



Subject:	<i>Planning Agreements</i>
Date:	<i>17 November 2015</i>
Reporting Officer:	<i>C E McIlwaine, Area Planning Manager, Ext 2302</i>
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Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	To provide Councillors with an initial indication of the nature and scope of planning agreements appropriate for use in Belfast.

2.0	Recommendations
2.1	To note this report and agree a further detailed report be brought to Committee setting out the proposed approach to the implementation of planning agreements through the development management process.
3.0	Main report
3.1	Belfast City Council ('the Council') has the ambition to lead and deliver effective planning outcomes and considers that Planning Agreements are a key tool in delivering future <u>sustainable</u> development for the City. They are widely used elsewhere as effective and

	valuable tools but were sparingly used by the previous single, region-wide planning authority.
3.2	<p>The authority to make use of planning agreements is found in current legislation¹ and policy. The Council will shortly commence making its own Local Development Plan ('LDP') to replace the Belfast Metropolitan Area Plan ('BMAP'). The LDP will shape and refine the planning agreement regime further <u>but</u> with the pace of change and challenges quickening, the Council can make greater and more widespread use of planning agreements with <u>immediate</u> effect through the development management process.</p> <p>The Nature of Agreements</p>
3.3	<p>Planning Agreements are agreements between local authorities and applicants/developers and are attached to planning permissions to make acceptable development which would otherwise be unacceptable in planning terms.</p>
3.4	<p>Broadly they can be used to:</p> <ul style="list-style-type: none"> • <u>prescribe</u> the nature of development (eg requiring a proportion of housing is affordable); • <u>compensate</u> for loss such as open space or employment land/buildings; • <u>mitigate</u> the impact of a proposal (eg through increased public transport provision).
3.5	<p>Agreements must be directly relevant to the proposed development and should be used where a conditional approval could not deliver the necessary planning results. Failure to reach a satisfactory agreement will normally lead to a refusal of planning permission.</p> <p>The Strategic Planning Policy Statement for NI (SPPS)</p>
3.6	<p>The SPPS provides the policy basis for planning agreements as set out in paragraphs 5.66 to 5.71 / pages 34-36 of SPPS. A planning agreement may be considered appropriate where what is required cannot be adequately addressed by the imposition of conditions and:</p> <ul style="list-style-type: none"> • is needed to enable the development to go ahead; • will contribute to meeting the costs of providing necessary facilities in the near

¹ Section 76 The Planning Act 2011; Article 122 The Roads Order (NI) 1993

future;

- is otherwise so directly related to the proposed development and to the use of the land after its completion, that the development ought not to be permitted without it;
- is designed to secure an acceptable balance of uses;
- is designed to secure the implementation of development plan policies in respect of a particular area or type of development; or
- is intended to offset the loss of, or impact on, any amenity or resource present on the site prior to development. (para 5.67)

3.7 A developer will be expected to pay for, or contribute to, the cost of infrastructure that would not have been necessary but for the development or which needs to be rescheduled to facilitate the development. (para 5.68)

3.8 Mechanisms to use in the delivery of developer contributions include planning agreements under Section 76 of the Planning Act (NI) 2011 and under Article 122 of the Roads (Northern Ireland) Order 1993 in terms of infrastructure works. (para 5.70)

3.9 In some circumstances, community benefits may be offered voluntarily by developers to communities likely to be affected by a development. Community benefits can take a variety of forms including payments to the community; in-kind benefits; and shared ownership arrangements.

Local Development Plan (LDP)

3.10 While the LDP - Plan Strategy is being adopted the SPPS and the retained suite of Planning Policy Statements provide the policy basis for using a wide range of agreement types.

3.11 The use of planning agreements is referred to in the existing statutory development plans (BMAP and the HMO subject plan) familiar to developers. The Council has recently brought forward advice on Purpose Built Managed Student Accommodation and published the City Centre Regeneration and Investment Strategy and both will inform discussions on planning agreements.

The Scope of Agreements

- 3.12** All planning applications are determined on their merits and **all development proposals** may carry the potential for a development agreement which if applicable must then fairly and reasonably relate to the proposal.
- 3.13** Where possible planning agreements should deliver on-site (often provided in-kind), but where this is neither practicable nor appropriate off-site delivery by financial contribution will be required.
- 3.14** Early engagement on development proposals at pre-application stage together with transparency in decision taking can promote high quality sustainable development. “Front-loading” of the development management system offers opportunities to advance agreements without unduly holding back processing of applications, particularly with regard to major applications where the time set aside for the pre-application community consultation provides a 3 month pre-submission period. This route also offers scope for early consideration of community benefits.
- 3.15** The Belfast Planning Service will offer advice on these matters at early stages in engagement with landowners and developers and will justify the need and basis for an agreement.

Types of Agreement

- 3.16** Agreements may be expected to deliver planning outcomes on a wide range of topics such as:
- Housing/Social and affordable housing
 - Purpose Built Managed Student Accommodation
 - Transportation and travel
 - Open Space and Landscape
 - Public realm/city centre improvements
 - Loss of employment land and buildings
 - Shared space and heritage

3.17	FURTHER REPORT A detailed report will be brought to a future Committee with proposals on the types of agreement; priorities; the level and scale of contributions; and the arrangements for decision making.
4.0	Appendices – Documents Attached
	N/A