



BELFAST CITY AIRPORT WATCH

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Committee for the Environment,
Northern Ireland Assembly

15th March, 2013

Dear Sir/Madam

Draft Northern Ireland Planning Bill – Consultation Response from Belfast City Airport Watch

I am writing to you on behalf of Belfast City Airport Watch (BCAW), an umbrella organisation which represents 19 affiliated organisations, 18 of which are residents' associations and community groups, and one of which is a trade union branch. BCAW also has 585 individual associate members.

We have studied the Draft Planning Bill and consider that, while it contains some useful improvements, notably in the areas of notification and consultation, there are serious areas of concern which appear to us likely to distort the planning system and lead to further delays and legal challenges. We have enclosed a copy of a paper on the Draft Bill which has been prepared by Professor Geraint Ellis of the School of Planning, Architecture and Civil Engineering at Queen's University. This paper was not commissioned by BCAW. However, we would commend it to the Committee as we believe it makes many important points about the Bill which we support.

There was widespread opposition to the proposed PPS 24 which was subsequently withdrawn. The Bill appears to reintroduce the thrust of PPS 24 by another method. The objectives and aims of the planning system in Northern Ireland are summarised in Paragraph 3 of Planning Policy Statement 1 as follows:

The town and country planning system exists to regulate the development and use of land in the public interest. The public interest requires that all development is carried out in a way that would not cause demonstrable harm to interest of acknowledged importance. It is important to distinguish those matters which planning can influence from those which are outside its control. The central concerns of the planning system are to determine what kind

of development is appropriate, how much is desirable, where it should best be located and what it looks like.

The Bill at **clauses 2 and 6** appears to us to depart from this central concept. The perils of doing this are set out clearly in Professor Ellis's paper, and we fully support what he says. This Bill makes the requirement to consider economic matters an unnecessarily cumbersome one which introduces an element of time-consuming and inappropriate duplication, as the requirement to consider economic matters in a balanced way is already built into the Planning Act 2011 through the duty to ensure that sustainable development is furthered (in Clauses 2 and 5 of the Act). We would oppose these proposed changes.

Clause 2 also widens the requirement to take account of policy pronouncements from the Office of the First Minister and deputy First Minister beyond those on the issue of sustainable development. This would need to be handled very carefully; if OFMDFM was to issue a pronouncement favouring economic development considerations in planning issues, this could exacerbate the problem referred to above.

We would support the general thrust of **Clauses 4 and 5** which give the Department of the Environment the ability to widen the scope of notification and consultation requirements. However, we believe it is vital that the legislation is more prescriptive where proposed development will clearly affect a wide area; in such cases, it should be mandatory for the Department to notify everyone within that area.

One important example is the current application by George Best Belfast City Airport to vary the terms of its Planning Agreement in such a way as to facilitate a permissible noise output of more than double that currently permitted. In its application, the airport has clearly stated that its proposal would expand the area inside the airport's 57dBA LAeq noise contour to encompass up to 9.3 square kilometres. According to the airport's application, this would potentially affect up to 26,150 people in 12,425 dwellings.

57dBA LAeq is recognised by the UK government as the onset level for "significant community annoyance". It should therefore be mandatory to notify everyone inside this area. We note that Newham Council, as the planning authority, sent more than 10,000 letters to local residents to notify and consult with them when London City Airport applied in 2007 to vary the terms of its Planning Agreement. In addition, the Council displayed 200 site notices and advertised in a local newspaper.¹

The Bill at **clause 10** gives the Department the power to appoint persons other than the Planning Appeals Commission to hear planning inquiries. Professor Ellis, in his paper, points out the dangers of such a move, which include the risk of losing the all-important perception of fairness and

¹ London Borough of Newham – Planning Officer's Report on Planning Application by London City Airport, paras. 6.1 and 6.2. Available at: <http://mgov.newham.gov.uk/mgConvert2PDF.aspx?ID=18021&J=1>

impartiality in the Northern Ireland planning system. We also fully support his views on this as well, and would oppose the proposed change as set out in the Bill.

Professor Ellis makes a number of other important points which we hope the Committee will consider. These include the very fundamental nature of the proposed changes and a number of important considerations which have not been taken into account at all. We believe he is correct about these matters. Like him, we also question why the normal process of public consultation has not been followed with regard to this Bill.

We hope these comments are helpful.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Liz Fawcett', with a stylized flourish at the end.

LIZ FAWCETT (Dr),

Chair, Steering Group,
Belfast City Airport Watch

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