</td>
</tr>
<tr>
<td>Greenisland</td>
<td>969</td>
<td>14.7</td>
<td>969</td>
</tr>
<tr>
<td>Whitehead</td>
<td>246</td>
<td>3.7</td>
<td>246</td>
</tr>
<tr>
<td>TOWNS TOTAL</td>
<td>6598</td>
<td>100</td>
<td>6805 [7508]^1</td>
</tr>
</tbody>
</table>

^1 Ballyclare adjustment to advance 3 year supply flexibility into current Plan period

3.2.80 Turning to the village tier in the hierarchy, we have concluded that there should be no further strategic allocation to the villages to meet the HGI and that the three years additional supply should limit them to no more than 27% of the total allocation. This will provide them with a total allocation of 3,726 with a need to identify sites for a further 295 dwellings. The Department concluded that, with the exception of Drumbeg and Helen’s Bay which are excluded on the basis of a zero score under the BEF, the score for the remaining villages should be low. As with other settlements, we consider that a zero score is not appropriate although we acknowledge that these villages are unlikely to be well placed to accommodate significant growth due to environmental constraints. In view of the RDS focus on consolidation at this level in the settlement hierarchy, we agree that strategically villages will be a low priority for growth but we consider that the BEF can assist in identifying those which are best placed to accommodate the relatively small amount of additional growth that needs to be allocated. Rather than allocating a proportionate share to the villages as proposed by the Department, we take the view that a more targeted approach is necessary. We acknowledge that there may also be scope for consolidation through small scale growth on the basis of physical form and specific objections will be assessed in part 2 of the report on this basis. Other considerations specific to the settlements concerned may also justify small scale expansion.

3.2.81 We note there is a shortfall of 241 social housing units at village level with particular need specified in Drumbeg/Ballyskeagh/Lambeg and Groomsport. We address the subject of social housing in Section 3.3 where we set out our concerns about significant allocations at village level. We now turn to consider the arguments advanced in respect of specific villages.

3.2.82 The draft Plan allocated 2908 dwellings to the villages with the highest allocations to Maghaberry, Glenavy, Doagh and Groomsport. Glenavy's
potential yield increased from 354 in the draft Plan to 492 in 2006 and it has the highest potential growth within the village tier. We note the Department’s assessment of ‘medium’ in the BEF and that it is rated medium on all tests except social equity. Despite its strong position in the BEF and the identification of employment land within the village, we consider that its high level of growth to date does not justify a further allocation to the village. Accordingly, we disagree with the Department’s recommendation that an additional 50 dwellings should be allocated to the village.

3.2.83 Objectors suggested that modest growth should be allocated to the Newtownabbey villages to counter-balance the growth of Ballyclare. The Newtownabbey villages have a potential yield of almost 800 dwellings which we consider already provides a generous allocation and choice of location in the context of the consolidation of villages envisaged in the RDS. Doagh has been scored as ‘medium’ under the BEF and assessed as having high potential under the environmental capacity test. Its potential yield in the draft Plan was 312 dwellings which increased to 360 in 2006. We consider its potential yield to offer adequate housing provision. The housing supplement identified a total of 183 uncommitted housing sites and in the absence of evidence to suggest that they are unlikely to be released for development, we see no reason to make any further allocation to the village. Even if we felt that additional land was required, we could not endorse the Department’s approach of including a site that would accommodate 123 dwellings on the basis that it is the only objection site that is considered acceptable.

3.2.84 One objector suggested that Dromara needs a further 84 dwellings to the end of the Plan period and 116 to meet the 3 years additional supply in order to ensure a continuous supply of land in the village. There is no requirement under the RDS to provide for a continuous supply of land in all settlements and we have already indicated that past trends should not form the basis of distributing the housing allocation. The potential housing yield in the draft Plan was 187 dwellings allowing for moderate growth in the village and this was revised upwards to 211 in the 2006 figures. Evidence to the Inquiry suggested that the remaining potential was 65 dwellings but that land banking was likely to prevent some of it from being released for development. The Plan acknowledges Dromara’s role as a service centre for its agricultural hinterland and we note that it has a wider range of facilities than might be expected for a village of its size including a school, churches, shops, health centre and a small industrial base. In view of its overall BEF score of medium, the potential for further employment and the range of facilities it offers, we consider it well placed to accommodate further growth in order to sustain and consolidate its role as a local rural service centre as envisaged by RNI 3.3. Notwithstanding its relatively isolated position within the District, it is served by public transport and modest growth would enhance its role in supporting the network of service centres in the rural area including Hillsborough in the MRA and Ballynahinch, Dromore and Banbridge which are outside the BMAP area. We consider that there is scope for an additional allocation of 80 dwellings to meet the 3 years additional supply. Consideration of objection sites in part 2 of the report identifies a suitable site within the development limit which could provide 45 dwellings to meet part of
3.2.85 Castlereagh Borough Council promoted additional growth in Moneyreagh on the basis of a need to support community facilities in the village such as the school and community centre. The draft Plan estimated housing yield was 130 dwellings and the 2006 potential yield increased this figure to 142 which appears adequate to provide the necessary support. Much of the allocation to the village was uncommitted in the draft Plan and concerns were expressed about physical constraints that might prevent one of the sites coming forward although no further detail was provided. Whilst we acknowledge Moneyreagh's low overall score on the BEF, it scores high on environmental capacity and we consider that a small additional allocation could be made to underpin the investment in community infrastructure in the village. In view of its proximity to the BMA, Moneyreagh essentially functions as a commuter village and its low score on the transport test under the BEF is noted. For this reason we recommend that the additional allocation should not exceed 50 dwellings.

3.2.86 Counter objection to the growth of Seahill asserted that there was at least 6 years housing supply remaining. We note that the village had a small allocation which had been largely committed according to the Housing Supplement. Nonetheless, although it scores medium on the environmental capacity and transport tests, its overall assessment is 'low' under the BEF and we have not been provided with strategic arguments to support an increase in its allocation.

3.2.87 There are a considerable number of site specific objections in the villages but strategic arguments for growth of particular villages were either not made at all or were presented in vague terms with no supporting justification. We have indicated that we do not support the Department’s approach of a pro-rata uplift across the villages. The additional allocations to Dromara and Moneyreagh amount to 100 dwellings and leave a balance of almost 200 to be distributed across the other villages. In the absence of strategic argument about the distribution we consider that decisions should be made on the basis of site specific factors, taking into account the BEF.

3.2.88 We have indicated that scope for additional growth in the small settlements should be very limited and now consider the arguments in respect of specific settlements. Roughfort consists of two concentrations of primarily residential development. An objection seeking a substantial expansion aimed at providing a sustainable small settlement stated that the settlement strategy and maps fail to recognise the extent, scale, character and location of Roughfort. The settlement is located close to the MUA with extensive employment lands nearby at Mallusk. There are also a number of dispersed facilities nearby in the open countryside providing employment, services and recreation. The precise extent of the settlement will be decided following consideration of site specific objections. In general terms, however, we note that there was no suggestion that Roughfort’s role within the settlement hierarchy should change and the extensive area sought for inclusion could not be justified in the context of its position as a small settlement. The RDS
allows for the exceptional major expansion of an existing small rural settlement to meet specific housing needs. Such growth is to be within the parameters of the SDS which aims to resist the large scale expansion of small rural settlements within the BMA ‘travel to work’ hinterland and on this basis alone Roughfort is not a favoured location. In addition, we are satisfied that housing need can be met within nearby settlements in both the MUA and MRA and that there is no shortfall of suitable housing land that would justify its major expansion. As such it does not meet the first criterion for an expanded settlement as set out in the RDS. Notwithstanding its proximity to employment, its sustainable location and spare capacity in infrastructure, there is no strategic basis for significant expansion of the small settlement. We have not been persuaded that there are exceptional factors that would justify increasing the allocation to the small settlements to accommodate significant additional growth in Roughfort.

3.2.89 Most objections stating that specified small settlements were well placed to accommodate additional development or were in a sustainable location did not provide further explanation of the particular benefits of the settlements concerned and we are unable to consider them further. Edenderry was considered suitable for further development due to its sustainable location and opportunity for development of brownfield land on a former factory site. Despite its proximity to Belfast and Lisburn, it is heavily reliant on car borne travel and we can not agree that its location is sustainable. The brownfield nature of the site can not be considered a strategic factor that would outweigh the need to restrict further development in the small settlements. We will consider the merits of the objection site in part 2 of the report.

Crossnacreevy was also considered to have scope for significant growth on the basis of its main road location and potential for sustainable transport links. Notwithstanding the close proximity of a small industrial estate, it is our view that growth of the scale envisaged in this location would primarily serve the commuter market, contrary to RDS objectives which do not envisage large scale expansion of small settlements. We have not been persuaded that the allocation to the small settlements should be increased to accommodate additional growth at Crossnacreevy. We conclude therefore that an additional overall allocation to the small settlements is not justified and that the final distribution at this tier in the settlement hierarchy should be judged on the basis set out in paragraph 3.2.67 above.

3.2.90 We set out our recommended strategic allocation to the villages, small settlements and open countryside to meet the increased HGI and STLR in Table 6 below. As with the towns, the final recommended yield may differ from the allocation depending on our conclusions about site specific objections. Adjustments will address the individual circumstances of particular sites or settlements such as rounding off to provide sensible boundaries as stated in paragraph 3.2.67 above and the final estimated yield will be provided in part 2 of the report.
Planning Appeals Commission

Table 6 - PAC Recommended Distribution to Villages, Small Settlements and Countryside to Meet HGI and STLR

<table>
<thead>
<tr>
<th></th>
<th>Draft Plan yield</th>
<th>2006 potential yield</th>
<th>Allocation to meet HGI</th>
<th>Allocation to meet STLR</th>
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<td></td>
<td>No</td>
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<tr>
<td>Dromara</td>
<td>187</td>
<td>211</td>
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</tr>
<tr>
<td></td>
<td>[256]²</td>
<td>(45)²</td>
<td>[3476]²</td>
<td>[45]²</td>
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<tr>
<td>Moneyreagh</td>
<td>130</td>
<td>142</td>
<td>142</td>
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</tr>
<tr>
<td>Other villages</td>
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<td>3078</td>
<td>3078</td>
<td>0</td>
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<tr>
<td>Villages total</td>
<td>2908</td>
<td>3431</td>
<td>3431</td>
<td>0</td>
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<td>Small settlements</td>
<td>507</td>
<td>620</td>
<td>620</td>
<td>0</td>
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<tr>
<td>Countryside</td>
<td>844</td>
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<td>844</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>4259</td>
<td>4895</td>
<td>4895</td>
<td>0</td>
</tr>
</tbody>
</table>

1 Countryside figures are not allocations as such but estimates of yield.
2 Dromara adjustment to advance 3 year supply flexibility into current Plan period.

The MRA - Site specific factors

3.2.91 We have indicated our views about the Department’s approach to site specific factors in relation to the MU A in paragraphs 3.2.56 - 3.2.60. The Department’s assessment of objection sites in the MRA is based on the same factors and our views remain as before. Our final recommendations will therefore take into account the views of objectors, the Department’s assessment, the relevant factors set out in paragraphs 3.2.56 - 3.2.60 and our judgement of the relative merits of individual sites.

Recommendations

We recommend that:

- Provision is made within the Plan to accommodate the Metropolitan Rural Area housing growth indicator of 12,448 dwellings;
- Provision is made within the Plan to accommodate a further 1,352 dwellings within a short term land reserve for the Metropolitan Rural Area;
- The housing allocation to the towns to meet the housing growth indicator and short term land reserve be in accordance with Table 5 above;
- The housing allocation to the villages, small settlements and open countryside to meet the housing growth indicator and short term land reserve be in accordance with Table 6 above;
The final distribution of the housing allocation to the MRA be in accordance with the final figures set out in Part 2 of the report.

3.3 Objections to the Allocation for Social Housing (HOU 2) and Policy for Social and Affordable Housing (HOU 3)

3.3.1 The RDS at SPG-HOU 6 encourages the development of balanced local communities as a means of promoting greater community cohesion. This is to be achieved through a number of measures of which SPG-HOU 6.1 is of relevance to the issue of social and affordable housing. It seeks the provision of housing choice through a mix of housing tenures and types and requires that assessments be carried out to understand the range of housing needs. It also promotes home ownership and affordable housing and requires the provision of social housing targeted to meet identified needs with appropriate provision being made in larger developments.

3.3.2 The theme of balanced local communities is carried through to PPS 12 where one of the stated policy objectives is to encourage their development. This is articulated further in the process for allocating housing land in development plans where a housing needs assessment (HNA) is one of seven factors to be used in determining housing allocations. PPS 12 states that the HNA will be taken into consideration in the preparation of a development plan and that the findings will seek to facilitate a reasonable mix and balance of housing tenures and types to cater for the identified range of needs. A menu of measures is set out in paragraph 67 of which the following are particularly relevant:

e) identify specific sites or areas within settlements where the site or a proportion of it is required to meet one or more category of need and clearly state the proportion required;

f) identify settlements where the HNA has identified an affordability pressure;

h) where justified, in the interests of balanced local communities, specify those sites or areas where the development of certain house types or a mix of house types will be required.

It is clear that the development plan process is envisaged as having an important role to play in the achievement of balanced communities by providing clearly expressed policies and proposals based on a structured assessment of need.

3.3.3 The fourth element of the housing strategy in the draft Plan aims to contribute to the creation of balanced local communities by providing housing choice through a mix of tenures and meeting identified needs for social housing. An HNA has been undertaken as part of the BMAP process and is provided as a technical supplement to the Plan. It covers a range of housing needs including social and private rented, supported housing and affordable owner occupied housing. Objections to HOU 2 and 3 are primarily focused on the
failure of the Plan to adequately address the range of housing needs identified in the HNA, the lack of clarity in relation to the requirements of policy and delivery mechanisms and the role of developers in contributing to social housing provision.

3.3.4 A number of objectors expressed the view that it was premature for BMAP to impose requirements for social and affordable housing and that the outcome of the review of PPS 12 should be awaited following the Semple Review into Affordable Housing. The Semple Review was published in April 2007 and included social and affordable housing within its remit. Amongst its many conclusions it recommended that PPS 12 should be revised to implement KSRs for both social and intermediate housing on zoned land, that HS 2 should be extended to include other forms of affordable housing and that Article 40 provisions should be introduced to secure developer contributions to affordable housing. To date we are not aware of the Department’s response to these recommendations and PPS 12 has not been revised. In these circumstances, the relevant policy to be applied to BMAP is the policy set out in the current PPS 12.

3.3.5 Affordable housing is defined in the glossary to PPS 12 as comprising “the social rented sector, housing benefit funded private rented and that part of the low cost owner occupation market which can be purchased utilising 30% or less of gross household income”. Irrespective of speculation that the definition is to be amended in a forthcoming review of PPS 12 or views that the definition is unsuitable and out of step with other parts of the UK and ROI, it is not open to us to adopt a different definition for the purposes of BMAP.

Affordable Social Housing and Supported Housing

3.3.6 We acknowledge that the term ‘social housing’ is not defined in BMAP but we disagree with the suggestion that the policy should be rejected on this basis as the term is defined in regional policy in PPS 12. The HNA identified a social housing requirement for over 8,700 units over a 7 year period to 2010. HOU 2 allocates a total of 110.5 ha for social housing which makes provision for in excess of 4,100 units but there remains a shortfall of around 4,600 units. The Department stated that it zoned all sites that were identified in the HNA that were not the subject of extant permissions or did not conflict with other plan proposals. They accepted, however, that there was a shortfall as a result of unprogrammed need for which the Department expects provision to be made through HOU 3 and the development management process. As HOU 3 has now been effectively replicated in regional policy through HS 2, the Department’s final position was that HOU 3 could be deleted from the Plan and reliance placed on policy HS 2 of PPS 12.

3.3.7 PPS 12 states that the development plan process will be the primary vehicle to facilitate any identified need for social housing. It envisages that this will be achieved either through zoning of land or through KSRs. We note that both methods have been used in the draft Plan. It indicates that Planning Service, in accordance with the identified need (our emphasis), should seek agreement with NIHE on sites to be zoned for social housing. We interpret this to mean that following a collaborative process the development plan will
indicate where such provision is to be made in order to meet these needs. In view of these regional policy requirements we reject the suggestion that policy for social housing in BMAP is premature. Objections that too much reliance was placed on the NIHE assessment did not point to any specific shortcomings in their methodology or results and we have been provided with no basis on which to question their assessment. Nonetheless, the HNA produced by the NIHE which informs the provision to be made in the Plan does not cover the full extent of the Plan period and, despite the updated HNA figures provided in the Department’s June paper, no attempt has been made by either the Department or the NIHE to estimate the likely requirement to 2015. In these circumstances the level of ‘identified need’ for which the Plan purports to make provision is flawed from the outset. This is a matter that needs to be addressed in the adopted Plan.

3.3.8 It is clear that BMAP has made provision for less than half of the need identified in the HNA which accompanied the draft Plan. Policy HS 2 appears to contradict paragraphs 53 and 54 and Planning Control Principle 4 (PCP 4) in that it requires provision of social housing through the development management process. Its explanatory text states that the policy will be applied where a need is established through a local HNA and the development plan for the area has not provided for it. When read in conjunction with paragraphs 53 and 54 and PCP 4, this can only refer to needs that were not anticipated at the time when the Plan was drawn up but have been identified through a subsequent HNA. Similarly, although not debated at the Inquiry, we note that the more recently published PPS 21 policy CTY 5 appears to make provision for social and affordable housing related to rural needs through the development management process; the explanatory text, however, makes it clear that such provision is to meet unforeseen need that has not been provided for through the development plan process. It is inappropriate to use policy HS 2 or CTY 5 as a method of compensating for the failure to make adequate provision in the Plan for the identified need. In any case, as currently framed, neither HOU 3 nor HS 2 provides any certainty to developers of the precise circumstances when provision for social housing will be required. This runs contrary to paragraph 35 of PPS 1 which requires development plans to provide a measure of certainty about which types of development will and will not be permitted. In its current form the Plan fails to make adequate provision for social housing to meet identified need and as a consequence does not encourage the development of balanced communities and is contrary to the RDS, PPS 12 and the housing strategy in the draft Plan.

3.3.9 Supported housing is provided by Housing Associations and refers to housing which caters for a range of special needs where support is provided as part of its management. PPS 12 states that land use requirements for supported housing will be identified in the HNA and will be taken into account in the preparation of development plans. The HNA identified a need for 477 supported housing units across the BMAP area; of these, land is either owned or has been identified for more than 400 units. Although the Plan does not make provision for the full extent of the identified need, we are satisfied that, in view of the varied requirements of different client groups for
this category of housing, it is not appropriate to require the Department to identify land to meet the full range of needs.

3.3.10 Objectors suggested a variety of measures to address the shortfall in social housing. We note that the NIHE has objected to the inadequacy of the provision and has stated that suitable sites were identified but rejected by the Department. We consider the merits of specific objection sites in part 2 of the report. We have already rejected the principle of increasing the HGI to cater for social and affordable housing for the reason set out in paragraph 3.2.2. Many objectors favoured amendment of HOU 3 or a new policy to set out specific requirements for the provision of social housing through KSRs. Some sought provision on all sites, others on larger sites only and others only on sites introduced as a result of successful objections. Levels of social housing sought varied between 10% - 20%. As currently framed, HOU 3 is a development management policy and its amendment would not be appropriate for the reason set out above. The introduction of a policy in the Plan at strategic level setting out the circumstances in which social housing requirements will be imposed, however, would underpin the rationale for the imposition of KSRs on zoned sites and would address the legitimate concerns of objectors in respect of the level of provision made in the draft Plan. For consistency, any policy should encompass both currently zoned sites and those additional sites included to meet the increased HGI. We do not favour a requirement for an element of social housing on all sites for a number of reasons. The achievement of greater community balance requires a response that accommodates a mix of tenures within communities rather than on each individual site. Some sites are too small to accommodate the mix of housing required and might, in any case, be of no interest to social housing providers. It is also clear from the HNA that there are widely differing needs across the BMAP area and what is required is a focussed response in those areas of greatest need rather than a dilution of provision across the wider BMAP area. It may not be possible to accommodate the full extent of social housing need in the area where it arises which makes it all the more important for the Department to identify appropriate alternative locations in conjunction with NIHE.

3.3.11 Where larger sites are concerned, we take the view that land should be made available for a minimum level of social housing to secure greater community balance and to address the shortfall in social housing provision. We are surprised that the KSRs have imposed no such requirement on many of the larger greenfield sites and we agree that provision should be made in both public and private sector housing areas in order to achieve the tenure mix envisaged by the RDS. For this reason we do not favour off-site provision although it will be a matter for the Department in conjunction with NIHE to consider if there are circumstances when it could be justified. The required level of provision should be set out in a revised policy HOU 3 and the number of units should be carried through to the KSRs for the relevant zoned sites. Other sites that are included for housing as a result of successful objections or come forward during the Plan period for other reasons should also be required to make adequate provision for social housing. We disagree with objectors that it is not an appropriate response to require developers to provide a proportion of their sites for this purpose in view of the clearly stated
requirements of PPS 12. In formulating the policy, it will be a matter for the Department to specify the percentage of social housing required and the minimum size of site where provision for social housing is to be made. The figures are likely to vary at different tiers within the settlement hierarchy in view of the difference in scale of the settlements and the size of development sites within them. We agree with objectors that, in the interests of fair and consistent decision making, requirements should be clearly set out, including how delivery is to be achieved and the role of Article 40 agreements. Belfast City Council has provided a range of examples of policy used elsewhere for affordable housing in general and these represent helpful guidance for the Department's consideration. We endorse their view that a best practice guide would assist in achieving fair and consistent decision making.

3.3.12 In view of the extent of the shortfall and its geographical distribution across both the MUA and MRA, we consider it unlikely that social housing needs will be fully met by a policy of this type. It is also likely that land could be made available where there is no current demand but we agree with some objectors that meeting identified need only in those areas where it arises may not result in the achievement of balanced communities. Titanic Quarter is an obvious example where a new community is being created in a sustainable location and a KSR has been imposed for 10-15% social housing provision. It may also be inappropriate to meet need where it arises in some circumstances. For example, in addition to the constraint posed by location within the Lagan Valley Regional Park, accommodation of a shortfall of 90 units in the village of Drumbeg and small settlements of Ballyskeagh and Lambeg could dominate these settlements and prejudice the achievement of balance. In view of their proximity to the urban area, social housing need could be more appropriately accommodated in the MUA. We have indicated in paragraph 2.6.6 that there is scope for DOSs to make a contribution to social housing needs but there remains a likelihood that further provision will be required through the identification of additional sites or the re-zoning of sites for social housing. The shortfall is exacerbated by the results of the updated HNA provided in the June 2007 housing paper. The assessment indicates a substantial increase in unprogrammed need to almost 11,000 units in the MUA and around 400 in the MRA. Serious shortfalls are identified in north and west Belfast in particular. No explanation was provided for the dramatic increase in the figures above those published in the draft Plan but even if the updated HNA proves to be a realistic assessment of need, we doubt that social housing providers could programme for this level of provision during the remainder of the Plan period. In our view the arrangements for programming and funding of this type of housing must be taken into account to ensure that 'identified need' is consistent with the reasonable delivery of social housing sites. It will be a matter for the Department, in consultation with the NIHE, to agree a realistic level of provision over the Plan period.

3.3.13 It is essential that the Plan meets the requirements of both PPS 12 and the BMAP housing strategy by facilitating the provision of social housing through the identification of sites for this purpose. The development plan process does not offer a mechanism to secure surplus publicly owned land for this purpose nor can it direct social housing providers or landlords to acquire or designate properties to secure greater balance in particular communities as
sought by objectors. An obvious response might be to advance part of the STLR into the plan period to address the issue but we do not favour this approach without information about the suitability of the sites concerned for social housing. What is needed is a comprehensive and focussed response by the Department in collaboration with the NIHE to ensure that adequate provision is made for the delivery of a reasonable level of social housing to meet the identified needs of the Plan area. This will involve reviewing sites already identified for housing, zoning new sites within the urban footprint, considering the suitability of DOSs for social housing purposes and considering the level of social housing that could come forward through the review of windfall development. It may also result in the identification of additional sites for supported housing if specific needs can be accommodated. Notwithstanding the fact that social housing is included within the range of housing needs to be provided for within the HGI, the need to make adequate provision could require the identification of greenfield sites which would result in the need for a level of overzoning as provided for in HOU 1.1 of the RDS. It is essential that modifications of this nature are introduced prior to adoption of the Plan and, due to the nature and significance of this issue, it is inevitable that it will involve further public consultation and an alteration to the Plan under Article 6 of the Planning Order.

**Affordable Owner Occupied Housing**

3.3.14 The only element of affordable housing to which specific reference is made in the BMAP housing strategy is social housing. Reference is made to affordable housing on page 50 where it states that the issue will be addressed in the forthcoming PPS 12 and that there is no mechanism in place for the Plan to specifically address the issue in respect of housing designations. PPS 12 has since been published and has concluded that it is not appropriate to impose an arbitrary level of affordable housing to be delivered by the private market and that affordability will be delivered through the identification of land for social housing purposes. Since publication of PPS 12, serious affordability concerns have arisen and the Department accepted at the Inquiry that there was an affordability problem in the BMAP area. Its evidence was that the outworkings of the Semple Review would feed into a revised PPS 12 and a regional policy for affordable housing would be forthcoming prior to adoption which could be applied in the BMAP area. It expressed the view that if the matter was not resolved at regional level, BMAP should address it through policy in the final Plan. As stated above, to date the final outcome of the Semple Review is not known and no amendment has been made to PPS 12. It is in this context that we consider the objections to the draft Plan in relation to affordable housing.

3.3.15 There were 2 directly opposing views in relation to affordable housing. Some objectors thought that BMAP should provide policy for affordable housing with a preference for a revised HOU 3 to cover both social and affordable housing. Their view was that the failure to make provision for affordable housing in PPS 12 was not a reason for excluding its consideration through the BMAP process, particularly in view of affordability problems since its publication.
Others considered that it was a matter for regional policy to address and that the introduction of policy through BMAP was inequitable.

3.3.16 PPS 12 states that the findings of the HNA will be taken into consideration in the preparation of development plans and will influence how plans will seek to facilitate a reasonable mix and balance of housing tenures and types to cater for the identified range of needs. Affordable owner occupied housing is listed as one of the categories to be analysed in the HNA. Paragraphs 51 and 52 state that it is not appropriate to impose an arbitrary level of affordable housing to be delivered by the private market and that affordability will be addressed through the identification of land for social housing purposes. It also states that if the situation deteriorates, Government will consider further mechanisms to address affordable housing. Despite acknowledgement of the deteriorating situation, no conclusion has been reached at regional level on how the issue is to be addressed. There are wide variations in levels of affordability across the region and it seems to us that the Department’s clear acknowledgement of a need to address the issue in the adopted Plan in the absence of amended regional policy was a recognition of the urgent nature of the problem in the BMAP area at the time of the Inquiry. We consider the lack of progress at regional level on this issue to be regrettable and conclude that as a result BMAP has failed to take full account of the HNA in drawing up its proposals. We also recognise, however, that the affordability issue is a complex one that is sensitive to changes in market conditions. The downturn in house prices as a result of the current economic situation is likely to have an impact on affordability and such fluctuations are matters to be factored in to any policy that comes forward to ensure that there is a fair and proportionate response to the issue. Notwithstanding the Department’s view that the adopted Plan should make provision for affordable housing if there was no regional policy in place, we agree with objectors that the imposition of requirements on developers to provide affordable housing in the BMAP area when the affordability problem is much more wide reaching would be inequitable. Whilst we accept many of the points made by objectors of the desirability of such a policy, we can not recommend its inclusion in the Plan in the absence of a regional mandate for such requirements. We accept that should a regional policy be finalised before adoption of the Plan, it may be appropriate to include a policy tailored to the particular circumstances of the BMAP area setting out clearly the requirements to be met to address the specific affordability problems identified in the area. In the absence of regional policy, however, we make no recommendation in this regard.

**Recommendations**

We recommend that:

- HOU 3 is deleted from the Plan and replaced with a policy setting out the basis on which land will be required to be reserved for social housing purposes both on zoned land and land that comes forward for housing through the development management process. The policy should include the minimum size of site where land is to be reserved for social housing, the level of provision and the mechanism for its delivery. Key Site Requirements should be amended accordingly.
• The Department, in consultation with the NIHE, should identify sites to meet the need for social housing over the Plan period and should bring forward its proposals as an alteration to the Plan under Article 6 of the Planning Order.

3.4 Objection to Policy HOU 4 - City and Town Centre Living

3.4.1 The objector was supportive of the policy but considered that specific reference should be made to Living Over the Shop (LOTS) and the contribution made by new build housing schemes to sustainable mixed use city centre development. We note that the explanatory text includes a range of opportunities to increase housing provision including reference to new housing and conversion of upper floors within the primary retail cores. While the reference to new housing is considered adequate, the reference to primary retail cores does not fully reflect the regional policy position. PPS 12 policy HS 1 provides a policy context for LOTS that is more broadly framed than primary retail cores and paragraph 27 of PPS 5 also refers to the role of housing on upper floors in providing enhancement of town centre environments. We consider that there is merit in reflecting the scope of regional policy in relation to city and town centre living and agree that the explanatory text of the policy should be amended.

Recommendation

• We recommend that the explanatory text to Policy HOU 4 should include reference to regional policy and guidance in respect of LOTS.

3.5 Objections to Policy HOU 5 - Protected Housing Areas in City and Town Centres

3.5.1 Paragraph 67 of PPS 12 sets out the measures to be contained in development plans and criterion (k) provides for protection of existing residential development in town centres. The purpose of the policy is to support the concept of ‘town centre living’ and prevent erosion of such areas. Although Planning Policy Statement 5 (PPS 5) - Retailing and Town Centres promotes town centres as the principal location for retail, office and leisure uses etc, it also recognises that diversity of use, including residential use, makes an important contribution to their vitality and viability. It seems to us that the draft Plan facilitates a broad range of commercial and leisure uses within city and town centres but recognises that, without some policy protection, established communities in these areas could be adversely affected or displaced due to pressure from commercial interests. HOU 5 seeks to provide protection to the designated areas in order to achieve a balance between competing interests.

3.5.2 One of the objections to HOU 5 stated that the policy was too restrictive and should allow some flexibility. We take the view that there is considerable flexibility for a range of land uses to be accommodated throughout city and
town centres and that it is both appropriate and consistent with regional policy to seek to protect housing areas. As with all policies, there may be exceptional cases when it is appropriate to allow change of use for proposals which are compatible with and support these communities but these will be decided on their own merits and we do not support the introduction of ‘flexibility’ into the policy as requested. Another objector expressed disagreement with bullet point 5 on page 39 and its relationship with HOU 5 but the objection would appear to be to the RDS and is outside the scope of the BMAP Inquiry process. We do not see a connection between HOU 5 and increased densities in any case.

3.5.3 The remaining objectors did not object to the policy per se but sought the designation of residential housing areas outside Belfast City Centre as Protected Housing Areas. In view of the reasoning behind the concept of Protected Housing Areas, it would not be appropriate to designate them outside city and town centres. In any case, many of these areas are protected by other policies. In the context of the areas identified we note that the concerns arose from the loss of further family housing to multiple occupancy and we note that these areas are now designated as HMO Policy Areas which we discuss under policy HOU 6 below.

Recommendation

- We recommend no change to the Plan as a result of these objections.

3.6 Objections to Policy HOU 6 - Conversion of Buildings for Multiple Occupation

3.6.1 Following the publication of draft BMAP, the Department published the Houses in Multiple Occupancy (HMO) Subject Plan for Belfast City Council Area 2015. We agree with the Department that the issues raised in relation to HOU 6 are fully addressed in the HMO Subject Plan. The Plan was subject to scrutiny through an Independent Examination conducted by the Commission in October 2007 which ran in parallel with the BMAP Public Inquiry. It was adopted in December 2008 following consideration of the Commission’s report and provides the detailed policy context for assessment of proposals of this type in Belfast City Council area. We agree therefore that HOU 6 is no longer required in relation to Belfast.

3.6.2 The Department requested that the policy be withdrawn from the Plan. As a result there would be no specific policy for HMOs in the remaining Council areas. We note that objections to HOU 6 relate to HMOs in the Belfast City Council Area rather than more broadly throughout the BMAP area and that there is no evidence of HMO development pressure within the wider BMA. We also note the Department’s undertaking to monitor HMO development pressure and take any necessary steps to address further issues that may arise in particular locations. Accordingly, we accept the Department’s view that at this point in time proposals for HMOs in other parts of the BMA can be addressed by general regional policy and that policy HOU 6 is not required.
**Recommendation**

- We recommend that policy HOU 6 is deleted from the Plan.

### 3.7 Objections to Policy HOU 7 - Accommodation for the Travelling Community

3.7.1 PPS 12 was published in its final form after publication of BMAP and policy HS 2 sets out regional policy for Travellers accommodation. The Department indicated that prevailing regional planning policy together with general planning considerations provide an appropriate policy context for the determination of proposals for accommodation for the Travelling Community within the Plan Area. We agree that there is no basis to depart from regional policy and recommend the deletion of HOU 7 from the Plan. The wording of HS 2 of PPS 12 differs from HOU 7 and addresses specific objections to the wording of the BMAP policy.

3.7.2 A number of objectors sought the provision of accommodation for Travellers in Newtownabbey. PPS 12 identifies Travellers’ needs as one of the categories to be analysed in the HNA and the NIHE identifies three schemes to cover the period of the assessment of 2003/4-2008/9. We do not know whether accommodation for Travellers is justified in Newtownabbey but we reiterate the point made in paragraph 3.3.7 that no assessment has been made of likely needs over the Plan period to 2015 and to that extent the HNA in respect of Travellers’ needs is flawed. As a result, the designations in the Plan may be inadequate to meet the needs of this group over the Plan period. We do not therefore accept that Department’s dismissal of this issue on the basis of the HNA as published. While HS 3 makes provision for accommodating Travellers’ needs, it does so in a development management context and the policy justification makes it clear that suitable sites should be identified through the development plan process where a need is identified; such need must relate to the Plan period in its entirety. The Department, in consultation with the NIHE should revisit the issue and, if necessary bring forward proposals as an alteration to the Plan.

3.7.3 Objectors indicated that the Plan should promote a more inclusive approach and encourage greater integration with the settled community. Travellers should be included within social housing provision. Travellers already have access to the full range of housing provision that is available to the wider community, including social housing. We note that two of the schemes identified in the HNA are for Travellers Group Housing. Land use planning offers no impediment to greater integration with the settled community and it is the responsibility of the relevant statutory agencies to take forward other initiatives to promote social inclusion.

3.7.4 We are satisfied that the statutory consultation requirements have been undertaken in relation to the Plan and make no comment on the adequacy of the consultation process to ascertain the needs of Travellers which is outside the remit of the Inquiry.


**Recommendations**

We recommend that:

- Policy HOU 7 is deleted from the Plan.

- The Department, in consultation with the NIHE, should reassess the need for Travellers Accommodation to 2015 and, if necessary, identify sites to meet that need. Any proposals should be brought forward as an alteration to the Plan under Article 6 of the Planning Order.
4. EMPLOYMENT

4.1 Objections to the Employment Strategy

4.1.1 The Employment Strategy seeks to sustain balanced economic growth and job creation and has three elements. The first relates to the promotion of city and town centres as the main focus for retail and office functions. This report addresses objections related to retailing in section 6 and objections related to offices in section 7. The remaining elements of the strategy seek to provide a generous and continuous supply of land for employment/industrial uses and seek to promote a balanced portfolio of employment/industrial sites.

4.1.2 The substantive guidance on these issues is contained in Planning Policy Statement 4 (PPS 4): Industrial Development. Paragraph 17 states that the Department will seek to ensure that land zoned for industrial purposes is sufficient to meet foreseeable needs, based on the take-up patterns experienced in previous years. It will seek to identify sites which offer a good choice of size and location. Paragraph 18 refers to the importance of new employment opportunities being accessible to a substantial workforce drawn from all sections of the community and targeting social need by zoning land in deprived areas. Paragraph 19 states that the Department will make a qualitative assessment of sites and where previously zoned land has remained under-developed it will assess whether the zoning is still realistic. A new consultation draft PPS 4 was issued in 2003 and was available at the Inquiry. It was published in final form in November 2010 but its provisions have not been taken into account in this report as objectors have not had an opportunity to comment on its implications for BMAP proposals. It will be a matter for the Department to consider the relevance of the revised PPS in finalising the Plan. In draft form, the document does not fill any policy gaps in relation to the issues under consideration and our assessment therefore is based on the original PPS 4 published in March 1997.

4.1.3 The RDS refers to the role of the service sector in new job creation (i.e. that this sector will provide 70% of new jobs) and to the over-dependence on the public sector. The key regional challenges referred to include facilitating the development needs of economic growth by the creation of approximately 100,000 jobs in Northern Ireland by 2015 and improving accessibility to employment and services. The Spatial Development Strategy recognises the historic and continuing importance of Belfast and its hinterland as the economic engine of growth in the region. The strategy for the future development of the BMA is to support the concept of the compact city and aims to ensure balanced growth across the major constituent parts of the BMA. A consistent theme is the drive to tackle areas of social disadvantage by physical regeneration and community development (SPG-BMA 1). Key locations for urban economic development are identified in BMA 2.1 which seeks to enhance the employment potential of the City Centre, Laganside and the Harbour Estate, and identify strategic locations for employment growth in the North and West Belfast regeneration axis, the Purdysburn area, Sprucefield/West Lisburn and Mallusk/Ballyhenry. The East Belfast crescent is identified as a major regeneration focus in Figure 12 together with the North
and West Belfast axis. The important complementary roles of the other boroughs and towns in the BMA are also emphasised.

4.1.4 Chapter 10 of the RDS indicates that the creation of new jobs is a top regional priority. The planning system assists by identifying a range of development opportunities for job creation capable of accommodating emerging and new growth sectors of the economy and suitable for a variety of business sizes. This is to meet the needs of a fast-growing innovative knowledge-based economy. The strategy has a strong commitment to reinvigorating town centres, to brownfield initiatives and to mixed-use development, which fit well with expected service sector growth and the importance of small and medium sized businesses and community enterprises. SPG-ECON 3 promotes regional gateways as economic development opportunities. ECON 3.1 aims to develop the potential of the BHA as an employment resource of strategic significance and states that with further development and diversification this area is well placed to attract investment. Better connections to Belfast City Centre and the rail network will be promoted. As regards former SPG-ECON 4, the Department explained that no Strategic Employment Locations (SELS) had been designated in BMAP because the concept was to be abandoned in the RDS review. We note that policy change has been introduced in the Adjustments to the RDS published in June 2008 which no longer requires the creation of a portfolio of large industrial sites as SELs. There is no issue regarding Strategic Employment Locations for us to consider as a consequence of this review.

4.1.5 The main basis for objection was the range of uses that would be acceptable on employment/industrial zonings. For ease of reference these will be referred to as employment zonings hereafter. We agree that this is a more inclusive term and should be considered for use by the Department in the final plan. In this context we note that the recently published revised PPS 4 uses the term economic development. The Department produced a list of acceptable uses on all employment zonings i.e. Use Classes B 1(b) and (c), B 2, B 3 and B 4. Other uses were acceptable only where specified i.e. Use Classes B1 (a), C1, C3 (a) and D1 (a) and (d). The Use Classes Order 2004 was used and the plan should be amended to refer to the new Order. The main area of concern for many objectors was that business uses would be allowed. This referred to office uses explicitly and to modern service sector uses where the boundary between office and employment uses were becoming increasingly blurred. There was also an argument that retailing should be allowed on employment sites. The arguments regarding offices and retailing are considered in chapters 6 and 7 of this report.

