

Section 12 Direction - Planning Act (Northern Ireland) 2011 and Planning (LDP) Regulations (NI) 2015

This Direction is issued pursuant s12 of the Planning Act (Northern Ireland) 2011. In exercise of the powers conferred on the Department by s246 of the Act this direction varies in part the Direction issued to Belfast City Council on 4 February 2022, cited as *'Department for Infrastructure Planning Act (Northern Ireland) 2011, Adoption of Belfast City Council Plan Strategy, (s12) Direction 2022'*. This Direction shall be read in conjunction with the Direction dated 4 February 2022.

This direction may be cited as the:-

Department for Infrastructure Planning Act (Northern Ireland) 2011, Adoption of Belfast City Council Plan Strategy, (s12) Direction (Variation) 2023

The Department in exercise of the powers conferred on it by section 12(1)(b) of the Act, hereby directs that Belfast City Council adopts the draft Plan Strategy with such modifications as specified in this direction.

1.0 Commencement

1.1 This direction comes into operation on 09 March 2023.

2.0 Interpretation

2.1 In this direction:

"the 2011 Act" means the Planning Act (Northern Ireland) 2011;

"council" means Belfast City Council;

"2015 Regulations" means the Planning (Local Development Plan) Regulations (Northern Ireland) 2015

"the Department" means the Department for Infrastructure;

"modifications" means changes required and included as part of this direction

"recommendations" and "recommended amendments" means those as set out

in the Planning Appeals Commission Independent Examination report attached at Annex A, under which section 10(8) refers.

“the report” means the Planning Appeals Commission report on the Independent Examination of the Belfast City Council draft Plan Strategy.

3.0 Modifications to the draft Plan Strategy

3.1 The Department, in exercise of its powers conferred on it by section 12 (1) (b), of the Planning Act (Northern Ireland) 2011, hereby directs that Belfast City Council modify the draft Plan Strategy to include the modifications as detailed in *Schedule 1* and *Schedule 1A* of this direction.

3.2 This section 12 Direction specifies the policy wording required to address the requirements of recommendations RA05, 06 and 11. The policy wording is attached at *Schedule 1A* as MOD 05, 06 and 11. In addition there are a number of updates to MOD 03, 29, 34, 38, 62, and 63 to provide clarity and to align with the findings of the IE Report.

3.2 An additional modification (MOD 79) has also been included to direct council to ensure that any other presentational or factual amendments, typographical or grammatical errors, or consequential changes within the draft Plan Strategy, are updated as a result of all modifications and minor editing changes. These updates should not amend the nature and intent of the modifications as directed. The Council should document any changes made which constitute any changes under MOD 79. This modification provides scope to address any amendments that are required as the draft plan strategy is brought forward for adoption. The Council should satisfy itself that any updates or errors brought forward fall within the scope of MOD 79 and do not amend the nature and intent of the modifications or any other aspect of the plan.

3.3 This direction shall be read in conjunction with the direction titled ‘*Department for Infrastructure Planning Act (Northern Ireland) 2011, Adoption of Belfast City Council Plan Strategy, (s12) Direction 2022*’, issued on the 4 February 2022,

as varied by *Schedule 1 & 1A* of this direction and where relevant superseded by the corresponding modifications. These should also be read in conjunction with the Independent Examination report (attached at Annex A).

3.2 The Council should ensure, in light of the modifications required to proceed to adoption, that updates to the sustainability appraisal and any other statutory assessments as necessary should be undertaken.

4.0 **Department's Powers**

4.1 If for any reason, the council does not comply with this direction in its entirety, the Department, if required, may also consider its intervention or default powers under sections 15 or 16 of the Act. The Department will take these steps only if it considers the plan is unsatisfactory, or if it considers that the council is failing or omitting to do anything necessary for it to do in connection with the preparation of the draft Plan Strategy.

5.0 **Adoption of the document**

5.1 The Department directs the council to provide notification of the adoption of the draft Plan Strategy by resolution of the council unless the Department exercises its powers under sections 15 or 16 of the Act.

5.2 Under section 12 of the Act and provisions set out in Regulation 24 of the 2015 Regulations, the Council must comply with the direction and the modifications hereby given and adopt the draft Plan Strategy as soon as reasonably practicable.

