

DEPARTMENT OF THE ENVIRONMENT
FOR NORTHERN IRELAND

Belfast Harbour Local Plan 1990-2005

Adoption Statement 1991

BELFAST: HMSO

BELFAST HARBOUR LOCAL PLAN 1990-2005
ADOPTION STATEMENT 1991

1.0 INTRODUCTION

1.0.1 Between 23 March and 12 April 1990 the Belfast Harbour Local Plan (hereinafter referred to as the "Local Plan") was exhibited at the Central Library, Royal Avenue, Belfast, at Avoniel Leisure Centre, Avoniel Road, Belfast, Loughside Recreation Centre, Shore Road, Belfast and at the Queen's Hall, Sullivan Place, Holywood. There were 79 letters of objection or representation to the Local Plan proposals.

1.0.2 To assist the Department in its consideration of these objections a Public Inquiry was held before Mr F J Warke BA, MSC, MRTPI, Principal Professional Commissioner of the Planning Appeals Commission (hereinafter referred to as The Commission) under the terms of Article 6(2) of the Planning (NI) Order 1972 in the Greeves Hall, CIYMS Sports Pavilion, Circular Road, Belfast. All objectors were invited to attend this Inquiry which opened on 23 October 1990 and following an adjournment closed on 14 January 1991. A pre-inquiry meeting had been held in the Greeves Hall, CIYMS Sports Pavilion, Circular Road, Belfast on 25 September 1990.

1.0.3 The Commissioner's Report of the Inquiry and the recommendations of the Planning Appeals Commission are published today. Although the Commission has recommended some changes to the Local Plan proposals, it does, nevertheless accept that the various proposals contained in the Local Plan make a substantial contribution to the enhancement of this area of Belfast which has a vital role to play in the economic and environmental future of the city as a whole.

1.0.4 This Adoption Statement sets out the Department's response to the findings and recommendations of the Commission. The Department has decided to adopt the land use policies and proposals contained in the Belfast Harbour Local Plan subject to certain amendments made in response to the Commission's recommendations. These amendments are dealt with in this Adoption Statement. In due course a definitive version of the Plan, embodying the amendments recommended by the Commission and accepted by the Department will be published.

2.0 PLANNING APPEALS COMMISSION REPORT AND RECOMMENDATIONS OF THE COMMISSION

2.0.1 This part of the statement sets out the Department's decision on the objections considered by the Planning Appeals Commission based on the Report of the Public Inquiry. For ease of reference the Department has used the headings used in that report. Paragraph references at the end of each heading refer to the Commissioner's Report.

2.1 OBJECTIONS RELATING TO THE PORT, NATURE CONSERVATION AND ENVIRONMENT AND AMENITY

2.1.1 OBJECTION TO THE PRINCIPLE OF PORT EXPANSION AT THE EXPENSE OF NATURE CONSERVATION INTERESTS (para 3.1-3.1.13)

The Department notes the views of the Commission that in general terms the overall plan framework, does achieve an acceptable balance between the conflicting interests of port related development and nature conservation.

The Department accepts the Commission's recommendation that the general principles adopted by the Plan in its approach to these matters need not be amended.

2.1.2 OBJECTIONS RELATING TO THE PROPOSED INFILLING OF LAGOONS D2 AND D3 AND THE FEASIBILITY OF CONSTRUCTING A NEW LAGOON D3(a) (para 3.2-3.2.12)

The Commission noted the broad measure of agreement which had been reached between the Department and a significant number of objectors on an alternative zoning arrangement in respect of Lagoon D2 and the proposed Lagoon D3(a). The Commission accepted that the alternative proposals met in large measure the objections which were not withdrawn, and recommended that the Plan be amended to incorporate the alternative zoning arrangements with the policies PT2 and NC2 reworded accordingly.

The Department accepts the Commission's recommendation and has amended the Plan accordingly.

In doing so, the Department notes the view of the Commission on the question of amending proposals contained in the published Plan. The Department is satisfied that the alternative zoning proposals do not constitute a major departure from the plan framework as published and that the alternative

proposals are likely to meet the concerns expressed over the provision of a replacement lagoon.