4.1.6 The objectors tabled an amended Employment Strategy, which consisted of the strategy from the plan with bullet point 3 amended to refer to the range of zoned sites. The Department indicated that this approach was acceptable, subject to minor changes in wording. We consider that the suggested amendments would address issues related to highlighting the relative importance of sites and the provision of employment land in deprived areas. We therefore recommend that the third bullet point of the Employment Strategy should read as follows:
Promoting a balanced portfolio of employment sites throughout the plan area through the zoning of a complementary range of sites as follows:

- **Regional gateway and major transportation corridor sites.**
- **Mixed use and regeneration sites close to major areas of disadvantage and social need and/or in support of economic or community regeneration.**
- **Sites along main transportation routes providing employment opportunities in local areas.**
- **Established areas of existing employment.**

4.1.7 The Department suggested that the Employment Strategy should include the general list of acceptable uses as referred to above in paragraph 4.1.5. We agree with this suggestion and note that it would obviate the need for them to be included as Key Site Requirements under the zonings in the District proposals. The other text recommended for inclusion in the Employment Strategy by the objectors should be added to the amplification.

4.1.8 Many objections referred to land zoned as existing employment in the context of the established use not falling within the list of acceptable uses. The Department correctly pointed out that the established use can continue with the zoning making little difference and that any specific matters raised in respect of individual sites will be addressed at stage 2. There is a wider issue in that PPS 4 provides for the retention of industrial land and buildings at paragraph 35 and we note that the recently introduced Policy PED 7 also provides protection to existing and proposed industrial land. Notwithstanding the protection afforded to industrial land by these policies through the development management process, we consider that it is appropriate to zone existing employment land as it counts towards the quantum of land available to meet employment and economic development needs, which is now much more than merely industrial uses. We note that the revised PPS 4 requires that existing employment land is zoned in development plans. Individual objections to employment zonings will be considered in part 2 of our report.

4.1.9 Identification of future employment land involves both locational considerations and analysis of the likely amount of land to be required. While the Department has identified lands for employment at a range of locations in order to ensure a balanced spread across the BMAP area and at strategic locations identified by the RDS, it acknowledged that there had been no statistical basis for the amount of land zoned. The process is described in the technical supplement and consisted of an analysis of trends based on past take-up patterns and an assessment of economically active or employment trends. It was decided that neither of these methods were sufficiently comprehensive or robust to be relied on and these results or estimates were not used. This counters one objector’s contention that the results of the employment trend analysis were wrongly obtained. The technical supplement clarifies that heavy reliance was instead placed on the results of consultations.
with the economic development Departments of the 6 District Councils and Invest Northern Ireland in respect of all its functions. We were not presented with any detailed argument to refute this method or the harnessing of expertise and local knowledge to assist in estimating the future land required. There were no objections to the site selection criteria that were used to identify the new employment zonings. It is surprising that there was no criterion related to towns identified for significant expansion such as Ballyclare and Carryduff, where new employment land would be required to cater for the increased population proposed. We are conscious of the importance of employment land to economic development and the extent to which this issue underpins the rationale of the Plan. We are satisfied that a generous supply of employment has been provided for in the plan. This land is now used for a broader range of uses than merely old-style manufacturing processes or heavy industry. We therefore do not accept the strategic argument that little land is needed because there is little demand for land for manufacturing industry any more. This is not the only purpose for zoning land: employment has a wider meaning now as acknowledged by the Department’s list of acceptable uses. Notwithstanding this generous supply there may be a need for additional lands in particular locations to meet particular local circumstances. Conversely, there may be situations where employment zonings are no longer appropriate in particular locations due to a variety of factors. Our consideration of site specific objections will be on their own merits in the light of the circumstances of the site.

**Recommendations**

We recommend that:

- The third bullet point of the Employment Strategy is amended as stated in paragraph 4.1.6 above.

- The Employment Strategy is amended to include the list of acceptable uses on all employment zonings i.e. Use Classes B 1 (b) and (c), Use Class B 2, Use Class B 3 and Use Class B 4.

**4.2 Objections to Allocation EMP 1**

4.2.1 This allocation is basically a list of employment zonings and the only objections to it related to the presence or absence of a zoning for a particular site. These objections will be considered in part 2 of the report. There was also a concern that the pre-eminence or additional importance of Belfast Harbour Area (BHA) as stated in the RDS was not recognised in the plan. We have already addressed this issue in paragraphs 2.2.7 and 2.2.8 in relation to the settlement strategy. We disagree that the RDS elevates the importance of the BHA above other areas. SPG-ECON 3 promotes regional gateways as economic development opportunities. ECON 3.1 seeks to capitalise on all the regional gateways including the BHA by facilitating the expansion of their transport role, exploiting their development assets and improving accessibility. It seeks to develop the Port of Belfast, Belfast Harbour lands and Belfast City Airport as an employment resource of
strategic significance. BMA 2.1, however, promotes urban economic development at key locations throughout the Metropolitan Area including the Harbour Estate but we discern no additional importance to the Harbour Area over and above the other key locations identified in BMA 2.1. Accordingly, we are satisfied that there is no justification for the assertion that BHA is of greater importance than other areas and are satisfied that its identification as a Major Employment Location (MEL) is consistent with its RDS role. The Department confirmed that it comprised all of the harbour area including all the existing employment land, the airport, the north foreshore and the harbour estate. The objectors suggested that a new term be applied to the BHA - that it should be designated as a special economic zone. In view of our conclusion above, there is no policy basis for differentiating between BHA and other MELs and we do not therefore endorse the use of this term in the plan. There is a reference to Major Employment Development Opportunities in Diagram 5 of the RDS and the use of the term ‘strategic locations for employment growth’ rather than Strategic Employment Locations. We consider that this RDS advice is sufficient to justify the use by the Department of the term Major Employment Locations. We consider that the reference to the regional gateways in the first bullet point of the employment strategy clarifies that the BHA is an important strategic location in terms of the RDS policy at ECON 3.1. As we pointed out in paragraph 2.2.8, in recognition of the importance of its role, the Belfast District proposals devote an entire section to the Belfast Harbour Area incorporating a strategy for its future development and policies covering the Port, Airport and Titanic Quarter together with a range of topic based policies. Any objections related to the identified MELs and the detailed policies and designations affecting the BHA will be addressed in our part 2 report. The outcome of these objections may need to feed back into the final version of EMP1.

Recommendation

- We recommend no change to the Plan as a result of these objections.
5. TRANSPORTATION

5.1 Background

5.1.1 The Belfast Metropolitan Transport Plan 2015 (BMTP) was prepared in conjunction with the Area Plan and there was a degree of coordination of the two plans. In the same way as the BMAP was prepared to be in general conformity with the RDS, BMTP gives effect to the Regional Transportation Strategy (RTS), approved by the Northern Ireland Assembly in 2002. The status of the BMTP was clarified by the Department in their submissions to the Inquiry. The BMTP is a Technical Supplement to the plan and has no statutory basis. As a Technical Supplement, it cannot be the subject of objection. There are many proposals of the BMTP that do not have land use implications and yet are important in terms of sustainability and encouraging a modal shift to public transport. An example of this would be the proposed Quality Bus Corridors. These proposals are not included in BMAP and are not before us for consideration. It is important to note that all transport proposals are subject to separate consents and statutory procedures, in any event.

5.1.2 The strategic objectives of the RDS for the development of a regional transportation system are set out in Chapter 11 and include: developing a regional strategic transport network; improving public transport and integrating transport and land use. The objectives for the BMA are to develop and enhance the metropolitan transport corridor network; to improve public transport in the BMA and to manage travel demand within the BMA. The role of the RTS is to support the RDS by aligning transport planning with the strategic objectives of the RDS. Importantly it defines the investment priorities by transport mode for all of Northern Ireland to 2012. Delivery and implementation of the RTS is therefore achieved by the BMTP, which informs the development plan.

5.1.3 Planning Policy Statement 13 Transportation and Land Use (PPS13) states that the RTS supports the RDS by aligning transport planning with progress towards the achievement of its transportation vision for the region. It defines investment priorities by transport mode for the region. The RTS sets out delivery structures and identifies the transport plans through which it will be implemented, one of which is BMTP. Paragraph 25 of PPS13 states that the transport plans (in this case BMTP) will support the spatial development strategy in the RDS and will inform emerging development plans prepared by the Department for the Environment. The relationship between BMAP and BMTP is set out in Appendix 3 of PPS13. This is regional policy and cannot be challenged by the Commission. Guidance on the integration of transport and land use is also provided in PPS13. Integration is to be achieved by promoting sustainable transport choices, promoting accessibility for all and reducing the need to travel, especially by car. Complementary measures are set out in PPS3 and these include ensuring that new development offers a choice of access, promotion of cycling facilities in new developments, parking policies to assist in reducing the reliance on the car and protection of the routes of new transport schemes. It is clear from both PPS13 and PPS3 that
proposals of the transport plan that have land use implications should be identified in the development plan. The proposals of the BMTP that have land-use implications were included in BMAP in order to give them a statutory basis, according to the Department.

5.1.4 BMTP and BMAP were prepared in parallel and there was therefore the opportunity to align the transport policies and proposals with the land use proposals of the plan. Both plans were prepared in the context of the RDS and RTS and regional guidance in PPS3 and PPS13.

5.2 Objections of a General Nature

5.2.1 There were many objections that related to BMTP proposals or matters addressed by that plan. As stated above, we cannot address those objections specifically. We would make some general comments on the objections related to the emphasis on public transport in the plan. The BMTP proposals include costs of £984m for public transport and walking/cycling improvements and £922m for highway improvements. The public transport costs include implementation of one rapid transit route and it would be important that the budget allocated to public transport improvements is actually spent on those improvements. These figures demonstrate a commitment to public transport that was perhaps absent in previous plans and the objections that BMAP is overly-focused on the needs of the car are not sustainable. In addition, a large portion of the budget for road improvements is to the Regional Strategic Transportation Network. Improvements to this network are an important objective of the RDS and RTS. Monies are also allocated for traffic management measures in order to improve the environment in residential areas and facilitate improvements for pedestrians and cyclists. We were presented with no persuasive evidence to refute this conclusion and consider this type of objection unjustified. We cannot say that the proposed improvements will produce a modal shift to public transport but at least the proposals represent a change in direction that is in accord with the RTS approved by the Assembly Government. There were several objections related to public transport linkages between various parts of Belfast city and orbital routes around the city. These suggestions would not have land use implications and are a matter for BMTP to consider and address. Transport assessments for major developments are required by regional policy and do not need to be addressed in BMAP.

5.2.2 Objections to the rapid transit proposals contained in BMAP will be assessed in the relevant District sections. However, there were general objections that only one proposed scheme (the E-Way) is scheduled for implementation in the plan period and that this is to be a pilot project for the other rapid transit schemes. Programming of transport proposals is a matter for BMTP. It is critical for public confidence in progress towards a modal shift to alternative transport provision however that the sustainable transport proposals of the plan are actually implemented on an equal footing with the road improvements. To this end we note that the M1 – West Link and M2 improvements are completed whilst the E-Way proposal has not yet
commenced. We will consider objections related to walking and cycling under Policy TRAN 1 below. Belfast City Council suggested a transport strategy in their submission to the inquiry. We agree with the Department that this proposed strategy is unnecessary and merely reflects matters contained in regional policy, the RDS, the RTS and BMTP. It is the function of the RTS and transport plans to identify and prioritise future transport schemes. This includes proposals to aid modal shift to more sustainable forms of transport (paragraphs 4.3 and 4.4 of PPS3 refer). Belfast City Council objected to the lack of information on phasing of transport schemes and targets. Their recommendations were that the phasing details should be in BMAP and that the targets in BMTP should be reflected in BMAP. We consider that these are matters for the transport plan for the reasons set out above and it would be inappropriate to duplicate or modify them in a development plan.

5.2.3 There were several objections on the topic of the integration of transportation and land use. PPS 3 states that development plans have a key role in facilitating the integration of transportation and land use planning. The role of development plans is to deal with the land use implications of the transport study. The transport study in this case is the BMTP. Land use allocations are to be assessed for associated transport infrastructure requirements and these will be factored in by the type of allocation varying depending on the location or by the use of key site requirements to identify the transport infrastructure that the developer must provide. We were not presented with any persuasive evidence that the Department had not followed this guidance. The extent to which development has been zoned in locations that benefit from a choice of modes of transport will be considered in stage 2 and is also a matter for transport assessments and travel plans (required by regional policy for some development proposals). The schemes identified in the transport study were included, where they have land use implications and as BMAP and BMTP were prepared in parallel, the opportunity to align the strategies of both plans was available. The Belfast City Council suggested additional policy (TRAN 6) is not referred to in their original objection or in their advance written submissions to the inquiry. The topic matter of transport corridor plans is not referred to in the original objection either. We cannot therefore consider these matters in this report.

5.2.4 Objection 820/32 alleged inconsistency between BMAP and BMTP. The example that was quoted appears to be an error in reading the documents. The Carrickfergus volume of BMAP indicates that the Trooperslane Park and Ride (rail-based) is intended to serve the whole Carrickfergus area. This complies with the BMTP proposals. We cannot comment further in the absence of any other examples. We address other issues related to inconsistencies elsewhere as appropriate and necessary.

5.2.5 Objections 977 and 1866 concerned the plan’s failure to refer to taxis. West Belfast Partnership also referred to this matter in some of their submissions. The importance of taxis as a first point of contact for tourists and their complementary role to other forms of public transport was emphasised. Difficulties with the provision of taxi ranks were also highlighted. We consider that these are operational matters for Roads Service to address. BMTP
includes a range of measures to assist buses, which taxis will also benefit from and these include:

- The use by permitted taxis of bus lanes provided as part of the roll out of Quality Bus Corridors;
- The use of bus-only streets in the core city central area of Belfast;
- New and improved taxi ranks at major public transport nodes (bus and rail stations); and
- Better interchange opportunities between taxis, buses and rapid transit in Belfast City Centre.

We consider that this is a matter for BMTP and as there are no land use implications, no additional references to taxis need be incorporated into BMAP.

5.2.6 Objection 2760/19 suggested a BMAP policy for protected routes should be included. PPS3 states that a development plan can include local policies for those stretches of a protected route to be the subject of further restrictions beyond those set out in Policy AMP3, because of a high accident rates or traffic volumes or speed. The objector’s case is somewhat contradictory but the suggested policy wording provides some guidance as to the issue at the heart of the concern. It reads as follows:

“Any new access or intensification of an existing access onto protected routes due to residential development should not compromise the routes function of facilitating the free and safe movement of traffic and should not significantly add to congestion around key retail and service facilities.”

The concern appears to be that new residential development around supermarkets could cause congestion to the detriment of customers travelling there in a car. The objector also refers to a focus on avoiding congestion on protected routes in paragraph 7.38 of BMTP. We consider that this issue is addressed by regional policy in Policy AMP3 of PPS3 and that the matter is not one that requires a tailored BMAP policy. The problems identified are not the sort of issues justifying a tailored policy under PPS3 i.e. they are not related to traffic collisions, volumes or speed. The concern regarding congestion is a material consideration for every access in any event under the general access policy (Policy AMP2). We also consider that the suggested policy could undermine the objective of creating quality residential environments. The objector’s reliance on paragraph 7.38 of BMTP is also misplaced. The pertinent sentence of that paragraph is the one relating to protected routes within settlements. It states that the Department considers that there is a need to balance the restriction of access unto protected routes within settlement limits with the potential adverse impact that this may have on the layout and design of the development. It then clarifies that severe restrictions will be necessary on motorways, dual-carriageways, etc. within settlement limits. We see no contradiction in the guidance in BMTP as against PPS3 that would justify a separate BMAP policy on protected routes.
5.3 Objections to TRAN 1 - Public Transport, Walking and Cycling

5.3.1 The RDS encourages the promotion of public transport, walking and cycling as discussed in the introduction to this chapter of the report. Policy TRAN 1 aims to ensure that there is adequate provision for them in new developments. Regional policy covers this matter in PPS 13 and PPS 3. General Principle (GP) 2 of PPS 13 states that accessibility by modes of transport other than the private car should be a key consideration in the location and design of development. GP 3 of PPS 13 and Policy AMP 6 of PPS 3 require the use of Transport Assessment (TA) to consider the transport impacts of development. In this way the implications for all modes of transport can be assessed, not just the private car. GP 4 of PPS 13 and Policy AMP 6 of PPS 3 require Travel Plans for larger scale developments that are significant travel generating uses.

5.3.2 The Belfast City Council suggestion was that the policy be re-worded to refer to the provision being determined through the TA process using Article 40 agreements to secure developer contributions. The Department argued that many of these matters were not in the original objection and did not therefore merit consideration. We do not agree and consider that the issue was indeed raised in their submission and a simple addition to the policy suggested and therefore it should be addressed in our report. There were also objections that the policy was too vague and the use of the term “adequate provision” could require developers to upgrade the whole public transport system. This was not seen as a BMAP specific issue and should be left to regional policy. The Department had not justified the need for this policy. The portion related to access for those with reduced mobility unnecessarily duplicated Policy AMP 1 of PPS 3. Others argued that the use of the term “where appropriate” introduced uncertainty and that it should be removed or defined. The objectors also referred to the need to provide walking and cycling facilities in rural areas to link with recreation areas and to the use of traffic calming in rural areas.

5.3.3 We consider that Policy TRAN 1 duplicates prevailing regional policy and guidance in PPS 3 and PPS 13. The Department’s statement on this issue indicates that the policy will be implemented by the use of TA and Travel Plans for larger developments (Policy AMP 6 of PPS 3 refers). In this way, it can be determined what sort of development will have to provide for public transport, walking and cycling. This process will also decide what is considered to be adequate provision. It will be part of the normal development management considerations on individual planning applications. This will also secure implementation of the identified requirements we are informed by the Department. Given this explanation, we fail to see what TRAN 1 adds to regional policy. There was no explanation of any BMA specific issues or tailoring of regional policies to local circumstances. Access for those with reduced mobility is addressed in Policy AMP 1 of PPS 3, as the objectors point out. Measures to encourage walking and cycling are included in BMTP and amount to 6% of total spending. The public transport proposals in BMTP have been discussed above. There is little identified in rural areas because the focus has been on the main centres of population and we cannot
disagree with that approach. The Department inform us that individual proposals are considered on a case-by-case basis and objectors can make their case, as appropriate. We note that this matter is addressed in regional policy in any event. In conclusion we agree that the Policy TRAN 1 adds nothing to prevailing regional policy and should be deleted from the plan.

**Recommendation**

We recommend that Policy TRAN 1 be deleted from the plan.

### 5.4 Objections to TRAN 2 - Planning Protection for Transportation Schemes

5.4.1 The Department confirmed that prevailing regional policy contained in Policy AMP 4 of PPS 3 provides sufficient protection for new transport schemes within the plan area with no need for any additional policy expression in BMAP. Their view was that TRAN 2 should be withdrawn from the plan. The list of schemes should be retained for information, they argued. We agree with their point that most of the objections to TRAN 2 were actually related to individual proposals. Those proposals are considered below and elsewhere in this report. Should any proposal be deleted as a result of objections then it will be removed from the plan and will not be protected by Policy AMP 4.

5.4.2 There remained several other objections to TRAN 2 that raised issues that merit further discussion. Objection 2760/7 called for TRAN 2 to be re-drafted to require Roads Service to confirm that schemes are likely to proceed within a 10-year period before they are protected, notwithstanding what Policy AMP 4 states. The objection also sought an interim review facility to ensure that schemes remain likely to be funded. The issue was related to the refusal of development proposals due to road schemes that are unrealistic and never completed. We consider that the scene has changed with the adoption of the RTS and BMTP, which have prioritised future transport proposals and only schemes identified therein have been included in BMAP. The Department has included a list of abandoned schemes in BMAP, which demonstrates that long standing schemes have been reviewed and rationalised. We consider that this matter is not unique to the BMA and is addressed by regional policy in PPS 3 (Policy AMP 4). There are provisions for the review of both BMAP and BMTP, where the viability of schemes can be re-assessed. Objection 2760/9 related to the list of non-strategic road schemes in TRAN 2 at page 68 of volume 1. The objection was to the identification of schemes that would be funded by developers, which was considered to be too vague and could restrict development in those areas. The references were recommended to be deleted and replaced with selection criteria and a method to decide a fair level of contribution by developers. This should be cross-referenced to PPS 3 and PPS 13. We consider that this matter is addressed by regional policy and that the Department may wish to consider the addition of cross-references to prevailing regional policy as suggested. Key Site Requirements for individual sites should refer to developer contributions. Objections to these will be considered elsewhere in this report. There is consequently no
need for the other amendments suggested by the objector as the issue will be assessed as part of the normal development control process and under individual schemes in the district proposals. We consider that this also applies to several objections to the funding by developers of roads schemes. Paragraph 61 of PPS 1 and PPS 13 (GP 5) requires developers to bear the cost of infrastructure necessitated by their development. Policy AMP 6 of PPS 3 requires the submission of Transport Assessments in certain cases. Paragraph 5.38 of PPS 3 again refers to developers bearing the cost of necessary infrastructure. This matter is therefore covered by regional policy and not a matter for us to consider as an objection to the plan.

5.4.3 Lisburn City Council objected to the lack of any reference to the possible re-instatement of the Lisburn to Antrim rail line as part of a proposed Belfast-Lisburn-International Airport-Antrim-Belfast circle line. This is referred to as a long-term aspiration in the RDS and RTS. The need to retain this option is referred to in BMTP at paragraph 5.13. The objector recognised that it would be inappropriate to include this scheme in the list of protected schemes in BMAP. However, reference could be made to this possibility in Part 4 Volume 3 Lisburn District Proposals. At page 59 there is a section on BMTP and for consistency reference could be included there. We recommend accordingly that this be done. As regards Policy TRAN 2, we agree with the Department that the issue is addressed in regional policy and that it be withdrawn from the plan.

Recommendation

We recommend that Policy TRAN 2 be deleted from the plan.

5.5 Objections to TRAN 3 - Road Scheme Abandonments

5.5.1 Policy AMP 4 of PPS 3 warns of the damaging impact of blight on an area. That is why it is important to only secure land for road schemes that have a realistic chance of being implemented. The road schemes listed in TRAN 3 are not included in BMTP and are not programmed by Roads Service. They are not therefore included in BMAP and the road lines shown in earlier plans would not benefit from any protection under Policy AMP 4. We agree that there needs to be a list of the abandoned road schemes in the plan for public information. However, this is not a proposal of the plan and should not be described as such. In this context, we cannot support general objections to TRAN 3. The list merely clarifies the schemes that have been abandoned by Roads Service. The decision to abandon them is outwith the scope of the development plan. Objection 2101 sought the retention of the Ormeau Road and Ormeau Embankment related road line for a possible future rapid transit scheme. Regional policy is clear that public transport schemes will be identified and prioritised in the RTS and BMTP. The RDS recognises the need to identify and safeguard realistic sites and routes. It is only realistic schemes from the RTS and BMTP that can be identified in development plans and the necessary land safeguarded by regional policy. We cannot therefore support the objector’s suggested alternative rapid transit route warrants.
retention of these road lines. We note that Belfast City Council counter-
objected to this objection and support the abandonment of these road lines. 
Objection 1459 is primarily related to a suggested housing site in Bangor. 
The Gransha Road/Green Road link is not a Roads Service proposal and is 
listed as abandoned in BMAP. The merits of the objection to the settlement 
limit of Bangor (including any road proposals by the objector) will be 
considered in part 2 of our report.

Recommendation

- We recommend that Proposal TRAN 3 be deleted from the plan. However 
  notwithstanding this recommendation, we also further recommend that the 
  list of abandoned road schemes is retained in the plan.

5.6 Objections to TRAN 4 - Parking Standards within Areas of 
Parking Restraint

5.6.1 Policy TRAN 4 sets out parking standards within the areas of parking restraint 
that are designated in the District Proposals at the following locations:

- Belfast City Centre Core;
- Belfast City Centre Fringe;
- Lisburn City Centre, Bangor and Carrickfergus Town centres; and
- Commercial nodes on Arterial Routes

Objections to the extent of the designations are dealt with in part 2 of this 
report.

5.6.2 SPG-BMA 5 of the RDS states that demand management will be an integral 
part of transportation planning for the BMA. It refers to the consideration of 
measures, including parking supply and pricing policies, to influence modal 
choice and road use at peak travel times. SPG-TRAN 3 points to the 
introduction of car parking policies to discourage public long stay parking in 
urban areas where public transport is a realistic alternative, and to the 
application of parking standards to land use planning with an emphasis on 
short stay provision in central locations. PPS 13 General Principle 6 states 
that “controls on parking should be employed to encourage more responsible 
use of the private car and to bring about a change in travel behaviour”. 
Paragraph 57 refers to the need for parking restraint measures to reduce 
reliance on the private car and to help reduce congestion. Paragraph 61 deals 
with the role of development plans in designating areas of parking restraint 
(APRs), where “a reduction of the published standards will be applied”. PPS3 
paragraph 3.1 contains a policy objective to “promote parking policies that will 
assist in reducing reliance on the private car and help tackle growing 
congestion”. Paragraph 4.11 refers to the designation of APRs in 
development plans. PPS 3 policy AMP 7: Car parking and servicing 
arrangements states that the precise amount of parking associated with 
development will be determined according to any reduction from published 
standards in an area of parking restraint designated in a development plan.
The BMTP recognises the need to deal with the problem of unrestrained car use by using demand management measures in urban areas and it proposes parking control as the main tool in this policy. The APRs designated in BMAP emanate directly from the proposals of the BMTP.

5.6.3 At the Inquiry the Department suggested that the wording of the policy should be amended as follows:-

- The first paragraph should be amended to read “Within designated Areas of Parking Restraint the following reduced parking standards will be applied:—”

- The first and third bullet points should be deleted. The second bullet point should be amended to read “Reductions in the above standards will be considered in exceptional circumstances and then only if evidence of alternative transport arrangements can be clearly demonstrated.”

We note the Department’s comment that the suggested change deals with a lacuna in PPS 3 policy AMP 7, the regional policy in relation to parking standards, which does not provide for a reduction of parking standards in APRs.

5.6.4 We concur with the deletion of the first bullet point since it is clear that the APR parking standards cited are neither minima nor maxima. Rather, they are normal standards that may be varied in certain circumstances. We see no need for the policy to refer to each application being considered on its own merits as this is an implicit principle of development management. We therefore agree with the deletion of the third bullet point.

5.6.5 It was submitted by objectors that the second bullet point of the policy should read “Variations from normal standards may be considered in appropriate circumstances when a proposal is of regional significance or will strengthen the distinctive role of Belfast City Centre as the leading regional shopping centre in the region”.

5.6.6 The term ‘exceptional’ is commonly used in planning policy in the context of restrictive policy. The Department stated its opinion that, in the context of TRAN 4, the term “in exceptional circumstances” introduces a degree of flexibility whereby a reduction of the normal parking requirements may be justified. Clearly, if the circumstances of a proposal rendered it appropriate to set aside the normal APR parking requirements, it would represent an exceptional case. In the context of inner urban locations, we would anticipate that many proposals are likely to come forward where the parking standards could be reduced, for example where comprehensive alternative transport arrangements existed. As the BMTP’s proposed improvements to the public transport network come on stream, we would anticipate that such instances may become more common. We consider that the word ‘appropriate’ would accurately reflect strategic aspirations, and provide the flexibility advocated by the Department, without compromising the aims of the restraint policy. We therefore consider that there is merit in the objector’s suggested change in
We note that the term ‘exceptional circumstances’ is used in AMP 7 only in respect of proposals to exceed published parking standards.

5.6.7 We do not consider that the Plan should illustrate possible circumstances where variations from the normal parking standards in TRAN 4 would be acceptable. Considerations would depend upon the specific circumstances of each case and could take into account matters such as those referred to in the fifth bullet point of PPS 3 policy AMP 7. On the basis of its suggested policy wording, we note the Department’s stance that the only ‘trigger’ for accepting a reduced standard would be where evidence of alternative transport arrangements can be clearly demonstrated. We anticipate that there may, in some cases, be circumstances where an exceptional reduction in parking may be appropriate in an APR, where the existence of evidence of alternative transport arrangements is not demonstrable. One example could be where important heritage issues outweighed a need for parking. In the interests of clarity we consider that the wording of the policy should take such circumstances into account.

5.6.8 With regard to development in APRs the Department is advocating application of either TRAN 4 or PPS 3 policy AMP 7 depending, respectively, on whether either a reduction or an increase in the standard of parking is proposed. It suggests a cross reference to AMP 7 in the amplification text of TRAN 4 to deal with the latter instance. We consider this to be confusing and, on this occasion, we see benefit in a BMAP policy overlapping with regional policy. In our opinion, TRAN 4 should state that reductions in standards will be considered in appropriate circumstances where evidence of alternative transport arrangements can be clearly demonstrated, or, other material considerations exist that justify an exception to the policy. It should also state that increases in APR standards will be applied only in exceptional circumstances (the test applied by regional policy). We acknowledge that if a proposal within an APR was of regional significance, or would strengthen the distinctive role of Belfast City Centre, this could be material in determining the parking standards required in association therewith. If the proposed North East Quarter (NEQ) scheme were considered to fall within this category, TRAN 4 would not prevent the application of standards at variance with those adopted, if it were justified. The scheme would be considered on its individual merits. We do not therefore consider it necessary that TRAN 4 should specifically refer to development in the NEQ or that the wording of the policy should be amended to exclude the NEQ from the APR or its parking standards.

5.6.9 We consider that the parking standards for residential development in the APRs is clearly stated. We recognise that the standards do not differentiate between sizes or types of residential unit. The policy, as amended, would not rule out reductions in residential parking standards in appropriate cases. We take the term ‘alternative transport arrangements’ in the context of TRAN 4 to mean forms of transportation other than the private car, and not just public transport. PPG13 is an English policy document and does not apply in Northern Ireland. We do not consider that it would be appropriate to completely abandon parking requirements in APRs, nor to permit developers to determine their own standards. We accept that the ‘natural’ demand for
parking could be reduced in the future if there was a widespread movement towards home working or initiatives such as free public transport were to be introduced. However, such matters are outside the scope of the development plan process. In the absence of any proposals for their introduction, a level of parking demand is likely to continue and needs to be planned for. Irrespective of such proposals, we do not accept that the use of the private car in city centres is or will become entirely unnecessary. Notwithstanding the introduction of improved public or alternative transport facilities there will remain a need to provide car parking, albeit in a reduced form. This is recognised by regional transportation strategy.

5.6.10 An objector pointed out that residential developments in inner urban locations are characterised by small unit households and that in Belfast City Centre, housing policy as designated in the draft BMAP states that development should be at a ‘higher density’. All zoned sites for new residential developments within Belfast City Centre are within easy walking distance to public transport nodes and services, amenities, and retail and employment areas. Given this, it was argued that the residential parking standards in the Belfast Core APR are unacceptably high. It was also submitted that the proposed standards in the Belfast City Fringe and Arterial Route Commercial Node APRs are inappropriate, unsustainable and counter to the promotion of ‘walkable communities’.

5.6.11 We recognise that the provision of 1 space per unit, in the case of multi-storey development in already densely developed urban areas, could be burdensome both in terms of design, and the efficient use of land. For many such new proposals, however, we anticipate that it would be feasible to demonstrate that alternative transport arrangements existed, due to their location close to amenities, services, employment centres and public transport facilities etc. Such alternative arrangements could include walking, for instance. On the contrary, we note that much of the redevelopment that has taken place in the proposed Belfast City Centre Fringe APR has taken the form of family homes in previously residential areas where it has been appropriate to cater for some degree of private car ownership. We anticipate that proposals for similar forms of development are likely to come forward in the future at various locations within the APRs. We note that 1 space per unit is less than any standard applied in Creating Places and mirrors that applied in the centres of several large cities in the UK. We consider it to be an appropriate standard in the proposed APRs in BMAP, given the variety and range of residential development that needs to be catered for. We disagree with the assertion that a standard of 1 space per unit runs counter to the promotion of the use of public transport in the BMAP area. Nor would it result in significant conflict with policy HOU 4 of the Plan or the general aim to increase residential densities, promote sustainability, and optimise the use of land in those areas designated as APRs. TRAN 4 would not rule out ‘car free’ development where evidence of alternative transport arrangements could be clearly demonstrated. The Department has acknowledged this.

5.6.12 It was submitted that the parking standard of 1.5 spaces per dwelling unit for Lisburn City Centre, Bangor Town Centre and Carrickfergus Town Centre are identical to standards in table 7 of Creating Places for 2 bed dwellings. It was
We agree with this submission and see no reason why a higher parking standard should apply within those particular urban centres. We consider that the same residential standard should be applied throughout all APRs.

5.6.13 We note that PPS 3 provides parking standards, which take into account differing parking requirements based on the specific characteristics of the development and that these clearly distinguish between food and non-food retailing. We also note the objector’s assertion that large retailers will not locate or extend existing premises in areas where car parking provision is significantly below the required level since they would not be able to attract a sufficient number of customers to trade efficiently. It was suggested that TRAN 4 should therefore allow for convenience retailers to be excluded from this policy. It was posited that the widespread application of the policy will penalise city centre customers, create further congestion and fail to stimulate city and town centre vitality or economic investment.

5.6.14 We judge that the wording of TRAN 4, as per our recommendation, contains sufficient flexibility to enable the Department to consider circumstances beyond the norm, including those relating to food retailing development. In respect of Belfast City Centre and Fringe APRs, we note the Department’s statement that there are examples of existing successful food retailers where no dedicated parking is provided and consider it conceivable that similar proposals could be approved, depending on individual circumstances, within the context of the proposed policy. BMTP estimates that the current number of public and private non-residential car parking spaces in the city centre to be more than 20,000; it anticipates an increase of around 2,000 spaces as a result of its proposals. We were presented with no evidence to convincingly undermine the Department’s submission that sufficient parking exists within the proposed APRs to cater for future food retailing proposals therein. In the case of Belfast, it would appear from Figure 7.1 of the BMTP that there is an ample geographical spread of public car parking around the city centre.

5.6.15 Food and convenience goods sales comprise a large segment of the retail sector. They normally generate significant parking demand and thus cannot logically be exempted from a strategic policy aimed at parking restraint. We note the concerns of objectors in respect of the availability of sufficient parking for the needs of large food retailing stores. With regard to the latter, we recognise that PPS 5 refers to the need for proximate, adequate car parking for customers, some of which is reserved for the disabled and parents and children; however it also states in paragraph 41 that existing town centres may be inappropriate locations for food superstores due to a lack of same. It is clear that provision of car parking at the suggested rate of 1 space per 14m² of floorspace could potentially result in the creation of large car parks, which could subsequently be used by the public at large, and not solely dedicated to the food retailing unit. This could undermine the underlying aim of TRAN 4 to restrain the availability of parking and have an adverse impact on the BMTP strategy. Such a high parking requirement could potentially also act as an obstacle to food retailers locating in areas where space constraints are likely to exist. For these reasons, we do not consider that
TRAN 4 should contain a separate, substantially higher parking standard for food retailing. We note the Department’s reference to paragraph 5.47 of PPS 3, which states that additional parking provision for major retail development in town centres may be acceptable. This provides for a degree of flexibility in exceptional circumstances. An objector claimed that food retailers can introduce management measures to ensure that their car parks are utilised only by their customers during the course of their visit to the store; however, this would conflict with the comment in paragraph 5.47 that, in respect of parking provision additional to the normal standard, it must be demonstrated that it will genuinely serve the town centre as a whole. We see no fundamental conflict between TRAN 4 and PPS 5; the latter recognises the tension that exists, and the balance that must be struck, between parking provision related to retailing, and the need to control the use of the car in larger urban centres.

5.6.16 We note that the comparative study produced by Atkins in 2007, post dated the publication of the draft Plan and had no influence over the parking standards proposed in TRAN 4. We do recognise, however, the wide range of parking standards that exist in the various cities cited; some more, and some less restrictive than those proposed for Belfast City Centre. We note the objectors’ assertion that TRAN 4 was not based on an analysis of the accessibility of existing parking spaces in terms of their distance from possible convenience retail areas, or the variations that exist in this respect, throughout the proposed BMA APRs. We acknowledge the objectors’ submission that it is difficult to make meaningful comparisons between different cities in the UK and Ireland. We accept that it is even more difficult to apply research relating to large cities, to parking provision in arterial route commercial nodes, Lisburn City and the towns of Bangor and Carrickfergus. Notwithstanding all of this, however, we acknowledge that the Department must apply some standards and that those must represent a meaningful reduction when compared to standards applied elsewhere in the BMA. Other than in respect of food retailing, we were presented with no specific suggested alternative standards for the APRs.

5.6.17 It was argued that TRAN 4 should take account of the varying land uses that may be proposed, including specialised or less common types of development. It was also suggested that the standards are arbitrary and that successful developments may have varying parking requirements. We recognise that the PPS 3 Parking Guidance sets out standards for 10 different use classes and 23 specific sui generis uses. We concur with the objector that the Department’s suggested application of standards for only two categories of land use, residential and non-residential, is a rudimentary approach. However, in the context of a policy that seeks to restrain, rather than promote the provision of parking, we consider the Plan’s proposal to be acceptable. In reaching this conclusion, we are also mindful that our suggested rewording of TRAN 4 would not rule out reductions to the normal standards in appropriate cases, nor increases, in exceptional circumstances. It is conceivable that variations in standards could relate to particular sui generis uses or unusual/unforeseen circumstances or proposals.
5.6.18 We consider it appropriate that the non-operational parking standards for non-residential development in Lisburn City, and Bangor and Carrickfergus town centres take into account the scale of these settlements and the nature of their accessibility by public transport. Higher levels of constraint are proposed for the City Centre Fringe and Arterial Route Commercial Node APRs. We note that in respect of the Commercial Nodes, the Plan does not envisage convenience shopping units in excess of 500m². BMAP clearly does not focus on a need to encourage food retailers into these nodes. Neither can we discern any stated need to encourage food retailers to locate in the Belfast City Centre Fringe APR. We do not therefore consider that the standards in TRAN 4 should be amended to favour food retailing in those APRs.

5.6.19 We have not been presented with any evidence suggesting that there is presently a general shortage of parking in the proposed APRs. Concerns were raised that the standards in TRAN 4 could result in such a shortage, which could impact on the economic vitality, viability, and competitiveness of town and city centres. In the medium term, should such a situation arise, we consider that TRAN 4 contains sufficient flexibility to allow upward deviations from ‘normal’ requirements to address the issue. A review of the standards in the APRs could also be undertaken. We therefore see no conflict between TRAN 4 and the content of paragraph 5.70 of PPS3 and paragraphs 59 and 62 of PPS 13. We do not consider that TRAN 4 is too vague for its correct and consistent interpretation, as submitted by the objector.

5.6.20 TRAN 4 would allow consideration of competing requirements in mixed use developments and the weight to be attached to factors such as the contribution of a proposal to the vitality and viability of the city core. There is no indication in the policy that standards in excess of those stated will be required in respect of residential or other development and we therefore disagree with the submission that the policy should explicitly state that the standards are maxima.

5.6.21 We acknowledge the objector’s comments regarding paragraph 7.7 of the BMTP, which states that towards the end of the Plan period, public transport in Belfast should be of a quality and quantity to provide an attractive alternative to the car. We note that the paragraph goes on to refer to “further restraint measures being introduced at that stage”. It is clear that the BMTP proposes introduction of parking restraint immediately and we therefore cannot agree that TRAN 4 should be set aside, or the proposed APR parking standards reduced, until public transport facilities are improved as envisaged.

5.6.22 We do not agree that the wording of TRAN 4, where it relates to deviations from normal standards, needs to be clarified by adding the sentence “particular consideration will be given to gateway locations which have the capability of serving the wider city centre via access from the city centre ring road”.