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Schedule 1 – Modification Table

Modification Ref	PAC Recommended Amendment Number.	Policy, section or paragraph number of dPS	DPS Page number	IE Report Recommended Amendments Red text to be deleted	DFI Directed Modifications
Section 1 - Introduction					
MOD 03	RA03	Building a smart connected and resilient place – “Objectives” 2 nd box	28	To ensure availability of land to facilitate sustainable patterns of development and promote travel whilst supporting demand management measures to encourage by more sustainable modes of transport.	<p>DFI directs council to modify the top middle objective box on page 28 in accordance with this PAC Recommended Amendment and also to include a further word (highlighted in yellow).</p> <p>For clarity this should read as follows:</p> <p>To ensure availability of land to facilitate sustainable patterns of development and promote travel whilst supporting demand management measures to encourage travel by more sustainable modes of transport</p>
MOD 05	RA05	Policy SP1 - Growth strategy	35	Inclusion of a strategic policy on phasing as outlined in paragraph 3.42 of this report.	DFI directs council to include the Policy SP1A on Phasing and Infrastructure Delivery, in accordance with this PAC Recommended Amendment and discussion with council; the new wording is detailed within Schedule 1A of this document.
MOD 06	RA06	Policy SP1 – Growth strategy	35	Inclusion of a policy relating to public services/utilities as set out in paragraph 3.43 of this report.	DFI directs council to include the Policy SP1A on Phasing and Infrastructure Delivery, in accordance with this PAC Recommended Amendment and discussion with council; the new wording is detailed within Schedule 1A of this document.

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Modification Ref	PAC Recommended Amendment Number.	Policy, section or paragraph number of dPS	DPS Page number	IE Report Recommended Amendments Red text to be deleted	DFI Directed Modifications
MOD 11	RA11	Policy HOU1 – Accommodating new homes	60	Policy HOU1 shall define a phased approach to the release of housing to ensure alignment of housing delivery with planned infrastructure investment and development lead-times.	DFI directs council to include the amended Policy HOU1 - Accommodating New Homes, in accordance with this PAC Recommended Amendment and discussion with council; the new wording is detailed within Schedule 1A of this document.
MOD 29	RA29	Policy BH2- Conservation Areas	118	Criterion k: The quality of design quality of the proposed building is considered to enhance the overall character of the conservation area paying due regard to viability of retention or restoration of the existing building .	DFI directs council to modify Criterion k of page 118 in accordance with this PAC Recommended Amendment and also to substitute the word ‘building’ to ‘redevelopment’ (highlighted in yellow) for consistency with wording used in RA36/MOD36. For clarity this should read as follows: Criterion k: The quality of design quality of the proposed building redevelopment is considered to enhance the overall character of the conservation area paying due regard to viability of retention or restoration of the existing building .
MOD 34	RA34	Policy BH2 and J&A para 7.4.20	121	Add final sentence: <u>Where consent is granted for demolition, this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition.</u>	For Clarity, the changes in relation to Policy BH2 and the J&A should read as follows, to include the new inserted word (highlighted yellow) as directed under MOD 30. DFI directs council to modify the final sentence of Policy BH2 subheading ‘Demolition’, in accordance with Appendix 4 of the dPS and align with commissioners’ comments within the IE report para

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					<p>5.199, to include the word highlighted in yellow, as directed by MOD 30.</p> <p>For clarity this should read as follows:</p> <p><u>Where consent is granted for demolition, this will normally be conditional on prior agreement for the redevelopment of the site, and appropriate arrangements for recording the building before its demolition.</u></p> <p>Furthermore, DFI directs council to modify para 7.4.20 of the J&A in accordance with the PAC Recommended Amendment, to include further wording (highlighted yellow and deletion of words in red) as detailed within Appendix 4 of the dPS. This change would ensure there is consistency with RA38/MOD38.</p> <p>For clarity, the final sentence of paragraph 7.4.20 of the J&A, should read as follows:</p> <p><u>Where consent is granted for demolition, this will normally be conditional on prior agreement for the redevelopment of the site; prohibition of demolition until contracts have been signed for the approved redevelopment of the site; and, where appropriate, arrangements for recording the building prior to before its demolition.</u></p>

