Brownfield and Contaminated Land Conference
Belfast
19 April 2018

Dermot O’Kane  Principal Planning Officer,
Belfast City Council
• Progress
• Challenges for Planning and Environmental Health
• Our approach to LDP and contaminated land
  • streamlining the planning consultation
    > detailing the type of information
    > clarifying the definition of “soundness”
• Effective collaboration
• Case Study: North Foreshore
Progress Made

- 11 new authorities established
- Development management up and running
- 11 Community Plans published
- Work on LDPs commenced
- New Performance monitoring Framework and plan monitoring
Belfast Urban Footprint

- Belfast is ostensibly urban
- RDS 60% Brownfield land
- Contaminated land is a major issue
Proportion of dwellings within the Belfast Urban footprint 2015-2017

- 2015/2016: 93.1%
- 2016/2017: 93.0%
Challenges

- Legacy of our Industrial past
- Environmental Damage and public Health Implications
- Part III of the Waste and Contaminated Land (Northern Ireland) Order 1997 – Polluter Pays Principal Commencement Order not issued
- Order would have made Councils survey their districts for contaminated land and take enforcement Action
Northern Ireland Approach

Absence of Northern Ireland specific legislation

Local councils have dealt specifically with land contamination through the planning regime

Important that they are reflected in the formation of the Local Development Plan
Post Council Reform

• Better communication between planning and environmental Health officers
• Better Engagement in democratic environment
• Process is reactive not proactive
• Legacy of land not subject to development proposals not covered
### Belfast Local Development Plan (LDP) 2035 Timetable

<table>
<thead>
<tr>
<th>Key Stages</th>
<th>Notes on Proposed Process</th>
<th>Indicative Timelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Publication of Statement of Community Involvement (SCI)</td>
<td>Final SCI to be submitted to Department for approval</td>
<td>April 2016</td>
</tr>
<tr>
<td>Publication of Timetable</td>
<td>Correct Statutory Stakeholders</td>
<td>May 2016</td>
</tr>
<tr>
<td>Preparation of evidence base to underpin production of Plan Strategy and Local Policies Plan</td>
<td>Final evidence base to be submitted to Department for approval</td>
<td>June December 2016</td>
</tr>
<tr>
<td>Informal consultation with Electorate Members, statutory stakeholders and community representatives</td>
<td>Commission specific, targeted studies required (e.g. transportation and housing; economic development; natural resources etc.)</td>
<td>January – April 2017</td>
</tr>
<tr>
<td>Publication of Preferred Options Paper</td>
<td>12 week public consultation</td>
<td>May 2017 – March 2018</td>
</tr>
<tr>
<td>Consideration of responses to POP consultation, continued engagement with key stakeholders and drafting of policies</td>
<td>Preparation of Public Consultation Report</td>
<td>Spring – Autumn 2018</td>
</tr>
<tr>
<td>Publication of Draft Plan Strategy</td>
<td>Consultation with relevant statutory consultees and key stakeholders - Governmental, trade, and professional bodies</td>
<td>Late 2018</td>
</tr>
<tr>
<td>Sustainability Based Independent Examination</td>
<td></td>
<td>Late 2019*</td>
</tr>
<tr>
<td>Adoption of Plan Strategy</td>
<td>Changes made to Finalise Plan Strategy</td>
<td>Late 2019*</td>
</tr>
<tr>
<td>Informal consultation with Electorate Members and statutory stakeholders</td>
<td>Publication of final Sustainability Appraisal (inc. SEA) and Public Consultation Report</td>
<td>Late 2019*</td>
</tr>
<tr>
<td>Publication of Draft Local Policies Plan</td>
<td></td>
<td>Late 2019*</td>
</tr>
<tr>
<td>Sustainability Based Independent Examination</td>
<td></td>
<td>Late 2019*</td>
</tr>
<tr>
<td>Adoption of Local Policies Plan</td>
<td>Advisory report to Central Government</td>
<td>Late 2019*</td>
</tr>
<tr>
<td>Monitor and Review</td>
<td>Advisory report to Central Government</td>
<td>Late 2019*</td>
</tr>
</tbody>
</table>

* May require a longer period depending on changes required following Independent Examination.
Policy SP1 – Growth Strategy

The Growth Strategy for the Local Development Plan can be summarised as follows:

- Support 46,000 additional jobs
- Our city is home to an additional 66,000 people
- 570,000 sq m of employment floor space (B-Use Class) 2020-2035
- 31,600 additional homes 2020-2035
Place making

- Plan Led
- Vibrant and Diverse
- Accessible
- Civic Pride
- Health and Well being
- A Sense of Place
- High Quality environment
Accommodating Growth
Our strategic aims

Creating a vibrant economy
A strengthened Belfast as the regional economic driver.