2.1.3 OBJECTIONS THAT THE PLAN FAILS TO HAVE A PROPER REGARD TO

- (1) INTERNATIONAL IMPORTANCE OF BELFAST LOUGH FOR ITS BIRD POPULATIONS
- (2) THE DECLARATION OF THE INNER LOUGH AS AN ASSI. (para 3.3-3.3.6).

The Commission noted that agreement had been reached between the Department and the objectors on these issues and recommended the insertion of the following wording in the Plan:

“The Area of Special Scientific Interest will be protected and development likely to adversely affect it will not normally be permitted”; and

“Regular counts of the wildfowl and wading bird populations demonstrate that Belfast Lough as a whole is regularly visited during the winter in numbers sufficiently large to indicate that it is important in international terms”.

The Department accepts the Commission’s recommendation and has included these statements in the Plan.

2.1.4 OBJECTIONS RELATING TO THE EXTENT OF THE PROPOSED NATURE PARK AND ITS BISECTION BY A PROPOSED ROAD/RAIL LINK (para 3.4-3.4.8)

The Commission recommended that the Plan be amended to show the alternative proposals for the nature park, and the industrial/commercial zoning for Area G, and revised line for the road/rail link from the Bangor Road to the Sydenham Area.

The Department accepts the Commission’s recommendation and has amended the Plan accordingly.

2.1.5 OBJECTIONS TO CONTINUED INFILLING BY WASTE DISPOSAL OPERATIONS ON THE NORTH FORESHORE (para 3.5-3.5.5)

The Department accepts the Commission’s recommendation that the policies relating to the issues of landfill (NC1) and waste disposal (WD1) on the north foreshore be confirmed.

2.1.6 OBJECTIONS THAT POLICY NC3 IS VAGUE AND AMBIGUOUS IN SO FAR AS IT REFERS TO THE EXTENT AND LONG-TERM CHARACTER OF NATURE CONSERVATION USES (para 3.6-3.6.8)

The Commission noted that Policy NC3 represented genuine and worthwhile commitment to the long-term presence of significant nature conservation habitats within the north foreshore area. The Commission recommended that the following wording be included under this Policy:

“The Department is committed to ensuring that nature conservation will continue to be an important component of the land use of the north foreshore in the long-term.”

The Department accepts this recommendation and has included this statement in the Plan.

2.1.7 OBJECTIONS THAT THE LANDSCAPE PROPOSALS FOR LIGHT INDUSTRIAL AREAS ARE INAPPROPRIATE IN AN ASSI, THAT THE PROPOSAL TO RELOCATE THE SPORTS PITCHES IN VICTORIA PARK ARE CONTRARY TO THE BUAP POLICY ON OPEN SPACE AND THE LANDSCAPING POLICY SEEMED TO APPLY ONLY TO NEW PRIVATE DEVELOPMENT (para 3.7-3.7.6)

The Department accepts the Commission’s recommendation that as policy ENV1 relates to landscape proposals generally it should be confirmed.

2.1.8 OBJECTION THAT POLICY ENV1 WHILST GENERALLY TO BE WELCOMED, DOES NOT MAKE REFERENCE TO A PRESUMPTION IN FAVOUR OF PLANTING NATIVE TREE SPECIES (para 3.8-3.8.4)

The Commission noted that the Department was willing to include a reference to native tree species in this policy. The Commission recommended that the following wording be added to Policy ENV1:

“Where tree planting is to take place, the Department will require appropriate native species to be used wherever possible.”

The Department accepts this recommendation and has included this statement in the Plan.

2.2 OBJECTIONS RELATING TO INDUSTRY, COMMERCE AND HOUSING

2.2.1 OBJECTIONS RELATING TO THE LACK OF ANY ANALYSIS IN THE PLAN OF THE NEED FOR INDUSTRIAL AND COMMERCIAL LAND ZONINGS AND THE ABSENCE OF POLICIES ON RESIDENTIAL USE (para 4.1-4.1.10)

The Department notes that the Commission endorsed the general thrust of the Plan insofar as it relates to the provision of land for industry and commerce. The Department also notes that the Commission did not consider it necessary to make a formal recommendation on the issue of residential use within the harbour area.