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MOD38	RA38	Policy BH3 and J&A paragraph 7.4.25	122	<p>Add final sentence:</p> <p><u>Where consent is granted for demolition, this will normally be conditional on prior agreement for the redevelopment of the site; prohibition of demolition until contracts have been signed for the approved redevelopment of the site; and, where appropriate, the recording of the building before demolition</u></p>	<p>For Clarity, the changes in relation to Policy BH3 and the J&A should read as follows, to also include the modifications as directed under MOD 37.</p> <p>DFI directs council to modify the final sentence of Policy BH3 subheading ‘Demolition’ in accordance with Appendix 4 of the dPS and align with the commissioners’ comments within the IE report para 5.207, to include the words highlighted in yellow and deleted in red, as directed under MOD 37.</p> <p>For clarity this should read as follows:</p> <p><u>Where demolition consent is granted for demolition, this will normally be conditional on prior agreement for the redevelopment of the site, including prohibition of demolition until contracts have been signed for the approved redevelopment of the site and appropriate arrangements for recording the building before its demolition.</u></p> <p>Furthermore, DFI directs the council to modify the final sentence of paragraph 7.4.25 to include the text highlighted in yellow which addresses a typographical error.:</p> <p><u>Where consent is granted for demolition, this will normally be conditional on prior agreement for the redevelopment of the site; prohibition of demolition until contracts have been signed for the approved redevelopment of the site; and, where appropriate, the recording of the building before demolition</u></p>

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Modification Ref	PAC Recommended Amendment Number.	Policy, section or paragraph number of dPS	DPS Page number	IE Report Recommended Amendments Red text to be deleted	DFI Directed Modifications
MOD 62	RA62	Policy OS5 – intensive Sport facilities	250	<p>Amend policy headnote to state:</p> <p>Planning permission will be granted for the provision of new or extended intensive sports facilities where these are located at appropriate and accessible locations within settlement limits. In exceptional cases a stadium may be considered where intensive sports facilities are proposed outside settlement limits where the following criteria are met.....</p>	<p>DFI directs council to modify the policy headnote in accordance with the PAC Recommended Amendment, to address the accidental deletion of the word ‘outside’, highlighted in yellow.</p> <p>For clarity the policy headnote should read as follows:</p> <p>Planning permission will be granted for the provision of new or extended intensive sports facilities where these are located at appropriate and accessible locations within settlement limits. In exceptional cases a stadium may be considered where intensive sports facilities are proposed outside settlement limits where the following criteria are met.....</p>
MOD 63	RA63	Policy NH1 – Protection of natural heritage resources	256	<p>Fifth paragraph, end of final sentence:and that adequate mitigation or alternative and/or compensation measures will be put in place</p>	<p>DFI directs council to modify para 5 of Policy NH1 in accordance with the IE Report Recommended Amendments</p> <p>Furthermore, DFI directs council to modify the beginning of final sentence of para 10.2.9, using consistent terminology as follows:</p> <p>Any agreed mitigation or alternative and/or compensation measures...</p>
MOD 79					<p>As a result of the modifications contained within this direction, DFI directs the Council to ensure that any other presentational or factual amendments, typographical and grammatical errors or consequential changes are updated as necessary to the overall Plan Strategy upon</p>

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Modification Ref	PAC Recommended Amendment Number.	Policy, section or paragraph number of dPS	DPS Page number	IE Report Recommended Amendments <i>Red text to be deleted</i>	DFI Directed Modifications
					adoption. These updates should not amend the nature and intent of the modifications.

SP1A – Managing growth and supporting infrastructure delivery

5.1.4 As set out in the Policy Context and Strategic Aims the LDP is one of the key spatial tools to shape the physical form of Belfast through a sustainable approach that delivers the growth aspirations of the Belfast Agenda and RDS. The aims of the LDP are to build stronger communities by protecting and improving social, economic, green, digital and physical infrastructure through supporting its development and enhancement. The allocation of land and development to deliver the growth strategy will require new or enhanced infrastructure.

SP1A – Managing growth and supporting infrastructure delivery

The allocation of land and development to deliver the Council's growth strategy should be supported by the appropriate infrastructure. In advance of the Local Policies Plan the first phase will comprise existing allocations or commitments. Additional development may be permitted in this first phase where it can be demonstrated that the necessary supporting infrastructure requirements can be met, having due regard to the views of the relevant statutory consultees.

The Local Policies Plan will review and update the existing first phase development commitments and assess projected requirements beyond this first phase. Any new zonings or development capacity identified will be managed and released in accordance with provisions to be set out within the Local Policies Plan. Development will therefore be phased in a manner that ensures the necessary supporting infrastructural needs are addressed.