5.6.23 It was argued that TRAN 4 would result in the displacement of commuter and other parking, which will expand outwards into other residential areas and increase pressure on parking in those areas. Concern was raised that the implementation of the standards could also have a detrimental effect on
businesses and developers considering new or expanded schemes on sites within these areas such as at Tesco Bentrim Road. In our opinion it is inevitable that some displacement of traffic and parking demand will occur wherever strict control over long-stay parking is introduced. However, we consider it likely that a significant element of this displacement will be towards public transport. Management of on-street parking and the introduction of resident-only parking schemes are measures available to the Department to deal with displacement issues in residential areas throughout the BMA. Initiatives to prevent the abuse of private parking areas can also be introduced by landowners, developers and other retailers.

5.6.24 TRAN 4 deals only with APRs designated in BMAP. We do not consider that the Plan should contain policy relating to parking standards for development outside these, including residential areas under pressure from office or HMO development. Parking outside APRs is governed by regional policy contained in PPS 3. We therefore do not accept the argument that Policy TRAN 4 should be reworded to make reference to locations outwith APRs.

**Recommendations:**

We recommend that:

- The first paragraph of TRAN 4 is amended to read: “Within designated Areas of Parking Restraint the following parking standards will be applied”.

- The first and third bullet points of the policy are deleted.

- The final paragraph of the policy should read: “Reductions in the above standards will be considered in appropriate circumstances where evidence of alternative transport arrangements can be clearly demonstrated, or, other material considerations exist that justify an exception to the policy. Proposals involving car parking in excess of the standards will only be permitted in exceptional circumstances.”

5.7 Objections to TRAN 5 - Publicly Owned Off Street Surface Car Parks within City and Town Centres

5.7.1 The Strategic transportation policies in BMAP have been informed by the RDS, the Regional Transportation Strategy for Northern Ireland (RTS), Planning Policy Statement (PPS) 3, PPS 13, and BMTP (Technical Supplement No. 3). Policy TRAN 5 relates to the redevelopment of publicly owned off street surface car parks.

5.7.2 The BMTP advocates the use of parking restraint as a means of reducing car use. Policy TRAN 5 focuses on controlling the potential redevelopment of publicly owned off street surface car parks within city and town centres; it aims to ensure that, where re-development takes place all existing car parking spaces are replaced and reserved for short-stay use only. We note the Department’s submission that TRAN 5 is required to permit the retention
of its control of sufficient spaces to support the wider objectives of urban regeneration and sustainable transportation policy. Whilst future demand for parking could be greatly reduced through initiatives such as free public transport, or the promotion of greater levels of home working, current circumstances dictate that it would be imprudent to delete the policy. This situation may change, however, when the Department’s proposed public transport initiatives are implemented to the fullest extent and this is a matter which should be kept under review. In its evidence to the Inquiry the Department stated that the policy should be amended to take account of proposals for public park and ride schemes by adding the following text: “Exceptions will be considered for long-stay use where the replacement car spaces are associated with public park and ride schemes.” We consider this to be a logical and necessary amendment. It also addresses a specific concern raised in the objections.

5.7.3 Whilst we acknowledge that PPS 13 refers to the economic benefits of releasing certain parking land for other forms of development, without requiring replacement of lost spaces, this would not preclude the inclusion of such a requirement in other policy documents or development plans. TRAN 5 emanates from a need identified in the BMTP to retain an appropriate level of short stay parking in the BMA; we therefore see no conflict between that policy and the third bullet point of PPS 3 policy AMP 10.

5.7.4 Belfast City Council argued that TRAN 5 would contribute nothing to the regional policy objective of reducing overall parking supply and, in particular, the availability of long stay spaces. BMAP seeks to apply parking restraint in relation to new development not through TRAN 5, but through TRAN 4. The former relates only to the replacement of off street public car parking and we note that it could well result in a reduction in long stay spaces. The Council drew attention to paragraph 7.15 of BMTP, which refers to reducing provision for long stay commuter parking in Belfast city centre. Clearly, TRAN 5 is not incompatible with this aim. We note the content of paragraph 7.11, which refers to the need to maintain an appropriate level of short stay spaces. Paragraph 7.18, in fact, envisages an increase in the number of short stay spaces in the City Centre Core Zone. TRAN 4 applies reduced parking standards for all types of development in Belfast City Centre, which will inevitably result in a reduction in parking relative to floorspace, and render the retention of public short stay parking all the more critical. In requiring the replacement of spaces, TRAN 5 does not stipulate that they should remain in public ownership. Provided that TRAN 5 results in the exercise of appropriate control over commuter parking we do not consider the ownership of the parking spaces to be of any significance. We do not foresee a conflict between TRAN 5 and the Plan’s proposed park and ride schemes given that the former would restrict long stay parking by commuters. Rather, we see a complementary relationship between the two. Objections relating to specific park and ride proposals are dealt with in part 2 of this report.

5.7.5 We accept the Council’s submission that the impact of TRAN 5 in reducing the number of public long stay spaces may result in some compensatory increase in long stay private parking provision in Belfast City Centre, in car parks outwith the Department’s control. We consider that such a scenario
could arise as a result of parking restraint/control policies aimed at commuters, with or without the loss of public long stay spaces, and it thus cannot weigh against the inclusion of TRAN 5 in the Plan.

5.7.6 The Council argued that current long stay spaces should only be replaced with short stay spaces if this can be shown to be in accordance with the goals for parking supply set out in BMTP. It is clear to us that this is exactly what TRAN 5 seeks to achieve. For this reason we do not accept the Council’s submission that TRAN 5 should only require parking spaces currently in use for short stay parking to be retained or replaced.

5.7.7 We acknowledge that some of the over-provision of parking supply in Belfast city centre is due to temporary car parks operating without appropriate planning consents. Legislation exists to deal with unauthorised car parking and it would be both unnecessary and inappropriate for a development plan to attempt to address the matter through its policies.

5.7.8 Another objector argued that TRAN 5 makes no provision for long stay parking associated with hotels and train stations. It was submitted that the location of hotels and other public buildings such as conference halls, churches and leisure facilities play an important role in the attraction of visitors into City Centres, encourage inward investment and help promote the 24 hour economy; if they are to compete on a level playing field with those facilities on the edge of towns with greater accessibility and plentiful car parking, then they must require long stay car parking. It was suggested that the word ‘daytime’ should be inserted after ‘short stay’ in the policy to make provision for overnight parking for hotels and that railway stations and hotels should be added as exceptions to the policy.

5.7.9 We concur with the Department’s submission that TRAN 5 does not prevent the provision of long stay parking in existing privately owned car parks or in parking spaces provided in association with new development; the latter would be provided in accordance with the standards laid out in the supplementary guidance to PPS 3 and TRAN 4 and would include hotels, leisure facilities etc. We note that there is a considerable quantum of existing parking provided in privately owned car parks, where there are no restrictions on length of stay. We see logic in permitting overnight parking in car parks governed by TRAN 5 since this would take place outside the hours when traffic congestion connected with commuting is problematic. The latter would also apply in respect of long stay parking at weekends. We agree with the objector that there should not be a blanket embargo on new long stay parking at railway stations, unconnected with a formal park and ride scheme, if it were for use solely in association with train travel.

5.7.10 Given that TRAN 5 does not stipulate a design for replacement parking, we discern no fundamental inconsistency with Policy UE6, which seeks to resist ground floor car parking along street frontages within city and town centres.

5.7.11 It was submitted that TRAN 5 ignores the experience of other Irish, British and European Cities, where many surface car parks have been removed from the overall parking capacity to provide development space and to assist
public transportation policies by restricting the numbers of commuter car parking etc. We note that retention of adequate parking is part of BMTP parking restraint strategy and need not hinder development or the evolution of more sustainable transport systems.

**Recommendations**

We recommend that TRAN 5 is amended as follows:-

- The words “reserved for short stay use only” are replaced with “controlled to permit only short stay parking between the hours of 8am and 6pm, Monday to Friday”.

- The following wording should be added to the policy:-

  “Exceptions will be considered for long stay use where the replacement parking is associated with public park and ride schemes or with railway stations where the sole use of the parking is limited to those using train services”. 
6. RETAILING

6.1 Background

6.1.1 The background to consideration of the retail objections is the Regional Development Strategy (RDS) and Planning Policy Statement 5 (PPS 5) which contain current regional policy. PPS5 is currently under review; a consultation draft was published in July 2006 and the document has not yet been finalised. As it could be subject to change, we place limited reliance on specific policies. However, it is important as an indication of the Department’s thinking on the future of retail planning policy in Northern Ireland and accordingly has informed our consideration to that extent. Publication of PPS5 in its final form could have implications for our recommendations in respect of retail matters and it will be a matter for the Department to decide how to reconcile any anomalies that might arise.

6.1.2 The objectives of PPS 5 (June 1996) refer to sustaining and enhancing the vitality and viability of town centres and focussing development in locations where the proximity of businesses facilitates competition from which all consumers are able to benefit and maximises the opportunities for access other than by the car. The maintenance of an efficient, competitive and innovative retail sector and ensuring the availability of a wide range of shops to which people have easy access by a choice of means of transport are the other objectives of PPS 5. Whilst PPS 5 does not preclude out of town shopping, the importance of existing centres is emphasised in paragraph 6 and the importance of town centres in paragraphs 14 to 34. Town centres are generally promoted and are the first choice for major comparison shopping proposals. The stated overall aim of transport policy is to reduce the need for travel and encourage the use of alternatives to the private car (paragraph 7 of PPS 5). It is against this over-arching policy context that our consideration of the strategic retail objections will be assessed.

6.1.3 The RDS (2001) endorses the multi-functional role of town centres and refines the approach taken by PPS 5 by providing a spatial context to retailing. The RDS endorses the PPS 5 approach to supporting the vitality and viability of town centres and reinforces the importance of retailing in underpinning strong town centres. The role of town centres in developing community cohesion is promoted in SPG-SRC 3.2 element 4 where retailing is acknowledged as one of the elements providing a focus for the community. The role of the town centres in the main hubs identified in the spatial development strategy at p. 47 is to sustain attractive centres attracting a range of functions including retailing. ECON 1.3 also aims to support urban renaissance and endorses town centres as the first choice for major new retail development. The RDS promotes an urban renaissance aimed at maintaining a strong and vibrant Belfast City Centre, recognising it and town centres as the first choice location for shopping provision. Strategic Planning Guidelines for the BMA include SPG-BMA 2: To promote an urban renaissance throughout the Belfast Metropolitan Area. BMA 2.1 refers to regenerating Belfast and Lisburn city centres together with Bangor and Carrickfergus town centres. However, there is also a wider emphasis on
regenerating areas of disadvantage and deprivation in the North, East and West of the city. There is a stated aim to maintain and enhance identifiable local centres of commerce and community services throughout the BMA. SPG-BMA 1.1 refers to a precautionary approach to out-of centre shopping developments in terms of their adverse effects on city centre shopping. Overall, there is a strong emphasis in both PPS 5 and the RDS on the promotion of town centres in general and as a focus for retailing. There is a clear message that the concentration of retail and other uses therein is good for town centres and that a strong retail sector means a strong town centre.

6.1.4 The Retail Strategy and policies in the draft plan are supported by a Retail Study and Retail Study Update undertaken by Colliers CRE, which form a technical supplement to the plan. There were many objections to this study and its assumptions and findings. We cannot deal with objections to a technical supplement, as it does not form part of the plan. We can only address issues where objectors specifically identify the relevance of the study to the policies of the plan.

6.1.5 Several other objections refer to the Retail Strategy. However, on examination they are clearly related to specific parts of Belfast City Centre, to Belfast Harbour area and to Boucher Road. These are not strategic matters and will be considered in Part Two of this report.¹

6.1.6 The draft plan’s Retail Strategy comprises four elements:

- the promotion of Belfast City Centre;
- the promotion of Lisburn city centre and the other town centres as the main foci for additional retail capacity;
- controlling and focussing the nature and scale of retail development outside city and town centres at specified locations; and
- the expansion of Sprucefield Regional Shopping Centre (RSC) for bulky comparison goods only.

6.1.7 The report will consider objections to element one and Policy R3 together as they both relate to the promotion of Belfast City Centre. The report will then address objections to elements two and three of the Retail Strategy and Policy R5, as it also relates to District Centres. Objections to element four and Policy R4 will be considered together as the subject of both is Sprucefield Regional Shopping Centre (RSC). Finally, objections to the remaining retail policies and other strategic retail objections will be considered.

¹ The Department will need to ensure that any consequential amendments to the lists in strategic policies are fed back after the Part Two report is completed.
6.2 Objections to the Retail Strategy Element 1 and Policy R3 - Belfast City Centre

6.2.1 The RDS seeks the enhancement of the role of Belfast in order to create a thriving Metropolitan Area (SPG-BMA 1). BMA 1.1 states that Belfast City Centre is the primary retail location in the Region. PPS 5 in paragraph 35 recognises the important role of Belfast City Centre in servicing a regional shopping requirement, but does not contain any specific policy for it as a Regional Shopping Centre (RSC). In this context, the majority of objections raised no issue with the Retail Strategy and approach in relation to Belfast City Centre.

6.2.2 There was an objection to the Retail Strategy requesting that a cap be placed on the retail floorspace provided in city and town centres in order to protect lower order centres such as District Centres and local shops. This objection relates to elements one and two of the strategy; but is considered here for convenience. The objection did not seek to challenge the retail hierarchy set out in the plan. In view of the general thrust of retail planning policies in the RDS and PPS 5 which seek to promote city and town centres and control the unchecked expansion of District and Local Centres, such a cap could not be justified as it would have the effect of turning policy objectives on their head. It was unchallenged evidence that the assessment of retail need (quantitative and qualitative) is based on a range of data assumptions and information on retail development proposals that may both change over time. In these circumstances, it would also be inappropriate to apply a rigid cap on overall retail floorspace in city and town centres. We therefore do not consider that there should be any change to the plan’s retail strategy and policies in response to this objection.

6.2.3 The objection claims that Policy R 3 lacks clarity and guidance as to what would be acceptable forms of development. The remedy sought was that the policy should echo policies RRP 1 and RRP 3 of draft PPS 5, although no precise re-wording of the policy was suggested. There are a number of difficulties with the policy as presently drafted. The heading is Belfast RSC and one would expect to see a policy for Belfast rather than one stating what won’t be allowed elsewhere. It doesn’t explain what the distinctive role of Belfast RSC actually is and it is therefore unclear what the policy aims to protect. Furthermore, the policy lacks clarity as to the types of development that would be likely to have an adverse impact. The Department’s response in paragraph 3.6 of their evidence (i.e. to clarify the type of proposal that could impact on this distinctive role) does not go far enough. Nowhere in the plan or technical supplements is the distinctive role of Belfast RSC defined. The retail study concentrates on its dominance for non-bulky comparison goods and the range of major stores as the distinctive features of Belfast City Centre. If these are the features that the policy seeks to protect then it should be clearly and unambiguously stated.

6.2.4 Policy RRP1 of draft PPS 5 is worded positively for retail developments within Belfast City Centre and restricts retail proposals for comparison shopping or mixed retailing of regional significance outside the city centre. The
justification provides guidance as to the size and type of retail development proposal that would be likely to have a regionally significant impact. We consider that the draft plan policy R3 as currently worded is vague and gives no guidance of what will or will not be acceptable for those promoting retail developments outside Belfast City Centre (including other city and town centres). We consider that there is a need for policy for Belfast City Centre which should set out positively those steps that should be taken to promote its role as set out in the Retail Strategy and to protect it from any adverse effects of retailing in other parts of the BMA. In view of Belfast’s regional status, such policy should be clearly set out at a regional level. The general approach included in Policy RRP 1 of draft PPS 5 provides the basis for such a policy and there is a pressing need for it to be finalised in order to provide specific guidance as to the scale and nature of retail developments that would be likely to have an unacceptable impact on Belfast City Centre. Once this regional policy is confirmed, policy R3 would be unnecessary. We consider that this would address the concerns of the objector. We consider that the objectors’ suggestion related to policy RRP 3 of draft PPS 5 is of no relevance to Belfast City Centre because RRP 3 deals with the role of non-regional town centres.

6.2.5 There was also an objection that Policy R 3 does not adequately safeguard Lisburn City Centre. Although Lisburn is a City, its position in the retail hierarchy is no different from that of Bangor or any of the other town centres identified in the retail strategy. Regional policy (extant and emerging) does not acknowledge any special position for it nor does it have the regional role that Belfast City Centre performs. This distinguishes it from Londonderry despite its size and rank amongst cities and towns in Northern Ireland. We agree that the RDS references to Lisburn are in a wider spatial development context and not in relation to retail development. This is evidenced, for example, by similar references to Newtownabbey as a growth location. We are satisfied that Lisburn City Centre’s role is adequately acknowledged by the proposed retail policies in BMAP which reflect regional policy. It is therefore considered that no amendments to the Retail Strategy or Policies are required as a result of this objection.

6.2.6 Objection 921 was supportive of the Retail Strategy and policies, but the submission referred to the need for phasing of development in the city centre. This point was not in the original objection and cannot therefore be considered by the Commission in this report. We are satisfied that the Victoria Square development was taken into account in floorspace figures in the Retail Study (e.g. paragraph 6.28 of the Retail Study Update 2006).

Recommendations

- We recommend no change to the plan in respect of the objection seeking a cap on floorspace in city and town centres.

- We recommend that Policy R 3 is omitted from the plan as this is a matter for regional policy.
• We recommend that no specific policy for Lisburn City Centre is included in the retail policies.

6.3 Objections to the Retail Strategy Elements 2 & 3 and Policy R 5

6.3.1 There is a clear retail hierarchy in the plan, which reflects the basic tenets of both the RDS and PPS 5. There were no objections to the hierarchy in principle. In this context, we cannot agree with the objectors suggested wording for element 2 i.e. that town centres be promoted in a manner appropriate to their scale and function. Both PPS 5 and the RDS state that city and town centres should be the first choice location for new retail development. The use of the qualifying term would mean that the growth and development of some town centres could be constrained, which would be contrary to retail policy. Paragraph 11 of PPS 5 allows the Department to indicate where new retail development is to be focussed. It is therefore appropriate to indicate that city and town centres will be the first choice for new retail development. The reference to protection of the vitality and viability of city and town centres as part of the Retail Strategy is merely the reason why retail development needs to be controlled in locations outside the city and town centres. We see no objection to the inclusion of this phrase which reflects regional policy in relation to the reasons why town centres are to be preferred to other locations for future retail provision. The remainder of element 3 states where retail development is to be focussed.

6.3.2 The policy context for District Centres is provided by paragraph 49 of PPS 5, which states that the primary role of District Centres is the provision of locally accessible convenience goods and that District Centres will be retained and enhanced. Paragraph 51 provides guidance on the consideration of non-retail uses in District Centres. This policy support for District Centres must be tempered by the strong emphasis on city and town centres as the preferred location for major retail proposals. In other words, District Centres have a role to play but that should be a supporting role.

6.3.3 It is true that in some instances the retail hierarchy in the plan does not reflect the situation on the ground. Some centres have been classified as District Centres despite the fact that they bear little resemblance to the definition in PPS 5 and are trading at a level above many town centres. To an extent this is a situation unique to the BMA because of the concentration of population around the city. However, we consider that the retail hierarchy in the plan echoes the policy directions of PPS 5 and the RDS correctly. Belfast City Centre is the highest order location in Northern Ireland and does not fulfil a major convenience shopping role. In the absence of clear policy directing convenience shopping to town centre locations, this is not surprising. However, it does have implications for sustainability as it leads to the requirement for local needs to be met locally. The significant role to be played by District Centres in meeting these needs is acknowledged in PPS 5.

6.3.4 This leads on to a consideration of District Centres and their role in BMAP. Much of the discussion focussed on Abbey Centre. The reality is that this has
developed into the main shopping centre for Newtownabbey as well as parts of North Belfast and Carrickfergus. The Department indicated at the strategic sessions that this was the situation, but that it should not be allowed to continue and that further development should be controlled in order to protect town centres. However, at stage 2, the Department conceded all the site-specific objections seeking expansion of the Abbey Centre. This does not sit comfortably with their strategic submissions, but was inevitable given what emerged about the planning consents for retail developments that have been granted and implemented on these objection sites. We consider that there are sustainability arguments in support of this change in stance in relation to convenience shopping. The centre is convenient to large centres of population and it is unrealistic and unsustainable to expect people from this area to travel to the city centre or Ballyclare for convenience shopping. The concern in policy terms is the impact on city and town centres of additional comparison retail floorspace at Abbey Centre.

6.3.5 The objectors sought a new designation as a Metropolitan District Centre for Abbey Centre. This was suggested with a view to allowing comparison retailing there as a matter of course (below a certain floorspace threshold). The centre’s current retail offer more than meets local needs and serves a wide catchment. The size of the centre and approvals that have been granted around it mean that it has a turnover almost equivalent to that of Lisburn City Centre (according to the Retail Study). Clearly it does not function as a District Centre as defined by PPS 5. There was no dispute with the evidence from the Retail Study that Carrickfergus and Ballyclare town centres are detrimentally affected by Abbey Centre. Ballyclare is earmarked for considerable expansion and a new by-pass. These factors should assist the retail growth of Ballyclare town centre. We therefore agree with the Department that any further growth at Abbey Centre could be at the expense of city and town centres. In order to achieve the strategic objectives of promoting the role of city and town centres and controlling the scale and nature of development elsewhere, we recommend that further development of Abbey Centre should be curtailed and that it remains as a designated District Centre.

6.3.6 In relation to other District Centres, designation as a Metropolitan District Centre was sought for Forestside, which is also trading well above the level of a District Centre (turnover almost on the same scale as Abbey Centre). Forestside is closer to Belfast City Centre and could draw trade from the city centre and other town, District and Local Centres. Carryduff is also earmarked for significant expansion in the RDS and protection and promotion of its town centre is essential if the retail offer is to expand to meet the populations’ needs locally rather than relying on travel to an out-of-town centre. We would therefore see no convincing case for elevating Forestside in the retail hierarchy. It should remain as a District Centre for the same reasons as Abbey Centre. A similar argument was advanced for the elevation of Bloomfield Centre in Bangor. However, the objection was not supported with any further information to enable us to evaluate any special case for Bloomfield. There is an even more compelling argument for resistance to this suggestion. There was strong uncontested evidence of the detrimental effect of the Bloomfield Centre on Bangor town centre in the
Retail Study. The potential trade draw from Bangor town centre as a result of further expansion of Bloomfield would be contrary to the objectives of the RDS and PPS 5, as well as the Retail Strategy of BMAP. It should also remain as a District Centre.

6.3.7 The Department withdrew the majority of Policy R 5 in their statement of case leaving the following text: “Proposals for comparison retailing within designated District Centres will not be permitted. Planning permission will be granted for small scale retail services and catering outlets.” The Department’s reason for deleting the remainder of the policy text was because it merely repeated regional policy in PPS 5. We note this amendment to the text as described in Department’s statement on Policy R 5 and make no comment on the objections to the text deleted by the Department. We will now consider the remaining portions of the Policy. The blanket ban on comparison shopping is not in accord with the existing regional guidance in PPS 5 or emerging guidance in draft PPS 5. It is also different to the Department’s policies in the Plan for commercial areas on arterial routes and for Local Centres. It is also at odds with the Department’s actions in the approvals that have been granted in the past. The Retail Study also identified one District Centre that should be allowed to expand because of its location and very poor performance. It also referred to a potential need for expansion at other District Centres in certain circumstances. The ban on comparison shopping would frustrate these needs. Further small scale comparison shopping would not make any difference to the situation at the large District Centres such as Abbey Centre and Forestside. It seems to us that there is no justification for this embargo and further that this is not an issue unique to the BMA and as such should be left to regional policy.

6.3.8 The final part of the policy adds little to existing regional policy in paragraph 51 of PPS 5 and is unnecessary. The objectors suggested a list of District Centres be included within the policy box in a similar manner to employment sites under policy EMP 1. We consider that this is unnecessary and that there is overall no remaining need for a policy on District Centres. The District Centres are each designated in part 4 of the plan in the District Proposals and there is no need to repeat those designations here. The Department could retain some text in Volume 1, which could contain a list of designated District Centres.

**Recommendations**

- We recommend that the objectors’ suggested amendments to Policy R 5 are not adopted including the suggested additional category of Metropolitan District Centre.
- We recommend that Policy R 5 be omitted from the plan in the light of the Department’s withdrawal of most of the policy at the inquiry.
6.4 Objection to Retail Strategy Element 4 and Policy R 4 - Sprucefield Regional Shopping Centre

6.4.1 We propose to consider the policy context for Sprucefield Regional Shopping Centre in a chronological manner in order to trace the evolution of retail planning policy for the centre. It is interesting to note that A Planning Strategy for Rural Northern Ireland (1993) stated under Policy IC 10 on page 72: “the Department considers that there is no justifiable need for any regional out-of-town shopping centres in Northern Ireland”. The shopping centre at Sprucefield had been approved in 1987 and it must be assumed that it was not considered to be a regional centre by A Planning Strategy for Rural Northern Ireland. The retail policies of PSRNI (including policy IC 10) were superseded by PPS 5, issued in 1996. Paragraph 35 of PPS 5 addresses Regional Shopping Centres. The text is descriptive and the document does not define a RSC. It identifies 3 RSCs - Belfast, Londonderry and Sprucefield, but does not set out any distinguishing features between the function of these centres. In locational terms, Sprucefield is identified as an out-of-town centre occupying a unique geographical location serving a wide catchment. Paragraph 35 states that the scale and nature of Sprucefield is to continue to be controlled taking into account the policies of PPS5. No explanation is provided about the scale and nature envisaged for the centre or why it should be subject to controls that are not proposed for the other RSCs. The final part of the sentence provides some insight in that it refers to impacts on other centres and the environment. It is implicit within this statement that the unchecked growth of Sprucefield could have an adverse impact on other centres and sustainable development, contrary to the objectives of PPS5. The need to take into account all relevant policies in PPS5 therefore presumably primarily refers to policies for major retail development found in paragraphs 36-48. Paragraph 35 is silent on the future growth of the other two RSCs, Belfast City Centre and the city of Londonderry, but in view of the objectives of PPS5 it must be assumed that these city centres are to be sustained and enhanced. To conclude otherwise would be perverse.

6.4.2 We note that the Commission in its report on Lisburn Area Plan (2001) recommended that Sprucefield was not brought into the development limit. The Department accepted that recommendation and Sprucefield remained as an out-of-town RSC in the adopted plan. The RDS (2001) seeks to promote shopping in Lisburn town (now city) centre and only refers to Sprucefield’s complementary role in that regard (BMA 1.3). RDS Appendix 10 - Sprucefield RSC states that the scale and nature of retail development will continue to be controlled in accordance with the relevant planning policies, which must mean PPS 5. The locational advantages are described as making it suitable for major employment activities - there is no reference to retailing at this location, which suggests that mixed use is envisaged at Sprucefield in the RDS.

6.4.3 Insight into the Department’s recent thinking is provided by draft PPS 5, published in 2006. The glossary defines “Regional Centre” as the Regional Shopping Centres of Belfast, Londonderry and Sprucefield. There is however, no definition of what a RSC is or the role it performs. Policy RRP 1
distinguishes Belfast and Londonderry from Sprucefield in that the retail cores of both should be the first choice for regionally significant retail developments and exceptionally such developments may be allowed elsewhere in the two designated city centres. The policy also states that regionally significant retail developments will not be permitted outside the designated city centres of Belfast and Londonderry where they would be likely to have an adverse effect on their distinctive role as regional shopping destinations. Regionally significant retail developments are defined as proposals for comparison shopping, mixed retailing and retail-led mixed use development with a net floorspace in the order of 15,000 m² or above. Despite its status as a RSC, Sprucefield is not to benefit from regionally significant retail developments. Sprucefield has its own policy - RRP2, which states that applications will be judged on their own merits. The criteria for assessing proposals are: their contribution to Sprucefield’s regional role; consideration of their impact on Belfast City Centre and other retail centres and the provisions of Policy RRP 1. There is an inherent conflict in requiring proposals to contribute to Sprucefield’s regional role and at the same time not allowing regionally significant development by virtue of Policy RRP 1. In contrast to the justification and amplification provided for Policy RRP 1, Policy RRP 2 does not set out the future role of Sprucefield as a RSC. Detailed policy for Sprucefield is left to this plan (i.e. BMAP). Again there is clearly an attempt to distinguish Belfast and Londonderry from Sprucefield and allow development at Sprucefield that will not impact on Belfast City Centre or other centres. However, the distinction and the reasons for it are unclear in the context of all three being Regional Shopping Centres. It is not the function of the development plan to specify the difference between different regional centres - that is a matter for regional policy to elucidate.

6.4.4 The lack of clarity is not helpful in terms of the future role of Sprucefield and in terms of guidance for development plan policy for the centre. The conclusions of the Retail Study were that Sprucefield and Belfast City Centre were both under-performing for their position in the retail hierarchy. The figures in the retail study update at Figure 3.34 on page 29 show that in 2002 Sprucefield’s turnover was less than half that of Abbey Centre, Forestside and Bloomfield District Centres. Recent store openings at Sprucefield will have boosted its turnover, but the information available was that turnover was still likely to be less than at those three District Centres. Similarly, the development at Victoria Square has gone some way to redressing the balance for Belfast City Centre. In view of its status as a RSC, policy support for the promotion of Sprucefield and guidance for the future policy direction for Sprucefield would have been expected in draft PPS 5. However, the thrust of the draft policy would appear to be to treat proposals at Sprucefield in the same way as out-of-centre proposals elsewhere with the proviso that their (unspecified) contribution to the Centre’s regional role should be considered. We note that it is proposed to bring Sprucefield within the development limit in the draft plan. There is significant confusion and lack of clarity within and between both existing and proposed policies. We find that this situation is not helpful and that the resultant difficulties are exacerbated by the delay in finalising revised regional policy.
6.4.5 There was no objection in principle to the designation of Sprucefield as a Regional Shopping Centre. The debate rather focussed on the impact of a proposed Department store and associated shops on city and town centres. It is not the function of the development plan inquiry to deliberate on an individual proposal and therefore we make no comment on this particular issue.

6.4.6 The point was made at the inquiry that policy for a regional centre serving (in theory) all of Northern Ireland, cannot be included in an Area Plan. We do not entirely accept this argument. The Department gave a commitment to include policies for Sprucefield in BMAP in the adoption statement for Lisburn Area Plan 2001. We also note that Sprucefield is within the development limit and zoned in BMAP. As stated above, paragraph 11 of PPS 5 allows the Department to indicate where retail development is to be focussed and existing provision is to be enhanced in development plans. There is therefore a role for detailed policy to give effect to and refine regional policy in the light of local circumstances. The role and function of different centres within the retail hierarchy or of different centres within the same level in the hierarchy is, however, a matter for regional policy. The recommendation of the Retail Study was that Sprucefield should be allowed to grow in floorspace terms to at least 75,000 m² and that this should be restricted to the retailing of bulky comparison goods only. The Department has adopted this recommendation. The bulky goods restriction relates to a fundamental characteristic of the centre to which there is no reference in either PPS5 or draft PPS 5. Such a restriction on the type of retailing to be permitted in one of the three RSCs is clearly a regional matter and should have been made explicit in regional policy (i.e. draft PPS 5). In the absence of any such reference in regional policy, the restrictions now proposed through BMAP would have the effect of fundamentally changing the nature of the designation and are not appropriate for introduction through the development plan process.

6.4.7 There is no doubt that Sprucefield is not trading at a regional centre level. Irrespective of the reasons for its original approval, it has now expanded to comprise a very large Marks & Spencer (which incorporates a furniture store, restaurant and Café), a Boots store, a sports store, a furniture store (now closed), PC World, an adjacent vacant retail warehouse and a fast food outlet on one site. There is a more recent set of units on the other side of a busy dual-carriageway which comprises: a Sainsbury’s store and petrol filling station/shop, Next furniture, Argos Extra, Curry’s, B & Q and Toys-r-Us. These units are typical of those found at retail parks and District Centres. The only distinguishing feature at Sprucefield is the size of the Marks & Spencer store and the range of goods it offers, which constitutes the only truly regional draw. It is not surprising therefore that Sprucefield is not trading at a regional centre level. The absence of a clear view about what type of RSC it is or indeed whether it is truly a RSC at all are factors that are likely to have contributed to this situation. The delay in finalising the revised regional policy is not assisting in this regard.

6.4.8 In view of the role of Sprucefield as identified in regional policy and its current under-performance in regional terms, policy in the plan should be focussed on supporting the position of the centre in the retail hierarchy. However, neither
the Retail Strategy nor Policy R 4 does anything in real terms towards fostering a truly regional centre. Several objectors referred to the Commission report on the extension to Marks and Spencer (1998/C009). The appointed Commissioner in his report expressed the view that the provision of more retail warehouses at Sprucefield would not assist in achieving a regional trade draw. Yet this is what the Department has opted for in its policy. The requirement for bulky goods retailing seems to be a measure to protect town centres. Yet proposals would have to meet the tests in paragraph 39 of PPS 5, in any event. This requirement is advanced at a time when future policy as set out in draft PPS5 appears to moving away from separate consideration of retail warehouses and bulky goods retailing. It is difficult to see how more of this type of retailing will enhance Sprucefield as a regional centre. The plan states a minimum unit size of 6000 m². The Department amended this to 3000 m² in their evidence. The justification for this size limit was not explained other than to distinguish Sprucefield from other out of town shopping centres. It is clear that this distinction arises from its role as a RSC. This restriction was not suggested in the recommendations of the Retail Study or Update. The point was made that there are very few operators who require this larger unit size. The main such operator is IKEA and they have built their Northern Ireland store at Holywood Exchange. We consider that to introduce the floorspace restriction proposed in the light of no discernable demand would not enhance the centre nor allow it to fulfil its stated potential as a regional centre. Furthermore, such a restriction, aimed at supporting the regional status of the centre, is not appropriate for inclusion in the development plan for the reasons set out in paragraph 6.4.6 above. We consider that the Department should decide at a regional level what the future status and role of Sprucefield should be and devise clear and unambiguous policy to enable to fulfil that role. The introduction of regional policy in a development plan is unacceptable and cannot be supported. Accordingly, elements 2 and 3 of Policy R 4 and element 4 of the Retail Strategy should be deleted from the Plan. Element 1 of Policy R 4 is already a consideration under PPS 5 and does not need to be repeated. Element 4 is covered in the District Proposals in Designation LC16 and it is unnecessary to repeat it here. There is therefore no need for those elements of the policy either. This leads us to the inevitable conclusion that Policy R 4 should be deleted in its entirety.

6.4.9 In view of our conclusions about the lack of clarity surrounding the regional role of Sprucefield and the inappropriate nature of the proposed policy in a development plan context, we cannot support the suggestion that an additional criterion should be introduced favouring up to 50,000 m² of comparison retailing provided that it is associated with an anchor unit demonstrably serving a regional catchment. This proposal would introduce policy relating to the scale and nature of the centre into development plan policy which would be unacceptable for the same reasons as the Department’s proposals. It could potentially prejudice existing and emerging regional policy for the centre which requires consideration of the impact of proposals on existing centres. Such impacts should properly be judged through the development control process in relation to individual proposals. The additional criterion suggested by Michael Burroughs Associates would preclude all comparison shopping at Sprucefield that would enhance the vitality and viability of town centres. This criterion would be too prescriptive
and has the potential to not allow for any new comparison shopping because all comparison retailing could be said to enhance the vitality and viability of town centres. This amendment is also unacceptable for the reasons set out earlier in this paragraph. It appears to us that the tests in paragraph 39 of PPS 5 address the issues identified by both objectors. Other suggestions have been considered above in our analysis of the Department’s bulky goods and minimum unit size restrictions.

**Recommendation**

- We recommend that the additional criteria proposed for Policy R 4 is rejected and that Policy R 4 and element four of the Retail Strategy be deleted from the plan.

### 6.5 Objection to Policies R 1 and R 2 - Retailing in City and Town Centres and Primary Retail Frontages

6.5.1 Paragraph 11 of PPS 5 states that development plans may indicate where new retail development is to be focussed and may, where appropriate, identify a primary retail core. Paragraph 22 emphasises the important contribution of the diversity of town centre uses to their vitality and viability. Paragraph 23 states regional policy for the control of non-retail uses in primary retail core areas. BMAP policies relate to Retailing in Town and City Centres (R 1) and Primary Retail Frontages (R 2). The stated purpose of both policies is to support the vitality and viability of city and town centres. We consider that retailing proposals outside such centres are covered by regional policy and other BMAP policies and therefore do not need to be addressed by these policies. We note that although these matters are addressed by regional policies, development plan policies can be tailored for the BMA.

6.5.2 The Departmental response to several objections agreed that changes to both policies were of benefit. The agreed changes were as follows:

- In terms of policy R 1, it was agreed that the 2nd, 3rd and 4th elements contained the same tests as paragraph 23 of PPS 5. If the criteria in paragraph 23 are accepted as planning policy by the Commission then they could be removed from R1. The first criterion is covered by Policy R 2 (response to objection 814).

- The Department agreed with some of Belfast City Council suggested changes to Policy R2. This introduced 25% of street frontages in non-retail use as a maximum figure. The Department considered that the issue of significant breaks of non-retail uses was covered by Policy R 1.

6.5.3 In this context, it is clear that there are significant overlaps between the policies and that the Department were willing to accept changes to their wording. Michael Burrouggs Associates objection suggested amalgamating the two policies into one with the following suggested wording:
“Retail and non-retail development will be allowed in all town and city centres. Non-retail development will be restricted in designated Primary Retail Cores (and Primary Retail Frontages) so that no more than 20% of the frontage is in non-retail use, no more than two adjacent units are in non-retail use and no proposed use would be likely to result in a change in pedestrian movement that could have an adverse effect upon vitality. The Primary Retail Cores will be the preferred location for new retail development.”

Our reading of the two policies is that they relate to similar policy areas and relate to a common approach to non-retail uses in Primary Retail Cores and Primary Retail Frontages. We consider that there is merit in the Department adopting this revised approach because the two policies in BMAP appear to be trying to achieve the same goal. In the light of the Department’s concession that 25% of Primary Retail Frontages could be used for non-retail purposes, it is very difficult to see any justification for distinguishing between the two. This is a matter that the Department may wish to consider further.

6.5.4 We do not agree with the precise wording suggested by the objector for the following reasons. The first line refers to non-retail uses being acceptable in Primary Retail Cores. This is not appropriate in a policy dealing with retailing. Retail policies can seek to control non-retail uses in certain areas but should not refer to where non-retail uses will be allowed. We therefore prefer a simplified version of the wording, more akin to the wording of the first line of Policy R 1 in the draft plan. The detail of the policy could reflect the agreed figure of 25% as advocated by Belfast City Council. The evidence from the Department was that this figure reflects the current level of non-retail use in the relevant city and town centres. We also consider that the figure should be three for adjacent units in non-retail use (as also suggested by the City Council). This would address all the objections seeking greater flexibility for non-retail uses in Primary Retail Cores (including Primary Retail Frontages). It would also appear to accord with what the Department had agreed as appropriate and this policy would be supplemented by regional policy in paragraph 23 of PPS 5, which contains criteria against which proposals must be assessed. These criteria can be fine-tuned by the draft plan for developments in the plan area. We do not agree with the change in pedestrian movement criterion in the suggested amended policy. We consider that it adds nothing to the policy. Moreover it lacks precision and would therefore be difficult to apply.