Shaping a liveable place
Promoting development that enhances the health and wellbeing of communities, neighbourhoods and places.

A green and active place
A protected, enhanced and attractive natural setting, reinforcing uniqueness and accessibility to all who live, work and enjoy the city.

A smart connected and resilient place
Improving connectivity and supporting the efficient movement of people, goods, energy and information to create a dynamic, innovative 21st century city with the capacity for adaption to environmental challenges.
LDP Structure

Local Development Plan Vision
(Aligned to Belfast Agenda Vision)

Strategic aims & objectives
- Shaping a Liveable Place
- Creating a Vibrant Economy
- Smart, Connected, Resilient Place
- Green and Active Place

Overarching policies
- Improving Health and Well-being
- Community Cohesion and Good Relations
- Positive Place Making
- Connectivity

Growth strategy
- Housing Design and Heritage Community Infrastructure
- Economic Growth Retailing City Centre
- Infrastructure, telecoms and utilities
- Transport
- Building Environmental Resilience
- Waste Infrastructure
- Minerals
- Open space, sport and outdoor recreation
- Natural Heritage and trees
- Coastal Development
- Development in the Countryside

Settlement strategy
- Implementation, Monitoring and Review

Local Development Plan 2035
Draft Plan Strategy
New LDP Policies

• Presumption new housing will be built on previously developed land
• Seek to maintain and enhance environmental quality and protect from materially harmful development
• Encourage improvement in environmental quality including the remediation of contaminated land as part of redevelopment
• Suitable mitigation must be identified to remediate any contaminated land
Streamlining the Process

• Better information frontloading process
• BCC preparing DM guidance notes for planning applicants detailing the type of information needed
• Information sharing
• Better access to Environmental Health land database
Clarifying Requirements

Planning Applications – 10 Operating Principles
Helping our customers get a timely planning decision that benefits our city.

1. We make sure we have the right information to support an application at the start of the process.
   - We tell our customers what information we need with their application before they submit it. Our Application Checklist will list what information is required and when.
   - We inform the applicant when an application form is required.
   - If we ask for further information, we ensure the applicant is given an opportunity to address problems as soon as possible.
   - Where applicable, we inform the applicant of the right to appeal.

2. We make sure we consult the right people.
   - We consult the right people at the beginning of the process and follow the correct consultation procedures.
   - If the consultation results are not straightforward, we may require more time or further information.

3. We get on-site as soon as possible.
   - We check to ensure we have a proposal on-site within 21 days after an application.
   - If the on-site visit is not within 21 days, we will notify the applicant.

4. We make sure that we understand our customer’s requirements.
   - We need to understand the customer’s needs and establish the proposal and the timescale required for their project.
   - We will work to help the customer understand their options and the timeframes involved.

5. We decide the ‘path’ of an application as soon as possible (whether it will be approved, refused or if changes are needed).
   - This means that any problems with an application are dealt with at their start, where possible, and that our customers know at an early stage how we will deal with their application.

6. We inform the applicant or agent as soon as we receive that there are problems with an application and try to find a solution.
   - Our customer contact line is available to customers who have an application that is being processed.
   - If we inform the applicant of the problems, we may require a new submission.

7. We provide a Pre-Application Decision (PAD) service so that issues can be identified at the beginning of the process.
   - This leads to better quality planning applications, which should be determined.
   - If the application does not meet the necessary pre-application, we may refuse permission. This is because if we can determine the PAD process and our ability to process planning applications quickly and effectively.

8. If there’s a fundamental problem with an application, we cannot resolve following discussions with the applicant, we will immediately refuse the application.
   - Unfixable applications should be determined as quickly as possible, with the interests of the efficiency of the process being a priority.

9. We take advice from technical consultants into consideration but always ask, “What do we follow this advice in this particular situation?”
   - While we are obliged to consult and take advice from the relevant technical consultant, we have a proportionate approach to the handling of each planning application.
   - We do not take action from technical consultants in instances where we need to assess whether or not we can go ahead and make the decision without it.