5.1.5 Land will be zoned for housing, employment uses and mixed-use sites within the LPP to deliver the council's growth aspirations. The delivery of employment space and homes will be phased to align with infrastructure capacity and investment over the plan period. The delivery of new homes, jobs, infrastructure, and community facilities must comply with the Spatial Development Strategy. The allocation of sites to phases will be based on principles to be brought forward through the Local Policies Plan, including:

- supporting the objectives of the Plan Strategy;
- identifying the most suitable and sustainable locations;
- prioritising 'brownfield' land within the urban footprint in accordance with the sequential approach set out in the SPPS;
- ensuring an adequate supply of affordable housing;
- contributing to regeneration in line with regeneration frameworks and masterplans;
- maintaining a 5-year supply of land for residential and employment use and
- the timing, availability or provision of adequate infrastructure.

5.1.6 The zoning of land to deliver the Council's growth aspiration will be considered through the LPP process. This will, where appropriate, phase the delivery of that development to align with infrastructure capacity and planned investment over the plan period. Existing commitments are those which have already gone through the planning process and involved an assessment of wider infrastructural needs in consultation with the relevant statutory authorities. As the sites are committed, they cannot be subject to phasing.

Schedule 1A – MODS 05, 06 & 11

- 5.1.7 The scale of existing housing, employment and mixed-use commitments across the City is recognised and set out within the provisions of EC2 and HOU1. There is no automatic assumption that these existing commitments will be delivered, particularly where detailed analysis identifies constraints affecting the availability and deliverability of sites. Regard will be had to the site history, including existing commitments, when assessing an application and its infrastructure needs. This will take account of the requirement that all uncommitted land to be developed during the plan period will be subject to the availability of adequate infrastructure, which would include but not be limited to that supporting transport, waste, water, energy and digital services provision.
- 5.1.8 Delivery of development may be phased to ensure alignment with infrastructure investment and taking account of projected lead in times for the forms of development proposed. It may also be possible to consider temporary solutions or the provision of on-site facilities by a developer that could allow a development to proceed, but this will be considered on a site-by-site basis in consultation with the relevant infrastructure body.
- 5.1.9 The strategy recognises that growth should be delivered in a phased manner. The allocation of sites to phases shall reflect the expectation that the majority of that growth will occur later in the plan period. In addition, tailored policies and/or the application of key site requirements will be brought forward through the LPP process having regard to the principles set out above. This aspect of the LPP will be underpinned by the ongoing monitoring required to support the maintenance of an effective land supply in accordance with the provisions of the SPPS and taking account of the required plan review process.

Policy HOU1 – Accommodating new homes

There is a requirement for 31,660 new homes in Belfast over the period 2020- 2035. This will be delivered in accordance with the requirements set out in the following table.

Settlement / Area	2020-2025	2026-2030	2031-2035	Total
Belfast city centre	1,600	2,800	3,600	8,000
Belfast Harbour estate	600	1,300	1,600	3,500
Rest of Belfast city	3,600	6,400	8,100	18,100
Small settlement total	-	30	30	60
Windfall Housing Supply	400	700	900	2,000
Total	6,200	11,230	14,230	31,660
<i>Indicative Annual Average Rates</i>	<i>1,100-1,300</i>	<i>2,100-2,300</i>	<i>2,700-2,900</i>	<i>2,000-2,200</i>

Figure 7.2 (Revised)

Settlement / Area	2020-2025	2026-2030	2031-2035	Total
Belfast city				
Belfast city centre	1,600	2,800	3,600	8,000
Belfast Harbour estate	600	1,300	1,600	3,500
Rest of Belfast city	3,600	6,400	8,100	18,100
<i>Belfast city Total</i>	5,800	10,500	13,300	29,600
Small settlements				
Edenderry	-	20	20	40
Hannahstown	-	-	-	-
Loughview	-	10	10	20
<i>Small settlement total</i>	-	30	30	60
Windfall allowance				
Windfall housing supply	400	700	900	2,000
Total	6,200	11,230	14,230	31,660
Annual average	1,100-1,300	2,100-2,300	2,700-2,900	2,000-2,200
<p><i>The average figures above set out the quantum of development projected to deliver the growth strategy over the plan period. The phasing will have regard to the provisions set out in Strategic Policy SP1A and will be established through the Local Polices Plan, taking account of the existing committed development with their associated infrastructure provision.</i></p>				