

Strategic Planning Directorate



Department for

Infrastructure

An Roinn

Bonneagair

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Your reference:
Our reference:

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Dear Ms Bentley

PLANNING ACT (NORTHERN IRELAND) 2011 THE PLANNING (LOCAL DEVELOPMENT PLAN) DIRECTION 2022

ADOPTION OF THE BELFAST CITY COUNCIL PLAN STRATEGY UNDER SECTION 12 OF THE PLANNING ACT (NORTHERN IRELAND) 2011

This correspondence encloses a formal direction from the Department for Infrastructure in relation to the adoption of the Belfast City Council draft Plan Strategy development plan document.

As you are aware, the Department received the Planning Appeals Commission (PAC) report on the Independent Examination (IE) of the draft Plan Strategy (dPS) on 29 September 2021. In summary, the IE report which is attached as Annex A, concludes that, subject to recommended amendments, the dPS satisfies all the legislative requirements as well as the procedural, consistency, coherence and effectiveness tests of soundness set out in Development Plan Practice Note 6 (DPPN 6) and that the dPS is sound on that basis.

The Department has considered the IE report and the reasoning for the recommendations contained therein. The reasoning within the report is accepted and the Department agrees that the dPS is sound, subject to the recommended amendments. Your attention is therefore drawn to the enclosed direction made by the Department under the powers conferred upon it by Section 12 of the Planning Act (Northern Ireland) 2011 (the Act).

The Council is required to adopt the plan document with the modifications as set out in Schedule 1 of the direction. The reason for this direction is that the Department agrees with the IE report that the development plan document is sound subject only to the required modifications being made.

Phasing

Your attention is drawn in particular to the proposed new and amended policies resulting from modifications 5, 6 and 11. These modifications reflect recommended amendments RA05, RA06 and RA11 and follow on from the recommendation for a strategic policy on phasing (paragraphs 3.42 and 3.43 of the IE report). While the IE report sets out how a phasing policy could be constructed, the detailed policy wording is a matter for the Council to consider through engagement with the relevant consultation bodies, including the Department for Infrastructure, Northern Ireland Water and any other bodies as the Council consider necessary.

As a minimum, the new policy should provide a strategic framework for the alignment of the growth strategy with infrastructure provision, including water and sewerage infrastructure. The new policy must support the managed release of sites in a manner that takes account of the RDS and local circumstances and other relevant planning considerations. These include a sequential approach to the allocation of land for housing; site readiness for development and the capacity of existing infrastructure including water, sewerage and other utilities to support development.

Consultation and DFI Agreement

Given the strategic nature of these modifications, along with the requirement for new policy to be included in the dPS, the council must satisfy itself that requirements for public consultation have been met. The Council must also be satisfied that updates to the sustainability appraisal and any other statutory assessments as necessary, are undertaken.

To ensure the direction is fully complied with, the Council must agree the wording of the new policies with the Department prior to the adoption of the Plan Strategy. Through constructive engagement in the development of the new policy requirements the Department anticipates that this approval will likely be a formality. In practical terms this will involve providing details of the policies in writing as well as a summary of consultation responses and the reasons for the Council's approach.

Publicity

The Department considers that the publicity of the IE report is for the Council to undertake, in conjunction with the publication of the direction as set out in regulation 24 of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015.

Decision making

The Council's draft Plan Strategy is a material consideration in making decisions on planning applications. Taking account of the Department's direction and the IE report, the policies of the draft Plan Strategy may now be accorded greater weight when making planning decisions prior to the adoption of the strategy. Ultimately the weighting of any material consideration is for the decision maker.

Additional matters

The Department would also like to draw the Council's attention to a number of aspects of the IE report that have not been included as recommended amendments or modifications. In particular the commentary on the dPS reliance on draft BMAP designations and the role of supplementary planning guidance and monitoring are addressed in turn.

Draft Belfast Metropolitan Area Plan (dBMAP)

The IE report addresses the issue of dBMAP 2015 and in particular the reliance upon a number of designations contained within that draft plan as far as they relate to the Council plan area. The report concludes that designations that form part of a draft plan cannot be adopted as part of the Council's dPS and must instead be read alongside it. It will therefore be for the Council to consider what weight should be given to the dBMAP 2015 designations in implementing associated PS policies when adopted. The report has not made a recommendation on this matter although it is observed that within the two stage plan process only adoption of the Local Policies Plan will resolve this issue. This matter is not the subject of a modification within the direction.

Supplementary Planning Guidance (SPG)

The Council has stated that it intends to produce numerous SPG to supplement the dPS. The IE report highlights that SPG is intrinsically complementary to policy and should assist in its interpretation and implementation, but should not explain the scope of that policy or introduce more onerous obligations or undertakings. The advice from the Council that draft SPG would be subject to scrutiny by Members and reviewed subsequent to feedback from a 12 week public consultation period will ensure accountability and provide checks and balances on its scope. On this basis the Department accepts this position and is satisfied that the extent of the SPG proposed by the Council is not inconsistent with the plan led system.

Monitoring and Review

The IE report acknowledges the important role that monitoring plays as part of the wider plan, monitor and manage approach. It acknowledges that the main device for reporting on the performance of the plan will be the Annual Monitoring Report (AMR). It concludes

that the Monitoring Indicators proposed, should be used in monitoring the plan, subject to the recommended amendments taken forward as modifications.

The report accepts that not all policies need or require associated indicators within the monitoring framework. The plan will be reviewed, or partially reviewed, to take account of changing conditions. This is also a statutory duty in accordance with Section 13 of the Planning Act (NI) 2011. As a matter of good practice it is the Department's view that monitoring of the policies of the PS should commence once the development plan document is adopted as this will assist in informing the preparation of the Local Policies Plan.

Finally, the Department wish to acknowledge the huge amount of work undertaken by Belfast City Council in the preparation of the draft Plan Strategy to this point. The Department considers that the professional approach of Council officials, the PAC and all other stakeholders involved in the process has contributed to the successful conclusion of the IE process. The Department acknowledges the desire of the Council to progress toward adoption of the Plan Strategy as soon as possible. In this regard we wish to express an appreciation for your patience during the Department's consideration of the recommendations within the IE report and the in preparation of the direction.

I would be grateful if you could arrange for any documentation pertaining to the direction, to be sent to myself and Susan Wilkin, Deputy Director, Strategic Planning Directorate.

Yours sincerely

ALISTAIR BEGGS
Director

Enc

Cc Angus Kerr