2.2.2 OBJECTIONS THAT AREAS D, E AND G WOULD INCREASE THE SEPARATION OF THE CITY FROM BELFAST LOUGH AND AREAS E, F AND G COULD HAVE IMPLICATIONS IN RESPECT OF SAFETY AND SECURITY OF THE AIRPORT AND THE DEVELOPMENT OF ITS RUNWAY (para 4.2-4.2.7)

The Commission recommended that the industrial and commercial zoning of Areas D, E, F and G (as proposed in the alternative zoning arrangements) be confirmed.

The Department accepts this recommendation and confirms the zoning.

2.2.3 OBJECTIONS TO THE INCLUSION OF HOUSING UNDER POLICY IC2 WHICH RELATES TO REDEVELOPMENT OF DISUSED INDUSTRIAL LAND AT QUEEN'S ISLAND (para 4.3-4.3.25)

The Commission recommended that Policy IC2 be amended as follows:—
“In line with the Laganside concept, the Department will allow a mixture of commercial, recreational and cultural land use in this area – some residential development may be possible within the triangular area to the rear of the Abercorn Basin”.

The Department accepts this recommendation and has amended the Plan accordingly.

2.2.4 OBJECTION TO THE STATEMENT UNDER POLICY IC1 “THAT PLANNING PERMISSION WILL NOT BE GRANTED FOR A RETAIL WAREHOUSE PARK AT SYDENHAM” (para 4.4-4.4.20)

The Commission recommended amendment of the above statement in Policy IC1 to effect that any such proposals would be assessed within the context of the objectives, strategies and relevant policies of the Urban Area Plan.

The Department accepts this recommendation and has reworded the statement in the Plan to read:

“Proposals for development on zoned lands at Sydenham including retail warehouses and retail warehouse parks shall be assessed within the context of the objectives, strategies and associated relevant policies of the Urban Area Plan for industry, commerce and shopping”.

2.3 OBJECTIONS RELATING TO BELFAST CITY AIRPORT

2.3.1 OBJECTIONS THAT THE PLAN MAKES NO REFERENCE TO THE EFFECT OF AIRPORT GROWTH ON WILDLIFE IN THE AREA AND THAT GROWTH MAY HAVE IMPLICATIONS FOR PUBLIC SAFETY (para 5.1-5.1.8)

The Commission accepted that due regard was paid to wildlife interests in formulating proposals for airport growth and recommended that the Public Safety Zones in Policy AP4 should be confirmed.

Noting the comment, the Department accepts this recommendation and confirms Policy AP4.

2.3.2 OBJECTIONS TO THE FUTURE GROWTH OF BELFAST CITY AIRPORT AND THE INADEQUATE NATURE OF POLICIES AIMED AT CONTROLLING THE ENVIRONMENTAL IMPACT OF THE AIRPORT

OBJECTION THAT THE MEDIUM GROWTH SCENARIO (UP TO 28,300 AIR TRANSPORT MOVEMENTS PER YEAR) FOR BELFAST CITY AIRPORT WOULD CHANGE THE ROLE AND CHARACTER OF THE AIRPORT AND ITS COMPLEMENTARY RELATIONSHIP WITH BELFAST INTERNATIONAL AIRPORT

OBJECTIONS THAT THE PLAN RESTRICTS CONSUMER CHOICE BY SEEKING TO MAINTAIN BELFAST CITY AIRPORT’S ROLE IN THE CONTEXT OF ITS COMPLEMENTARY RELATIONSHIP WITH BELFAST INTERNATIONAL AIRPORT AND THAT IT MAKES INADEQUATE PROVISION FOR ROAD ACCESS TO THE AIRPORT TO FACILITATE GROWTH IN PASSENGER LEVELS

OBJECTIONS TO THE POSSIBILITY OF CHANGES TO POLICY AP1 ARISING FROM THE REPRESENTATIONS OF OTHERS AND TO THE INCLUSION OF ENVIRONMENTAL AND OPERATIONAL CONSTRAINTS WITHIN THE TEXT UNDER POLICY AP3 (para 5.2-5.2.107)

- (i) On the issue of the complementarity of Belfast City Airport with Belfast International Airport, the Commission took the view that a local plan such as the Belfast Harbour Local Plan set within the context of a wider strategic plan, the Belfast Urban Area Plan 2001, is an inappropriate method of resolving an issue which it felt might well merit attention within wider reviews of the air transport needs of the Province.

