

Town Planning Committee

Thursday, 5th September, 2013

MEETING OF TOWN PLANNING COMMITTEE

Members present: Councillor C. Hanna (Chairman); and
Councillors Austin, M. E. Campbell, Cunningham, Curran,
Garrett, Haire, Hendron, Lavery, McCarthy, Mullan and
Webb.

In attendance: Mrs. P. Scarborough, Democratic Services Section; and
Mr. P. Fitzsimons) Divisional
Mrs. U. McDonald) Planning Office.

Apologies

Apologies for inability to attend were reported from Aldermen M. Campbell, Rodgers and Smyth and Councillors A. Newton, O'Neill and L. Patterson.

Minutes

The minutes of the meetings of 1st and 15th August were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 2nd September, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

In respect of item eleven on the Schedule of Applications, viz., the erection of an office building, surface car parking and other associated works at vacant land at Clarendon Dock, Councillors Garrett and Haire declared an interest in that they were on the Board of the Harbour Commissioners.

Routine Correspondence

It was reported that correspondence had been received from various statutory bodies, agencies and other organisations in respect of the undernoted:

Notification from the Roads Service of:

- the proposed Abandonment of a portion of the Ormeau Road;
- the removal of an accessible blue badge parking bay at 15 Eastleigh Crescent;

- the provision of two accessible blue badge parking bays at 40 and 42 Jocelyn Avenue; and
- the intention to proceed with the extension of the Controlled Parking Zone in Belfast City Centre to include the following streets: Blondin Street; Botanic Avenue; Corporation Square; Donegall Lane; Donegall Street; Gaffikin Street; Howard Street South; Joy Street; Library Street; Ormeau Road; Coyle's Place; University Square; Tomb Street; Talbot Street; Frederick Street and College Court.

Notification from the Housing Executive of the confirmation of the operative date for a Vesting Order at Torrens Drive.

Notification from Taylor Patterson, Chartered Surveyors, in relation to pre-planning application consultations for mobile phone base stations' upgrades in various locations within the Council area.

Copies of the letters, maps and orders relating to the above-mentioned matters were made available at the meeting for the information of the Members.

The Committee noted the information which had been provided.

**Draft Supplementary Planning Guidance for Planning Policy
Statement 18 'Renewable Energy' Anaerobic Digestion**

The Committee was advised that the Department of the Environment had published draft Supplementary Planning Guidance for Planning Policy Statement 18 "Renewable Energy". The purpose of the guidance was to provide advice on the key issues raised by anaerobic digestion and it detailed the type of information which might be required to accompany a planning application for such developments. Advice and guidance was also provided in relation to environmental impact assessments, together with information about other consents which may be required. Once finalised, the Supplementary Planning Guidance would be a material consideration in the determination of planning applications for anaerobic digestion developments.

It was reported that the proposed guidance might have implications in terms of Council proposals and the discharge of statutory duties in relation to health and environmental considerations. Therefore, the draft response, which had been prepared for the Committee's consideration, had set out general and specific comments in an attempt to ensure clarity in respect of the scope and operation of the proposed guidance.

The Committee endorsed the undernoted response to the Department of the Environment in relation to the Supplementary Planning Guidance for Planning Policy Statement 18 "Renewable Energy":

**“Response to Draft Supplementary Planning Guidance to PPS 18
‘Renewable Energy’ Anaerobic Digestion (June 2013)”**

Belfast City Council welcomes the opportunity to comment on the Draft Supplementary Planning Guidance (SPG) to Planning Policy Statement (PPS) 18 ‘Renewable Energy’. This Council has reviewed the draft SPG on Anaerobic Digestion (AD) and would make the following comments by way of response.

Background

The Council is proposing to develop an innovative Environmental Resource Park at the North Foreshore, to create a major cleantech environmental technology cluster within the City. This is a strategic project contained in the City Investment Programme. Currently the Council is seeking an ERDF contribution to build the road infrastructure and prepare 30 acres for future cleantech development.

To progress the implementation of the Giant’s Park Environmental Resource Park, the Council is promoting the development of a sustainable renewable energy hub within the site that will generate electricity and heat that may be utilised by the future cleantech companies locating in the environmental resource park. Currently the Council is generating c3mw of renewable electricity from landfill gas for export to the local grid which is sufficient to supply up to 3,500 homes. There is surplus export capacity c7mw available in the existing on-site substation that would permit the development of further renewable energy generation projects at the site. It is the Council’s intention to encourage the development of a district heating system within the environmental resource park to utilise the potential renewable heat c3mw that may be generated.

To deliver the sustainable energy hub, the Council approved the disposal of two sites by way of Marketing Prospectus to invite private sector interest to develop their own commercial biogas / AD renewable energy facility. The Council recently released two sites for disposal suitable for large scale commercial AD (above 1 mw) at the North Foreshore Giant’s Park Environmental Resource Park, and are currently assessing the development submissions.