6.5.5 We do not agree with the final sentence of the combined policy as suggested by the objector. We consider that the use of the term “preferred location” will not achieve the desired outcome. The final paragraph of Policy R 1 of the draft plan imposes a sequential test for all retail development and it is this wording that should be considered for use in the combined policy. Several other objections referred to problems with requiring all retail development to locate in the Primary Retail Core. The issue was raised in relation to convenience retailing (including superstores), retail warehouses, small retailers and extensions/expansion of existing units. The Department indicated that the policy would provide for the situation where no appropriate Primary Retail Core site was available and that issues such as the affordability of rents could be taken into account in this assessment. We do
not agree that the Primary Retail Core should be the first choice for convenience retailing. The Department excludes convenience retail from this requirement in both extant and emerging regional guidance. No reasoned justification for a different approach for the BMA was advanced. The requirement to locate in the Primary Retail Core could actually undermine the concentration of retail uses if for example car parks had to be provided for a superstore. In these circumstances, it is recommended that the final sentence of the policy is amended to refer to proposals for comparison and mixed retailing.

6.5.6 The point was made that retail warehouses find difficulty in locating inside the Primary Retail Core and indeed within city and town centres. The Department argued that the rise in showroom type developments means that they can be accommodated in town centres with off site warehousing in industrial parks. This type of development may not continue in the future and may be less sustainable because it gives rise to two trips instead of one. This is not an argument for stating that the Primary Retail Core or town centre should not be the first choice for this type of proposal. We consider that retail warehouses should be required to meet the same tests as other forms of comparison retailing. It would be an argument to be advanced that there are no suitable sites within the Primary Retail Core or the town centre as the case may be. Outside city and town centres, regional policy and other BMAP policies would apply. Similar arguments would apply to proposals by small retailers. The appropriate site argument would also clearly apply to proposals to extend or expand existing premises. These issues can be clarified in the amplification to the policy.

Recommendations

- We recommend that the policies R1 and R2 are replaced with a single policy as follows:

  "Planning permission will be granted for retail development in all town and city centres. Non-retail development will be restricted in designated Primary Retail Cores (and Primary Retail Frontages) so that no more than 25% of the frontage of the shopping street(s) to which it relates is in non-retail use and no more than three adjacent units are in non-retail use. The Primary Retail Cores will be the preferred location for new comparison and mixed retail development. Outside designated Primary Retail Cores, planning permission will only be granted for comparison and mixed retail development where it can be demonstrated that there is no suitable site within the Primary Retail Core."

- We recommend additions to the amplification of the revised policy as outlined in paragraph 6.5.6 above.
6.6 Objections to Policy R 6 - Arterial Routes and Local Centres

6.6.1 This policy addresses retail proposals in local centres and shopping or commercial areas on arterial routes. A similar policy context applies to local centres as District Centres and is stated at paragraph 6.3.2 above. It is worth noting that the tests in paragraph 49 of PPS 5 do not apply to retailing on arterial routes and this is therefore unique to the BMA. The Department acknowledged that the policy would apply to new local centres as well as the existing designated ones and therefore the reference to Dundonald, Dunmurry and Glengormley should be removed from the policy text. The Department also agreed that the sentence relating to the coalescence of individual units was unnecessary because coalescence would not require planning permission. The end of the first sentence was changed to: “retail development proposals to serve local needs provided that any individual unit as a result does not exceed:” and then the floorspace figures. We agree with both these changes in themselves. We also consider that there is a need for this policy because it addresses both local centres and retailing on arterial routes. Retailing on the latter is not addressed in PPS 5.

6.6.2 The promotion of arterial routes as vibrant showcases for Belfast and sustaining and enhancing the existing urban villages along them is one of the themes of BMA 1.1 of the RDS on page 67. SPG-BMA 2.1 aims to maintain and enhance local centres of commerce and community services throughout the BMA. We are also conscious of the RDS aims (e.g. BMA 3.1 - siting new development on main transport corridors) of reducing the need to travel and the implications of that for the provision of locally accessible retail services, which has direct relevance for the consideration of this policy. The retail study (upon which the Department rely) recognises this RDS policy to maintain and enhance urban villages but states that it must be undertaken in a way that is consistent with broader retail planning objectives. The proposed method for achieving this is by setting an upper limit to the size of development that is permissible under the policy i.e. 500 m² gross for convenience shopping and 100 m² gross for comparison shopping. The stated aim is to provide certainty for developers of what will be acceptable. The consultation reply from the Department for Social Development requested greater flexibility in relation to limitations on floorspace to encourage investment, convenience, choice and vitality.

6.6.3 Most objections related to the floorspace figures saying that they were too low for both categories and in one case they were too high for convenience shopping. Paragraph 49 of PPS 5 does not introduce any floorspace figures and the Department dropped the similar floorspace figure from policy R 5 as discussed above. A floorspace cap is proposed in draft PPS 5 and this is perhaps the basis for the convenience shopping cap as proposed in policy R 6. No comparison shopping is permissible under policy RRP6 in draft PPS5. The Department explained that this difference was justified given the retail make-up of Belfast. We agree with this analysis (as did DRD in their consultation reply). The justification for the floorspace caps in Policy R 6 was that they reflect the actual size of existing units in local centres and on arterial routes. In contrast, the evidence from a range of operators was that the
floorspace restrictions were too low and did not reflect the needs of modern convenience retailing or of multiple retailers. Detrimental effects on regeneration and the stated policy aims of enhancing local centres and urban villages would be the result, it was claimed.

6.6.4 Varied points were made on both sides of the argument in this case. There is a clear policy imperative to enhance local centres and urban villages to provide locally accessible goods. However, this should not be at the expense of the city and town centres and District Centres. This policy is addressing shopping to serve local needs and there is a justifiable concern regarding the level of retailing that has developed in recent years. This can also have an effect on the viability of other units within the centre itself, as pointed out by one of the objectors. The evidence was that the caps were set at a level that reflected the size of many existing retail units. We consider that the policy should be changed to a criteria-based one. The criteria should generally reflect those in paragraph 49 of PPS 5 and in emerging policy in draft PPS 5. There should also be guideline maximum unit size figures for convenience shopping of 500 m$^2$ and 100 m$^2$ for comparison shopping. Developments above those limits could also be considered on the basis of any regeneration benefits of the proposal that were argued. This could be made clear in the justification for the policy in the draft plan. We do not agree with the suggestion of a 500 m$^2$ figure for comparison retailing, as this would be far in excess of the local shopping envisaged by the policy and could detrimentally affect town centres.

6.6.5 One objection raised the issue that policy R 6 does not address new local centres. The Department has changed the headnote so that it does apply to all centres and we have carried this forward in our recommendations below. There is provision in PPS 5 and PPS 7 for new local centres to be brought forward where there is a local need for such facilities. We therefore recommend that no further action is required in respect of this concern.

Recommendation

- We recommend that the policy is worded as follows:

  *Policy R6 - Arterial Routes and Local Centres*

  Within designated commercial nodes and shopping/commercial areas on Arterial Routes and in designated local centres planning permission will be granted for retail development proposals provided that:

  - any individual unit created as a result does not exceed 500 square metres gross floorspace for convenience shopping or 100 square metres gross floorspace for comparison shopping;
  - the proposal meets a local need;
  - the proposal would not adversely affect the vitality and viability of existing centres within the catchment area;
• the proposal would not alter the role and function of the centre or shopping/commercial area or node; and

• the proposal would not lead to a detrimental impact on the amenity of the area, traffic movements or road safety.

6.7 Objection to Policy R 7 - Local Shops

6.7.1 The Department indicated to the inquiry that they wished to withdraw this policy because it provides no additional or alternative policy context to prevailing regional policy. The objections related to the proposed size limit in the policy and these will be overcome by its withdrawal. We agree that policy R 7 adds nothing to regional policy and should be withdrawn. The argument regarding its replacement in draft PPS 5 is outwith the scope of this inquiry.

Recommendation

• We recommend that Policy R 7 is withdrawn from the plan.

6.8 Other Strategic Retail Matters

6.8.1 Objection 968 by Marks and Spencer suggested that a new policy be inserted to address retail proposals outside centres. The rationale appeared to be to address a policy gap that would arise if draft PPS 5 were adopted in its current form. Draft PPS 5 is subject to objections and is yet to be issued in its final form. Even if it had been issued, this matter is addressed by regional policy and does not require a specific BMAP policy. Tesco suggested that retailing be allowed on all employment sites as a catalyst for economic regeneration. We consider that retail proposals of this nature can be assessed against regional policy and that the introduction of a presumption in favour of retailing on all employment sites would be contrary to the clear policy direction favouring locations in city and town centres.

6.8.2 Objections 3263 and 3499 by Michael Burroughs Associates referred to the need for a policy supporting the provision of discount supermarkets. The claim was that this was a different type of retailing which should benefit from greater locational flexibility because of the benefit to poorer sectors of society who are less able to travel. This appears to us to be an issue that is not confined to the plan area and is more appropriately addressed through regional policy. Accordingly, we recommend that there should be no change to the plan as a result of these objections.

Recommendation

• We recommend that there is no change to the plan in response to any of the objections referred to in paragraphs 6.8.1 and 6.8.2.
7. OFFICES

7.1 Background

7.1.1 The plan states that the office strategy promotes Belfast City Centre as the primary office location, supports limited dispersal of major office development to 4 major employment locations; office development of an appropriate scale in Lisburn City Centre and various town centres, in designated areas on arterial routes and in local centres. The stated aim is to promote a portfolio of sites and locations, while recognising the primacy of Belfast City Centre. The plan argues that flexibility for the provision of offices where a city centre location is not appropriate is provided by the limited dispersal to major employment locations.

7.1.2 Regional policy in former PPS 4 does not include offices within its scope. Draft PPS 4 which was available at the time of the Inquiry extended the scope of the document to include Classes 2 and 3 of the 1989 Use Classes Order which are now included within Classes A 2 and B 1 of the 2004 Order. As the draft document addresses an area of policy not covered by the original document, it is material to our consideration of the BMAP proposals. Although now published in its final form, we are unable to consider its content as participants at the Inquiry have not had an opportunity to comment on its implications for BMAP proposals. As with other proposals in the Plan, it will be a matter for the Department to consider the relevance of the revised PPS in finalising the Plan. In relation to development plans, draft PPS 4 states that it is envisaged that most new office development will continue to be concentrated within established town centres consistent with ECON 1.3 in the RDS. It also states that within the larger towns, office areas within the town centre may be identified. Plans may also identify other areas where Class 2 and 3 offices will be acceptable and, in the case of business parks, will set out the criteria under which Class 3 offices will be acceptable. The Department confirmed at the Inquiry that Class B 1 (b) and (c) uses would be acceptable on all employment sites and objections to the office strategy and policy were essentially confined to Class A 2 and B 1(a).

7.1.3 The RDS promotes the role of town centres in developing community cohesion in SPG-SRC 3.2 element 4 where services and employment are acknowledged as several of the elements providing a focus for the community. Element 5 promotes the development of major employment areas in locations that are accessible to all the community. The role of the town centres in the main hubs identified in the Spatial Development Strategy at p. 47 is to sustain attractive centres attracting a range of functions including service and administrative facilities. The RDS at SPG-BMA 1 also promotes an urban renaissance aimed at maintaining a strong and vibrant Belfast City Centre, recognising it and town centres as the first choice location for office provision. One of the purposes of the spatial development framework is stated as enhancing the role of the city of Belfast (BMA 1.1). The list of actions include: strengthening the regional gateways including Belfast City Airport and the Port of Belfast; reinforcing the drive to tackle areas of deprivation; maintaining the role of Belfast City Centre as the primary office
location in the region; and promoting an upgrade of the arterial routes and urban villages. BMA 1.2 aims to develop the complementary roles of Castlereagh and Newtownabbey. BMA 1.3 seeks to develop the towns of Bangor and Carrickfergus and city of Lisburn and strengthen the multi-functional role of their city and town centres. The aim of SPG-BMA 2 is to promote an urban renaissance throughout the Belfast Metropolitan Area. The principal aim in BMA 2.1 is to strengthen the economic development role of the BMA by enhancing the employment potential of the city centre, Laganside and the harbour estate. It also refers to regenerating Belfast and Lisburn city centres together with Bangor and Carrickfergus town centres. However, there is also a wider emphasis on regenerating areas of disadvantage and deprivation in the North, East and West of the city. The important complementary roles of the other boroughs and towns in the BMA are also emphasised. Strategic locations for employment growth in the plan area are specified as Purdysburn, West Lisburn and Mallusk/Ballyhenry.

7.1.4 The RDS at ECON 1.3 aims to support urban renaissance and promotes town centres as the first choice for expanding service employment by focussing public administration and major office developments. SPG-ECON 2 (and specifically ECON 2.1) refers to the promoting economic development at selected locations on key transport corridors. The aim is to facilitate the clustering of engineering and high technology office type businesses. One of the locations for such business clusters is “industrial office park” developments in the centre of corridor towns, at established major business nodes or at the edge of towns. Preferred locations are at road or road-rail nodes and transport interchanges. SPG-ECON 3 aims to promote the regional gateways as economic development opportunities. We consider that ECON 3.1 makes it clear what is meant by regional gateways and specifically in relation to Belfast City at bullet point 1. This aims to develop the potential of the port of Belfast, the Harbour Estate and Belfast City Airport as an employment resource of strategic significance. It specifically refers to the need for further diversification in order to attract investment and the availability of development land at Sydenham.

7.2 Objections to the Offices Strategy

7.2.1 The offices strategy is based on a portfolio approach. The primary focus for offices is Belfast City Centre with office development of an appropriate scale in Lisburn City Centre and the other Town Centres. There is a recognition that not all offices can or should locate in city centres or town centres and so opportunities are provided at Major Employment Locations (MELs) and other identified locations, in a controlled manner. We generally agree that this overall approach reflects RDS directions and consider the detail of the strategy and policies below.
7.3 Objections to the first bullet point of the Strategy and Policy OF 1 as it relates to Belfast City Centre

7.3.1 The objectors suggested that the phrase “promotion of the role of Belfast City Centre” should be replaced with “maintain the role of Belfast City Centre” because this is the wording that is used in RDS policy BMA 1.1 bullet point 8 dealing with city centre offices. The use of the term ‘promotion’ is aimed at reinforcing Belfast City Centre’s position at the top of the BMAP hierarchy and we consider it to correctly reflect the position of the City. We note that the heading of BMA 1.1 refers to enhancing the role of the city of Belfast and part of that enhancement involves maintaining the role of the City Centre. This reinforces the acceptability of promoting its role. We consider that it is important to read the RDS in the round and not to slavishly adhere to repeating every phrase in the document when drafting Area Plan policies. We accept the Department’s analysis that the city centre is under-performing in the absence of any convincing evidence to the contrary and note that this view was supported by Belfast City Council. In this case the Department has explained the reasons for the wording chosen and we accept that these are valid. We see no basis for altering bullet point one in these objectors’ submissions.

7.3.2 There were opposing views about the extent of Belfast City Centre Main Office Area (MOA). Belfast City Council and other objectors had reservations about the extent of the MOA because of concerns that it would move the focus away from the traditional city centre and would dilute the focus for office development. Other objectors thought that the restrictions imposed in the remainder of the City Centre under policy OF 2 were unreasonable and that Policy OF 1 should apply to the entirety of the City Centre. We note that the MOA covers a considerable proportion of the City Centre and in view of the significant role played by Belfast City Centre it is important that it should be in a position to cater for the demand that could be generated if its role is to be promoted. There was conflicting evidence in relation to the availability of suitable sites in Belfast City Centre but a more tightly drawn boundary would restrict the number of sites that are potentially available and could affect the spread of any benefits that accrue from new development. We note that the Department’s reasoning for a 400m$^2$ maximum in the area of the City Centre outside the MOA was to facilitate small scale offices that need a central location without undermining the focus on larger scale developments in the MOA. In the absence of a requirement for a minimum floorspace in the MOA, however, there can be no guarantee that only large scale offices will locate there. We note the evidence of a number of schemes above the recommended maximum in Policy OF 2 outside the MOA which is evidence of demand there. We have not been persuaded that large schemes in the more peripheral parts of the City Centre will prejudice schemes coming forward within the extensive area currently identified as the MOA. A more extensive area would provide a greater choice of locations to address the concern that the ‘exceptional’ clause on page 94 of the Plan could result in Titanic Quarter (TQ) undermining the role of the city centre. The objectors provided no persuasive evidence that a smaller MOA was necessary or the harm that would accrue if offices were allowed anywhere in the city centre. Whilst draft
PPS 4 states that within the larger towns, office areas within the town centre may be identified, it does not impose a requirement that they must be identified. We have not been presented with a convincing rationale for the extent of the MOA as proposed in the draft Plan and in view of the important role of Belfast City Centre, we consider that there should be no restrictions on the scale of offices within the City Centre boundary as a whole. This would be subject, of course, to other policies in the Plan including Policy HOU 5 which precludes office uses in Protected Housing Areas.

7.3.3 Concerns were expressed that policy OF 1 applied equally to Belfast City Centre MOA, Lisburn City Centre and other town centres. In the absence of a hierarchy there was a danger that the primacy of Belfast City Centre would not be adequately recognised. It is clear to us that in view of the aim to promote Belfast City Centre and recognition of its role as the primary retail and office location in the Region in BMA 1.1, Belfast sits at the top of the hierarchy of centres. Notwithstanding its position, ECON 1.3 of the RDS promotes town centres as the major locations and first choice for a range of town centre uses and it is therefore appropriate to ensure that the Plan makes adequate provision for office development in all of these centres. Belfast City Centre is much more extensive than the other city and town centres and this factor alone allows much greater scope for it to accommodate office development than the other centres. Historically there does not appear to be any cause for concern in terms of the role of Belfast by comparison with other centres in relation to offices. The plan states that in 2001, 86% of office floorspace was located in Belfast City Council area and 59% was in Belfast City Centre. The Department confirmed that Belfast City Centre has 150 ha within the Main Office Area, which represents an increase of 28% from BUAP. Lisburn City Centre is 79 ha in extent and Carrickfergus 44 ha, which indicates the policy is to promote offices in these locations. If we look at the percentage of floorspace by Council area from the technical supplement: Castlereagh has 4%, Carrickfergus has 1% and the others have 3%. In this context it does not appear that there has been significant competition from these other centres. We acknowledge that identifying land for office use will not of itself ensure that Belfast will fulfil its potential within the hierarchy. A combination of other Plan policies and regional policy are aimed at ensuring that the scale and nature of office developments outside city and town centres are controlled. The role of Belfast City Centre and other City and Town Centres will therefore be critical to our assessment of objections seeking increases in floorspace allowances or broadening of the scope of office uses permitted under other policy provisions.

7.3.4 The claim that residential developments are a more attractive city centre investment and will undermine the provision of offices fails to recognise that there is a limited market for city centre housing, particularly in the current economic climate. In any event, offices are not the only permissible use in the MOA as several objectors seem to think and the draft Plan confirms both offices and residential uses as appropriate city centre uses.

7.3.5 There was a suggestion that the city centre should extend from Queen’s University, Belfast to TQ, presumably so that offices can be allowed anywhere in between. We do not consider that either of these areas function
or are intended to function as parts of the City Centre in land use terms. Nor do we favour an extensive boundary of this nature because of the need to concentrate development within compact areas to maximise achievement of the Plan’s objectives in respect of retailing and office uses. An extension of this nature would undermine the traditional city centre and undermine delivery of the Offices strategy.

**Recommendations**

We recommend that:

- There should be no change to bullet point one of the offices strategy.

- The references to "Belfast City Centre Main Office Area" in policy OF 1 are amended to read "Belfast City Centre".

### 7.4 Objections to the second bullet point of the Strategy and Policy OF 4

#### 7.4.1

We shall firstly consider the issues that were raised in relation to Belfast Harbour Area (BHA) or Belfast Harbour Estate. The objectors’ main concern was the fact that the importance of the BHA was not recognised in the strategy. They suggested a separate bullet point be added dealing solely with the BHA, instead of the reference to TQ in bullet point 2 in the plan. The importance of BHA in relation to employment generation has been considered in the employment section of our report. For similar reasons, we do not consider that a separate bullet point in the office strategy is necessary to single out the BHA. We consider that the references to BHA on pages 71 and 140 of the RDS are concerned with the employment potential of the BHA and not specifically addressing the issue of major office development. It is therefore not surprising that there are no references to control in a section of the RDS promoting the employment potential of the BHA generally. This cannot mean that the RDS is supportive of all types of development in the BHA despite the consequences for other strategic directions in the document. We agree with the Department that the strategic support for Belfast City Centre as the primary location in the Region justifies control in other locations. The Department made it clear that the reference in bullet point 2 of the strategy should be to the BHA rather than just TQ. It also follows that reference to TQ in OF 4 should refer to BHA in the interests of consistency. The explanatory text can clarify that office developments within BHA are to be located in TQ in accordance with the proposals in the Belfast District section of the Plan. These references should be amended in the adopted Plan.

#### 7.4.2

We can see no reason for a separate policy for TQ, as was advanced in relation to objections to this policy at the Inquiry. The suggested policy aims to increase the scope of OF 4 to include Class A 2 offices. These are offices that are appropriate to a shopping area and as the only retail uses provided for in the KSRs for TQ are for small scale local shops, we see no justification...
for expansion of the scope of policy OF 4 as it applies to TQ. We consider that the inclusion of Class A 2 offices could undermine the role of the City Centre and note that provision is made for some Class A 2 offices in the area in the form of banks and building societies which will serve the local community. We have considered the position of BHA (including TQ) in the employment hierarchy in the employment section. We have also concluded that there is no need for an additional bullet point for the BHA in the office strategy. TQ is the subject of a designation (BHA 01) in the Belfast volume where the other matters referred to in the objectors’ submission can be considered and addressed, including the amount of office floorspace that should be permitted. We address general employment strategy issues in respect of the BHA in the employment section of our report. We shall also address the site-specific concerns regarding Sydenham Business Park, and Belfast City Airport surplus lands in part 2 of our report as part of our consideration of objections in BHA.

7.4.3 The objectors referred to the problem that the Employment Strategy did not cater for high-tech office uses. It was asserted that there were many such uses that blurred the distinction between offices and employment uses and could not readily be accommodated in the city and town centres as envisaged in the office strategy. There was very limited allowance for these types of uses i.e. in town centres and a very limited amount in MELs. The need to cater for an expanding service sector based on this type of use was accepted by the Department and DRD.

7.4.4 We consider that this is really a development management issue because if such uses fall within the definition of Class B 1(b) or (c) then they are acceptable on employment sites identified in the plan. If they are office uses that cannot be accommodated in the city centre or town centres or other identified locations in the Plan, that fact will inform a decision on any planning application. The material considerations will include the economic and employment creation benefits of any proposal. The alternative would be to allow a blanket approval of offices on all employment sites or even on the more accessible estates which could seriously jeopardise ECON 1.3 of the RDS which promotes town centres as the first choice for major office developments. For similar reasons, we cannot endorse the suggested policy support for locating offices on those employment sites where offices already exist. This fact will influence decisions on individual proposals for the replacement of existing offices but should not be the basis for policy support for further offices at these locations. Site specific objections will be considered in the appropriate section of our report.

7.4.5 A related issue that was raised was the need for regeneration of deprived areas and that insufficient allowance had been made for modern business needs in deprived parts of Belfast. These areas were referred to in the RDS Economic Development chapter in terms of building a region of opportunity. SPG-ECON 1: ECON 1.1 refers to strengthening the BMA as the economic heart of the region with a particular focus on regenerating areas of social and economic disadvantage. A consistent theme is the drive to tackle areas of social disadvantage by physical regeneration and community development (SPG-BMA 1). The areas of major regeneration focus are identified in SPG-
BMA 2.1 as Belfast middle city, North and West Belfast axis and East Belfast crescent. The extension of office policies across their entirety would undermine policy aimed at promoting Belfast City Centre as the first choice office location. We note that office uses would be permitted in parts of these areas under policies OF 2 and OF 3. In view of the focus on mixed use development as a means of regeneration, we consider that there may be scope for limited office development on some of the zoned sites and will consider specific objections of this nature in part 2 of the report.

7.4.6 The arguments on these matters seemed to be directed at particular employment sites (Blaris, Dunmurry and Dundonald). It was claimed that Blaris’ role had not been adequately recognised and that it should be a Strategic Investment Park with no floorspace restriction on Class B 1 offices. West Lisburn/Sprucefield is identified as a strategic location for employment growth in the RDS. We have already stated in relation to the BHA that this relates to a range of employment uses and not primarily to major office development. As with the BHA, we do not interpret this to mean that the RDS is supportive of all types of development in the area irrespective of the consequences for other strategic directions in the document. We consider that the objection, if successful, would undermine the role of Lisburn City Centre under ECON 1.3 and conclude that there is no justification for a Strategic Investment Park at Blaris. Its status as a MEL does not preclude a limited amount of Class B 1 offices in any case. Neither Dunmurry nor Dundonald are identified as strategic locations for employment growth and we have been presented with no persuasive argument to support their inclusion as MELs. The merits of an exceptional case for allowing offices at the other locations will be considered under the relevant site-specific objections. The Department saw potential for offices as part of mixed use schemes but the merits of each specific location would have to be considered on a case-by-case basis.

7.4.7 The Department argued that the allocation of offices to the Major Employment Locations met the RDS direction at ECON 2.1. The specified locations were all at regional gateways or on major transportation corridors. We agree that these are generally sustainable locations accessible to all sections of the community. The actual quantum of floorspace is discussed below. We consider that the limited dispersal to these locations coupled with the Department’s inclusion of Use Class B 1(b) and (c) in the list of acceptable uses for employment sites is consistent with the RDS. This also addresses the objectors’ concerns regarding accommodating this type of development.

7.4.8 In relation to the remaining objections to policy OF 4, there was a suggested wording change to the effect that the first sentence be changed to “controlled dispersal of major office development will be permitted at the following locations provided all of the following criteria are met.” This change was aimed at addressing the situation if the term Major Employment Location were to be dropped from the plan. We have already concluded that this is a valid term as applied to the plan and so reject the need for the suggested change. The necessary element of control is created by the identified floorspace limitations.
7.4.9 The other arguments related to the precise figures for the floorspace limitations. The Department considered that the Global Point Major Employment Location should receive 5000 m² rather than the 3000 m² indicated in the draft Plan and we agree that this figure should be reflected in the adopted Plan. We consider that the level of provision in the other areas should be considered as part of the site-specific objections. The particular reasons for each limit can be assessed in this way and if there are adjustments they can feed back into Policy OF 4.

7.4.10 We note the reference in the Policy to the 1989 Use Classes Order and recommend that the adopted Plan should set out the current position in relation to the equivalent Use Class in the 2004 Order in the interests of accuracy and to avoid confusion.

**Recommendations**

We recommend that:

- The reference to Titanic Quarter in bullet point two of the offices strategy and bullet point 4 of Policy OF 4 should be changed to Belfast Harbour Area.

- The amount of gross floorspace for Global Point/Ballyhenry should be increased to 5,000 sq m in Policy OF 4.

- Reference to Class 3 in the Use Classes Order in Policy OF 4 should be amended to Class B 1(a) of the Planning (Use Classes) Order (NI) 2004.

7.5 Objections to the third bullet point of the Strategy and Policy OF 1 as it relates to Lisburn City Centre and other Town Centres

7.5.1 This element of the strategy related to offices within Lisburn and the town centres (Bangor, Carrickfergus, Ballyclare, Carryduff and Holywood). The objectors suggested that the bullet point should promote office development within these centres. The Department agreed with this suggestion and considered that it reflected the wording of bullet point one. The only other alteration that was suggested was the deletion of the phrase “of an appropriate scale” in relation to Lisburn City Centre because of its status as a city. The Department had already clarified that the phrase related to an appropriate scale in terms of townscape and design issues and was not a floorspace cap. In these circumstances, it would appear that there is no requirement for this phrase in bullet point 3 at all. The Department indicated that they were content with the revised wording and proposed to remove of an appropriate scale from the bullet point entirely. We agree that this appears to be a reasonable approach, given our comments on the issue of the office hierarchy above.
7.5.2 We agree with the Department that District Centres should not be included under this policy because of their local services role and the strategic policy directions favouring town centre locations for offices. We are satisfied that there are sufficient opportunities within designated areas in West Belfast to cater for local needs and extension of Policy OF 1 to include West Belfast would be contrary to the offices strategy by undermining the role of Belfast City Centre.

7.5.3 We consider that the plan should set out which Use Classes are addressed in this policy in accordance with the 2004 Use Classes Order. The Department made it clear that covers offices within both Use Classes A2 and B1 (a).

**Recommendations**

We recommend that:

- The first line of bullet point three of the offices strategy should be amended to read "promotion of office development within Lisburn city centre". The remainder of the bullet point to be unchanged.

- The policy is amended to state that it applies to Use Classes A2 and B1 (a) of the Planning (Use Classes) Order (NI) 2004.

7.6 Objections to the fourth bullet point of the Strategy and Policies OF 2 and OF 3

7.6.1 This bullet point allows for local services to be provided on arterial routes and in local centres. It is supported by two policies that specify floorspace restrictions for these locations. Policy OF 2 also addresses office proposals in Belfast City Centre outside the Main Office Area.

7.6.2 The Department confirmed that District Centres should be included both in this bullet point and policy OF 2. This was because emerging regional policy specified them as suitable locations. We cannot see any logic in excluding District Centres when Local Centres are included. The Department also confirmed that there was no need for the references to Dundonald, Dunmurry and Glengormley in the strategy and Policy OF 2: they should just refer to designated Local Centres. We endorse these amendments.

7.6.3 Concerns were expressed that the policy imposes a floorspace limit on offices in Belfast City Centre but outside the Main Office Area to 400 m². In view of our conclusion at paragraph 7.3.2 that the MOA should coincide with the City Centre boundary, we recommend that this element of Policy OF 2 is deleted from the text.

7.6.4 Elsewhere the objectors were concerned about the floorspace restrictions in policies OF 2 and OF 3. We note that the 400m² restriction was derived from the office study and draft PPS 4. The policy exemption is a tailored one for
Belfast as the largest city in Northern Ireland, although it would also apply to District Centres and Local Centres outside Belfast. In view of the objective to promote city and town centres as the primary focus for office development, we consider that it is appropriate to control both the location and scale of office development outside these centres. We find the figure of 400m² in Policy OF 2 to be generous in view of the fact that office uses along arterial routes and at District and Local Centres will primarily meet relatively localised needs. We consider that this is a reasonable compromise between promoting city and town centres and accommodating the local needs of peripheral areas. The Department should make it clear that policy OF 2 allows both B 1(a) and A 2 offices. Arterial Routes are not intended to be commercial areas along their length and the office study did not state that offices should be allowed anywhere on arterial routes. We therefore consider that the general approach to focus on nodes and commercial areas is appropriate as recommended by the study. The case for the number, location and size of individual nodes is for consideration at stage 2. Sites elsewhere could be considered under prevailing regional policy, if there were no suitable sites within designated areas.

7.6.5 In terms of policy OF 3, the 200 m² has applied successfully for many years in other areas of Belfast and we consider that the focus on identified shopping/commercial areas on arterial routes is justified. It will be a matter for the development management process to respond in circumstances where it can be demonstrated that a use is justified as an exception to policy but in broad terms the restriction to Class A 2 offices should normally be sufficient to meet local office need.

7.6.6 The Department confirmed that the coalescence criterion in each policy should be dropped as was the case for the retail policies of the plan. We agree that these provisions are unnecessary as the size of individual units can be controlled by planning conditions. We would expect the design of individual proposals to reflect the other requirements of the policy and we therefore see no need for the requirement for offices to have their own doors onto the street.

7.6.7 Policy OF 5 is tailored to meet the particular circumstances of the Queen’s University Office Area. Nonetheless, it comprises an element of the BMA Office Strategy. While we do not consider it merits an additional bullet point in the strategy, we consider that it should be included within the fourth bullet point for the sake of completeness. Although not raised as an objection, the Department may also wish to include the Stormont office node as an element of the Office strategy.

7.6.8 Several objections referred to allowing offices in areas of deprivation (e.g. greater West Belfast) in order to assist with regeneration and tackling social disadvantage. We consider that the allowances at District Centres and at designated locations on arterial routes will facilitate regeneration initiatives without prejudicing the city centre. There are also several mixed use designations that will allow flexibility in terms of suitable land uses.
**Recommendations**

We recommend that:

- The fourth bullet point of the BMA Office Strategy, the heading of Policy OF 2 and the text of the policy are amended to include District Centres.

- The fourth bullet point of the BMA Office Strategy and Policy OF 2 are amended to delete reference to Dundonald, Dunmurry and Glengormley.

- The Queens University Office Area is added to bullet point 4 of the BMA Office Strategy.

- Consideration is given to an additional bullet point in the BMA Office Strategy referring to the Stormont Office Node.

- Policy OF 2 is amended to exclude reference to Belfast City Centre and Belfast City Centre Main Office Area, including the deletion of the first bullet point.

- References to individual own doors on to the street and coalescence of units are deleted from Policy OF 2.

- Policy OF 2 is amended to state that it applies to Use Classes A 2 and B1 (a) of the Planning (Use Classes) Order (NI) 2004.

- Policy OF 3 is amended to state that it applies to Use Classes A 2 of the Planning (Use Classes) Order (NI) 2004.

- The final bullet point of policy OF 3 is deleted.

### 7.7 Objections to Policy OF 5 - Queen’s University Office Area

#### 7.7.1

This policy applies criteria to office developments within the designated Queens University Office Area. The main objector was the University. The importance of QUB to the city and the region was recognised by the Department, particularly the important research and development role. The Department conceded that a different policy should apply to the University Campus than the designated QUB Office Area. This would allow for larger offices and Class B 1(c) uses, obviously aimed at research and development, for University offices only. The Department appeared content that the changing nature of the campus could be defined in the final plan. We consider that this would afford QUB sufficient flexibility and enable them to meet their important regional role and assist in finding uses for their buildings within the Conservation Area. We recognise the important role that the University has to play in maintaining the character and appearance of the Conservation Area as a whole.
7.7.2 The other main basis for objection was the policy restriction that would limit development to university related uses. We agree that unrestricted office use in an extensive area such as this could undermine the role of Belfast City Centre as well as exacerbating parking problems in the area. It seems to us that the justification for an office area in this location is directly related to accommodation of the wider needs of the university and on that basis we reject the suggestion that the third criterion of the policy should be deleted. We note that the Department proposed to provide guidance on the interpretation of what constituted “university related uses” in the explanatory text and recommend that this is included in the adopted Plan. The floorspace restriction in the first bullet point should be confirmed in the interests of avoiding erosion of the role of the City Centre.

7.7.3 The specific nature of the exceptions for QUB and the strict criteria on other offices should ensure that the area does not compete with the city centre for office provision. Parking controls in general and in residential areas in particular are addressed elsewhere in the plan.

Recommendations

We recommend that:

- Policy OF 5 is amended to allow offices for Queen’s University on the campus (including Class B 1 (c) uses) with no floorspace restriction.

- A boundary is defined showing the extent of the university campus.

- In relation to offices elsewhere in the Queen’s University Office Area the policy is amended to state that it applies to Use Class A 2 of the Planning (Use Classes) Order (NI) 2004.

- The explanatory text is amended to provide guidance on the scope of “university related uses”.

7.8 Policy OF 6 - Stormont office Node

7.8.1 The policy is to facilitate the important role that this area has for the public administration of Northern Ireland. The Department stated that no floorspace restriction were necessary because of possible decentralisation of government Departments. We consider that it is a perfectly valid policy exception to allow for the necessary administrative support to be at hand for the proper governance of the region. We fail to see how this is unfair to the private sector, whose needs can be accommodated in many other locations throughout the plan area. We cannot agree that the restriction to public sector offices is unreasonable or difficult to enforce.

Recommendation

- We recommend no change to the Plan as a result of this objection.
8. URBAN ENVIRONMENT

8.1.1 Objections to the Urban Environment Strategy

Objections to the urban environment strategy focused primarily on the first 2 elements of the strategy which are aimed at urban design. Objectors were concerned that the urban design strategy paid insufficient regard to economic considerations. It was felt that the strategy did not recognise the merits of new uses in Conservation Areas (CAs) and that the protection of CAs as required by the strategy would not accommodate change. We do not read the strategy as inhibiting change but it seems to us to be perfectly appropriate to promote high standards of design and alert developers to the need for sensitivity in areas of architectural importance. These elements of the strategy are consistent with SPG-BMA 2.3 and SPG-ENV 3 of the RDS which seek to enhance the quality of the urban environment and conserve elements of the built environment. Regional policy in PPS 1 and PPS 6 set out in more detail the need for high design standards and careful stewardship of the historic environment. PPS 6 at paragraphs 1.10 – 1.14 sets out in some detail the relationship between conservation and economic prosperity and it seems to us that there is a balance to be struck between them. In view of the fact that proposals in CAs will be determined against prevailing regional policy, we see no need to make specific reference to PPS 6 in the strategy or to include additional elements in the strategy to reflect the link between economic development and conservation.

It was suggested that retailing played an important role on arterial routes and promotion of commercial development should form part of the urban environment strategy. Policy for arterial routes is set out in SETT 4 and includes the promotion of good quality design. Further reference to arterial routes is not appropriate in a strategy whose purpose is to set the context for urban design.

An objection that the terms of reference in the urban environment study have been poorly drawn is not an objection to the Plan and we can not give further consideration to it or to the evidence provided to the Inquiry that extended well beyond the scope of the original by seeking that additional points be added to the urban environment strategy.

We disagree that there is a need to rearrange the sequence in which the elements of the strategy are set out in order to put conservation first. The three elements of the strategy are complementary and all elements are equally important in achieving the objectives of the Plan.

Recommendation

- We recommend no change to the Plan as a result of these objections.
8.2 Objections to Policy UE 1 - Urban Design

8.2.1 Objectors were primarily concerned that the policy requirements set out in the District proposals were inflexible and prescriptive, would stifle innovation and originality and would not promote new development of the highest quality as set out in the urban environment strategy. Policy UE 1 does not set out design requirements but seeks compliance with urban design criteria set out in the District proposals. We therefore take these objections to be a challenge to the principle of incorporating urban design criteria in the Plan. Specific objections to the criteria will be considered in part 2 of the report.

8.2.2 Policy UE 1 requires development proposals in specified areas to comply with the design requirements set out in District proposals. These requirements are informed by the research findings of the Urban Environment Strategy which is included as a Technical Supplement to the Plan. This document provides detailed analysis and recommendations for Belfast City Centre Character Areas, other designated City and Town Centres and Arterial Routes in Belfast. The Department’s policies do not reflect the very detailed analysis arising from the study but in general are aimed primarily at setting out broad parameters for development in the identified areas. In relation to the Belfast City Centre Character Areas, for example, they generally relate to height, massing and alignment of buildings in specified parts of the Character Areas, mainly along specified street frontages and at key gateway locations. As these requirements flow directly from detailed analysis of the areas concerned and mostly set broad requirements for development therein, we reject the general criticism that they are too prescriptive or will unnecessarily inhibit design. The approach is consistent with Annex 3 of PPS 1 which provides for development plans to set out design policies based on a proper assessment of the character of particular areas as has been done in this case. It also states that plan policies will avoid unnecessary prescription or detail and concentrate on guiding the overall scale, density, massing, height, landscape, layout and access of new development in relation to neighbouring buildings and the local area. This is the approach adopted in the designated areas. We are satisfied that the general approach is also consistent with paragraphs 15-22 of PPS 1 which emphasise the importance of understanding context and state that the appearance of development and its relationship to its surroundings are proper material considerations. We are satisfied that the criteria do not impose particular architectural taste or style or impose unnecessary prescription or detail. Improvement of the physical appearance of the city is also consistent with the RDS which seeks to promote the planning and design of a high quality cityscape, particularly in the City Centre and along the Arterial Routes. We agree, however, that some of the requirements within the criteria contain a degree of precision that may not be appropriate in all cases – for example, a requirement for a setback of 1.5 metres from the footway allows no flexibility for a small increase or decrease in the distance on the basis of the wording of Policy UE 1 which requires that proposals “comply with the urban design criteria”. It is difficult to envisage that minor variations to the design criteria would damage the character of these areas or the objectives of the urban environment strategy. We therefore agree that “in general accordance with the urban design criteria” is a
sensible amendment which introduces a degree of flexibility while retaining
the integrity of what is being sought.