10. We have the next meeting at all times.
    - Any blockages in the process cause delays. We make sure that the backlogs are reviewed at our weekly management meetings to make sure that the tasks are always compiled in the application’s court, not in line with the work efficiently moving.
Soundness of the Development Plan Document

• Section 10(6), Planning Act (Northern Ireland) 2011
  • “The purpose of an independent examination is to determine in respect of the development plan document ... whether it is sound”
• A Council must not submit the DPD to the Department unless it is confident the DPD will be shown to be sound at independent examination
• Soundness is not to be presumed in the absence of evidence to the contrary, and the independent examiner and the Department need to be persuaded of soundness Persimmon Homes v Blyth Valley Borough Council 2008
• Imperative that a Council takes all necessary steps to incorporate and assess for soundness throughout the process, rather than leaving it to the final stages of preparation
• Those who want to make representations should focus on why the DPD is not sound and how any proposed changes will make it sound.
Soundness of the Development Plan Document

• Soundness is not defined in the Act, so what does soundness mean?
• Development Plan Practice Note 6 (drawn from English PPS 12) explains that
• Soundness requires the LDP document to be tested at the independent examination “in terms of content, conformity and the process by which it is produced”
• “The tests of soundness are based upon three categories which relate to how the development plan document (DPD) has been produced, the alignment of the DPD with central government regional plans, policy and guidance, and the coherence, consistency and effectiveness of the content of the DPD”
• “...it may be considered... Within its ordinary meaning of ‘showing good judgement’ and ‘able to be trusted’ and within the context of fulfilling the expectations of legislation”
Soundness of the Development Plan Document

• *Procedural tests*
  
  • P1 Has the DPD been prepared in accordance with the council’s timetable and the Statement of Community Involvement?
  
  • P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
  
  • P3 Has the DPD been subject to sustainability appraisal including Strategic Environmental Assessment?
  
  • P4 Did the council comply with the regulations on the form and content of its DPD and procedure for preparing the DPD?
Soundness of the Development Plan Document

• Consistency tests
  • C1 Did the council *take account* of the Regional Development Strategy?
  • C2 Did the council *take account* of its Community Plan?
  • C3 Did the council *take account* of policy & guidance issued by the Department?
  • C4 Has the plan *had regard* to the relevant plans, policies and strategies relating to the council’s district or to any adjoining council’s district?
  • Compare the position in England, where the plan has to be consistent with the NPPF
Soundness of the Development Plan Document

• *Coherence and effectiveness tests*

• CE1 The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils

• Plan Strategy and Local Policies Plan have to be consistent with each other

• CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base

• Note the linkage to SEA requirement to assess all reasonable alternatives

• CE3 There are clear mechanisms for implementation and monitoring

• CE4 It is reasonably flexible to enable it to deal with changing circumstances
Case Study: North Foreshore Giant’s Park

- Former Dargan Road Waste Landfill Site

- Biggest Regeneration Project in Belfast

- 3 km North of City Centre

- Adjacent to Belfast Lough

- 138 Hectares
Waste Landfill Site

- **1973** - 40 hectares designated for waste infill

- **1980** – Additional 98 hectares designated for waste infill

- **34km** sea wall defences constructed

- **10 million tonnes** of waste dumped since 1975

- Average depth of waste is **20 metres**.

- Waste Landfill operations stopped **March 2007**
Policy Drivers

• EU Directives Compliance - Waste Landfill Sites, Land & Ground Water Contamination

• UK Policies / Legislation – Reuse of Brownfield Sites, Economic Development, Climate Change.

• Northern Ireland - Regional Development Strategy / dBMAP / Planning Policies
Environmental Issues and Risks

• Waste Landfill Site Legacy
  • Ground Contamination
  • Landfill Gas
  • Differential Settlement
Environmental Risk Assessment

• Risks to human health for current and future site users

• Risks to the proposed development from flooding

• Risks to the proposed development from landfill gas

• Risks to ecology (flora and fauna)

• Risks to water receptors, including groundwater, Lowwood Stream and Belfast Lough

• Risks from the landfill to future building/developments
Aftercare Measures

- Surcharging the Waste
- Capping
- Gas Abstraction System
- Dynamic Compaction
- Piled Buildings
- Gas Protection Monitors
- Ongoing Leachate / Gas Surveys
Landfill Gas Electricity Generation Power Plant

- c900 m3 Landfill Gas per hour
- Generators producing 1 mega watts renewable energy
- Export to Local NIE Grid
Concept Development Framework

• Integrated Development Approach
  • Environmental Resource Park
• Major Open Space / Recreational Space
Giant’s Park Concept Plan