Accordingly, the Commission recommended:

- (a) that the second objective on page 27 of the Plan should be amended by the deletion of the words “and its complementary relationship with Belfast International Airport”; and
- (b) deletion of the sentence at the end of the first paragraph on page 31 of the plan which reads “The Department would wish to see the complementary relationship maintained.”

The Department notes the Commission’s comments and accepts these recommendations. It has amended the Plan accordingly.

- (ii) With regard to the expansion of commercial transport operations, the Commission did not endorse Policy AP1. Through this policy declaration the Department proposed to put the airport operators on notice that it would seek a planning application if an annual total air transport movements exceeded 28,300 – the maximum figure projected by the Department’s consultants, TecEcon, in a “medium growth” scenario which it was reasoned produced a rate of growth within the plan period compatible with the surrounding environment.

The Commission saw aircraft noise as the primary environmental consideration to be addressed in this section of the Plan and recognised that it would be desirable to minimise noise impact consistent with the reasonable growth expectations of an existing airport.

The Commission felt that instead of a policy which purported to “trigger” a planning application at a specified number of air transport movements, the co-operation of the airport operators should be secured in establishing a noise monitoring regime, the aim of which would be to ensure that growth takes place within reasonable noise parameters.

The Commission recommended that these parameters be set by a recalculation of the Department’s predicted indicative noise contours — based on the full growth potential of the existing facilities at the Airport, which it pointed out is governed basically by the terminal building annual passenger throughput capacity.

The Commission further recommended that for this purpose the Noise and Number Index (NNI) should be replaced by the Leq daytime index, and that a representative advisory group should be set up to consider an annual monitoring report and deal generally with noise problems and complaints.

The Department notes the Commission's comments and accepts the recommendation that Policy AP1 should be changed to read "The Department will establish indicative noise contours against which reasonable growth of airport operations will be assessed".

The Department accepts the broad thrust of the Commission's recommendations on noise monitoring as set out in the report of the appointed member paras 5.2.95 to 5.2.97, and notes the reporting in para 5.2.94 of a statement on behalf of Shorts Bombardier PLC that the airport operators would be prepared to co-operate in reasonable noise monitoring exercises.

The Department has therefore substituted the following as Policy AP1:

"POLICY AP1

THE DEPARTMENT WILL ESTABLISH INDICATIVE NOISE CONTOURS AGAINST WHICH RESONABLE GROWTH OF AIRPORT OPERATIONS WILL BE ASSESSED

The Department acknowledges the problems associated with the growth of an existing airport within a city setting, and that noise is a land use characteristic of airport development which it is appropriate to address in this Plan.

The impact of aircraft noise on people living near airports can be reduced in several ways. One is to make the aircraft themselves quieter. Another is to adopt operational arrangements of various sorts, such as establishing procedures so that the aircraft are kept as far away as possible from local communities and are flown as quietly as possible; or providing noise insulation in homes most affected; or imposing local restrictions on types of aircraft or on hours of operation.

The Department expects the operators of Belfast City Airport to take all practicable measures to keep noise levels to a minimum. It acknowledges that the airport operators are sensitive to the impact of airport operations on the surrounding area and have in place a voluntary code of environmental and operational considerations (see Policy AP3) which have constrained the manner in which airport operations have been allowed to grow to date.

It also acknowledges that modern civil jet aircraft with high bypass engines are typically four times quieter than the original jets and twice as quiet as equivalent low bypass types. It notes that the original jets are no longer allowed to operate in the UK and that proposals have been agreed for the phasing out of the operation of the older, noisier types by the year 2002.