8.2.3 While we support the principle of design policy, we consider the necessity for
specific requirements in particular areas in part 2 of the report. We do not
consider that the amendment to the policy that “planning permission will
normally only be given” is appropriate – it is for applicants to demonstrate in
the particular circumstances of the case that their proposals should represent
exceptions to the policy requirements. A material change in circumstances
may represent such an exception and it is therefore not necessary to amend
the policy wording to include this possibility. It is impossible for policy to
anticipate the needs of all particular land uses and it is open to food retailers
to review the format in which trading currently takes place in order to meet
the policy requirements or to seek to be accommodated as an exception to
policy requirements. There is also the option of identifying sites outside the
designated areas if they wish to follow their current trading format. The RDS
promotes the creation of high quality urban environments and physical
regeneration and we are satisfied that the policy will assist in achieving rather
than inhibiting this aim as suggested by objectors. We see no need for the
development plan to make specific reference to solar panels or other
alternative energy sources but there is no reason why their use can not be
incorporated into the design of individual proposals, subject to normal
planning considerations.

Recommendation

- We recommend that the wording of Policy UE 1 is amended to replace
  “which comply with the urban design criteria in the District proposals” with
  “which are in general accordance with the urban design criteria in the
  District proposals”.

8.3 Objections to Policy UE 3 - Areas of Townscape Character
and Areas of Village Character and UE 2 - Conservation Areas

Policy UE 3

8.3.1 The draft Plan designates a total of 101 Areas of Townscape Character
(ATCs) and Areas of Village Character (AVCs) and the aim of Policy UE 3 is
to ensure that new development is sensitive to the character of the individual
designations. This is to be achieved by requiring new development to meet a
set of Key Design Criteria (KDC) which are listed in the policy. The majority of
objections represented two clearly opposing views about the policy; on the
one hand there were those who considered it too restrictive and overly
prescriptive and on the other hand those who considered that it did not go far
enough and that the criteria should be refined or additional criteria added.
Some objectors felt that it was misplaced and that specific criteria should be
included within the relevant designations in the District sections while others
were of the opinion that it would be more appropriate as supplementary
design guidance. In its evidence the Department agreed the following:
- the deletion of part of the first paragraph in the policy headnote;
- that criterion 2B was adequately covered by PPS 6;
- the deletion of criteria 3A, 5B and 5D;
- the removal of the second sentence in criterion 2A; and
- the amendment of 3B to restrict it to boundary structures only;

It also accepted that there could be merit in the proposed wording changes suggested for criteria 3B and 3C and suggested the need for an additional paragraph to explain that the criteria would not apply to works that were permitted development under the Planning (General Development) Order (Northern Ireland) 1993 (GDO)

8.3.2 PPS 6 makes provision for the designation of ATCs through the development plan process. It states that local policies or proposals and guidance for such areas will be included in the plan or where appropriate in supplementary planning guidance. The addendum to PPS 6 Areas of Townscape Character (PPS 6 Addendum) was published in August 2005 after publication of the draft Plan and introduces policies that are specific to ATCs. Policy ATC 2 requires new development to maintain or enhance the overall character of ATCs and to respect the built form of the area. The amplification text states that the Department will draw up supplementary guidance for individual ATCs as they each have their own distinct character and intrinsic qualities. It also states that this, together with any local policies formulated, will normally be incorporated into the development plan and will be material considerations in assessing development proposals. Loss of character in ATCs can arise from either unsympathetic development or from loss of important features. Regional policy in the PPS 6 Addendum provides for demolition control in ATCs under Policy ATC 1 to prevent the loss of buildings that make a positive contribution to character and Policy ATC 2 promotes sympathetic development in ATCs. Regional policy does not contain a presumption against development and we can see no justification for such a policy in BMAP as proposed by one objector. We consider that such a presumption would inhibit acceptable and sympathetic development and be likely to harm rather than protect such areas.

8.3.3 The Department has provided brief analysis of the important characteristics of each ATC/AVC in the draft Plan. These are broadly drawn from the Urban Environment Technical Supplement Volumes 2 and 3 and set out the key features of each area that will be taken into account when assessing development proposals. The amplification text is also drawn from the Technical Supplement. The KDC set out in policy UE 3 then form a ‘menu’ from which a small selection that are considered to be most relevant are applied to each individual ATC/AVC. Whilst we understand the Department’s concern that repetition of the relevant KDC for each of the ATCs/AVCs individually would have lengthened the Plan considerably, we agree with objectors that the approach in the draft Plan is cumbersome requiring cross referencing between Volume 1 and the relevant District volumes to understand what is required.
8.3.4 Paragraph 2.8 of the PPS 6 Addendum states that the Department will have regard to the same broad criteria outlined for Conservation Areas in assessing the acceptability of proposals. We note that it states at paragraph 7.7 of Annex A that new buildings should be a stimulus to imaginative, high quality design and that the emphasis is on respect for context rather than imitation of earlier styles. As well as policy in the PPS 6 Addendum, a range of policies is provided at regional level in relation to residential development in PPS 7 Policy QD 1, PPS 7 Addendum Policy EXT 1 and PPS 7 Addendum Policy LC1. These encompass the broader issues contained in some of the KDC including context, scale, massing, design, external materials, density and pattern of development. For these KDC, we see no need for replication in Policy UE 3. Many of the other KDC are very specific including such factors as building heights, types, detailing and materials. When we consider the range of design factors included in the KDC and how they are to be applied to individual ATCs/AVCs, we reach the conclusion that they impose a uniformity of approach that fails to recognise the diversity within many of these areas. As a result they are likely to inhibit good design rather than promote it. As a result of these unduly prescriptive criteria, there is the possibility of monotony and pastiche rather than creativity and innovation. We note that the criteria generally flow from the analysis contained in the Technical Supplement but, having considered some of the requirements for individual areas, we agree that in some cases it is difficult to relate the KDC to the key features identified. For example, we fail to understand why one ATC which is characterised by 2 and 3 storey terraced housing has a KDC restricting new dwellings to detached or semi-detached.

8.3.5 Whilst we understand that the Department is striving to achieve sympathetic, responsive design within the designated areas, it is difficult to see how a list of 24 KDC could possibly capture the diversity of character found within the 101 designated areas. In our opinion the ‘menu’ approach reduces local distinctiveness rather than promoting it and stifles character rather than protecting it as required by ENV 3.3 of the RDS. We do not consider that a list of generic design criteria will drive good design or produce buildings that are sympathetic to their context. We share the concerns expressed by objectors that the ‘menu’ approach is not a robust basis from which to generate the high standards of design required in these areas and provides an unduly restrictive and inflexible ‘rule book’ which will not deliver the desired outcome. There is a danger that the application of a set of criteria will be seen as a substitute for good design and could damage the very character that the policy seeks to protect. Poor designs that meet the criteria may be difficult to reject while good designs that respect their context could be refused because the criteria are not met. Concerns were also raised that the restrictive nature of the criteria in some areas could inhibit regeneration, could make schemes unviable or would fail to make more efficient use of urban land. It seems to us that in such circumstances there is a need to balance the benefits of regeneration or more efficient use of urban land with the impact of the proposal on the individual ATC/AVC. The RDS makes it clear that increased densities should not be interpreted as a broad mandate for overdeveloped or unsympathetic schemes. Nonetheless, a rigid set of criteria could represent a barrier to acceptable redevelopment or regeneration schemes coming forward.
8.3.6 Notwithstanding our reservations about the approach advocated by Policy UE 3, we support the Department’s objectives and understand the concerns of objectors that in the absence of clear guidance, the essential character of ATCs/AVCs could be eroded due to unsympathetic development. Rather than approaching this challenge through restrictive policy, we consider that what assists the designer is a thorough understanding of the important characteristics of the ATC/AVC. Annex 3 of PPS 1 provides for development plans to set out design policies based on a proper assessment of the character of particular areas. The design approach for new development should be generated and driven by a thorough and detailed analysis of the ATC and those features that constitute its intrinsic character. These will include not only analysis of the built form and building characteristics but of the space around and between buildings, the contribution of important buildings, identification of vistas worthy of protection, landscape and boundary features etc. A broad analysis of each ATC/AVC has already been carried out and is contained in the Technical Supplement but, in our view, these are not sufficiently detailed and what is needed is a more in-depth analysis and refinement that will be used to inform the design process. It will also enhance the decision making process by providing a context for consideration of proposals against the various regional policies outlined above. Rather than setting out unduly restrictive policies in the Plan that are too general to respond to local circumstances or the variety of townscape found within individual areas, we consider that more detailed analysis of the character of each area should be produced in the form of a design guide as supplementary guidance for each ATC/AVC. It should build on the foundations already provided in the Technical Supplement and set out clearly what constitutes the intrinsic character of the ATC/AVC with suggestions of what is appropriate to generate a sympathetic and high quality design response that respects its setting as provided for in paragraphs 2.11 (in respect of new development) and 2.16 (in respect of advertisements) of the Addendum to PPS 6. Such guidance could also include shopfront design and the requirements for new buildings within the curtilage of existing buildings, where appropriate, as requested by objectors. The guidance would supplement and be read alongside the designations in the Plan. Designations in the District sections of the Plan state that “Key features of the area which will be taken into account when assessing development proposals are as follows:-". We agree that the term “taken into account” does not adequately reflect the need to maintain or enhance the character of ATCs/AVCs and agree that there should be greater emphasis on the need to safeguard, protect and integrate key features with new development.

8.3.7 It is surprising that the Department considers supplementary guidance is not strong enough as such an approach is consistent with paragraphs 2.11 and 2.16 of the Addendum to PPS 6 which states that the Department will draw up supplementary guidance and allows for local policies as material considerations in the assessment of individual development proposals. Moreover, we note that it has successfully formed the basis of the approach in Conservation Areas over a considerable period. We do not entirely rule out the need for local policy if, as a result of the analysis, there remains a need for it due to the particular circumstances of an ATC/AVC. However, we caution against a policy response that is unduly restrictive as it runs the risk of
producing unimaginative schemes which neither promote high quality development nor protect the intrinsic value of these designations. In the event that specific policies are considered necessary, they should be set out in the relevant designation to provide the appropriate context and brought forward as an alteration to the Plan under Article 6 of the Planning Order.

8.3.8 ENV 3.3 of the RDS requires that townscapes of distinctive character are kept under review to assess their suitability for Conservation Area status. Objectors considered that the identification of only 5 ATCs as future Conservation Areas was insufficient. Conservation Areas are designated under Article 50 of the Planning Order and the adequacy of the designations is outside the scope of the development plan process. The Department’s identification of 5 ATCs that will be designated as Conservation Areas complies with paragraph 2.19 of PPS 6 and is provided in the Plan for information. Many objectors were concerned about the protection of landscape features in ATCs; unlike Conservation Areas, it is not an offence to remove trees in ATCs but extension of controls over tree removal would involve legislation which is beyond the scope of the development plan process. There is no reason why the Department could not protect important trees and tree groups through the imposition of Tree Preservation Orders. The inclusion of landscape features in ATC/AVC character assessments will also assist in their protection in development proposals. Under present legislation, the opportunity for community involvement is through the current development plan process and in response to individual development proposals. It is a matter for the Department to consider whether there should be further community consultation when it is drawing up design guides for individual ATCs/AVCs. We note, however, that paragraph 50 of PPS 1 states that the weight to be accorded to supplementary guidance in determining a planning application will increase if it has been prepared in consultation with the District Council and the public. We acknowledge that change in character can result from alterations that are permitted development under the GDO. The use of Article 4 Directions is outside the scope of the development plan process and is a matter for the Department. Concerns were expressed about the acceptability of particular land uses in ATCs/AVCs. Paragraph 7.9 of the Annex to the PPS 6 Addendum addresses the issue of change of use and states that consideration will be given to the both the general land use policies of the Department and the impact of the proposed use on the character and appearance of the area in assessing development proposals. We consider that this approach will address the concerns of the objector. It was suggested that clarification was needed setting out the relationship between ATCs and HOU 1. HOU 1 sets out the allocation of housing in the Plan and it has no direct relationship with UE 3. The promotion of increased density under SPG-HOU 5 of the RDS must be read in conjunction with SPG-HOU 3 which seeks to conserve the built environment.

8.3.9 In view of our conclusions about Policy UE 3, we recommend that it is deleted from the Plan. As a result, our consideration in part 2 of the report will not include objections in respect of individual KDC. Other aspects of objections will be considered, including objections to individual designations and objections to the boundaries of individual ATCs.
Policy UE 2

8.3.10 Policy UE 2 requires that development proposals meet the additional design criteria set out for individual Conservation Areas. Although not acknowledged in the Plan, we note that the criteria duplicate those found in the list set out in Policy UE 3 and it is for this reason that we have considered UE 3 in some detail before returning to UE 2. Objectors’ concerns about Policy UE 2 mainly relate to the prescriptive nature of the policy and its inhibiting effect on innovative design. As with Policy UE 1, UE 2 does not set out design requirements for CAs; it requires that development proposals meet the design criteria set out for individual CAs in the District proposals. The objections are therefore interpreted as a challenge to the principle of imposing design criteria in individual CAs. Objections to particular criteria will be considered in part 2 of the report.

8.3.11 Article 50 of the Planning Order provides the statutory basis for the designation of CAs. Article 50 (5) requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of CAs in exercising powers under the Order. Paragraph 2.19 of PPS 6 provides for development plans to include local policies or proposals for their protection and enhancement. Policy BH 12 sets out policy for new development in CAs which requires development proposals to meet 7 criteria and the policy justification and amplification has already been referred to above as Annex A in the Addendum to PPS 6. We refer again to paragraph 7.7 of PPS 6 which states that new buildings should be a stimulus to imaginative, high quality design and that the emphasis is on respect for context rather than imitation of earlier styles. Policy BH 12 encompass the broader issues contained in the design criteria in the District proposals including the need for proposals to respect the scale, form, materials and detailing of adjoining buildings in the area and the need for development to be in sympathy with the characteristic built form of the area. We consider that these requirements are more likely to result in development that preserves or enhances the character of the area than some of the criteria set out in individual policy requirements. For example, the requirement for new buildings to be designed so that heights of eaves, cornices, ridge heights and storey heights conform to those in adjoining buildings, while appropriate in some circumstances, could result in monotony, pastiche and a lack of innovative design. Other criteria impose a uniformity of design standards which ignores the variety of building styles, types and finishes in the CAs concerned. As with ATCs/AVCs, it is sometimes difficult to understand the basis for the criteria proposed.

8.3.12 Our reservations about the KDCs for ATCs/AVCs also extend to the policy approach to additional design criteria in Policy UE 2. We have indicated that we consider the design approach for new development should be generated and driven by a thorough and detailed analysis of the characteristics of these areas. Design guides are already available for CAs and provide analysis of their character and supplementary guidance to prospective developers which have served them to good effect to date. We doubt that the criteria now being introduced will provide added value and in many cases may be unduly restrictive. There is scope for more detailed analysis in some of the design guides as some do not fully acknowledge the variety found in some of these
areas. For example, the approach taken in the recently published draft document for the Malone CA provides a thorough and detailed analysis of the different character areas and recognises the wide variety of architectural styles found within the CA. Although still in draft form, it seems to us that its approach is much more responsive to the different characteristics found in the area than the criteria found in BT 024 which will impose a uniformity of approach to new development despite widely varying characteristics within the CA as a whole. We consider that Policy BH 12 provides adequate protection in respect of the broader issues covered by the criteria included in the District proposals and that the more detailed criteria are likely to have the same effect as in ATCs/AVCs. Accordingly, we reach the conclusion that they are unduly prescriptive and are likely to inhibit good design rather than promote it with the result that the statutory duty to preserve or enhance the character or appearance of these areas will not be achieved. As with ATCs/AVCs, we do not entirely rule out the need for local policy if there are particular circumstances in CAs that need to be addressed. However, uniform and unduly restrictive policy runs the risk of producing unimaginative schemes which neither preserve nor enhance character.

8.3.13 Conservation Areas are designated under the legislative provisions of Article 50 of the Planning Order and their identification in the Plan is for information purposes in accordance with the requirement of paragraph 2.19 of PPS 6. Many objectors sought the designation of new Conservation Areas or extensions to the boundaries of existing ones but as these objections are beyond the scope of the development plan process we can not consider them further. The programming of these designations is a matter for the Department and we disagree that the absence of such a timetable is a weakness in the Plan. Belfast City Council asked that consideration be given to the inclusion in the Plan of a list of locally listed buildings. Buildings of special architectural or historic interest are listed under the statutory process set out in Article 42 of the Planning Order and are beyond the scope of the development plan process. We do not favour their inclusion in the Plan.

8.3.14 In view of our conclusions about Policy UE 2, we recommend that it is deleted from the Plan and as a result, no further consideration will be given to the additional design criteria set out in the District proposals. We see no need for a policy stating that prevailing regional policy will apply in Conservation Areas as this is self evidently the case.

Recommendations

We recommend that:

- Policies UE 2 and UE 3 are deleted from the Plan.
- A detailed character analysis is undertaken and a design guide produced for each individual Area of Townscape Character and Area of Village Character as supplementary guidance to the Plan.
• Design Guides for Conservation Areas are supplemented as necessary with more detailed analysis and design advice as supplementary guidance to the Plan.

• Any specific policies that are considered necessary should be included within the relevant designation in the District section of the Plan and brought forward as an alteration to the Plan under Article 6 of the Planning Order.

• The wording of the ATC/AVC designations in the District sections of the Plan are revised to more clearly reflect the need to protect their key character assets and integrate them with new development.

8.5.0 Objections to Policy UE 4 - Quality in New Non-Residential Development

8.5.1 The Department indicated that it considered that the scope of Policy UE 4 was now covered by regional policy and that it could be deleted from the Plan. We endorse their view.

Recommendation

• We recommend that Policy UE 4 is deleted from the Plan.

8.6.0 Objections to Policy UE 5 - Security Grilles and Shutters

8.6.1 There were opposing views about the policy for security shutters. One view was that policy should aim to remove security shutters because they create unsafe localities and the other that the policy was unduly restrictive in cases where shutters were added to existing shop fronts.

8.6.2 We disagree with objectors who thought that security shutters created unsafe neighbourhoods. In our view, the need for such measures is a response to security concerns and they are a necessity in many situations as both a deterrent and a barrier in relation to anti-social behaviour and crime. We consider that policy aimed at removing them, no matter how desirable in principle, is unrealistic. Nonetheless, because of their visual impact on the streetscape, we consider that it is important to ensure that such features are considered early in the design process rather than as an afterthought. The Department accepted that in cases of building refurbishment and installation of new shop fronts it may not always be possible for shutters to be integrated or fully recessed as required by the policy. On this basis it conceded that the policy wording of the second paragraph could be amended to add "where technically feasible". The objector was satisfied that this amendment would address his objection. We agree that the suggested amendment allows flexibility in circumstances where shutters can not be accommodated as specified for technical reasons. As a result there will be occasions where surface mounted shutters will be acceptable and the third paragraph of the
The policy should therefore be deleted to avoid inconsistency in the policy wording.

**Recommendation**

We recommend that:

- The second paragraph of Policy UE 5 is amended to read **“In the context of building refurbishment and installation of new shop fronts, where technically feasible, security shutters shall either be fully recessed behind the fascia or properly integrated into the new fascia.”**

- The third paragraph of Policy UE 5 is deleted.

**8.7.0 Objections to Policy UE 6 - Car Parking and New Developments in City and Town Centres**

8.7.1 Policy UE 6 aims to prevent new developments in city and town centres providing parking along the street frontage. The Department’s concern in this regard is that parking to the front of buildings creates dead frontages rather than active uses and streetscape vitality.

8.7.2 Some objectors have misinterpreted the policy in that they have understood it to mean that car parking will not be permitted in city and town centres. Parking standards for city and town centres within the BMAP area are set out either in Policy TRAN 4 or in regional parking standards and we address the policy in section 5.6 of the report. Others have understood it to mean that parking can only be provided at upper storey level. Although the Department confirmed at the Inquiry that there is no objection to surface level parking so long as it is not provided along street frontages, this is not clear from the explanatory text to the policy which refers to “ground floor” parking. The explanatory text should be revised to clarify the Department’s stated position. It was suggested that there was inconsistency between the policy and amplification in that the latter refers to not permitting car parking where it would result in dead frontage. It was proposed that the policy should be reworded to state that “planning permission will not be granted for ground floor parking that creates dead frontage along street frontages”. We can not see how this will make any difference to the policy as parking along street frontages creates dead frontages.

8.7.3 We endorse the Department’s view that vitality and vibrancy of city and town centres are undermined by car parking along street frontages and support the policy. We have been provided with no persuasive justification for restricting the policy to the primary retail core. The needs of food retailers were highlighted and it was suggested that an exception should be made to meet their particular requirements through the introduction of the term “normally” to the policy. We agree with the Department that this would result in an unnecessary dilution of the policy. We see no reason why car parking can not be located to the rear of the building where new developments are proposed.
or incorporated into new developments as basement or upper storey parking provided that the design meets the particular needs of young families and the disabled. We note that such arrangements operate successfully in out of town foodstores.

8.7.4 We can see no inconsistency with Policy TRAN 5 which relates to relocation of spaces lost from surface car parks as a result of development.

**Recommendation**

- We endorse Policy UE 6 and recommend that the explanatory text clarifies that ground floor parking is permitted provided it is not located along the street frontage.

8.8 **Objections to Policy UE 7 - Urban Landscape Wedges**

8.8.1 Four Urban Landscape Wedges (ULW) are designated in the draft Plan and Policy UE 7 aims to retain their open character by restricting their use to outdoor recreational use. One objector thought the policy was unnecessary because it duplicated regional policy in Policy OS 1 of Planning Policy Statement 8 - Open Space, Sport and Outdoor Recreation (PPS 8). It was also claimed that it contradicted Policy OS 1 because it failed to allow for exceptions. We agree that there is a degree of overlap between the two policies in that the ULWs are primarily in open space use and would be subject to protection under Policy OS 1. However, OS 1 allows for exceptions where there are substantial community benefits or where the loss will have no significant detrimental impact in particular circumstances. Rather than contradicting the provisions of OS 1, Policy UE 7 aims to impose stricter controls in ULWs by permitting only outdoor recreational use with ancillary buildings. We therefore disagree that Policy UE 7 should be deleted because it duplicates regional policy.

8.8.2 Some objectors suggested that although the policy was acceptable in principle, it was too restrictive and that some flexibility should be allowed while others felt that it was not sufficiently robust. We reject the suggestion that the policy should be re-worded to read “planning permission will normally be granted for outdoor recreational use” for the reasons given in paragraphs 8.2.3. and 8.2.7 above. It was also proposed that a further clause should be added that “exceptionally other development may be permitted where it is demonstrated that it is in the public interest and that the key attributes of the Urban Landscape Wedge are maintained”. In this context it was suggested that the zoning of land for housing in the Dundonald ULW was a clear indication that the wording of the policy was too restrictive and that housing elsewhere would not offend against the designation. The Department explained that the inclusion of housing in the Dundonald ULW was due to a drafting error. The ULWs are aimed at retaining the separate identities and character of the component parts of the MUA, breaking up the visual mass of built development and providing protection for valuable open areas by retaining open landscape to prevent their coalescence. Their designation is
consistent with the last 3 bullet points of ENV 3.3 of the RDS which seeks to
conserve the character of cities, towns and villages. There has been no
challenge to the principle of their designation and we fail to see how the key
attributes of an ULW could be maintained by allowing built development such
as housing. Belfast Metropolitan Residents Group (BMRG) made the point
that landscape wedges identified in the BUAP had been significantly eroded
and that once developed, they can not be replaced. The issue was about our
responsibility to future generations. We consider their concerns to be valid
and find the wording suggested by other objectors likely to undermine the
integrity of these areas and leave them vulnerable to further erosion.
Accordingly we consider the restriction in the policy to outdoor recreational
uses with ancillary buildings is justified.

8.8.3 Although BMRG suggested that the ULWs were not sufficiently extensive, no
proposals were put forward for more or for alteration to the boundaries of
those proposed in the Plan. We are therefore unable to give this part of their
objection further consideration. They also considered that the sequencing of
the criteria in the policy did not reflect the proper hierarchy – their view was
that buildings should come last in the sequence. We do not have particular
concerns about the order in which the criteria are set out because any
proposals for outdoor recreation will have to meet all three criteria listed.
Another objector thought that the policy was too restrictive because it would
prevent expansion of existing uses around the periphery of the ULWs that
would not damage their integrity. It seems to us that this objection should
more properly be expressed as a challenge to the boundaries of the ULWs
and, where such objections have been advanced, they will be considered in
part 2 of the report.

8.8.4 The Department agreed that the reference to “development of an outdoor
recreational or amenity nature” in the explanatory text could be confusing
and agreed that “or amenity nature” would be deleted in the adopted Plan.
We agree that this amendment would avoid confusion.

Recommendation:

• We recommend that the explanatory text to Policy UE 7 should be
  amended to remove the reference to development of an amenity nature.

8.9 Objections to Policy UE 8 - Air Quality

8.9.1 The RDS at SPG-ENV 6 seeks to create healthier living environments and to
support healthy lifestyles. Improvement of air quality is to be achieved through
measures set out in ENV 6.1. These measures include:

• implementing a National Air Quality Strategy;
• introducing a system of Local Air Quality Management
• promoting more sustainable energy sources and minimising industrial
  emissions; and
• changing travel patterns to reduce the growth of traffic.
Responsibility for taking forward air quality management at the local level rests with District Councils who have powers under the Environment (NI) Order 2002. Belfast City Council (BCC) were opposed to Policy UE 8 on the basis of their view that it does not comply with European, UK and Northern Ireland legislation on air quality and does not comply with PPS 13. North Down Borough Council have indicated their support for the BCC view, Lisburn are satisfied with the BMAP approach and the other three Councils have expressed no view.

8.9.2 It seems to us that the development plan process can only directly influence the last of the 4 measures and the development management process has a role to play in the third measure. BCC's concern was primarily related to increased air emissions resulting from major developments or from the cumulative effect of a series of minor developments. Their view was that policy should not be restricted to the consideration of planning applications within or adjacent to Air Quality Management Areas and they tabled an amended wording for the policy. The Department indicated that it would be willing to amend the first part of the policy text to read “In considering air quality issues in relation to all planning applications…” This amendment would meet one aspect of the objectors' concerns.

8.9.3 The Department indicated in its written evidence that the purpose of Policy UE 8 was to strengthen the importance of air quality issues as a material consideration in the development management process, to guide developers on the requirements in Air Quality Management Areas (AQMAs) and establish that Air Quality Impact Assessments (AQIAs) may be required where a proposal would exacerbate air quality problems. The scope of the policy as worded in the draft Plan or as amended merely alerts prospective developers to the fact that the Department will be ‘guided’ by the views of the Environmental Health Department (EHD) in considering planning applications. The views of consultees are always a material consideration and so we fail to see what the policy achieves in its present form. We disagree that it guides developers in any way in relation to air quality issues or that it alerts them to the need for AQIAs. It is difficult to see why particular attention is drawn to air quality as a material consideration when there are wide ranging environmental effects that are not the subject of specific BMAP policy. We cannot support the policy as set out in the draft Plan.

8.9.4 In evidence to the Inquiry, the Department stated that air quality was an issue to be addressed by regional policy but, in the absence of a revised PPS 1, it was considered appropriate to include a policy in the Plan. We agree that it is an issue to be addressed by regional policy but as we have no evidence that there is a need for a policy specifically tailored to the circumstances of the BMA, it is not appropriate to include policy on air quality in the Plan. Air quality is clearly a material consideration in the determination of individual development proposals and in circumstances where AQIAs are required there is no reason why the Department cannot request further information under Article 7(4) of the Planning (General Development) Order (NI) 1993.

8.9.5 The BCC proposed amendment to the policy wording was aimed at alerting developers to the 5 circumstances in which weight would be given to the
views of the EHD and the possible response that would be required. The Department did not object in principle to their inclusion but thought they should be in the amplification rather than in the policy text. The criteria set out by BCC relate to circumstances where there are significant environmental effects arising from the development proposals. In these situations applications would be subject to EIA and the necessary information, including mitigation measures, would be required as part of the EIA process. We see no need for a BMAP policy to draw attention to air quality as a specific issue in respect of EIA development because it is covered by legislative requirements outwith the development plan process.

Recommendation

- We recommend that Policy UE 8 is deleted from the Plan.
9. NATURAL ENVIRONMENT

9.1 Background

9.1.1 The main background to consideration of the Natural Environment objections is the Regional Development Strategy (RDS) and current regional policy contained in Planning Policy Statements 2 and 6 (PPS2, PPS6). The introduction to the Natural Environment section of the draft Plan, at page 112 of Volume 1, outlines relevant policies of the RDS. Legislation also exists at European and National levels in relation to protection of flora, fauna and the natural environment, generally. The Department has taken into account the Northern Ireland Biodiversity Strategy, produced for the Northern Ireland Executive in 2002.

9.1.2 The Natural Environment policies in the draft Plan are accompanied by Technical Supplement No.11 which takes the form of a Countryside Assessment, dealing with both natural and built heritage. Various objections to the content of the Technical Supplement were received. We cannot consider these as the Countryside Assessment is not part of the Plan, and we can only address issues raised if objections have specifically identified the relevance of the Supplement to the content of the Plan itself, for example, an objection to a designation identified through the Countryside Assessment process. Where objections to the strategic policies raised site specific matters, these will be dealt with in part 2 of our report.

9.2 Objections to the Natural Environment Strategy

9.2.1 The draft Plan’s Natural Environment Strategy is set out on page 113 of volume 1. It was argued that the hugely important coastal and marine environment of the BMA is not clearly identified in the plan as being of major significance and vulnerability and that, while development pressures are recognised for a range of habitats and species through site designation, the species cited as of importance are all birds. The objector stated that development affecting the seabirds of the coastal regions may have totally different effects on the other organisms and priority species that may occur in those areas. We note that the Plan makes various references to the importance of its coastal areas and both the International (Ramsar, SPA) and National (ASSI, ASI and NNR) designations that fall within the Plan area. Legislation relating to the aforementioned designations provides protection and this is reflected in the planning policies of PPS2. Control under the planning system extends only to the low water mark and BMAP cannot apply policy in respect of the marine environment; it can, however, seek to ensure that development, including that at the coast, does not adversely affect that environment. There was no objection in principle to the inclusion of policy ENV 1 in the Plan; this policy seeks to prevent development that would have an adverse effect on priority habitats and species identified in the NI Biodiversity Strategy. The identified species, listed in volume 2 of the Countryside Assessment include birds, fish, mammals and invertebrates (including marine species). Draft Policy ENV 1 would thus add to the current
level of protection. We note the statement in the NI Biodiversity Strategy that a Review of Marine Nature Conservation has been initiated by the UK Government. This will include investigating the development of a comprehensive UK marine landscape classification and will propose marine landscapes targeted for conservation action. PPS2 indicates that Marine Nature reserves can be designated to protect sub-littoral flora and fauna. We see no need for BMAP to address what is clearly a regional/national issue.

9.2.2 An objector submitted that the Plan, generally, over designates environmental constraints; however, no reasoning was put forward and no specific examples were provided that would allow our further consideration of the issue. We note that the RDS and Regional Policy require environmental designations where appropriate.

9.2.3 BMAP does not purport to provide specific policy in relation to international or national environmental designations, which are afforded protection by legislation and policy in PPS2. We note that various Belfast City Airport and Harbour lands are already affected by such designations. It was submitted that the Natural Environment Strategy and policies fail to recognise the strategic regional importance of Belfast City Airport and Belfast Harbour and their primary role in maintaining the future economic prosperity of the region. The objector argued that a balanced approach must be taken to preserve environmental assets and ensure that NI economic needs are supported in accordance with the Guiding Principles outlined within the NI Sustainable development Strategy. We note that the Plan’s Natural Environment policies, whilst seeking to protect the biodiversity, nature conservation interests, environmental quality, integrity or character of areas judged to be of particular value, do not preclude their development. In our view, there is thus a balanced approach. We see no justification for setting aside, or ‘watering down’ BMAP’s environmental policy in respect of either the harbour or the airport lands since the function and environmental value of designations therein will be as important as those found elsewhere. We are mindful, however, that the planning system allows for the economic benefits of development to be accorded due weight when proposals are under consideration.

9.2.4 It was argued that the Plan should contain a specific policy designed to protect ancient and long established woods as irreplaceable habitats of high biodiversity. We consider such an additional policy would be unnecessary since the existing provisions for environmental designations could afford the same protection. Tree Preservation Orders are also available to the Department to protect trees and woodland.

9.2.5 It was argued that the Natural Environment Strategy is flawed in that it avoids dealing with a major plank of biodiversity conservation by dealing with species of importance only through designated sites and priority habitats. It was submitted that, whilst ENV 1 refers to species protection, it does not provide a mechanism for the protection of priority species that are not site specific (such as Skylark and Irish Hare). The objector suggested that a new policy should be developed to deal with the issue. Article 3(1) of the Planning (NI) Order imposes a duty on the Department to formulate and coordinate policy for
securing the orderly and consistent development of land, and for the planning of that development. We note that the second bullet point of the Natural Environment Strategy refers to protection and enhancement of biodiversity through protecting priority habitats and there is no separate reference to priority species. We consider this to be a logical approach since it is patently not a function of the plan to play a role in non-site specific species conservation. Such would be a matter for the Wildlife Order or other appropriate legislation.

9.2.6 An objector suggested various amendments to the wording of the strategy as follows:-

(i) The first sentence should read “The BMA Natural Environment Strategy comprises a hierarchy of elements:,”

(ii) “in accordance with regional policy” should be appended to the wording of the first bullet point,

(iii) “and enhancement” should be deleted from the wording of the second bullet point, and,

(iv) “of settlements” should be appended to the wording of the last bullet point.

The objector argued that there should be a hierarchy of protection within the strategy such as exists within PPS2, where development can be permitted even on sites with international protective designations. It was submitted that paragraph 38 of PPS2 refers to the hierarchy and that BMAP needs to reflect regional policy. Failing its mention in the Strategy ‘box’, the amplification text could refer to PPS2 and the hierarchy of designations. It was argued that if the third and fourth bullet points were amalgamated, it would reduce confusion regarding the relative importance of Sites of Local Nature Conservation Importance (SLNCIs) and Local Landscape Policy Areas (LLPAs).

9.2.7 The Department stated that the Commission should consider whether references to the SLNCI and LLPA designations in the third and fourth bullet points are necessary. It also submitted that the fourth bullet point should commence with “protection of those features...” in order to render it synchronous with the wording of the other bullet points. The words “and enhancement of biodiversity through” should be deleted from the second bullet point of the Strategy. The Department stated that it had no difficulty with reference to the hierarchy of designations in the amplification text.

9.2.8 We note that the draft Plan refers to international, national and local designations at pages 113-115 but makes no mention of a hierarchy of designations. We do not agree that the latter should be referred to in the strategy itself, which merely attempts to set out its constituent elements and does not differentiate between them in respect of importance. We note that those elements include priority habitats, which are not specifically identified in PPS2, and for which no regional policy protection currently exists. We accept
the Department’s submission that there should be no differentiation between SLNCIs and LLPAs in terms of their relative importance, both of which are ‘local’ tier designations. The two designations also find their origins in different regional policy documents. We do not accept that there is a need for BMAP to refer to a hierarchy of nature conservation designations and we note that the amplification text already refers to PPS2.

9.2.9 With regard to the various suggested rewordings, we see logic in referring to regional policy in the first bullet point, in the interests of providing clarity. We would agree with the Department’s suggested rewording of the second bullet point; this would not derogate from the strategy, which aims to protect priority habitats. We consider that the references to designation of SLNCIs and LLPAs in the third and fourth bullet points should be retained, given that policies ENV 2 and ENV 3, respectively, relate directly to those elements of the strategy. We see logic in the Department’s suggested amendment to the fourth bullet point, in the interests of consistency. We note that the words ‘of settlements’ were added to the fourth bullet point in the Department’s published corrections to the draft Plan.

**Recommendations**

We recommend that the Natural Environment strategy should read as follows:-

“The BMA Natural Environment Strategy comprises the following elements:

- protection of areas designated for their international and national conservation importance in accordance with Regional Planning Policy;
- protection of priority habitats identified in the Northern Ireland Biodiversity Strategy;
- protection of local wildlife and natural features by designating Sites of Local Nature Conservation Importance (SLNCIs); and
- protection of those features considered of greatest importance to the identity and local landscape setting of settlements by designating Local Landscape Policy Areas (LLPAs).”

9.3 Objections to Policy ENV 1

9.3.1 At present the priority habitats identified by the NI Biodiversity Group do not enjoy any statutory or planning policy protection. ENV 1 would afford protection to priority habitats only within the 6 BMAP Districts. Since priority habitats exist throughout Northern Ireland, there is a clear need for a regional approach and we would anticipate that a review of PPS2 would eventually deal with the matter.
9.3.2 It was submitted that draft ENV 1 conflicts with other aims within dBMAP and that both the presumption against development and the test of 'harm' are inappropriate; the courts have looked at the 'no harm' issue only in respect of Conservation Areas. It was argued that draft ENV 1 is wholly inconsistent with the policy approach elsewhere within dBMAP and within national guidance; as such ENV 1 fails to recognise the conflicting established uses or aims set out within other sections of dBMAP. The objector expressed concern that the tests contained within ENV 1 fail to recognise the relative significance of differing nature conservation features and that the tests applied would be more appropriate for an international or EU designated site such as a Special Protection Area (SPA). It was argued that ENV 1 deals with a lower tier site that can be damaged subject to compensation measures. It was submitted that BMAP should aim to support both development and biodiversity through appropriate mitigation and compensation schemes and that planning permission should be granted where it can be demonstrated that impacts on habitats or species identified within the Northern Ireland Biodiversity Strategy can be offset through appropriate mitigation/compensation. The following amended wording was suggested:

"Planning permission will be granted for development unless there is unacceptable damage or harm to the integrity, continuity, links, or ecological relationships of those habitats and species which are identified as priorities in the Northern Ireland Biodiversity Strategy or are otherwise of major importance for flora and fauna".

It was submitted that the policy could, alternatively, be worded negatively, commencing with: "Planning Permission will not be granted where there would be unacceptable harm or damage....". In the objector's opinion, the term 'likely to' would be preferable to 'liable to'.

9.3.3 The Department stated that the term 'development proposals' should be inserted instead of 'development'. In addition, the term 'potential' should be replaced with 'liable', which is a less stringent test where the Department would have to prove the liability of the proposed development to cause harm.

9.3.4 We agree with the Department that the objector's first suggested rewording would result in a permissive policy, which would be inappropriate, given the protectionist aim of both the Strategy and ENV 1, and the precautionary approach advocated by PPS1 in respect of the environment. Policy QD 1 of PPS 7 may refer to unacceptable damage but has no direct relevance in respect of nature conservation policy. We can find no mention of the term 'unacceptable damage or harm' within the entirety of PPS 2. The term implies that a degree of damage or harm could be tolerated. Since protecting priority habitats and species is at the heart of the Natural Environment Strategy, we fail to see how permitting some damage or harm could be acceptable. The wording would also result in uncertainty as to what would constitute an acceptable degree of harm. We do not consider that the concept of 'no harm' in planning terms is, in principle, restricted only to Conservation Areas. We discern a fundamental difference between the concept of permitting an insignificant damaging effect on an environmental designation (as must be envisaged in paragraph 55 of PPS 2) and there
existing an acceptable degree of harm or damage. Drawing on our conclusions in respect of policies ENV 2 and ENV 3, we prefer the word ‘significant’, rather than ‘unacceptable’; the former provides for flexibility and applies an appropriate level of protection.