General comments in relation to draft SPG

The draft Supplementary Planning Guidance would appear to largely focus on agricultural or farm based AD in rural areas. Though the draft SPG recognises that large scale Commercial AD would be more suitable in an Industrial setting. This is to be welcomed, as urban areas produce commercial food waste and sewerage sludge that could be usefully processed in an AD facility within cities to avoid excessive transportation cost, as well as provide a decentralised supply of renewable energy. The North Foreshore site is designated for 'Employment & Industry', with a 'key site criteria' for waste management uses in the draft Belfast Metropolitan Area Plan (BMAP), and the site is located in an existing industrial location.

The draft Supplementary Planning Guidance clearly set out the planning issues and the information that may be required to support a planning application. It provides useful guidance to developers in preparing proposals that will help to minimise any potential delays in determining the application which is to be welcomed.

The draft SPG draws attention to the NIE electricity network capacity, which is a major problem in the west of the province, but it makes no mention of the potential of Commercial AD supplying decentralised renewable energy within urban areas where there is potentially better grid network connections compared to remote rural areas. In particular, there is no mention or guidance concerning the utilisation of renewable heat. A by-product of generating energy from biogas produced by the AD process is the production of surplus renewable heat. In Europe heat generated by Commercial AD (1mw+) is used to supply heat to adjacent residential areas located within 1 km of the AD facility. There is no mention or guidance about the potential utilisation of renewable heat and the opportunity to create a district heating network within a 1 km catchment area.

In addition, clarification is required on whether the draft SPG applies to both endothermic and exothermic AD plants. If it is universal document, it should be more explicit.

Specific Comments

Policy Context

Within the Policy Context, reference could be made to the Landfill Directive ([Council Directive 99/31/EC](#)), Waste Framework Directive ([Directive 2008/98/EC](#)) and the Northern Ireland Towards Resource Management Plan (<http://www.doeni.gov.uk/niea/wms.17.pdf>). These documents could help place AD within the perspective of municipal waste management in Northern Ireland and demonstrate how it

contributes to sustainable long-term solutions for municipal waste as well as diverting this waste from landfill (depending on the end use of the digestate material) and help meet government and UK targets.

What is Anaerobic Digestion

In terms of benefits associated with AD plants (4.4), the Council considers that the draft SPG should recognise that AD plants support biodiversity and supplement the objectives of the NIEA.

Agricultural or Farm-based AD

Section 5.3 notes that AD plants may be developed as part of a community initiative. The Council considers that the draft SPG could highlight the potential opportunities for community initiatives such as green economy and the benefits that such a development could bring to the local community – e.g. job creation, contribution to the economy, meeting and supporting local needs. It is also noted that within the draft SPG, there does not appear to be any reference made to community engagement / community consultation plans/ communications etc. The Council considers this aspect fundamental to the planning process.

In relation to 5.4 the Council considers that it would be useful if planning applications for AD plants included a description of the solid/liquid digestates as well as their proposed end uses/disposal.

It is noted in 5.9 that the Department recently concluded consultation on revised permitted development rights for agricultural buildings including anaerobic digestion plants. The Council considers that there may be perceived tension between permitted development rights for small scale AD plants and the need to consider waste as a by-product of AD operations through the planning process. Clarification on the permitted development rights associated with AD plants is required to avoid any ambiguity. Should small AD plants come under permitted development, the Council suggests that emphasis should be placed on the need for other consents as mentioned in section 8, or the need for an exemption.

Planning Issues

Landscape and Visual Impact

Floodlighting may form part of a proposal for AD development. It is suggested that the potential visual impact of floodlighting associated with the development should be considered.

Transport, Traffic and Access

The Council considers that the draft SPG largely focuses on traffic accessing the site and does not adequately address traffic exiting

the site. In particular, bullet 4 and bullet 5 refer only to traffic entering the site.

The Council requests that the following statement is included after 6.15 of the 'Supporting Information':

- Large scale developments with significant vehicle movements may have potential to exceed air quality objectives and require an Air Quality Assessment (AQA) to be submitted in support of the AD. Detailed advice and guidance to clarify what is required in the submission and consideration of an Air Quality Assessment is available in the DEFRA document 'Local Air Quality Management – Technical Guidance (09)'.

Odour, Emissions and Dust Control

It is suggested that the following statement is included after 6.24 of the 'Supporting Information':

- The assessment should demonstrate that the development will not have an unacceptable adverse impact on air quality to safeguard against the commitment already in Planning Policy Statement (PPS) 18: Renewable Energy.
- Biomass Screening Assessment - consideration should be given to biomass combustion installations to see if there is potential for the air quality objectives to be exceeded.