The Department, however, considers it desirable that there should be local consultation about the measures to minimise noise and about how they are working in practice. It believes that reasonable growth can take place but that it should take place within a pre-defined "noise climate" and that people living near the airport should have access to authenticated information about air transport movements and noise exposure.

Consistent with this belief the Department will seek to establish a basis for local consultation and ensure that indicative noise contours are available for the purposes of monitoring and assessing the noise consequences of growth in airport operations at Belfast City Airport".

- (iii) With regard to Policy AP2, the Commission recommended that the third paragraph of text under the policy be revised to read:

"The Department will therefore accommodate new access arrangements to the airport, either independently or in conjunction with the airport authorities, as part of the proposals to widen Sydenham Bypass. At present the alternatives would appear to be:

- (i) an access road from the proposed Connsbank Junction (see Policy RD2); or
- (ii) a cut and cover tunnel from Airport Road.

In the meantime the Department will continue to monitor the existing access arrangements and, if necessary, introduce short-term measures to cope with such problems as may arise".

The Department accepts this recommendation and has revised the wording of the Plan accordingly.

- (iv) The Commission recommended the insertion of the following sentence at the end of the penultimate paragraph under Policy AP2:

"However due to changing patterns of trade at the airport during the plan period a higher ratio of car parking spaces to passenger levels may be required and accordingly the future level of car parking provision may need to be greater".

The Department accepts this recommendation and has included this statement in the Plan.

- (v) The Commission recommended replacement of the second and third paragraphs of the text under Policy AP3.

The Department accepts this recommendation with minor amendment to wording to allow scope for the detail of consultation and monitoring arrangements to be the subject of negotiation and discussion. Policy AP3 and the text under it now reads as follows:

“POLICY AP3

THE DEPARTMENT WILL SEEK TO MAINTAIN THE AIRPORT’S PRESENT ROLE AND CHARACTER AS A REGIONAL AIRPORT

Since the introduction of passenger services in 1983, Belfast City Airport has fulfilled an important role alongside Belfast International Airport (Aldergrove). Aldergrove is Northern Ireland’s major airport — the trunk route and international gateway. Belfast City Airport operates mainly as a regional airport serving other regional centres in the United Kingdom with short haul aircraft. The Department considers that airport operations within the framework of indicative noise contours will not alter the character of the airport so long as the operators adhere to the following environmental and operational constraints:

- the use of quiet aircraft (to be defined by reference to current practice and standards)
- operating services between 6.30 a.m. and 9.30 p.m.
- the maintenance of the present bias in favour of the main flight path over Belfast Lough.

The Department will seek to establish a basis for local consultation and monitoring to ensure that the performance of airport operations can be regularly and reliably assessed against these environmental and operational constraints.”

2.4 OBJECTIONS TO ROADS AND SEWAGE TREATMENT

2.4.1 OBJECTION TO ALL THE ROAD PROPOSALS IN THE PLAN ON THE BASIS THAT THEY ACCOMMODATE THE USE OF PRIVATE CARS AND DID NOT ENCOURAGE MORE ENVIRONMENTALLY ACCEPTABLE FORMS OF TRANSPORT (para 6.1-6.1.8)

The Commission accepted that the policies relating to roads in the Local Plan reflected the balance of present Government policy.

The Department notes these comments.

2.4.2 OBJECTIONS (I) THAT SLIP-ROADS FROM THE CROSS HARBOUR BRIDGE WILL AFFECT BUILDINGS IN SCRABO STREET, GAMBLE STREET, TOMB STREET, GEORGE'S STREET AND NELSON STREET (RD1); (II) THE IMPACT OF THE NEW CONNSBANK JUNCTION ON THE ASSI AND KING GEORGE V PLAYING FIELDS (RD2); AND (III) THE WIDENING OF SYDENHAM BY-PASS (RD3). (para 6.2-6.2.8)

The Department notes the Commission's view that proposals RD1 and RD2 are broadly similar to the adopted Belfast Urban Area Plan proposal and as such could not properly be modified through the local plan process. The Commission recommended that Proposal RD3 be endorsed

The Department accepts this recommendation and confirms Proposal RD3.