9.3.5 We agree with the Department that the terms ‘unless there is harm’ or ‘where there would be unacceptable harm’ require a high degree of certainty, which would be difficult to ascertain in the majority of cases where environmental impacts would result from development. We agree with the Department that ‘potential for damage or harm’ is a higher hurdle than ‘liable to cause damage or harm’ and that the latter applies a more appropriate level of test. We discern no significant difference in the terms ‘likely to’ and ‘liable to’; however, we note that PPS2 paragraph 59 uses the former. We see merit in using the same terminology, in the interests of consistency. We consider the insertion of ‘proposals’ after ‘development’ in the policy to be a logical amendment. We agree with the objector that it should be for the applicant to demonstrate the acceptability of a proposal; this is typically the case with protectionist policy. The amplification text should clarify this point.

Recommendations

We recommend that:-

- Policy ENV 1 should be reworded as follows:-

“Planning Permission will not be granted for development proposals likely to cause significant damage or harm to the integrity, continuity, links, or ecological relationships of those habitats and species which are identified as priorities in the Northern Ireland Biodiversity Strategy or are otherwise of major importance for flora and fauna”.

- The amplification text should provide clarification that the acceptability of a proposal will require to be demonstrated by the applicant.

9.4 Objections to Policy ENV 2

9.4.1 The concept of Sites of Local Nature Conservation Importance is enshrined in the RDS and in PPS 2; their provision is referred to in ENV 1.2 of the former and throughout the latter. Paragraph 60 of PPS2 refers to SLNCIs identified in development plans and states that “plans will set out specific planning policies which will apply to development proposals on those sites”. The draft Plan proposes the designation of 246 SLNCIs throughout the BMA and the designations are clearly shown on the draft Plan maps. Appendix 1D of the Countryside Assessment sets out the reasons for the designations, which are listed in the relevant District Proposals volumes. Policy ENV 2 in the draft Plan seeks to protect designated SLNCIs from development that would be liable to have an adverse effect on the nature conservation interests thereof.
9.4.2 Objectors argued that the plan designates too few SLNCIs and that further designations could perhaps take place at a later stage, following discussions. There were submissions that suggested new sites had not been proposed for designation in dBMAP. There were concerns that links between SLNCIs had not been proposed and that the extent of protected areas was insufficient. Designation of additional sites or changes to SLNCI boundaries can only take place as part of the development plan process. We can consider arguments relating to additional designations, and the merits of those sites, only if these have been raised as site-specific issues. Other arguments were presented that the plan proposes too many SLNCIs, that SLNCI boundaries are inappropriate, and that designations will adversely affect development on designated or adjacent lands; again, these matters can only be dealt with on a site-specific basis. Such cases will be considered in part 2 of this report.

9.4.3 An objector argued that the supporting text should clarify what is meant by the phrase “Where exceptionally development is permitted...”. i.e. describe the grounds on which the priority for nature conservation could be overridden. Other objectors expressed concern that such a statement would allow for unacceptable development, irrespective of mitigation proposals. We consider that it is only reasonable for the policy to recognise that exceptional circumstances could exist whereby the nature conservation value of a SLNCI may not be the only factor to be considered in assessing a development proposal. We also consider that it would be unrealistic to attempt to identify all such scenarios in the Plan.

9.4.4 An objection submitted that more clarity is required, to aid public understanding, in their description of what differentiates SLNCIs and LLPAs, and what level of protection is afforded by each designation. We consider that these matters are self evident in the content of the Plan. The criteria used to designate the sites are cited in the Plan and Countryside assessment. The objector failed to explain the relevance to the plan of the stated concerns regarding: the presence of other designations such as ASSIs bordering proposed SLNCIs and LLPAs; site surveys; and whether there was permission for access from, or consultation with, landowners.

9.4.5 Similar arguments were put forward in respect of the hierarchical status of SLNCIs, as were submitted with regard to Policy ENV 1. We have already reached a conclusion that the Plan should not refer to a hierarchy of designations (paragraph 9.2.9). It was suggested that Policy ENV 2 should be reworded such that planning permission will be granted where it can be demonstrated that adverse impacts to a designated site of local nature conservation importance can be offset through appropriate mitigation or compensation. An objector pointed out that the phrase “likely to have an adverse effect” in the amplification text varies from the policy test which states “liable” to have an adverse effect. Concern was raised regarding the amplification text, where it indicates that “exceptionally” development might be permitted which might affect nature conservation value and where mitigation measures may be appropriate. Various rewordings of ENV 2 were suggested. It was also argued that the second and third paragraphs of policy ENV 3 should be appended to ENV 2.
Planning Appeals Commission

9.4.6 The Department suggested that the wording of ENV 2 should be amended to: “Planning permission will not be granted for development that would be likely to have an unacceptable adverse effect on the nature conservation interests of a designated SLNCI”.

9.4.7 We consider it appropriate that ENV 2 should use the term ‘likely to’ for the same reasons as outlined in paragraph 9.3.6 of this report. We do not consider that the word ‘normally’ adds to the policy and recognise that in the assessment of development proposals the decision maker will always be required to consider all material matters. We recognise that other considerations could outweigh the policy, even in a plan-led system. The offer of mitigation or compensation measures as part of a proposal would be a material consideration, and could potentially be afforded determining weight. We do not consider that mitigation should be referred to in the policy headnote. We note that the amplification text refers back to PPS2.

9.4.8 We note that paragraph 60 of PPS2 indicates, in respect of SLNCIs, that “plans will set out specific planning policies which will apply to development proposals on those sites”. We recognise that such policies could be tailored to their specific plan areas. We have already concluded that the concept of ‘unacceptable damage or harm’ is inappropriate in respect of a policy aimed at environmental protection. Essentially, there is no difference between that term and the concept of an ‘unacceptable adverse effect’ on a SLNCI, which seeks to protect nature conservation interests. Nowhere in PPS2 can we detect the use of the term ‘unacceptable adverse effect’. We thus have difficulty with the Department’s suggested rewording. One objector raised the concept of significant adverse impact and we see merit in this since it recognises that there could be insignificant adverse impacts. Such wording appears in PPS2 paragraph 55 in respect of Sites of National Nature Conservation Importance. It provides for flexibility whilst still applying an appropriate level of protection. We agree with the Department that the second and third paragraphs of Policy ENV 3 relate to LLPAs and should not be repeated in policy ENV 2.

9.4.9 The appropriateness of the criteria used for site designation was questioned and it was argued that this has an impact in respect of defending site selections at public inquiry. Clearly, in terms of identifying SLNCIs, the prime consideration is whether or not a site has local nature conservation value. The objector has not put forward any specific suggestions as to how the plan should be amended that would allow us to consider the matter further.

9.4.10 There was concern that the boundaries of SLNCIs were drawn without buffer areas, making them vulnerable to encroachment from development; the protection of SLNCIs is thus reliant on judgements being made about the likely adverse effect adjacent development may have. We fail to see the need for buffers around SLNCIs given that the policy presumes against development having a significant adverse effect on same, even if located outside the designation. Clearly, judgement will require to be applied in respect of any development proposal; this is a fundamental principle of the development control process. We note that Planning Service has access to expertise in NIEA when considering proposals. We see no need for the Plan
to provide examples of how particular types of development could adversely affect SLNCIs. We note that the Plan generally promotes provision of wildlife corridors through other policies.

9.4.11 With reference to housing in SLNCIs, it was argued that a special category for farming families and/or other local residents should exist in order to balance sustainable development with the desires of people to live there, particularly people born and brought up in the area and needing to begin new households. We do not consider that such a policy is required since ENV 2 does not presume against development per se, nor do we consider it appropriate to make exceptions in respect of particular groups. Need or personal circumstances could be material considerations and can be considered as part of the development management process if raised in the context of a housing proposal.

9.4.12 It was argued that the description of what constitutes a SLNCI and what protection the designation affords to a site needs to be further clarified; that lack of clarity has created perceptions regarding aspects of the management of the designations beyond development, and also as being a potential first step to implementing a more restrictive designation. We consider that the Plan provides adequate clarity with regard to the purpose of designating SLNCIs, which does not include identification as a potential national or international designation. The policy relates to development proposals, which may involve management of sites post development. This would be a matter, not for BMAP, but for the development management process to determine.

9.4.13 It was argued that Policy ENV 2 appears to be open ended thus allowing Planning Service a ‘carte blanche’ in applying conditions for mitigating measures to sites even adjacent to the designation site. We do not consider that there would be any such ‘carte blanche’ since mitigating measures would only be required in those exceptional cases where development contrary to the policy was approved. In such cases mitigating measures related to the proposal would be determined through the development control process.

Recommendation

- We recommend that policy ENV 2 is reworded as follows:-

“Planning permission will not be granted for development that would be likely to have a significant adverse effect on the nature conservation interests of a designated Site of Local Nature Conservation Interest”.

9.5 Objections to Policy ENV 3

9.5.1 The concept of Local Landscape Policy Areas is enshrined in the RDS and in PPS6; their provision is referred to in ENV 1.4 of the former and in paragraphs 2.23 and 2.24 of the latter. Paragraph 2.24 refers to LLPAs being designated in development plans. The draft Plan proposes the designation of 296 LLPAs throughout the BMA. The designations are clearly shown on the
draft Plan maps. The District Proposals list the designations and the features that contribute to the environmental quality, integrity or character of the areas; policy ENV 3 seeks to protect designated LLPAs from development that would be liable to adversely affect those features.

9.5.2 Arguments were presented that the plan proposes too many LLPAs, that their extent and boundaries are inappropriate, and that designations will adversely affect both designated and adjacent lands. These matters can only be dealt with on a site-specific basis. All such cases will be considered in part 2 of this report.

9.5.3 It was argued that draft ENV 3 is inflexible, conflicts with other aims within dBMAP, and that the draft policy wording presumes against development. It was submitted that the test of harm applied is the highest available - namely “liable to adversely affect” rather than “would affect”, and that such tests are wholly inconsistent with the policy approach elsewhere within dBMAP or indeed within national guidance. The stringent tests contained within draft Policy ENV 3 fail to recognise the relative significance of differing Landscape Features. Objectors argued that BMAP should aim to support development and protect landscape features by allowing for the grant of planning permission where mitigation/compensation against impacts is provided. Various amendments to the wording of the policy were suggested.

9.5.4 The Department suggested or agreed that ENV 3 should be amended as follows:

“In designated LLPAs planning permission will not be granted for development that would be likely to have an unacceptable adverse effect upon those features, or combination of features, that contribute to environmental quality, integrity, or character.

Where riverbanks are included within LLPAs, access may be required to the river corridor as part of the development proposals. Any access should not have an unacceptable adverse impact on the flora and fauna of the river corridor. Where proposals are within and/or adjoining a designated LLPA, a landscape buffer may be required to protect the environmental quality of the LLPA”.

9.5.5 The Department considered that within the District proposals, there may be merit in modifying the sentence that identifies the key features of each LLPA so that it reads: “… includes those listed below”, rather than “…are listed below”. It was also submitted that the amplification text should contain a cross reference with regional policy.

9.5.6 As we have already stated, we consider that the term ‘likely to’ is a more appropriate test than ‘would have’, which requires an inappropriate degree of certainty. We find the wording ‘significantly cause demonstrable adverse harm’ to be unnecessarily convoluted and confusing. Irrespective of its use elsewhere within the explanatory text of BMAP or in other documents, we do not consider that the word ‘normally’ clarifies or adds anything to Policy ENV 3 and recognise that countervailing considerations could outweigh the
policy, even in a plan-led system. We consider that use of the term ‘may be required’ should be retained in paragraph 3 of the policy as it permits flexibility; there may be instances, for example where a buffer is inappropriate. We see merit in making provision for requiring compensation or mitigation measures since there could be exceptional cases where the policy is outweighed by other factors. This could be expressed through the amplification text as is the case for Policy ENV 2.

9.5.7 We note paragraph 2.24 of PPS6 which indicates that plans will provide local policies and guidance to “maintain the intrinsic environmental value and character” of LLPAs. This has similarities with the aim of PPS2 paragraph 59, which is to “safeguard the intrinsic nature conservation value” of local tier sites. We have already concluded that the term ‘unacceptable adverse effect’ is inappropriate in a policy that aims to protect the environment. The term does not appear in Regional Policy where it refers to LLPAs. We again have difficulty with the Department’s suggested rewording. As with Policy ENV 2, and for the same reasons, we prefer the wording “significant adverse effect”. As with other restrictive policies, we consider that the onus should lie with the developer to demonstrate the acceptability of any proposal and this should be clarified in the amplification text.

9.5.8 It was argued that TPOs should be applied to all LLPAs. We recognise that it is not within the remit of the BMAP to impose TPOs, which are governed by separate legislation. Similarly, the monitoring and enforcement of planning conditions relating to trees, the introduction of Tree Felling Licences, and the designation of staffing resources to undertake these specific tasks are not matters that can be addressed through a development plan.

9.5.9 Several objectors argued that developers should be permitted to enter into debate with the Department with regard to the merits and likely impacts of proposals affecting LLPAs, and the weight that should be attached to various material considerations, such as economic benefit, planning gain, anti-social behaviour and disturbance. We note that Policy ENV 3 does not place an embargo on development and that the policy may be only one of many material considerations that could come into play when a development proposal is being assessed. We recognise that the development control system can facilitate discussions between the Department and applicants but this is an operational matter, outwith the scope of the development plan process.

9.5.10 It was argued that ENV 3 is too vague, allowing Planning Service wide scope to object to proposed development, even on zoned land, and that it fails to provide guidance as to what type of development is liable to adversely affect LLPAs. We note that the features that contribute to the environmental quality, integrity or character of each proposed LLPA are listed in the relevant District Proposals. The aim of the policy is clearly to resist development that unacceptably impacts on those features. The effect of an individual development proposal on a particular LLPA will be a matter for judgment at the development control stage, taking into account both the land use zoning and the LLPA designation. We see no need for specific examples of unacceptable proposals to be included in the plan.
9.5.11 It was argued that BMAP should support a policy of protecting watercourses and associated buffer strips in general, rather than just those falling within designated areas. We note the objector’s submission that many small watercourses run through the BMA, and that many of these could be vulnerable to culverting, development squeeze and general severance of the valuable wildlife corridor that they constitute. We acknowledge that many plants and animals could fail to negotiate certain obstructions affecting watercourses. It is clear to us that there are many watercourses within the BMAP area that are already culverted, degraded, of little value to wildlife, and exhibit little in the way of environmental quality or character. In our opinion, it would be entirely inappropriate for such watercourses to be designated as LLPAs or for there to be blanket protection of all watercourses. We note that designation as a LLPA is not the only mechanism that exists to protect watercourses; Policy QD 1 of PPS 7, for example, encourages integration of watercourses into housing schemes. Where specific watercourses have been suggested for designation as LLPAs, these will be considered in part 2 of this report.

9.5.12 An objector stated that within LLPAs there are often cherished buildings which provide appropriate settings for listed buildings and are critical to local character; protection of locally important buildings thus needs to be specifically included as an aim in the main policy box. Concern was expressed that some landscape policy areas are being primed for development instead of protected, which seems contradictory. We note from various designations in the District Proposals that non-listed buildings have been included in some lists of key features and are clearly thus recognised as an important part of local character. The amplification text of ENV 3 already refers to “listed and other locally important buildings.…” We see no need for the policy headnote to be changed. We see nothing in the plan that would point to LLPAs being primed for development.

9.5.13 An objector raised concerns in respect of the Department requiring public access to river corridors where river banks are included with LLPAs. It was submitted that the infrastructural costs associated in providing such access should not have to be borne by the developer and that access to riverbanks may lead to anti-social behaviour, health and safety risks, and insurance liability. It was also submitted that the requirement for a landscape buffer on land use zonings adjacent to LLPAs should be deleted from the policy. We note the use of the term ‘may be required’ in the Department’s suggested rewording of paragraph 2 of ENV 3, and the original wording of paragraph 3. Both paragraphs provide for flexibility and recognise that public access to riverbanks and landscape buffers will not always be required. In those cases where provision of access to riverbanks is deemed necessary, or where buffers would be needed to protect the key features of an LLPA, the issues raised by the objector could be considered by the Department through the development control process.

9.5.14 An objector argued that what constitutes an LLPA, and what protection it affords to a site needs to be further clarified. Grave concerns exist about management of LLPAs after development, and in respect of the designation being a first step towards implementing a more restrictive designation. We
consider that the Plan provides adequate clarity with regard to the purpose of designating LLPAs; this does not include identification as a potential national or international designation. The policy relates to development proposals, which may or may not involve management of sites post development. This would be a matter, not for BMAP, but for the development control process to determine.

9.5.15 It was submitted that there is some lack of clarity within the plan in relation to the maps, supporting information and Townland names; however, we were not presented with specific examples that would allow us to consider the matter further. We were presented with no logical argument as to why the environmental designation maps should differentiate between existing designations and those proposed. We recognise some Plan maps may show some designations truncated at the District boundaries but fail to see how this could lead to confusion if all maps are read together.

9.5.16 We note, and see logic in, the Department’s suggested change to the wording relating to lists of LLPA features.

Recommendation

- We recommend that policy ENV 3 is reworded as follows:-

  “In designated Local landscape Policy Areas planning permission will not be granted for development that would be likely to have a significant adverse effect upon those features, or combination of features, that contribute to environmental quality, integrity, or character. Where riverbanks are included within Local Landscape Policy Areas, access may be required to the river corridor as part of the development proposals. Any access should not have an unacceptable adverse impact on the flora and fauna of the river corridor.

  Where proposals are within and/or adjoining a designated Local Landscape Policy Area, a landscape buffer may be required to protect the environmental quality of the LLPA”.

- The amplification text should clarify that it falls to the developer to demonstrate the acceptability of a proposal. Wording similar to that used in the amplification text of ENV 2 should be inserted in relation to minimising adverse effects and providing for compensation or mitigation measures.

- For each Local Landscape Policy Area designation in the District Proposals the wording should be amended so that the sentence that identifies the key features of each Local Landscape Policy Area reads: “… includes those listed below”, rather than “… are listed below”.
10.0 COUNTRYSIDE AND COAST

10.1 Background

10.1.1 The main background to consideration of the Countryside and Coast objections is the RDS, A Planning Strategy for Rural Northern Ireland (PSRNI), and current regional policy contained in PPS1, PPS2, PPS6, PPS15, and PPS21. The Department has taken into account the Northern Ireland Landscape Character Assessment 2000 (NILCA).

10.1.2 The Countryside and Coast policies in the draft Plan are accompanied by Technical Supplement No. 11 which takes the form of a Countryside Assessment, dealing, inter alia, with natural heritage. As we have already stated, objections to the content of the Technical Supplement cannot be considered as the Countryside Assessment is not part of the Plan, and we can only address issues raised if objections have specifically identified the relevance of the Supplement to the content of the Plan itself. Where objections to the strategic policies raised site specific matters, these will be dealt with in part 2 of this report; this would include arguments relating to the extent of designations, including those within the Belfast Harbour and Belfast City Airport areas, and additional designations of, or extensions to, Lagan Valley Regional Park Nodes.

10.2 Objections to the Countryside and Coast Strategy

10.2.1 The draft Plan’s Countryside and Coast Strategy is set out on page 119 of Volume 1. It was argued by Lisburn City Council that the Countryside and Coast Strategy fails to recognise the fundamental principle of the Council’s Strategic Framework, that the purpose of the Lagan Valley Regional Park (LVRP) Nodes and Links Strategy is to establish a portfolio of related Nodes which function as destination points located at planned intervals along the River Lagan/Lagan Navigation corridor and connected to one another by green Links.

10.2.2 The Plan designates the LVRP in COU 12. Policies COU 13, COU 14, and COU 15 deal with development proposals throughout the Park and within the Nodes identified in the District Proposals. We see no reason why the Countryside and Coast Strategy should make specific mention of the rationale behind identification of the Nodes as these matters are dealt with elsewhere in the Plan. We consider that the overarching Strategy need not cover every detailed element of related policy.

10.2.3 Objectors suggested that the third bullet point of the Countryside and Coast strategy should be amended to read “conserve the rural landscape, whilst ensuring the protection of the metropolitan setting and interests of regional or national importance”. The Department suggested the deletion of the words ‘and enhance’ in respect of the rural landscape. We disagree with this suggestion and consider that enhancement of the environment could be a valid aspiration in various circumstances. If the term ‘conserve or enhance’
was inserted, it would introduce sufficient flexibility to deal with the objector’s concerns. We consider it implicit that both the Plan and the planning system will seek to ensure the protection of interests of regional or national importance and see no need for this to be iterated in the Strategy.

**Recommendation:**

We recommend that:

- The third bullet point of the Strategy should read “conserve or enhance the rural landscape, ensuring the protection of the metropolitan setting”.

### 10.3 Objections to Policy COU 1

10.3.1 Planning Policy Statement 21 - Sustainable Development in the Countryside was published in June 2010. On 5th July 2010, the Department wrote to the Commission and advised that, as a result of the policies and provisions of that policy statement, the proposed Green Belt designations in COU 1 of BMAP have been withdrawn. Consequently, the Commission cannot consider objections to Designation COU 1. Where an objection to COU 1 also sought inclusion of a site within the settlement limit, or zoning for a particular land use, those matters will be considered in part 2 of this report. There were many objectors to COU 1 who also objected to any other designations on their land without providing any information as to the basis for the removal of those designations. In the absence of such information, we cannot consider these objections further. Any objections that provided a reasoned basis for removal of specified designations will be considered in part 2 of this report.

### 10.4 Objections to Policy COU 2

10.4.1 Mention of landscape wedges is made in the RDS; SPG-ENV 1.1 on page 180 refers to the conservation of the settings of settlements and SPG-BMA 2.3 on page 73 refers to the maintenance of landscape wedges in order to distinguish and maintain the identities of Bangor, Carrickfergus, Dundonald, Holywood, and Lisburn. The concept of protecting the settings of settlements has also been a component of rural planning policy for some time. PPS 8, at paragraph 4.12, indicates that development plans may designate open space adjoining settlement limits as landscape wedges.

10.4.2 The draft Plan proposes the designation of 15 Rural Landscape Wedges (RLWs) throughout the BMA and the designations are clearly shown on the draft Plan maps. The objectives of designating the RLWs are listed on page 126 of Volume 1 of the draft Plan. Policy COU 2 aims to protect the RLWs from inappropriate development and lists four criteria (Vol. 1, page 125), all of which must be met, in order for planning permission to be granted within a RLW.
10.4.3 Objectors argued that the plan designates too few RLWs. There were also various suggestions that designated RLWs should either be extended or reduced in size. These matters can only be dealt with on a site-specific basis; where such arguments were submitted, these will be considered in part 2 of this report.

10.4.4 It was submitted that draft BMAP fails to utilise landscape wedges properly, as these are supposed to link towns and countryside. The objection stated that wedges should be designed in such a way that they combine with LLPAs, SLNCIs and other designations to enable physical links to be made, such as wildlife corridors and cycling/walking routes. We can discern no intention in either the RDS or dBMAP that the role of landscape wedges is to provide public access to the countryside. We note that should a need exist for public access to open space, this could be achieved through specific designation of such, either part of, or separate, from the RLWs. With regard to physical linkages between town and country, clearly the proposed RLWs would provide same and already permit the passage of wildlife from urban to rural areas and vice-versa. We note that there are already overlaps between proposed RLWs and other environmental designations. With regard to the latter, however, each has been proposed on a site-specific basis for a particular reason, unrelated to the stated function of the RLWs. We see this as a logical approach.

10.4.5 It was argued that developers should be permitted to engage in debate with the Department as to whether or not a proposal met the tests of COU 2. We recognise that the development management system can facilitate discussions between the Department and applicants. This is a matter for Planning Service to address, rather than BMAP.

10.4.6 It was submitted that COU 2 should make provision for small scale development encroachments into significantly sized RLWs where it could be demonstrated that these would not undermine visual separation, or the conservation and environmental value of the wedge. Given that the RLWs are located outside settlement limits, we do not consider that such a policy provision would be appropriate. It was also argued that there should be opportunity within COU 2 for development to take place where potential planning gain would result from addressing community needs, whilst retaining the purpose and overall amenity value of the RLW; to this end an additional bullet point could be added to the policy as follows:- ‘proposals are required to bring forward a wider community benefit through commercial use and involve a rationalisation of the boundary’. We note that COU 2 does not necessarily preclude development where a site specific need is demonstrated. Planning gain is a consideration that might apply in respect of any proposal and could be afforded determining weight within a RLW, if appropriate. The boundaries of RLWs can be amended only through the development plan process and not through individual planning applications.

10.4.7 It was argued that policy COU 2 is overly prescriptive and unnecessary since development proposals within the RLWs are protected by prevailing regional planning policies. We note the Department’s stated intention in the amplification text that within the RLWs, “all proposals will be assessed against
prevailing planning policies for development in the Green Belt”. In policy terms, PPS 21 does not differentiate between Green Belts and the remainder of the countryside. In this respect, the regional policy context for the dBMAP objections to COU 2 has altered significantly.

10.4.8 PPS 21 does not afford the same degree of protection against rural development in the RLWs that would have been case with the Green Belt policies that previously applied. We would have concerns that PPS 21 policies CTY 5, CTY 10, and CTY 11 could potentially result in the erosion of the open character of the designations. In addition, PPS 21 states that where remaining PSRNI policies and other regional policies differentiate between Green Belts and the rural remainder, the policy tests pertaining to the latter will apply. This would include policy relating to tourism development. We discern little purpose in identifying RLWs if there was no differentiation in policy terms between them and the rest of the countryside. It is entirely appropriate for BMAP to contain policies tailored to its particular circumstances; obviously, in such cases the Plan needs to clearly indicate which regional policies its tailored approach takes precedence over.

10.4.9 We would endorse the Department’s approach in the draft Plan whereby the integrity of the Metropolitan Area’s RLWs would be protected by policy containing a general presumption against development, such as applied in the Green Belts prior to publication of PPS 21. To this end, the Department needs to give careful consideration to the expansion of policy COU 2, incorporating comprehensive and appropriate wording, which would apply the degree of protection envisaged in the draft Plan. Careful cross referencing of BMAP with PPS 21 is also required to ensure that appropriate elements of regional policy will apply within the RLWs.

10.4.10 We note that the previous Green Belt policy made provision for development “appropriate to a rural location”, which might not necessarily be essential. We acknowledge that in order to protect the open nature of the countryside in the RLWs, an additional tier of restriction is justified, such that only development where a site-specific need can be demonstrated, would be acceptable. To this end, we consider that the first bullet point of policy COU 2 is justified. Notwithstanding this, we acknowledge objectors’ concerns that the first bullet point could be interpreted incorrectly since, on the face of it, some of the exceptions to the presumption against development in previous Green Belt policy, namely replacement dwellings and infilling of appropriate gaps, clearly do not involve need. We consider that the exceptions listed in PSRNI policy GB/CPA 3 should also apply to policy COU 2. Where possible, this could be achieved by cross-referencing COU 2 with the relevant policies of PPS 21. In light of our conclusions in paragraph 12.2.2, later in this report, we consider that COU 2 should also set out the Plan’s policy in respect of tourism development in the RLWs; this should apply the aforementioned test of site-specific need.

10.4.11 It was argued that the last three bullet points of policy COU 2 are unnecessary since they merely repeat requirements of regional policy in respect of rural development. In our opinion, the second bullet point mirrors the content of PPS 21 policy CTY 13 and would be unnecessary if COU 2
were to apply that policy to the RLWs. We discern a difference between the third bullet point, which seeks to ensure visual separation between settlements, and PPS 21 policy CTY 15, which relates to urban sprawl and maintenance of the distinction between the urban and rural areas. As such we consider that the bullet point is necessary. We do not consider that the final bullet point of COU 2 is required, given the provisions of PPS 2 and Policy ENV 1 of this Plan.

**Recommendations:**

We recommend that:

- Policy COU 2 should be reworded and expanded to provide tailored policy for the RLWs as per paragraphs 10.4.9 - 10.4.11 of this report.
- The second bullet point of policy is replaced with a cross reference to policy CTY 13 of PPS 21.
- The fourth bullet point of the policy is deleted.
- The Department reviews the amplification text in light of the amendments to policy COU 2. It should ensure that reference to prevailing regional planning policy for development in the Green Belt is deleted.

**10.5 Objections to Designation COU 3 and Policy COU 4**

10.5.1 Conservation of the coastal area of Northern Ireland is referred to in the RDS in SPG-ENV 2.1 (pages 182-183). BMA 1.1 of the RDS (page 67) refers to the protection and enhancement of the coastal setting of Belfast Lough. Much of the Loughshore is currently protected by existing environmental designations and governed by related policy contained in PPS 2 - Planning and Nature Conservation. COU 3 designates the BMA coastal area and Policy COU 4 contains 3 criteria, all of which must be met, before planning permission will be forthcoming within the designated area.

10.5.2 Arguments in respect of the extent of the Coastal Area designation as it affects the Belfast Harbour and Airport Areas, and any related changes to the wording of COU 3, will be considered in part 2 of this report.

10.5.3 Following consideration of arguments presented by various objectors, the Department indicated that it considered the wording of Policy COU 4 should be amended as follows:-

(i) The words “all of” should be deleted from the second line of the text within the policy headnote.
(ii) The word “potential” should be replaced with “unacceptable” in the first bullet point of the policy. In addition, the word “or” should be inserted after this bullet point.

(iii) The words “not harm” should replace the word “improve” in the first line of the policy’s second bullet point.

(iv) The words “improve accessibility for recreation” should be removed from the second bullet point and the issue dealt with in the amplification text.

(v) The third bullet point of the policy headnote should be deleted.

(vi) The last sentence of the amplification text should be deleted.

We note that the suggested changes deal with objectors’ arguments that: there should not be a need to comply with all bulleted criteria; the word ‘improvement’ in the second bullet point is inappropriate; and there is no justification for either the third bullet point of the policy or the final sentence of the amplification text.

10.5.4 We consider it logical to insert the word ‘or’ after the first bullet point; clearly the policy recognises that circumstances might exist where harm to the environment could be outweighed by national or regional interests. In such a circumstance it would be a nonsense to require that contradictory tests contained in the other bullet points be applied. Given our conclusion, it is unnecessary to qualify the “detrimental impact” by describing it as ‘unacceptable’, ‘potential’, or otherwise. We agree with the adoption of a ‘no harm’ test in bullet point 2 and take no issue with the Department’s intentions to refer to access to the coast in the amplification text, or to remove the last sentence of the latter. The deletion of the third bullet point is clearly justified, given the protection afforded to the coastal area by other policies and designations.

10.5.5 An objection pointed out that the boundaries of the BMA Coastal Area include a number of domestic properties, which are not part of the shoreline. It was submitted that, if Policy COU 4 is adopted in its current form, no development would be permitted at these properties. We consider that the Department’s suggested rewording of the policy would allow for appropriate new development or redevelopment within existing domestic curtilages provided that no harm would result in respect of the coastal landscape and its nature conservation interests. Notwithstanding this conclusion, we will consider arguments relating to the extent of the designation in respect of specific domestic lands in part 2 of this report.

10.5.6 An objection submitted that the designation and associated policy were too restrictive and arbitrary. We were not presented with any reasoning that would allow our further consideration of this objection.

10.5.7 It was argued that Policy COU 4 should incorporate a statement with regard to climate change and its impacts on coastal areas. The SNIFTER report into
the implications of climate change in Northern Ireland indicates that the BMAP coastal area has been identified as at very high, high and moderate likelihood of risk, with a small section at low likelihood of risk. It was submitted that there is the potential within the timeframe of BMAP that the functioning of socio-economic and physical environments of urban and undeveloped coastal areas will change. We note that PPS 15 - Planning and Flood Risk, published in June 2006, represents a regional policy approach. It refers to the SNIFFER report and indicates that it “has assisted the formulation of the policies to deal with flood risk in this PPS”. We consider that the issues raised by the objector are addressed by regional policy. We note that paragraph 6.3 of PPS 15 states that development plans will adopt a precautionary approach to development in areas that may be subject to flood risk. Given this, we consider that it would be appropriate for the amplification text of Policy COU 4 to make reference to the need for proposals to be considered against the content of PPS 15. It was also submitted that the EC Water Framework Directive of December 2000 should be referred to in policy as it is likely to have profound implications for the future management of the coast and floodplains. Given that PPS 15 refers to the Directive in its section on Policy Context, we see no need for draft BMAP to make specific mention of it. We do not agree with the objector that BMAP is the appropriate forum for considering integrated catchment-scale policies on floodplain development within the context of integrated River Basin Management Plans. We consider that a regional approach is necessary in respect of such an issue.

10.5.8 It was suggested that BMAP should provide a statement of commitment to the reassessment of the plan’s coastal area in light of the Integrated Coastal Zone Management Strategy (ICZMS) for Northern Ireland. We note that the latter was published in June 2006. The document states that “There may be a case for a specific development plan focusing on the coast which considers all coastal activity on an integrated basis ….” The evolutionary changes to coastal planning envisaged by the ICZMS are far reaching and we do not consider it appropriate for BMAP to address the issue in isolation from other areas.

10.5.9 It was argued that Areas of Constraint on Mineral Development (AOCMD) should be incorporated into COU 4. We can only interpret this objection as a suggestion that the entire BMA Coastal Area be designated as AOCMD. Much of the coastal area is protected by a number of national and international environmental designations. It will be for the Department to determine whether or not these and the Coastal Area warrant designation as AOCMDs, pursuant to our recommendations regarding COU 9 later in this chapter. The remainder would be subject to Policy COU 4. We consider the level of protection to be adequate and see no need for a change to the plan as a result of this objection.

Recommendation

We recommend that:-

- The words “all of” should be deleted from the second line of the text within the policy headnote.
The word “potential” should be deleted from the first bullet point of the policy.

The word “or” should be inserted after the first bullet point.

The words “not harm” should replace the word “improve” in the first line of the policy’s second bullet point.

The words “improve accessibility for recreation” should be removed from the second bullet point and the issue dealt with in the amplification text.

The third bullet point of the policy headnote should be deleted.

The last sentence of the amplification text should be deleted.

The amplification text of COU 4 should make reference to the relevance of PPS 15 to development proposals in the coastal area.

10.6 Objections to Policy COU 5

10.6.1 Whilst the PSRNI does not apply to Bangor or Carrickfergus, within which towns the 2 designated urban waterfronts in BMAP are located, we have concluded in our consideration of SETT 6 that there is merit in extending the scope of the PSRNI to include the BMA. PSRNI policy CO 2 encourages proposals for the enhancement and regeneration of urban waterfronts and Policy CO 4 encourages the extension of public access to the coastline. SPG-BMA 1.3 of the RDS (page 69) refers to the enhancement of the leisure potential of Bangor, focusing on the marina, revitalised seafront and town centre shopping area. With regard to Carrickfergus, SPG-BMA 1.3 refers to regeneration of the town’s waterfront area and the focus on the unique attractions of the castle and marina together with maximising the benefits of the loughshore location. SPG-BMA 2.1 promotes the development of tourism potential with specific opportunities at Bangor and Carrickfergus as “seaside centres of leisure”. Policy COU 5 seeks to protect urban waterfronts and lists 6 criteria against which development proposals will be measured. This is an entirely valid approach and we do not consider that the policy would unacceptably restrict future urban waterfront development.

10.6.2 It was argued that non-listed features of heritage interest should be protected by the policy. We note that bullet point 6 of the policy provides for the protection of all important heritage features and does not differentiate between listed and non-listed features.

10.6.3 It was suggested that Masterplans, with local community input, may be required to ensure the careful siting and design of new development. We note the Department’s stated support for the Masterplan approach where appropriate. Given that both of the designated Waterfronts are already largely developed, we would question the need for BMAP to require such an
approach. We accept the Department’s assertion that the criteria in Policy COU 5 collectively provide a sufficiently robust basis for informing the development management process without an overt statement requiring particular types of submission at the application stage.

10.6.4 An objection submitted that the Plan should make particular mention of the Black Guillemot population of Bangor Harbour and that, in the absence of an environmental designation, any development proposed for the Bangor Urban waterfront area should ensure that the population of black guillemots is protected, and encouraged through siting of more nest boxes. In our view, it is outwith the ambit of a development plan to seek to protect particular animal species. We note that other means exist to achieve this in the form of Environmental and Wildlife legislation. We note that BMAP policy ENV 1 would offer protection for habitats and species which are identified as priorities in the Northern Ireland Biodiversity Strategy or are otherwise of major importance for flora and fauna.

10.6.5 The exclusion of the Bangor Marina area from the recently declared Outer Ards ASSI and SPA is a matter outside the scope of this Plan. Argument that the marina should be designated a Site of Local Nature Conservation Importance (SLNCl) will be considered in part 2 of this report.

10.6.6 It was suggested that Policy COU 5 should incorporate a statement with regard to climate change and its impacts for coastal areas, including urban waterfronts. We have already addressed the arguments in respect of Policy COU 4 and would draw a similar conclusion that the amplification text of COU 5 should refer to PPS 15.

**Recommendation:**

We recommend that:

- The amplification text of COU 5 should make reference to the relevance of PPS 15 to development proposals on the coastline.

10.7 **Objections to Designations COU 6 and COU 9 and Policies COU 7 and COU 8**

10.7.1 The RDS at SPG-BMA 2.3 refers to protection of Areas of High Scenic Value (AOHSVs) around the Metropolitan Area. The AOHSVs in the BMA were identified through the NILCA exercise and section 3.3 of Technical Supplement 11 - Countryside Assessment, provides more detail; the AOHSVs are cited as one tier below, Areas of Outstanding Natural Beauty (AONBs) in the hierarchy of landscape classifications.

10.7.2 COU 6 designates 9 AOHSVs in the BMA. It also designates AOHSVs as Areas of Constraint on Mineral Development (AOCMDs). Policy COU 7 seeks to protect these areas from development that would adversely affect their quality, character and features of interest. COU 7 presumes against
proposals for mineral working and waste disposal and indicates that a landscape analysis must accompany any development proposal.

10.7.3 A PSRNI provides a policy context for minerals development in Northern Ireland. In considering SETT 6, we have concluded that it should apply throughout the entirety of the BMA. Policy MIN 3 of a PSRNI refers to the identification of areas of constraint on mineral developments, in order to protect certain landscapes. In the draft Plan, COU 9 designates AOCMDs within 6 types of environmental designation. Policy COU 8 presumes against the extraction and processing of minerals within these designations, with listed exceptions. We note that the wording of the second paragraph of COU 8 is taken directly from MIN 3.

10.7.4 Following consideration of objections, the Department suggested or agreed the following changes to the policies:-

(i) The reference in COU 6 to AOHSVs being designated as AOCMDs should be deleted from the headnote and instead inserted into the amplification text;

(ii) The sentence “Proposals for mineral working and waste disposal will not be acceptable.” should be deleted from the headnote of COU 7;

(iii) The words “adversely affect” in the first paragraph of policy COU 7 should be replaced with “have an unacceptable adverse effect”;

(iv) AOHSVs should be added to the list of protected designations in COU 9; and,

(v) The second paragraph of COU 8 should be amended to read as follows:

“Exceptions may be made where the proposed operations are:-

- Extensions to existing mineral workings, which minimise environmental disturbance in the countryside, or,

- Are short term and the environmental implications are not significant.