It is suggested that the following statement is included after 6.25 of the 'Supporting Information':

- The Environment Agency in conjunction with NIEA have developed an updated version of the H4 Odour Guidance. This guidance is applicable to PPC permitted installations in Northern Ireland from April 2011. Additional guidance is available for operators and regulators - Odour Impact Assessment Guidance for Permitted and Licenced Sites.

Water Environment

The Council considers that 6.34 could be expanded upon to provide greater detail on dealing with spillages such as having an emergency response plan and providing information on the methods of containment, for example, bunded or underground inceptor tanks.

It is also suggested that this section considers the potential risk of flooding and the implications and the risks associated with a flood event.

Sensitivity receptors

In light of requirements for other waste facilities to provide an 11m apron/buffer around developments, the Department may wish to consider specifying an appropriate distance from sensitive receptors.

Other Consents

Under 'Waste Management' reference could be made to Duty of Care requirements and documentation specified under Article 5 of the Waste and Contaminated Land (NI) Order (1997).

In addition, given the explosive nature of gasses from AD plants, it is recommended that the draft SPG highlights the potential Health & Safety issues associated with AD development and that consultation with the HSE would be recommended at an early stage in the planning process. Furthermore, the Department should consider if guidance on security would be beneficial."

Request for Deputation

The Committee was advised that a request had been received from the Mooreland and Owenvarragh Residents' Association to attend a future meeting with regard to the Gaelic Athletic Association's planning application in relation to the Casement Park proposals. The Committee agreed to receive the representatives of the residents' association at its meeting on 19th September.

New Planning Applications

The Committee noted a list of new planning applications received by the Planning Service from 8th until 28th August.

Deferred Items Still Under Consideration

A list of deferred items, which were still under consideration by the Planning Office, was noted by the Committee.

**Streamlined Planning Applications –
Decisions Issued**

The Committee noted a list of decisions which had been issued by the Planning Service between 29th July and 29th August in respect of streamlined planning applications.

**Schedule of Applications –
Applications Withdrawn**

At the request of the agents, the undernoted planning applications were withdrawn from the schedule:

<u>Site and Applicant</u>	<u>Proposal</u>	<u>Divisional Planning Manager's Opinion</u>
10 Harberton Drive, Mrs. S. Magee together with associated Conservation Area Consent application.	The proposed demolition of the existing property and the erection of a new detached two storey dwelling with attic uses, a basement and a detached garage.	Refusal
7 Fairway Avenue, Mr. G. Bradley	The proposed single storey rear extension.	Refusal

**THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE
OF THE POWERS DELEGATED TO IT BY THE COUNCIL**

Reconsidered Items

The Committee considered further the undernoted planning application and adopted the recommendation of the Divisional Planning Manager thereon:

<u>Site and Applicant</u>	<u>Proposal</u>	<u>Divisional Planning Manager's Opinion</u>
Lands between 1 to 8 and 9 Notting Hill Gate, Mr. and Mrs. K. Brown	The erection of a dwelling house, detached garage and associated ancillary works.	Refusal

Schedule of Planning Applications

The Committee considered the schedule of planning applications which had been submitted by the Divisional Planning Manager in respect of the Council area and agreed to adopt the recommendations contained therein with the exception of those referred to below:

<u>Site and Applicant</u>	<u>Proposal</u>	<u>Divisional Planning Manager's Opinion</u>
21 to 23 Victoria Street and 45 to 51 Waring Street, Village Homes N.I. Ltd.	The demolition of an existing four storey building and the erection of a new seven storey building comprising of fifty six small unit/studio apartments and two retail units at ground floor level. [Deferred at the request of Councillors Hanna and Webb to enable an office meeting to take place.]	Approval

21 to 23 Victoria Street and 45 to 51 Waring Street, Village Homes N.I. Ltd.	The demolition of an existing four storey commercial building. [Deferred at the request of Councillors Hanna and Webb to enable an office meeting to take place.]	Consent
19 Myrtlefield Park, Mr. B. Kennedy	The conversion of an existing detached dwelling house into two apartments; extension to existing dwelling to create three new apartments, including landscaping and parking. [Deferred at the request of Alderman Ekin to enable an office meeting to take place.]	Refusal
94 to 100 Sunnyside Street, Glendarragh Properties	The demolition of the existing building on site and the construction of two ground floor retail units and twenty seven apartments over the ground, first and second floors, including associated car parking and storage to rear. [Deferred at the request of Councillor McCarthy to enable an office meeting to take place.]	Refusal
103 Osborne Drive, Mr. K. Fitzpatrick	The erection of a two storey side extension to allow for a lounge/utility room on ground floor with single bedroom and ensuite above. [Deferred at the request of Councillor Hanna to enable an office meeting to take place.]	Refusal
50 Ailesbury Road, Mr. C. O'Halloran	The erection of a single storey extension to side and rear of dwelling. [Deferred at the request of Councillor Mullan to enable an office meeting to take place.]	Approval

Chairman