2.4.3 OBJECTIONS THAT THE PLAN DID NOT MENTION THE OPTIONS RELATING TO THE PROPOSED NEW SEWAGE WORKS AND THAT THE PROPOSALS DID NOT PROVIDE FOR TREATMENT OF SEWAGE IN ACCORDANCE WITH EC DIRECTIVES (para 6.3-6.3.6)

The Department notes that the Commission was satisfied that the presentation of information on the options at the Article 5 stage of the Plan process afforded parties a reasonable opportunity of making representation on the replacement sewage treatment works.

The Department accepts the Commission's view that the Plan's 'bibliography' should include reference to the study of the environmental impact of the reconstruction of the STW undertaken by the Water Research Centre. This report is now included in the bibliography of the Plan.

The Commission recommended that the text under Proposal ST1 be amended to include reference to the secondary treatment of effluent.

The Department accepts this recommendation and has amended the Plan accordingly.

3.0 ADOPTION OF THE BELFAST HARBOUR LOCAL PLAN

3.0.1 The Department now proposes to adopt the Belfast Harbour Local Plan as amended in the Adoption Statement as a development Plan under Article 8 of the Planning (Northern Ireland) Order 1991.

3.0.2 The Department has accordingly made the necessary Order adopting the Belfast Harbour Local Plan which is reproduced as Appendix 1 of this Statement.

4.0 CONCLUSION

4.0.1 Finally, the Department wishes to thank the elected representatives and all those members of the public who contributed to the decision making process. The Department would also like to thank the Commissioner who conducted the Inquiry. His comprehensive and detailed report has greatly assisted the Department in its consideration of the objections.

Department of the Environment for Northern Ireland
November 1991

APPENDIX 1

THE PLANNING (NORTHERN IRELAND) ORDER 1991 THE (PLANNING DEVELOPMENT PLAN) REGULATIONS (NORTHERN IRELAND) 1991 BELFAST HARBOUR LOCAL PLAN (ADOPTION) ORDER (NORTHERN IRELAND) 1991

Made 6th November 1991

WHEREAS the Department of the Environment (hereinafter referred to as "the Department") in pursuance of Part III of the Planning (Northern Ireland) Order 1991(a) (hereinafter referred to as "the Order") and the Planning (Development Plan) Regulations (Northern Ireland) 1991(b) has, after consultation with Belfast and North Down Councils, prepared a Development Plan (hereinafter called "the Plan") for parts of the areas of the districts of the said councils;

AND WHEREAS the Department has complied with Article 5 of the Order;

AND WHEREAS copies of the Plan were made available for inspection and objections having been duly made within the time stated for making objections, the Department caused a Public Local Inquiry to be held by the Planning Appeals Commission in October 1990 and January 1991 for the purpose of considering such objections;

AND WHEREAS the Department has considered the said objections and the Report of the Planning Appeals Commission on the said Inquiry;

NOW THEREFORE the Department in exercise of the powers conferred by Article 8(1) of the Order and all other powers enabling it in that behalf hereby Orders as follows:

1. This Order may be cited as the Belfast Harbour Local Plan (Adoption) Order (Northern Ireland) 1991.
2. The Plan is hereby adopted as a Development Plan to the extent, approved and endorsed in the statement entitled "Belfast Harbour Local Plan 1990-2005 Adoption Statement 1991".

(a) S.I. 1991 No. 1220 (N.I.11)
(b) S.R. 1991 No. 119

3. The Plan together with the said statement shall be known as the Belfast Harbour Local Plan which shall become operative on 20th November 1991.

Sealed with the official seal of the Department of the Environment on 6th November 1991.

E. HAYES
Assistant Secretary

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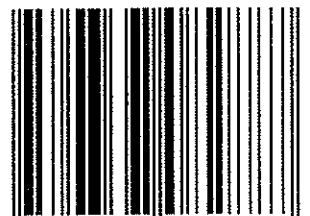
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