In such cases the on-site processing of the excavated material is unlikely to be permitted.”

10.7.5 We note the Department’s comments that waste management/disposal is now dealt with by PPS 11 and that there is no need for BMAP to address these matters. Minerals proposals, including those within AOCMDs, would be subject to regional policy. We agree with the amendments to the wording of COU 7 to delete mention of mineral working or waste disposal proposals. As per our conclusions earlier in this report, we do not consider that the term “unacceptable adverse effect” is an appropriate test in a protective designation; we again conclude that an appropriate form of words would be “significant adverse effect”. We deal with COU 8 and the proposed AOCMD designations (including those in the AOHSVs) in subsequent paragraphs.
10.7.6 It was argued that COU 7 should recognise that there will be occasions where other factors will override landscape considerations and that the policy should be amended to state that permission will “not normally be given” in such areas. We would reiterate our view that the incorporation of the word ‘normally’ does not add to policy and recognise that in the assessment of development proposals the decision maker will always be required to consider all material matters.

10.7.7 It was argued that COU 6 fails to promote the re-use of existing buildings in AOHSVs. We note that there is support for the preservation of some non-listed rural vernacular buildings in policy BH 15 of PPS 6. PPS 21 - Sustainable Development in the Countryside also deals at length with the issue of reusing existing buildings in the countryside for various purposes. The overwhelming majority of proposed AOHSVs are located in the rural area. We feel that the issue is already adequately addressed by Regional policy.

10.7.8 Concern was raised that AOHSVs would have no status in law, nor would they benefit from the protection afforded by a European environmental designation. We note that designation as an AOHSV would afford the protection conferred by the Plan’s restrictive policy in respect of development proposals. It would be outside the scope of this Plan to advocate a more stringent designation falling within the ambit of environmental legislation. That PPS 2 does not refer to AOHSVs is no surprise, given that it provides regional policy on nature conservation, rather than on designations relating primarily to visual amenity. We have been presented with an objection that COU 7 is insufficiently robust in terms of protection policy; however, no argument has been forthcoming as to how the policy should be amended in order to address the objector’s concerns; consequently we are unable to consider the matter further. The proposed AOHSVs are adequately identified on Map No. 1 - Overview and we see no reason why they should be included in the list of Environmental Designations in Map 2.

10.7.9 We note the Plan’s reliance on the protection afforded to AOHSVs by Green Belt policy and refer back to our conclusions in paragraphs 10.4.8 and 10.4.9 of this report. We see no point in designating AOHSVs in the absence of a protective policy that differentiates between them and the rural remainder. Given the stated aim of the Plan to protect environmental quality in the AOHSVs, we recommend that the Department adopts a tailored approach in respect of COU 7, whereby it provides comprehensive policy, and applies a presumption against development similar to the previous Green Belt policies. We consider this to be particularly important in respect of Carnmoney Hill, which lies within the settlement limit and, in terms of the principle of development, would be protected only by the AOHSV designation (the LLPA and SLNCI designations would not presume against development). Given the tailored approach, careful cross referencing of COU 7 with PPS 21 and other regional policy will be required in order to provide clarity. In light of our conclusions in paragraph 12.2.2, later in this report, we consider that COU 7 should also set out BMAP policy in respect of tourism development in the AOHSVs; in our opinion, this should adopt similar tests to those contained in the tourism policies of a PSRNI as they applied in respect of Green Belts.
10.7.10 It was submitted that COU 7 should be amended to read “In determining applications for planning permission within AoHSV, the Department will consider how the proposals will conserve and enhance the landscape of the AoHSV and will have particular regard to the siting, massing, scale and design, materials and finishes and landscaping of proposals in order to ensure development will integrate well into the topography and landscape of the local environment; and respect the scale of, and the materials used in, existing vernacular and traditional buildings in the surrounding area.” We note that this wording largely mirrors the content of paragraph 2 of the amplification text of COU 7 in the draft Plan. We see this as complementary to the policy headnote and do not consider that the suggested change adds anything to the Plan.

10.7.11 It was argued that, within any designated AOCMDs, the Plan should identify areas where the extraction of minerals will be permitted subject to compliance with standards of amenity acceptable to the Department and other relevant authorities. In our opinion, this would fundamentally conflict with designating an AOCMD in the first instance. We note the objectors’ submission that the designation of AOCMDs unnecessarily ‘mirrors’ the boundaries of other environmental designations. In particular, it was argued that the Department’s designation of all AOHSVs as AOCMDs appears to have been an afterthought, is too extensive, and that no real assessment of need took place that would justify the appropriateness of constraining mineral development. The draft Plan would severely jeopardise the mineral industry, contrary to the RDS and the PSRNI, and have adverse knock-on effects on the construction sector. It was also argued that BMAP does not adequately address minerals development. Concerns were raised that no consideration was given to the supply/demand ratio of aggregates in the BMAP area, which should have informed the designations. The Quarry Products Association argued that AOCMD designations should be applied only in the context of an Aggregates Needs & Supply Plan for Northern Ireland, including the role of recycled aggregates. An objector also asserted that the policy fails to take account of the significant increase in infrastructure investment planned for Northern Ireland in the period to 2015.

10.7.12 The rural parts of the BMA have always been subject to the policies of a PSRNI and we have concluded in our consideration of BMAP policy SETT 6 that a PSRNI should apply to the entirety of the Plan area. Given that a PSRNI contains an existing suite of regional mineral development policy, we do not consider that BMAP needs to deal with the strategic issue of mineral development. The latter properly falls within the ambit of regional policy and the draft Plan refers to the production of a PPS on the matter in the future. The PPS could address objectors’ concerns regarding the relative weights attached to economic and environmental issues throughout Northern Ireland. We do not agree with the argument that all area plans should identify areas where a presumption in favour of minerals development would apply; this also would be a strategic issue for the PPS. Perceived shortcomings in the administration of minerals planning in Northern Ireland is a matter for the Department to address, rather than BMAP.
10.7.13 We do not accept that, in principle, the designation of AOCMDs would run counter to the RDS and PSRNI. PSRNI Policy MIN 3 provides scope for AOCMD designations to form all or part of areas protected for their visual, scientific, archaeological or historic interest. Regional minerals policy contains a general presumption in favour of such development but indicates the need to balance the economic value of minerals with the environmental impacts of development. This balance is implicit in Policy MIN 1, which requires decision makers to assess the need for the mineral resource against the need to protect and conserve the environment. It makes specific reference to ASSIs, NNRs and areas that contain features of archaeological or historic interest and states that planning permission will not normally be granted where the essential character of such areas would be prejudiced. The Department, however, will balance the case for a particular mineral working proposal against the need to protect and conserve the environment, taking account of all relevant environmental, economic and other considerations.

10.7.14 Policy MIN 2 of the PSRNI deals exclusively with the visual implications of minerals extraction. Its explanatory text notes that it is a fact of geology that some of the more beautiful parts of the countryside such as Areas of Outstanding Natural Beauty (AONBs) and areas of high scenic value contain easily workable reserves of rock and sand and gravel and acknowledges that it would be unrealistic to dispense with essential sources of supply. Accordingly, Policy MIN 2 provides that applications for new mineral workings and extensions to existing workings in AONBs will be subject to rigorous examination with particular attention being given to the landscape implications of the proposals. It is clear that, in relation to the environmental designations encompassed in Policies MIN 1 and MIN 2, there is a balance to be struck between minerals exploitation and environmental protection.

10.7.15 Regional policy for the natural and built environment is set out in Planning Policy Statement 2 (PPS 2) and Planning Policy Statement 6 (PPS 6). The level of protection afforded to the environment and built heritage designations diminishes with their position in a hierarchy of international, national and local when considering development proposals. In this context, Sites of International Nature Conservation Importance such as RAMSARs, SPAs and SACs and Archaeological Remains of Regional Importance are situated at the top of the hierarchy and are afforded greatest protection from development proposals whilst those of local importance such as Wildlife Refuges are afforded lesser protection. It is important to bear in mind that PPS 2 and PPS 6 apply to all types of development proposals whereas Policies MIN 1-3 are specifically tailored to minerals development in recognition of both the potential for significant environmental damage caused by this type of development but also its importance to the economy.

10.7.16 The Department’s approach in COU 9 would result in the LVRP and seven types of environmental designation becoming AOCMDs, irrespective of the relative importance of those designations. The effect of this approach is to introduce a presumption against minerals development in extensive parts of the BMA where there will be minerals deposits that are of significant value to the local and regional economy. The Department’s blanket approach
suggests that inadequate consideration has been given to balancing economic and environmental considerations as required by regional policy.

10.7.17 The inclusion of the envisaged environmental designations as AOCMDs in BMAP would preclude the development management approach that is advocated by Policy MIN 1 and MIN 2; we cannot accept that this would be appropriate. Rather, the importance of the environmental designations, in terms of the conservation hierarchy, must be examined and detailed analyses carried out of those features that warrant the protection afforded by identification as an AOCMD. Neither the Technical Supplement nor the Department’s submissions provided sufficient information on how the designation of the proposed AOCMDs were justified. Whilst we endorse the principle of designating AOCMDs, and recognise the Counter Objectors’ support for same, we have not been persuaded that the extent of the areas so proposed in the draft plan can be justified on the basis of the evidence provided by the Department.

10.7.18 In our opinion, the Department needs to review its rationale for mirroring the designation of AOCMDs with other environmental designations. Where it is considered that an AOCMD is justified, specific reasoning should be provided, clearly explaining the features that merit the additional layer of protection that Policy MIN 3 affords. This will require the Department to bring forward proposals as an alteration to the Plan under Article 6 of the Planning Order. As currently proposed, we can not endorse the approach in BMAP and recommend that Designation COU 9 is deleted from the Plan. Given our recommended approach, we consider it unnecessary to deal with site-specific objections to proposed AOCMD designations in part 2 of this report.

10.7.19 In view of our recommendation regarding Designation COU 9, it would be inappropriate for the Plan to contain a policy in respect of AOCMDs; nonetheless, we comment briefly on COU 8. It was argued that COU 8 duplicates existing minerals planning policy contained in a PSRNI and that policy MIN 3 is the appropriate mechanism for controlling development in AOCMDs. We agree with that assessment and, even if Designation COU 9 was to be retained, we would find Policy COU 8 to be unnecessary. It was suggested that COU 8 should be amended to permit the extension of existing mineral workings in the countryside, in the interests of limiting environmental disturbance. It was posited that the change would address a deficiency in MIN 3. Irrespective of the merits of such an amendment, the issue that it would deal with is not specific to the BMAP area, and there would be no justification for a tailored policy approach. In principle, we do not consider that BMAP should introduce AOCMD policy that is out of alignment with regional policy. We concur with the objector’s argument that, should the Department intend to amend its approach to minerals development, this should be done through regional policy, rather than through BMAP. This exercise could address many of the issues raised in the objections.

10.7.20 We acknowledge the objectors’ point that mineral deposits vary in their distribution and that their location would rarely coincide with the exact point of demand. We accept that extracted minerals often have to be transported elsewhere. We note the undisputed submission by the Department that there
is no evidence of a shortage of aggregates in the BMA and that some quarries export to England. We note that there is also an element of importation into the BMA. We have not been presented with any convincing information that the designations or policies of BMAP would result in either localised or more widespread shortages, or the adverse impacts on the construction industry posited by the objectors. We do not consider the absence of a Technical Supplement specifically on Minerals as indicative that insufficient consideration was given to the issue of minerals planning or policy.

10.7.21 It was argued that the Plan fails to take account of the significant lignite deposits on the shores of Lough Neagh within the area proposed to be designated as an AOHSV. Clearly, there would be an inherent conflict between development of lignite reserves and designation as an AOHSV, if the latter were also to be designated as an AOCMD. In view of our recommendation in respect of designation COU 9, this no longer arises.

10.7.22 Arguments were submitted that BMAP should designate protective zonings around existing mineral operations. Policy MIN 5 of a PSRNI refers to minerals policy areas being defined in development plans, where there are reserves considered to be of particular value to the economy, which require to be protected from prejudicial surface development. We can consider submissions relating to reserves or protective mineral zonings only where site specific arguments have been presented. Such matters will be addressed in part 2 of this report. We note that SPG-ECON 2.1, in referring to transport dependant industries, makes no mention of minerals operations but rather of “industries that focus on the storage, movement and delivery of goods, in the corridors at well accessed nodes normally on the edge of towns.”

10.7.23 An objector contended that an assessment of the minerals industry should have been undertaken in line with the assessment/recognition of existing Employment/Industries within the strategic ‘Employment’ section Volume 1 of the draft Plan in order to identify sites which qualify to be protected or appropriately zoned within the Plan. We can consider submissions relating to employment zonings only where site specific arguments have been presented and such matters will be addressed in part 2 of this report.

**Recommendations:**

We recommend that:

- Policy COU 7 should be reworded and expanded to provide tailored policy for the AOHSVs in accordance with our conclusions in paragraph 10.7.9.

- The Department should review the amplification text in light of the amendments to Policy COU 7. It should ensure that any reference to prevailing regional planning policy for development in the Green Belt is deleted.
The sentence “Proposals for mineral working and waste disposal will not be acceptable.” should be deleted from the headnote of COU 7.

The words “adversely affect” in the first paragraph of COU 7 should be replaced with “have a significant adverse effect on”.

Policy COU 8 should be deleted.

Designation COU 9 should be deleted and the Department should review the extent of the proposed AOCMD designations. Proposals for the designations should be brought forward as an alteration to the Plan under Article 6 of the Planning Order.

10.8 Objection to Policy COU 10

Policy COU 10 presumes against exploitation of hydrocarbon reserves where adverse environmental impact would result. There were no objections to the policy itself. However, it was submitted that the amplification text should refer to the Government's aim to reduce hydrocarbon use in the face of emissions legislation and climate change targets. We do not consider that an area plan need reiterate Government policy.

Recommendation:

We recommend no change to the Plan as a result of the objection.

10.9 Objections to Policy COU 11

SPG ENV 1.4 of the RDS refers to the conservation and wise management of the Belfast Hills. Policy COU 11 lists 3 criteria, all of which require to be met, in respect of “limited access and small-scale interpretation/visitor facilities” at designated pedestrian access points situated along the boundary of the Belfast Hills Partnership Area. Site specific arguments relating to particular Access Points will be dealt with in part 2 of this report.

It was argued that access to the Belfast Hills can result in inappropriate activities such as trespassing onto private farmland, damage to livestock, illegal tipping, etc. It was suggested that there should be a statement in the plan referring to the pressing need for an access strategy to identify agreed access routes and their management with an emphasis on communication/negotiation with the landowners in order to avoid the current confusion that arises between existing/established access points and those which are aspirational or dead-end routes for the hill-walker/rambler. It was submitted that the Belfast Hills Operational Boundary should be identified on the relevant maps to aid clarity and that the Plan should include a reference to the Belfast Hills Partnership. It was argued that COU 11 should be more robust; it was suggested that the following wording should be inserted:
“development proposals that detract from the natural and manmade heritage of the Belfast Hills Operational Boundary will not be permitted”.

10.9.3 We note that the headnote of COU 11 already refers to the “Belfast Hills Partnership Area”. The Countryside Assessment contains a map (Map No. 17) showing the extent of that area; the amplification text of COU 11 refers to that map and we see no need for an additional plan, which would merely replicate that in the Technical Supplement. BMAP seeks only to identify the Access Points and to provide a policy context for their development. We consider that the policy as drafted would presume against proposals that would detract from the character of their location. COU 11 does not seek to provide policy in respect of the Belfast Hills themselves, nor their boundaries. Whilst we recognise that there may be ongoing problems at various locations, we do not consider that it is for the plan to provide a management strategy, actual delivery of the Access Points, or facilities relating thereto. This is a matter for the parties involved on the ground. We note that the role of the Belfast Hills Partnership Trust is referred to on page 135 of the Strategic Volume.

10.9.4 It was submitted that Access Points should not be permitted to unduly impact upon nearby SLNCIs or other designated areas. We were presented with no specific examples that would allow our detailed consideration of this objection. In any event, proposals within designations would be subject to relevant restrictive or protective policies applying therein.

10.9.5 The Belfast Hills Partnership pointed out that there has been considerable confusion between existing and potential Access Points. The Partnership expressed concern that the Plan identifies Access Points where there appears to be no record of negotiations with the majority of the relevant landowners. There is no differentiation on Plan maps between existing and potential Access Points. It was argued that the situation would result in confusion and conflict in respect of access users, developers, and landowners. It was suggested, in the interests of clarity, that the Access Points are clearly defined as either existing or potential. It was also submitted that access within the Belfast Hills should be “shown in the Plan in the same way as other parts of the Metropolitan area”. The amplification text of COU 11 states that details of the Access Points can be found in the Countryside Assessment Technical Supplement; we note that section 3.4 of the latter document provides a brief description of each. The descriptions variously refer to established or potential accesses to the hills. This is not, however, reflected in the maps. In the interests of clarity, we consider that the Department should amend the key to indicate which Access Points exist and which are proposed. In the absence of further information we are unclear as to how the objector considers the access within the hills should be indicated on Plan maps.

10.9.6 The Belfast Hills Partnership raised concerns that the Belfast Hills area is sometimes not perceived as being part of the BMA. The Partnership argued that the hills area should, in terms of planning, be uniquely designated and managed. It would also appear that some of the route information for Access Points and Community Greenways is now out of date. The Partnership
sought liaison with Planning Service in order to clarify the existing access situation as a basis for accurate publicity and to assist in developing an access strategy that is effective, commonly agreed and sustainable in unlocking the tourism potential of the Belfast Hills.

10.9.7 BMAP does not contain a specific suite of policy relating to lands contained within the Belfast Hills. The Hills are subject to various policies and designations, depending on the location. It is clear from the content of the Plan, however, that the Belfast Hills Partnership Area is a readily identifiable entity in its own right. It would be for Planning Service, the Belfast Hills Partnership, and other interested parties, to consider the area’s future planning status and to develop access/management strategies. It was argued that the Department should commit to preparing a Local Plan for the Belfast Hills and to entertain applications for improving access points through the private sector. The Department indicated that, whilst it is willing to consider production of a Local Plan, a change to the policy in BMAP was not the appropriate mechanism to secure this. We agree with the latter point. However, preparation of a Local Plan could address many of the issues raised by the objectors and we see merit in an amendment to the amplification text, indicating an intention to address the matter. With regard to private sector involvement, we see nothing in COU 11 that would act as an impediment to same. With regard to route information for access points, the Department has stated its willingness to update the Plan prior to adoption.

10.9.8 An objection raised the lack of investment opportunities at the Belfast Hills Access points and attached areas as a direct consequence of the Department’s zoning policies in the area. We were presented with no rationale that would allow our further consideration of the issue.

**Recommendation:**

We recommend that:

- The Plan Maps differentiate between existing and proposed Belfast Hills Access Points.

- The amplification to COU 11 should indicate that the Department will seek to produce a Local Plan for the Belfast Hills Area.

10.10 Objections to Designation COU 12 and Policies COU 13, COU 14 and COU 15

10.10.1 The Lagan Valley AONB was designated in 1965 under the Amenity Lands Act (NI). The Belfast Urban Area Plan 2001 delineated the boundary of the Lagan Valley Regional Park (LVRP). The Lagan Valley Regional Park Local Plan 2005 was adopted in 1995. COU 12 of draft BMAP proposes to designate the Lagan Valley Regional Park in accordance with the boundaries indicated on Plan Map No. 3. Policy COU 13 applies 3 tests, all of which must be met in respect of development proposals in the rural parts of the
Park. Policy COU 15 seeks to ensure the appropriateness of proposals within settlement limits in the Park. Policy COU 14 aims to facilitate a limited range of development proposals in a number of Nodes that are proposed to be designated in the District Proposals. BMAP also proposes designation of the LVRP as an AOCMD.

10.10.2 After consideration of objections, the Department suggested the following changes:

(i) The final sentence in the headnote of COU 12 should be deleted, and the LVRP designated as an AOCMD in COU 9;

(ii) The final sentence in the headnote of policy COU 13 should be deleted;

(iii) The words “detrimental impact” in the first bullet point of policy COU 14 should be replaced with “unacceptable adverse effect”; and

(iv) The words “adversely affect” in policy COU 15 should be replaced with “unacceptable adverse effect”.

10.10.3 With regard to suggestion (i), we refer to our recommendation in respect of the designation of AOCMDs. We agree with the suggested change to COU 13, for the same reasons that we outlined in respect of policy COU 7. As we have already concluded, we disagree with the Department’s suggested use of the term “unacceptable adverse effect” in respect of a designation which seeks to protect environmental character; we prefer the concept of “significant adverse effect”.

10.10.4 We note the Plan’s reliance on the protection afforded to the LVRP by Green Belt policy. We reiterate our comments in paragraphs 10.4.8 and 10.4.9 of this report regarding the publication of PPS 21 and the potential impact of rural policy changes. Given the strategic importance of the Park, and the clear need to protect its visual amenity and character, we again conclude that the Department should adopt a tailored approach to the rural parts of the LVRP, whereby the rigours of previous Green Belt policy would apply. Again, careful cross-referencing with PPS 21 and other Regional policy would be required in the interests of clarity. In light of our conclusions in paragraph 12.2.2, later in this report, we consider that COU 13 should also set out the Plan’s policy in respect of tourism development in the rural parts of the Park. In our opinion, the new policy should include a test requiring demonstration of need for any proposal to be located within the LVRP.

10.10.5 It was argued by the LVRP Advisory Committee that the Park should be the subject of a separate Plan volume, rather than being dealt with in the Belfast, Castlereagh, and Lisburn District Proposals. In our opinion the LVRP is readily identifiable as a single entity, subject to particular strategic policies. It is contiguous with the Lagan Valley Regional Park AONB. We note that the LVRP Local Plan 2005 applied across the three Districts. We see considerable logic and merit in the suggested approach, which would rationalise and clarify BMAP proposals for the entire Park. We agree with the objector that a single volume would be more ‘user friendly’ when it came to
dealing with development proposals in the Park and we will report on site specific objections on that basis in part 2 of the report. Notwithstanding this, we consider that strategic policies should properly remain in Volume 1 of the Plan, together with other strategic policies relating to the separate District proposals.

10.10.6 It was argued that the new policies contained in the draft Plan do not provide the same level of protection afforded to the Park under the Lagan Valley Regional Park Local Plan 2005. The Local Plan contained 22 policies as opposed to the limited number in BMAP. The new policies would facilitate development within the Regional Park that would have a negative impact on its environment and character. The policies of the Local Plan 2005 should be carried over into BMAP in their entirety and additional policies should be added to these to assist in the protection of the Regional Park. We note that the LVRP Local Plan was adopted over 15 years ago. Examining the policies contained therein, it is clear that many elements now fall within the ambit of more recently published Planning Policy Statements. It would be inappropriate to carry over obsolete or superseded policy. It is also unnecessary for BMAP to repeat regional policy. The number of policies is not significant in itself. It is entirely valid for BMAP to provide an up-to-date suite of policy tailored specifically for the Park and we consider that the Plan has adopted a logical approach in laying out separate policy for the rural and urban parts of the Park, and for the newly identified Nodes. We do not accept that these policies, in themselves, would facilitate inappropriate or damaging development; on the contrary, the policy wording is clearly designed to protect and conserve the Park’s landscape quality and character. In our opinion, the content of BMAP, Regional policy and environmental legislation altogether provide replacements for LVRP Local Plan Policies L 1 (parts of) - L 5, N 1 - N 4, R 1 - R3, U 1 (parts of) - U 2, U 4 - U 7 and U 9. Our suggested tailored policy would address remaining issues in Local Plan Policies L 1, U 1 and U 3. In our view only Policy U 8 is inadequately addressed elsewhere; PPS 17 - Control of Outdoor Advertisements makes no specific provision for the LVRP, wherein a presumption against most commercial advertising in the countryside has applied for some time. The matter could be addressed by the adoption of appropriate wording in policy COU 13.

10.10.7 It was submitted that the Lagan Valley Regional Park is centred on the River Lagan and the object of drawing a boundary around the park was to include land visible whilst walking along the river banks. Amendments to the boundary have occurred over time. The objector considered that the Department should carry on this rationalisation process and not sterilise large areas of land within the urban footprint for no particular amenity benefit; the settlement limit should follow the river Lagan. It was argued that the policies for the Park should take account of existing developments within it. Parts of the LVRP are contained within settlement limits and various developed areas in the vicinity of the River Lagan fall within the Park boundaries. The rationale in drawing the Park boundaries in this manner is that these developed areas are considered to be intimately linked with the river and are an important element in terms of character. We see this as a logical approach. Built development can be seen as a setting for the river in much the same way that adjacent agricultural land forms the setting in the rural areas. We do not
agree that the Park boundary should be restricted to the river itself within urban areas. The LVRP policies applying within settlement limits do not sterilise land but seek to ensure that development is appropriate to the character of the Park. In our opinion, the draft LVRP policies already clearly acknowledge the presence of existing development within the park.

10.10.8 It was argued that protection of built heritage features within the Park should be more robust. Another objector suggested that wording to strengthen protection for the Park should be included as follows: "development proposals that detract from the natural and manmade heritage of the Lagan Valley Regional Park will not be permitted." We consider that the draft Plan, in terms of environmental designations and planning policy, affords protection to the natural heritage of the Park. Protection through listing of important built heritage is available to the Department and PPS 6 provides a suite of relevant policy. We consequently do not consider that the suggested wording is necessary.

10.10.9 It was submitted that the wording of Policy COU 13 should reflect that of the LVRP in making reference to the park's definition as 'rural' as illustrated in the wording of Policy U 10 of the Local Plan 2005. In our opinion, this is unnecessary since COU13, which applies to development proposals outside settlement limits, clearly only applies in the rural area.

10.10.10 It was argued that, since the LVRP Local Plan 2005 contained wording such as "character of the Park" and "landscape of the Park", this allowed all proposals to be considered in the context of the whole park setting and not just in specific localities as is the case in Policy COU 13. Concern was raised that the omission of such wording would result in a weakening of the policy in terms of its overall protection. Examining COU 13, we note that the first bullet point refers to “…use appropriate to the character of the park and (our emphasis) to the particular locality;”. We disagree with the objector's interpretation that this would restrict consideration to the particular locality only. It is clear from both the policy and its amplification text that the 'character of the park' is an overarching concept.

10.10.11 Lisburn City Council raised concerns that COU 13 falls short of providing effective policy specifically related to the special characteristics and development opportunities associated with the environment of the River Lagan, which is the 'key' feature of the Park. The Council argued that the wording of Policy COU 13 should be amended to require that development proposals located adjacent to or in proximity of the River Lagan: (i) recognise the importance of, relate positively to, and are integrated with, the River Lagan; (ii) are consistent with the Lisburn’s Lagan Corridor Strategic Framework and the re-opening of the Lagan Navigation; (iii) recognise the importance of existing and potential future access to the Lagan Towpath and other pathways in the Park; and (iv) recognise the importance of, and do not prejudice future redevelopment opportunities that may arise in relation to, brownfield sites. The following wording was suggested: “Development proposals adjacent to the River Lagan should be appropriate to their sensitive riverside location, provide public access to the river, and not prejudice the re-opening of the Lagan Navigation”. We recognise that the River Lagan is an
important feature within the LVRP, but agree with the Department that the Park’s overall character is derived from the combination, inter alia, of the meandering river, rolling topography, attractive farmland, wooded parkland, and forest. Whilst we do not consider that the policy should unduly focus on proposals adjacent to the river, we do see merit in adding a bullet point to the policy which requires proposals to take account of it. In our opinion, the first bullet point of the policy, which refers to uses rather than design, would not promote this. We see no need for COU 13 to refer to previously developed lands; the planning system should ensure that proposals do not prejudice other development opportunities without the need for this to be iterated in policy. The Council’s framework is not a statutory plan, nor a statement of planning policy produced by Planning Service. Whilst it may demonstrate the Council’s thinking in terms of utilising and promoting the assets of the Lagan Valley, this represents only one of three local authorities with interests in the Park. We see no conflict between Policy COU 13 and Lisburn Council’s Strategy. We do not consider that the Plan should be amended as submitted by the objector.

10.10.12 An objector was argued that, in order to provide greater flexibility, COU 13 should be amended as follows: (i) the word “normally” should be inserted after “Planning permission will” in the first sentence of the headnote, and (ii) the words “or they can demonstrate that there will be significant planning gains” should be appended to the first bullet point. It was submitted that the second bullet point goes beyond the ‘no harm’ test applied elsewhere in planning legislation and policy, by seeking the enhancement of the environment. We have already indicated our view that the word ‘normally’ adds nothing to policy. We consider the change to the third bullet point of the policy to be unnecessary since planning gain is a consideration that would be material to any proposal and could be afforded determining weight in appropriate circumstances. The Department suggested that “conserve or enhance” should replace “conserve and enhance” in the second bullet point and we agree that this would be more appropriate wording; we see no reason why the concept of enhancement, per se, should be deleted from the policy.

10.10.13 We note that the Department’s list of corrections has addressed the Lisburn City Council objection to the omission of Coates Barbour from the list of Lagan Valley Regional Park Nodes identified in Policy COU 14. Argument relating to specific LVRP Nodes, acceptable uses within Nodes, development capacity of proposed Nodes, proposed additional Nodes, and designations in the District Proposals will be considered in part 2 of this report.

10.10.14 It was argued that Policy COU 14 fails to recognise the fundamental principle of Lisburn City Council’s Strategic Framework, namely to establish a portfolio of related Nodes which function as destination points located at planned intervals along the River Lagan/Lagan Navigation corridor and connected to one another by green links. It was suggested that COU 14 should make reference to the comprehensive Nodes and Links Strategy, whereby the complementary relationship between the portfolio of riverside Nodes is recognised, and to the physical links, which serve to connect the Nodes. We note that the Strategic Framework has been produced by Lisburn City Council. It proposes additional LVRP Nodes, connected by public pathways;
suggested new Nodes will be considered in part 2 of this report. We reiterate our conclusion in paragraph 10.10.10 regarding the status of the Council’s document. We see no conflict between the latter and policy COU 14. We do not consider that the Plan should be amended as a result of this objection.

10.10.15 The LVRP Advisory Committee raised concern that COU 14 would hinder its work in stimulating and developing "recreational, tourist, interpretative and educational facilities" within the Park by confining such development to the Nodes and requiring planning applications for insignificant development such as interpretative signs. With regard to the latter point, the requirement for planning consent is determined through legislation and is not a matter that the Plan can address. We do not discern any intention in the plan to restrict recreational, tourist, interpretative, or educational facilities solely to designated nodes. In fact, the final paragraph of the amplification text of COU 14 refers specifically to proposals for such uses, outside the Nodes, being determined in accordance with regional and Plan policies.

10.10.16 The LVRP Advisory Committee considered that the development of "recreational, tourist, interpretative and educational facilities" would be best governed by Policies RI, R2 and R3 of the LVRP Local Plan 2005, which should be carried over into BMAP. We note that these policies were superseded by PPS 8, published in 2004. Policy OS 3 of that document presumes in favour of outdoor recreational proposals in the countryside, subject to listed criteria.

10.10.17 The LVRP Advisory Committee raised concerns that the wording of COU 14 is ambiguous and would encourage developers to submit proposals for 'other' uses within the Nodes that would not be appropriate to the character of the Park. On the other hand, Lisburn City Council objected to the restrictions placed upon the range of uses which are proposed as acceptable within Nodes. The Council considered that masterplans should be prepared and agreed with the Department, as identified by the KSRs, to inform the appropriate final mix of uses at specific Nodes. It was submitted that the wording: “Development proposals for other uses should be identified in masterplans, to be prepared and agreed with the Department.”, should be added to the policy headnote. The Council suggested that the policy should provide flexibility for additional uses consistent with the Plan’s strategic aim to encourage vibrant rural communities and sustain and diversify the rural economy. We note that KSRs have been produced for many of the proposed Nodes, which provide guidance for the development of same. Some of the KSRs actually refer to submission of masterplans. We note the reference in the amplification text to development proposals other than recreational, tourist, interpretative and educational, within the Nodes. The policy headnote also refers to other uses. Each Node designation cites acceptable uses but nowhere does it state that there is a complete embargo on other uses. We recognise that the Nodes are identified in the Plan for a particular purpose, related to the functioning of the LVRP as a public resource. This role should not be compromised by encouraging development unrelated to that function; however, we acknowledge that exceptional circumstances might exist whereby uses other than those identified in the Plan may be acceptable. We consider that COU 14 should provide more clarity in this respect. In our view,
it would not be appropriate to frame Policy COU 14 such that acceptable uses would be determined through the development management process. We recognise that all proposals submitted within the Nodes will subject to the tests applied by either Policies COU 13 and COU 15.

10.10.18 Lisburn City Council argued that the first bullet point of Policy COU 14 should be amended by deleting the word “rural” and appending the words “and to the particular locality” at the end. We see merit in this, given that many of the Nodes are situated within settlement limits.

10.10.19 An objector submitted that the penultimate paragraph in the amplification text of Policy COU 14 should be deleted, as it is currently overly restrictive. We disagree with this suggestion as the paragraph merely outlines the policy context for consideration of ‘other’ proposals within the Nodes.

10.10.20 Lisburn City Council argued that the wording of Policy COU 15 should be amended to recognise the importance of the River Lagan in relation to development proposals. The arguments presented mirror those submitted in respect of Policy COU 13. As with our previous conclusion, we see merit in referring to the river in the policy.

10.10.21 An objector suggested that the LVRP Park policies should be adjusted to take account of the urban context of the New Forge Lane area including planning approvals for development such as at 22 and 22a New Forge Lane. In our view it would, in principle, be inappropriate to ‘water down’ the policy to take account of areas that may be out of keeping with the Park’s character. Any arguments relating to such matters will be considered in part 2 of this report.

10.10.22 It was argued that Policy COU 15 should be made more robust by adding greater detail to the supporting text, for example the information contained in policies U 1 - U 10 of the LVRP Local Plan 2005; the latter policies should be transferred from the Local Plan in their entirety. Examining the ‘Urban Uses’ policies of the Local Plan, we note that they relate to various land uses and development types in both the urban and rural parts of the park. We have already commented on the ‘importation’ of Local Plan policies into BMAP. We do not consider that further amplification of COU 15 is necessary.

10.10.23 It was submitted that COU 15 is overly restrictive and an exception to the policy should be included to allow for development in special circumstances e.g. if it is demonstrated that the proposal is in the public interest or if the proceeds of the development can fund the restoration and maintenance of a heritage asset. We have already stated that such matters of planning gain would be material and could be determining in the assessment of any proposal. We see no need for the Plan to refer to all material considerations that could possibly come into play.

10.10.24 It was argued that Policy COU 15 is imprecise and should, in some form, express criteria against which the various aspects of each policy test will be applied. The objector considered that without any information regarding what actually constitutes ‘the character of the park’, ‘the settlement’, ‘the landscape quality and features’ or ‘the visual amenity’, neither the applicant nor the
Department can properly assess the merits of any development proposal. We note that planning policy often makes reference to such concepts as rural or urban ‘character’, environmental or landscape ‘quality’ and ‘visual amenity’. Assessment of proposals against policy tests which are based on such terminology requires a degree of judgement on the part of the decision maker. Notwithstanding the identification of character areas on Map 19 of Technical Supplement 11, we do not consider that the Plan could feasibly provide detailed criteria or qualification in respect of the matters raised by the objector, given the wide range of landscapes throughout the LVRP.

Other objections relating to the River Lagan and the LVRP

10.10.25 The LVRP Advisory Committee recommended that BMAP should incorporate a specific policy or policies to protect the Lagan Canal, the River Lagan and tributaries thereof in order that its landscape value, amenity value and wildlife value may be protected. This should include the prevention of development right up to the rivers edge, preserve public access, and maintain a “green corridor” or buffer zone along the river, thus maintaining the variety of habitats and landscapes. It was argued that the same policies should also control developments particularly those that may cause water pollution. Control of pollution is not for BMAP to consider as legislation exists to address the matter. We note that the Department has designated various LLPAs and SLNCIs in order to protect waterways and their banks at various locations. We see no need to apply blanket protection to the entire Lagan system; much of it runs through countryside where no development is likely to take place. We do not consider that the Plan need provide specific policy for the Lagan when other designations are available, which would achieve the results sought by the objector.

10.10.26 Concern was raised that there is a lack of policy supporting the re-opening of the Lagan Canal; BMAP should provide support for same and should protect the river and canal from land and water based development that would hinder or prevent the re-opening of the Canal. We consider that our suggested amendments to policies COU 13 and COU 15 address this issue since development proposals located adjacent to the river Lagan would be required to take into account the river and its associated features, where appropriate. In our view, associated features would include the Canal.

Recommendations:

We recommend that:

- The final sentence in the headnote of Policy COU 12 should be deleted.
- The final sentence in the headnote of Policy COU 13 should be deleted.
- Policy COU 13 should be reworded and expanded to provide tailored policy for the LVRP in accordance with our conclusions in paragraph 10.10.4 and 10.10.6.
• The Department should review the amplification text in light of the amendments to policy COU 13. It should ensure that reference to prevailing regional planning policy for development in the Green Belt is deleted.

• The wording of the first bullet point of Policy COU 14 should be as follows: “the proposal is sensitively located and does not have a significant adverse effect on the character of the Park or the particular locality;”.

• The final sentence in the headnote of Policy COU 14 should be amended as follows: “Only in exceptional cases, where it can be demonstrated that the proposal will make an important contribution to the Park’s recreational function, will proposals for uses other than those listed above, or identified in the designations in the District Proposals, be approved. In such exceptional cases, proposals within the rural Nodes must comply with Policy COU 13, and in urban Nodes with Policy COU 15. The Key Site Requirements as contained in the District Proposals will require to be met for all proposals.”

• The words “adversely affect” in Policy COU 15 should be replaced with “have a significant adverse effect”.

• A sentence should be added to the headnotes of Policies COU 13 and COU 15 as follows: “Where located adjacent to the River Lagan, proposals should integrate with, and take into account, the river and its associated features, where appropriate.”

• Proposals relating to Lagan Valley Regional Park should be contained in a separate volume of the Plan.
11. OPEN SPACE, SPORT, AND OUTDOOR RECREATION

11.1 Background

11.1.1 The background to consideration of the Open Space, Sport and Outdoor Recreation objections is the Regional Development Strategy (RDS) and current regional policy contained in Planning Policy Statements 7 and 8 (PPS 7 and PPS 8). The introduction to this strategic section of the draft Plan, at page 141, outlines the relevant policies of the RDS. We note the statutory role of the District and City Councils in the provision and maintenance of public open space throughout the BMAP area.

11.1.2 The Open Space policies in the draft Plan are accompanied by Technical Supplement No. 7 and there were some objections to the content of that document, including the methodology of the open space audit. We cannot deal with objections to a Technical Supplement, as it does not form part of the Plan, and we can only address issues raised if objections have specifically identified the relevance of the supplement to the content of the Plan itself. Where objections to the strategic policies raised site specific matters, these will be dealt with as part of the report on site specific objections to the Plan.

11.1.3 The draft Plan’s Open Space, Sport and Outdoor Recreation Strategy contains three elements:

- the protection of existing open space;
- facilitating the development of a network of Community Greenways; and
- provision of new open space:
  - as an integral part of new residential developments; and
  - in association with major non-residential development schemes.

11.1.4 Since objections to open space policies have ramifications for the content of the strategy, we propose to deal with those policies first.

11.2 Objections to Policy OS 1

11.2.1 The Department sought to withdraw draft BMAP policy OS 1 as it unnecessarily reiterates the protection afforded to open space by PPS 8 policy OS 1. This view was also expressed by some objectors. If OS 1 is deleted, the Department indicated that the first bullet point of the Open Space Strategy, which refers to protection of open space, would be unnecessary.

11.2.2 PPS 8 policy OS 1 would afford protection to existing open space whether or not it is identified in the plan. Zoned open space would be similarly protected. As such, we concur with the Department’s stance; where regional policy exists to address a particular issue there is no need for it to be repeated in a development plan. The development plan process is not a forum for debating the efficacy of regional policy, or its application in respect of individual development proposals, and we will not comment on objections arguing that a restrictive approach to the protection of open space is inappropriate.
Recommendation

- We recommend that Policy OS 1 is omitted from the plan.

11.3 Objections to Policy OS 2

11.3.1 The concept of Community Greenways is enshrined in the RDS. Their provision is referred to in BMA 2.3, in the local development guidelines at SPG-ENV 4, and in Strategic Planning Guidelines ENV 6.4 and ENV 7.1. The concept is also carried through into PPS 8. The draft Plan proposes the designation of 28 Community Greenways throughout the BMA and the routes are roughly indicated on the draft Plan maps. The Technical Supplement sets out written directions for negotiating the routes on cycle or on foot as well as roughly indicating the routes on supplement maps. Policy OS 2 seeks to protect designated Community Greenway routes from prejudicial development and to ensure provision of appropriate open space linkages between new development and Greenways.

11.3.2 One objector suggested a rewording of the first paragraph of policy OS 2 as follows:

"Planning permission will be granted for development either within or abutting a designated Community Greenway unless it would cause unacceptable harm to an identified route".

11.3.3 Another objector suggested the following replacement wording for the policy:

"Planning permission will not be granted for development within a designated Community Greenway which would prejudice the retention, enhancement or further development of an identified route where the funding and delivery mechanisms are in place to permit the route to be developed within the next five years".

11.3.4 We recognise that Policy OS 2 is not designed to thwart or preclude development but to protect lands required to provide physical linkages between urban open spaces and the countryside. Clearly, development that was prejudicial to maintenance of these linkages would run counter to the concept of Community Greenways. We agree with the Department that the first suggested rewording changes the emphasis of the policy from restrictive to permissive. Given the need to protect the routes, we consider that such a change is inappropriate. The term ‘unacceptable harm’ implies that some degree of harm could be tolerated. Since the concept of avoiding physical prejudice to the routes is at the heart of the policy, however, we fail to see how permitting some harm could be acceptable. We note that the Greenway routes include formal public paths/roads but also informally traverse open spaces. We recognise that enhancement and further development of the Greenways is likely to be desirable in some cases. As such we consider that the words ‘retention, enhancement or further development’ should remain in the policy. The Department indicated that the word ‘adjacent’ is intended to
reflect areas in close proximity to, but not necessarily abutting the routes, where it may be desirable to provide the linkage. We agree with the objector that the term ‘adjacent’ is somewhat wider than ‘abutting’. However, given that development close to, but not necessarily abutting, the route of a Greenway could still be prejudicial to its retention, enhancement or further development, we accept that the wider term may be more appropriate. Other than in terms of providing linkages as part of development proposals, we do not discern any indication in the draft Plan wording of OS 2 that there would be an onus on a developer to enhance or further develop an identified route. It was argued that it would be unreasonable to adopt a restrictive protection policy where there is no delivery or maintenance commitment from a public authority to secure provision of the Greenway within five years. We acknowledge the Department’s submission that in most cases, Community Greenways will not require funding or delivery mechanisms as they often consist of existing pedestrian and cycle routes. For the remainder, it is clear that the plan does not purport to ensure creation of all Greenway linkages immediately. In fact, it is apparent that in some cases provision of formal routes is a long-term aspiration. Development plans set out proposals over the medium rather than the short term and in this context we consider that such a restricted level of protection would be both unreasonable and unrealistic. We were presented with no argument as to why the second paragraph of Policy OS 2 should be deleted.

11.3.5 Belfast City Council argued that there is a lack of clarity regarding the actual positions of the Community Greenway routes and no guidance as to how they should physically be laid out. It was submitted that there are no policies in respect of provision of Greenways and queries over their legal/planning status. It was also argued that the nature and positions of some of the routes and linkages are inappropriate and should be changed. Other objections argued that the plan could identify many more Community Greenways. The issue of anti-social behaviour on Greenways was also raised.

11.3.6 The planning status of the Community Greenways is established by their designation in the District Proposals, their identification on plan maps and the protection afforded to them by BMAP Policy OS 2. We note that the proposed designated routes are identified by linear series of dots on the plan maps. The scale of these maps is such that the exact routes of the Greenways are not clear. The Technical supplement contains similar maps and written directions for following the routes; again, these offer little clarity. In any event, the supplement is not part of the plan itself. Given that one of the purposes of a development plan is to provide certainty for developers, we consider this situation to be unacceptable. It could also create difficulties with regard to the application of Policy OS 2. We agree with the objector that the plan should provide detail in respect of the routes and, where appropriate, the land-take for each designated Greenway. The District Proposals should also include designation-specific criteria for the layout of those parts of the routes that are presently physically undefined. With regard to flexibility, we recognise that development proposals could come forward that provide alternative, and equally acceptable arrangements for the route of a designated Greenway; the amplification text of Policy OS 2 should allow for this.
11.3.7 We cannot consider generalised objections arguing for changes to, or the extension of, the network of Community Greenways. It is only through the development plan process that new Greenways could be designated. However, where specific changes or additional Greenways have been suggested, these will be considered as part of the report on site specific objections to the Plan. It is clear that the plan designates Greenways as a benefit to the BMA population. Anti-social behaviour could occur in respect of many publicly accessible facilities and we see this as a public order issue, rather than a matter for this Plan to address. In any event, when designing and laying out the routes, we would anticipate that due consideration would be given to such matters.

Recommendation

We recommend that:-

- The District Proposals provide accurate details of the routes of the designated Community Greenways together with criteria for their layout.

- The amplification text relating to policy OS 2 makes it clear that development proposals involving amendments to the identified routes will be acceptable provided that the alternative arrangements maintain the overall integrity of the route and meet the designation’s layout criteria.

11.4 Objections to Policy OS 3

11.4.1 Policy OS 3 presumes in favour of proposals for provision of open space within the Metropolitan and settlement Development Limits, subject to 6 listed criteria. The draft BMAP states that the policy is intended to give guidance for new open space which may not have been foreseen during preparation of the plan. It is not the purpose of the policy to zone or identify new open space.

11.4.2 An objection to OS 3 was submitted seeking the zoning of quality play areas and large open spaces in the heart of several communities in Belfast. These matters will be considered as part of the report on site specific objections to the Plan.

11.4.3 An objection was submitted that policy OS 3 should refer to the Woodland Trust’s ‘Woodland Access Standard’. The objection cited the importance of trees and woodland when providing new, and enhancing existing, open space. We note that the change of use of land to woodland does not, in itself, require planning permission. There would thus be no obstacle to provision of woodland throughout the plan area. We do not consider that it would be appropriate for OS 3 to set a target for woodland provision since it is essentially a reactive policy, which merely sets out tests that should be applied in the event of a planning application for new open space being submitted. Enhancement of existing open space is not addressed in regional policy. It is a matter that could only be considered in connection with
development proposals and it is not an appropriate issue for a development plan to address. We judge that it would be for regional policy to determine the role of the Woodland Trust’s standards in open space provision. We consider that it should be for the development control process, rather than the BMAP, to determine the form and nature of open space. It may not be appropriate to provide trees and woodland on every open space. However, we consider that landscaping of open space is of major relevance to its provision and note that policy OS 2 of PPS 8 makes reference to its importance. Policy OS 3 contains no specific reference to landscaping and this matter should be addressed.

**Recommendation**

- We recommend that Policy OS 3 includes a requirement for the submission of an appropriate landscaping scheme for new open space proposals.

11.5 Objections to Policy OS 4

11.5.1 This policy addresses open space provision in association with major non-residential development proposals. Objectors argued that the policy wording introduces uncertainty for developers. Open space can take many forms and have various functions, as can be seen in Annex A of PPS 8. The appropriate level of provision associated with any development proposal could also vary greatly, depending on the particular circumstances of the case. It may, for instance, be inappropriate to require any open space provision for some major city centre developments. We note that OS 4 provides no indication as to what scale of development would trigger the application of the policy. Although the policy amplification refers to open space as a visual amenity, it also mentions its value in terms of biodiversity and recreation. We would concur with the objectors’ concerns that the policy as drafted does not provide any clarity in terms of quantum or form of provision that would adequately inform the development control process.

11.5.2 Objectors argued that the policy would be unfair as it would apply only in respect of the BMA and that developments in other parts of Northern Ireland would not be subject to the same requirements. Whilst we acknowledge that plan policies can be tailored to deal with particular issues, we have not been presented with any convincing arguments why, in terms of open space provision, the BMA should be treated differently from the rest of the region. Whilst PPS 8 may contain a lacuna in terms of policy for open space provision in conjunction with non-residential development, inserting policy to that effect into the BMAP is not an appropriate means of ‘plugging the gap’. We concur with the argument that providing Key Site Requirements (KSRs) in respect of non-residential development in the draft plan is an appropriate way to guide the development control process and ensure provision of open space deemed necessary; we acknowledge, however, that KSRs can only be provided in respect of predicted development. We agree with the argument
that open space provision in conjunction with non-residential development is a matter that should properly fall within the remit of regional planning policy.

Recommendation

- We recommend that Policy OS 4 is deleted from the plan.

11.6 Objections to the Open Space, Sport and Outdoor Recreation Strategy

11.6.1 We have already concluded that, in light of our recommendations regarding policy OS 1, the first bullet point of the strategy is unnecessary. The Department submitted that the third bullet point of the strategy be changed to “Facilitating the provision of new open space” and the sub-bullet points deleted. Given the wording of policy OS 3, the provisions of PPS 7 and PPS 8 in respect of open space in conjunction with new housing developments, and our recommendations with regard to policy OS 4, we concur with this submission.

11.6.2 Objections were submitted arguing that the plan should actively address shortfalls in open space provision (including woodland) identified both in the technical supplement and elsewhere. There was also criticism of the plan in respect of its spatial approach to open space provision. The Department has stated that it has consulted with the District and City councils in preparing the draft BMAP and has zoned new open space where this has been requested by the Councils. This is a logical approach given that the provision of public open space is a statutory function of local authorities in Northern Ireland. We note that the plan proposes over 163 Ha of new open space, various Community Greenways and contains a generally permissive Policy (OS 3) with regard to proposals for new open space provision. The plan does not purport to meet all future need. Backed up by regional policy in PPS 7 and PPS 8, we consider that a generally proactive approach to the provision of new open space exists. Whilst a plan review could offer an opportunity to deal with identified shortfalls, in consultation with the local authorities and other interested parties, there is no obstacle to new proposals being brought forward by Councils or other bodies during the plan period. Such proposals would be favoured by policy OS 3, subject to the stated criteria being met. Given this, we do not consider the quantum of zoned open space, or its location, to be a critical issue. We note that both PPS 7 and PPS 8 encourage connectivity between open spaces and surrounding development and the plan does not therefore require to address the matter further.

11.6.3 The detailed rationale for identifying existing open space is contained in paragraph 3.0 of the Open Space, Sport and Outdoor Recreation Technical Supplement and reiterated in the amplification to the Strategy. Various objections were submitted in respect of the manner in which the draft Plan identifies existing open space. PPS 8, paragraph 4.11 indicates that open space will be identified on development plan maps “for information purposes”. We agree with the Department that a plan can provide information as well as
11.6.4 The draft Plan maps identify existing open spaces of 1 ha or more within cities, towns and villages. The Technical Supplement maps also identify certain open spaces of less than 1 ha. Some objectors argued that smaller open spaces should be identified on the Plan maps in order to provide greater clarity for developers. We consider that a threshold of some sort requires to be adopted since it would be almost impossible to identify every existing area of open space in light of the variety of forms and functions outlined in Annex A of PPS 8. We note that the Technical Supplement does not attempt to identify all open space that would fall within the definitions outlined in Annex A. Paragraph 4.11 of PPS 8 refers to the identification of “major areas of existing open space”. Given this, we accept that a 1 ha threshold is reasonable. PPS 8 states that “….open space, regardless of whether it is identified on plan maps or not, benefits from the protection afforded by policy OS 1 unless the site is identified for an alternative use in the plan itself”. Irrespective of the size of an open space, we do not accept that failure to identify it for information purposes would have a bearing on the applicability of PPS 8 policy OS 1; this would be a matter of fact. PPS 8 makes no reference to the identification of indoor recreational facilities in development plans. In any event, the use of a building is obvious.

11.6.5 We recognise that public open space within the small settlements has not been taken into account in the Technical Supplement's audit. Notwithstanding this, and given that the sole purpose of the exercise is for information purposes only, we consider that public open space of 1 ha or more in the small settlements should be identified, in the interests of consistency.

11.6.6 It was argued that all existing sports facilities outside development limits should be identified on Plan maps. The objector pointed to paragraph 4.3 of PPS 8, which indicates that an assessment of open space will include land within and adjacent to the settlement limit and can include land in the countryside. The Technical Supplement (p 16) indicates that “open space that is situated outside, but close to the Metropolitan Development Limit and settlement development limits and serves the needs of the local population” was included when calculating current levels of open space provision.

11.6.7 There is no indication in PPS 8 that Policy OS 1 is not applicable in respect of recreational open space in the countryside. Given this, we disagree with the Department’s statement that some open space in the countryside is not identified and its protection “…will be considered within the context of prevailing rural policy”. We note that in a number of locations, rural open space has been a major factor in assessing the degree of compliance with the National Playing Fields Association Outdoor Sports standards. We consider that existing sports facilities of 1 ha or more outside settlement limits should be identified in the plan if they have been included in the Department's open space audit.
11.6.8 Objectors advocated a policy in support of creating green spaces in inner cities and built-up areas where none exist at present. We presume that creation of such spaces would in most instances require the removal of buildings or other development and consider that such a policy would be unrealistic in the absence of site-specific proposals in the plan (none were suggested in the objections). In any event, draft BMAP Policy OS 3 would favour open space proposals, subject to the specified criteria being met. Another objector suggested that the Plan should include a statement supporting better access for all, including the disabled, to open space. We do not consider that such a statement is necessary since those principles are implicit in both regional policy and the draft Plan as they currently exist.

**Recommendations**

We recommend that:-

- The first bullet point of the strategy is deleted.
- The third bullet point of the strategy is amended to read "facilitating the provision of new open space".
- Existing areas of open space of 1 ha or more within the development limits of small settlements are identified on plan maps.
- Existing public sports facilities outside settlement limits, which were included in the Department’s open space audit, are identified on plan maps.

11.7 **Other Matters**

11.7.1 Belfast City Council sought the introduction of a new policy, OS 5 - Enhancement of Existing Open Space and introduction of a new bullet point to that effect in the Strategy. The suggested policy indicates that the Department should be guided by the local authority and, where appropriate, the Sports Council in considering planning applications in the BMA. Where the consultee(s) indicate that new developments resulting in the erection of 10 or more units are likely to have specified impacts in respect of open space, the Department would give due consideration to the local authority’s response.

11.7.2 PPS 8 Policy OS 2 sets out the requirements for open space in new residential development. It sets out trigger thresholds and levels of provision. We note that paragraph 5.15 of the document indicates that the Department will consult closely with District Councils where large developments generate the need for formal recreational facilities. It is a statutory requirement for the Department to consult the relevant Council in respect of all planning applications and to address all material considerations in the determination of planning applications. We agree with the Department that the objector’s suggested new policy seeks to influence the way in which planning
applications are processed and to determine the weight attached to certain consultation responses; we concur that these aspects of the suggested policy are not appropriate to the development plan process. It is for the Department to determine the procedures involved in processing planning applications, and to decide the weight to be afforded to consultation responses. As the objector correctly states, supplementary planning guidance such as a development control advice note could be produced if the Department so wished. We note that Policy OS 2 of PPS 8 does not at present specifically take account of the cumulative impact of smaller housing developments and we accept that such could affect the adequacy of existing open space or recreation provision; however, we do not accept that this is a matter for the BMAP to deal with in isolation from the remainder of the province where the same issues could arise. Rather, it would be a matter for regional planning policy to address.

**Recommendation**

- We recommend no change to the plan in respect of the suggested new Policy OS 5.
12. TOURISM

12.1 Tourism Strategy

12.1.1 The RDS contains many policies related to tourism as outlined on pages 148 and 149 of the Plan. We note in particular SPG-ECON 7 that seeks to promote a sustainable approach to the provision of tourism infrastructure. The RDS seeks to balance the protection of the man-made and natural environment with the promotion of sustainable tourism aimed at achieving a balanced spread of tourism opportunities to benefit all sectors of the community. We note that ECON 11.1 seeks to build up a network of tourism development opportunities based on Belfast and Londonderry. BMA 1.1 identifies a wide range of measures to enhance the role of the city of Belfast, many of which are related to tourism development. BMA 1.2 and 1.3 related to the roles of Castlereagh, Newtownabbey, Bangor, Carrickfergus and Lisburn. PSRNI contains a suite of policies for tourism that remain in effect. We have recommended that Policy SETT 6 be confirmed. This policy applies the remaining extant provisions of A Planning Strategy for Rural Northern Ireland (PSRNI) to the entire BMA, which includes the tourism policies. We shall consider the relationship between the plan policies and PSRNI below.

12.1.2 The importance of the balancing exercise of protecting the very assets that attract tourists whilst allowing for appropriate tourism-related development has been recognised by planning policies at all levels. It is appropriate that this approach is included in the plan and we cannot endorse a carte blanche for any tourism related development to be approved. There were many objections that the plan should include matters that are the remit of tourism planning such as promotion of tourism, grant aid and marketing. These matters are not within the remit of a development plan and are the responsibility of the Northern Ireland Tourist Board (NITB), Invest Northern Ireland (INI) and local councils. The plan can facilitate the provision of tourism related developments through its policies. It cannot require that facilities are provided and it does not develop tourism projects. It does refer to the importance of tourism and clearly addresses factors that will result in growth of the tourism sector in the explanatory text to the tourism strategy on pages 151 and 152. It is difficult to envisage what could be reasonably added to the Plan to address the points made, given our comments on the purpose of a development plan. Public art is undoubtedly an important element in the streetscape and could very well have a beneficial effect on tourism. However, this is not a matter covered by the development plan process. Policy TOU 5 of PSRNI is a permissive policy favouring signs directing visitors to tourist attractions.

12.1.3 Belfast City Council submitted evidence suggesting a new bullet point to the strategy and a new policy be added to the plan. We agree with the Department that the suggested bullet point is not necessary as who is consulted on planning applications is a procedural matter for the development management process. We shall consider the additional policy, whilst also dealing with the other issues raised on these topics, in the following paragraphs.
12.1.4 The City Council argued that tourism infrastructure needs could be met by identifying Development Opportunity Sites (DOS) where tourism projects should be accommodated. We note the Department’s point that to designate sites for tourism development in the absence of a definite proposal would merely sterilise the sites and prevent their re-development contrary to the point of designating them in the first place. Development plans do not provide tourism designations in the absence of specific proposals. As there are no firm proposals in this Plan designations are not appropriate and therefore there are no key site requirements related to tourism development. The re-use of existing buildings for tourism development is favoured by regional policy for example policy TOU 3 of PSRNI. We agree with the Department that other elements of the suggested policy would replicate policy T1 and actually contradict its provisions. We consider Policy T1 below.

12.1.5 We do not agree that a specific policy for Titanic Quarter is necessary or appropriate. The general tourism policies and development framework for the development of the site will cater adequately for this quarter. The plan does refer to significant tourism features, attractions and proposals in the explanatory text after the strategy. The Department may wish to take the comments of various groups on board and refer to various areas and attractions raised in this text. As an example, the Titanic signature project is under construction and is the largest tourism related development in the BMA in recent years. Its promoters no doubt consider it to be the future “must see” attraction. The plan could be updated to refer to this important project. References to other city quarters could be included in the text at the Department’s discretion. The two that were referred to us were the Queen’s Quarter and the Gaeltacht Quarter. As the Queen’s Quarter is not listed as a sensitive location in table on page 150 then Belfast City Council can assume that it is not a sensitive location. We consider that the Belfast Hills are an important recreational and tourism resource that adds to the attraction of the city as a destination. We find it surprising that the Holywood Hills are mentioned but the wider setting of the Belfast Hills is not. The Department may wish to refer to the work of the Belfast Hills Partnership in supporting access to the hills for all.

**Recommendation**

- We recommend no changes to the plan as a result of these objections.
TOURISM POLICIES

12.2.1 There is an issue as to whether the tourism policies of the Plan or PSRNI take precedence in the BMA. The Department stated that the Plan policies give a more definite policy context and would not duplicate the PSRNI policies. PSRNI acknowledges that its policies and proposals can be tailored to the specific circumstances and particular needs of an area by means of development plan policies. There is consequently no obstacle to the Department’s approach in principle. We consider, however, that Policy T 1 of the Plan adds nothing to Policy TOU 1 of PSRNI and would in fact be a mere repetition of regional policy, which is unnecessary. We recommend that Policy T 1 is deleted from the Plan. Policy TOU 1 states that favourable consideration will be given to proposals for tourist development. Its application to all of the Plan area will facilitate the provision of hotels, bed & breakfasts and backpacker hostels in Belfast including the west and north of the city. In any event, a development plan cannot require that these facilities are built, which relies on tourist demand for them and market forces. The fact that bed & breakfasts are used to house those in receipt of benefits instead of housing them in permanent accommodation is not a development plan matter. We consider the requirement that the developer should bear the costs of any necessary infrastructure improvements is also enshrined in regional policy, the application of which is outside the scope of this report. The Department confirmed that the improvements would be secured by Article 40 agreements or concept masterplans. We do not understand how examples of the operation of Article 40 agreements or concept masterplans would add to the Plan.

12.2.2 Policy T 2 covers tourism developments outside settlement limits i.e. in the countryside. The policy contains a requirement that a site specific need for the development must be demonstrated. This was written at a time when the entire countryside within the BMA was subject to (or proposed to become subject to) Green Belt policies. PPS21 has replaced the former Green Belt policies. We can see no reason why the BMA countryside as a whole should be treated differently to the remainder of Northern Ireland and therefore consider that generally the tourism policies of PSRNI can address the issues related to tourism development in the BMA. However, we do have certain exceptional areas to consider. We have discussed the policy gap that now arises in Rural Landscape Wedges (RLW), Areas of High Scenic Value (AOHSV) and Lagan Valley Regional Park (LVRP) because PPS21 does not differentiate between the policy that applies in these areas and elsewhere as Green Belt policies no longer apply. We have recommended that the Department devise tailored policies to control developments in these areas in sections 10.4, 10.7 and 10.10 of the report dealing with Policy COU 2 (RLWs), Policy COU 7 (AOHSV) and Policy COU 13 (LVRP). We now recommend that these revised tailored policies also address tourism development. This will necessitate revisions to the three countryside policies mentioned above. The explanatory text in the Tourism section of the Plan should refer to the policies for tourism development being in the Countryside section of the Plan. Obviously other changes to that amplification text will also be necessary in the light of our recommendations.
12.2.3 The objector suggested that Policy T 3 be deleted as it is a development management matter addressed by regional policy. The example of the settings of listed buildings and monuments being statutorily protected and covered by PPS 6 was quoted. We would question the value of this policy for this reason and particularly because it appears to add nothing to Policy TOU 2 of PSRNI. It is not therefore a tailored local policy and we agree that it should be deleted.

12.2.4 We have concluded that the tailored tourism policies for parts of the countryside as discussed above are justified and so should not be deleted as suggested by one objector. The types of development in the countryside that he describes could always be considered as exceptional cases. For example the remediation of a brownfield site would be a factor to be weighed in the consideration of an individual proposal. The expertise of staff to assess the criteria in policies is an operational matter for Planning Service.

**Recommendation**

We recommend that:

- There should be no change to the tourism strategy.
- Policy T 1 is deleted from the plan.
- Policy T 2 is deleted from the plan and tailored Policies controlling development in Lagan Valley Regional Park, Rural Landscape Wedges and Areas of High Scenic Value as recommended in our report on the Countryside section of the Plan include criteria for Tourism development.
- Policy T 3 is deleted from the plan.
13. **PUBLIC SERVICES AND UTILITIES**

13.1 **Objections to the Public Services and Utilities Strategy**

13.1.1 The Department confirmed that the bodies responsible for infrastructure provision were consulted and any specific proposal that was notified to them has been identified in the District Proposals. The development plan process cannot do any more than this. Planning Service is not responsible for the provision of Waste Water Treatment Works and so cannot identify locations for new works that have not been requested by the statutory undertaker. We are aware that many works have been upgraded in recent years and that this can often be achieved on the sites of existing works. The identified problems regarding pollution of watercourses by businesses is not a development plan issue as it is covered by pollution control legislation. Policy controlling development relying on non-mains sewerage is contained in PPS 21. Policy on the use of permeable paving in residential developments is contained in PPS 7 Second Addendum. There are no proposals before us to extend the BHA landfill into Newtownabbey.

13.1.2 The objection that planning permission should not be granted until the necessary infrastructure is in place or that all the necessary improvements should be in place before development commences is a matter for the development management process, the purpose of Key Site Requirements (KSRs) is to alert developers to the matters to be addressed in developing sites. The use of KSRs is a valid approach endorsed by PPS 1, PPS 7 and PPS 12. We cannot therefore support the objection stating that these matters should not be left to KSRs.

**Recommendation**

We recommend no changes to the strategy as a result of the objections.

13.2 **Policy PU1**

13.2.1 The Department confirmed before the commencement of the Inquiry that Policy PU1 and any associated designations were withdrawn. They subsequently requested the Commission to recommend that the policy be deleted from the plan because its provisions were covered by normal planning considerations and regional policy. In view of the Department’s withdrawal of the Policy prior to the Inquiry, this matter is not before the Commission and we make no recommendation on the matter.

13.3 **Objections to the lack of Policies for Waste Management**

13.3.1 Regional policy on Planning and Waste Management is set out in Planning Policy Statement 11 (PPS 11) published in December 2002. The document sets out the role of development plans at paragraph 4.1. It is clear that the likely extent of future waste management facilities is a matter to be discussed
between the Department and Councils. It follows that identification of sites to meet future needs requires the input of Councils, who have the statutory responsibility for waste management and particular expertise in this area. They also have the responsibility for producing waste management plans, which should feed into the development plan and management process. We disagree with Castlereagh Borough Council’s view that the Department should undertake surveys and identify sites for such facilities. PPS 11 states that particular sites for the development of waste management facilities may be identified in development plans but does not impose a requirement that they must be identified. In view of the environmental effects of waste management facilities, we consider there can be difficulties in identifying them in plans. Such proposals are frequently subject to Environmental Impact Assessment and the development management process is more readily suited to responding to individual proposals of this nature. The mere identification of sites would not therefore address the problems of the shortage of facilities that has been highlighted as they may not be suitable for waste management purposes when detailed investigation is undertaken. Belfast City Council (BCC) and Castlereagh Borough Council (CBC) are two of 11 Councils making up the sub-regional waste planning body ARC21, who were consulted as part of the plan process and did not identify any sites for waste management facilities. BCC stated that there was a need for the Plan to repeat and augment the policies of PPS 11. PPS 11 sets out the Department’s policies for the consideration of waste management proposals – they do not need to be repeated in a development plan. We were not presented with any persuasive evidence that the problems and issues related to EU fines for landfill, failure to identify facilities and lack of progress were unique to the BMA. The guidance from England and Scotland that was quoted does not apply in Northern Ireland and if the parties agree that there is a problem or omission then this should be remedied by revising regional policy and not through the development plan process relative to a single area. For this reason, we also do not agree that a plan amendment is required. The re-use of buildings is already encouraged by other regional policies.

13.3.2 BCC’s suggested additional policy that was tabled at the Inquiry is entirely descriptive or repeats policy in PPS 11 and normal planning considerations. CBC’s suggested policy that planning permission will be granted for waste management facilities provided the criteria in PPS 11 are met adds nothing to regional policy. We do not endorse either of them as an additional plan policy. BCC did not explain why a policy was needed for community or neighbourhood recycling facilities particularly as recycled materials are now collected direct from homes and recycling centres are provided at many locations across the BMA. In any case, their provision is also covered by policy in PPS 11. We agree in principle with CBC that housing sites over a certain threshold should include the provision of a small scale recycling centre but this is not an issue that is unique to the BMA and therefore it should be addressed in regional policy and guidance. CBC also stated that PPS 11 refers to the possibility of detailed planning policies on waste being provided in development plans. This is not correct: PPS 11 only refers to development plans identifying sites as discussed above. The means for resolving the conflict between the need for the waste management facility and the protection of the environment and amenity are through application of the
policies in PPS 11. The Department did accept that improvements to PPS 11 were required to accommodate new trends in waste management. In the light of this admission, we would expect a revised version of PPS 11 to be prepared. In terms of the Plan itself, we consider that the Department should update the explanatory text on pages 161 to 164 because, as they stated at the inquiry, the waste industry has moved on since the plan was drafted.

Recommendation

- We recommend that the explanatory text on pages 161 to 164 of the Plan is updated to reflect the current context correctly.

13.4 Other Objections

13.4.1 BCC’s original objection requested that the Plan include reference to the necessity of providing public conveniences in high street or high foot-fall locations. We consider that the Council’s statement of case seeking to extend the objection to private property goes beyond the scope of the original objection and cannot be considered. Turning to the objection as submitted: the location of new toilets can be assessed as part of the development management process. We see no need to refer to them as essential elements in the streetscene. The principles of the “Belfast Protocol” signed at the World Toilet Summit appear unrelated to land use planning matters and are certainly not unique to the BMA. We cannot endorse their inclusion in the Plan.

13.4.2 BCC highlighted the problems associated with the lack of space in developments for bin or waste storage. The Council has addressed the problems by producing a guide for developers. This guide is being considered by the Department of Finance and Personnel as a basis for amending the Building Regulations in order to address the identified problems. The Council considers that adequate consultation arrangements on proposals should be in place. These are matters of detail to be addressed through the development management process and both the requirements and the consultation arrangements are outside the scope of the development plan process.

13.4.3 There was an objection to contributions from developers towards the cost of drainage infrastructure without their agreement. This was a reference to the text on page 160 explaining the role of DARD in drainage and flood protection. An objection to the DARD policy on recouping the cost of these works is not an objection to the Plan.
14. EDUCATION, HEALTH, COMMUNITY & CULTURAL FACILITIES

14.1 Background

14.1.1 The background to consideration of the Education, Health, Community & Cultural Facilities objections is the Regional Development Strategy (RDS), prevailing rural and regional planning policies, and Development Control Advice Notes 9 and 13. The introduction to this strategic section of the draft Plan, at page 167, outlines the relevant policies of the RDS.

14.1.2 The Education, Health, Community & Cultural Facilities policies in the draft Plan are accompanied by Technical Supplement No.10 and there was objection to the content of that document. We cannot deal with objections to a Technical Supplement, as it does not form part of the Plan, and we can only address issues raised if objections have specifically identified the relevance of the supplement to the content of the Plan itself.

14.2 Objections to the Education, Health, Community and Cultural Facilities Strategy

14.2.1 There were objections that the Plan makes inadequate general provision for new community facilities; in the absence of any detailed information in relation to this matter we have been able to deal with the issue (in part two of this report) only where site-specific cases were raised. We note the Department’s comment that it has consulted the relevant bodies with statutory responsibility for service provision, and where it has been advised of a specific proposal for the provision of facilities, land has been identified as indicated in the District Proposals.

14.2.2 It was submitted that BMAP policy should make provision for both new, and the retention of existing, community facilities; it should also zone specific areas where health, community and social services could be sensitively integrated into the local area. It was argued that the Plan fails to zone suitable land for Irish medium schools generally in the Belfast area.

14.2.3 We discern nothing in the Plan that differentiates between Irish medium schools and other types of school. Consultation with various public bodies, including the Council for Irish Medium Education, has resulted in BMAP identifying sites for education and health uses. The Plan cannot anticipate the exact future needs of the education or health systems. This would similarly apply with regard to cultural or community facilities. Should the need arise for additional land, proposals could be brought forward as necessary. We see no need for BMAP to adopt a blanket policy requiring the retention of all existing community facilities and recognise that there could well be instances where such facilities will become redundant. Where new facilities are proposed, their sensitive integration into the local environment would clearly be a material consideration.
14.2.4 It was submitted that the Plan should promote good health through the provision of a healthy environment, including: the reduction of pollutants; provision of safe play spaces; protection of open space and provision of amenities; sustainable quality housing mixes; and good public transport provision. In our opinion all of the aforementioned matters are addressed either by the Plan or by National and Regional Planning Policy.

14.2.5 Concern was raised that BMAP does not adequately address the issue of Health Impact Assessment. This is a relatively new concept designed to ensure that policies and practice across varying aspects of the public sector are properly assessed in terms of how they will impact on health. Whilst the concept may have merit, we are unaware of any statutory requirements for such assessments to be undertaken in respect of development plans in Northern Ireland. This is a matter to which the Department may wish to give consideration in future.

**Recommendation**

- We recommend no change to the Plan as a result of these objections.

**14.3 Objections to Policy CF1**

14.3.1 It was argued that Policy CF 1 is overly restrictive and needs to incorporate an element of flexibility, with respect to the granting of planning permission in exceptional cases, so that unforeseen demands for facilities or imaginative schemes which can attract inward investment or deliver significant benefit to the city can be facilitated. It was suggested that CF 1 should include the principle, outlined in PPS 8 Policy OS 1, that development of existing open space or land zoned for the provision of open space will be permitted, by exception, where it is clearly shown that redevelopment would result in substantial community benefits that decisively outweigh the loss of the open space. Belfast City Council raised concerns in respect of lands, surplus to educational requirements as a result of demographic changes, which could accommodate a variety of uses. It was argued that the failure of BMAP to adequately plan for the future of such sites would result in blight to their surrounding areas - this could be addressed by introducing flexibility in Policy CF 1 with an emphasis on providing community facilities or supported housing. It was submitted that there is also a need for effective assessment of what alternative uses could be accommodated and the benefit they could provide to local areas.

14.3.2 The Department indicated its view that BMAP policy CF1 should be amended to delete the words “or inappropriate forms of development”, given that prevailing regional planning policy along with general planning considerations together provide an appropriate policy context for the assessment of individual proposals for conforming uses. We concur with this analysis.

14.3.3 In its evidence the Department recognised that lands identified for education, health, community and cultural facilities in BMAP could become surplus to
requirements and that in such circumstances “planning permission may be granted for alternative uses subject to normal planning considerations. Alternatively this issue could be addressed in the statutory review of the plan proposals in 2009”. We consider that the former of these approaches would deal with many of the objectors’ concerns and should be iterated in the amplification text, in the interests of clarity. We note that the 2009 review of the Plan’s proposals has not taken place. We do not consider that it would be appropriate for BMAP to identify possible alternative uses on existing sites in the absence of specific proposals.

14.3.4 We see no need for Policy CF1 to reiterate the content or principles of regional policy relating to open space. In considering any development proposal the Department will have regard to the development plan and to all other material considerations. The latter could include exceptional circumstances or the types of benefits to which the Q.U.B. objection refers and we see no need for the BMAP to specifically address the matters raised. We note that the Plan already refers to proposed investment proposals by Queen’s University. We have been provided with no reasoning as to how Policy CF 1 fails to properly implement the BMA Education, Health, Community and Cultural Facilities Strategy.

**Recommendation**

We recommend that:

- The words “or inappropriate forms of development” be deleted from Policy CF 1.

- The amplification text should indicate that, subject to normal planning considerations, planning permission may be granted for alternative uses on lands identified in the Plan where it is demonstrated that the latter are surplus to requirements.

**14.4 Objections to Policy CF2**

14.4.1 The Department indicated its opinion that prevailing regional planning policy along with general planning considerations together provide an appropriate policy context for the determination of any proposals for education, health, community and cultural facilities within the Plan Area. Consequently the Department requested that we make a recommendation on its view that Policy CF2 could be withdrawn from the Adopted plan. Having stated this position, however, the Department also indicated that the deletion of CF2 would result in the absence of policy to give effect to the first bullet point of the Plan’s Education, Health, Community and Cultural Facilities Strategy.

14.4.2 Policy CF2 relates to the provision of education, health, community and cultural facilities. We concur with the Department’s analysis that all of the matters iterated in Policy CF2 are dealt with either by Regional Policy or are normal planning considerations. Irrespective of the objector’s submission, we
do not judge it appropriate for BMAP to repeat these. We do not agree that CF2 should be retained in order to keep a focus on the role of Health Boards in the development management process. Its removal from the Plan would not create a policy vacuum. We see no need for the Plan to contain a ‘positive’ policy in respect of educational, health, community or cultural facilities if there is no general presumption against their approval. If the Plan were to adopt such an approach, it follows that it would require to contain policies favouring many forms of development; this would result in an unnecessarily cumbersome document. We do not consider that the Plan need provide specific policies in respect of every strategic aim, particularly where the issues are iterated in regional policy or strategy. Deletion of policy CF2 clearly addresses objectors’ concerns in respect of its perceived constraints and wording. There is no requirement for BMAP to be consistent with other development plans, which may contain policies similar to CF2.

**Recommendation**

- We recommend that Policy CF2 is deleted from the Plan.

### 14.5 Objections seeking a new Policy CF3

14.5.1 It was argued that a new Policy CF3 should be inserted into the Plan as follows:

“In relation to new housing development, Planning Service in consultation with the relevant Health and Social Services Trust and Board, will establish whether there is a need for development contributions, in addition to those made in specific site requirements, in the form of land, buildings or financial contributions to be negotiated to meet the health and social services needs of new occupiers.” We note the objectors’ recognition of the role of regional policy in respect of developer contributions.

14.5.2 Paragraph 39 of PPS1 states that development plans will set out the main planning requirements which developers will be expected to meet in respect of particular zoned sites. Paragraphs 3.5 and 3.6 of PPS 7 deal with requirements for local neighbourhood facilities. The former outlines the role of the development plan in identifying any necessary new local facilities in conjunction with the development of zoned sites. In the case of housing zonings in BMAP, this has been done through consultation with the relevant public bodies and the provision of KSRs, which identify specific needs and the requirements that developers must meet. The Department has also, following this consultation exercise, identified land for new health facilities in the District proposals.

14.5.3 We note that for new housing zonings over 15 hectares in area, the Department has included KSRs requiring the provision of a local neighbourhood centre offering for example, a “Healthy Living Centre” to accommodate medical and fitness facilities; these requirements involve Article 40 agreements with the Department. The suggested new policy would
appear to seek additional contributions from developers, over and above the requirements of the Plan’s KSRs. We do not consider this to be appropriate. We accept that new housing on a number of smaller sites could, taken cumulatively, have implications for local health and social care provision. However, we do not consider that a blanket policy requiring developer contributions for all new housing in the BMA would be appropriate in the absence of a regional policy endorsing same. We recognise that funding for health and social services is provided by central government.

14.5.4 PPS 12, Planning Control Principle 3 refers to the need to integrate local facilities into new housing development in order to meet the needs of the community. Policy QD1 of PPS7 requires adequate provision for necessary local neighbourhood facilities by developers. In respect of planning applications for housing on sites unaffected by KSRs, existing policy provisions address the issue of developer contributions. Identification of the need for new health facilities is a matter that would be determined through consultation with the relevant bodies during the development management process; the robustness of this exercise is a matter for the Department.

14.5.5 We do not consider that there is a need for the new policy put forward by the objectors. It was suggested that amplification text should include a reference to developer contributions. We consider this to be unnecessary, given that the principle is already enshrined in regional policy.

**Recommendation**

- We recommend no change to the Plan as a result of these objections.