



Our ref: NI1295 - Hyde

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Date: 20 September 2019

Forward Planning Team
Antrim & Newtownabbey Borough Council
Mossley Mill
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Dear Sir/madam,

Antrim & Newtownabbey Local Development Plan 2030 – Draft Plan Strategy

I refer to the draft Plan Strategy published for formal consultation on 26th July 2019. RPS has been appointed to review and comment on the draft Strategy by the Hyde family who run a successful and long-established business at Crooked Stone Road Crumlin, combining a farming enterprise with the manufacture and sales of farm feedstuffs and providing parking for patrons using Belfast International Airport (BIA).

These submissions relate primarily to policies SP 3.12 and 3.15 of the draft Plan Strategy.

We have reviewed the documents in the context of the planning advice provided by the Department for Infrastructure and in particular the guidance provided by Development Plan Practice Note 6 – Soundness ('DPPN 6'). Specifically (but without prejudice to any other elements of DPPN 6), we refer to the following tests for soundness set out in section 3 of DPPN 6:

- C1 Did the Council take account of the Regional Development Strategy?
- C3 Did the Council take account of policy and guidance issued by the Department?
- 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
- CE3 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base

In our view the above policies do not meet the required tests for soundness set out DPPN 6 for the reasons set out below.

1. Conflict with Strategic Planning Policy Statement ('SPPS')

DPPN 6 states at para 5.4.10 that:

'A council should therefore be able to show how policy formulation and development has taken account of the SPPS and any other relevant policy and guidance prepared by the Department'.

The starting point of our assessment of the draft Plan Strategy therefore is the purpose of the planning system as summarised in the SPPS. The SPPS states that, consistent with Part 1, Section 1 of the Planning Act (Northern Ireland) 2011 ('the 2011 Act') aims to:

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“...secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. This means the planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable Northern Ireland.”

Critically, paragraph 2.3 of the SPPS confirms that:

*“...the planning system operates in the **public interest** of local communities and the region as a whole, and encompasses the present as well as future needs of society. **It does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases**” (emphasis added).*

It is our considered view that the draft Plan Strategy and in particular Strategic Policy 3 - SP 3.12 is in conflict with the basic purpose and objective of the planning system and thereby in conflict with the SPPS.

The policy states that:

“The Council will support the provision of car parking for users of BIA on lands allocated for airport related uses at the airport. Proposals for the provision of airport related parking at any other location will only be supported where a robust analysis is provided by the developer that confirms there is a demonstrable need and the proposal accords with other relevant policies of the LDP.”

Our client objects to this draft policy on the basis that it is inconsistent with the SPPS and (as discussed further below) the Regional Development Strategy (RDS). The policy therefore does not meet the tests for soundness set out in the Guidance requiring the Council to take both documents into account (tests C1 and C3 in DPPN6).

This draft policy provides an unfettered presumption in favour of any amount of parking within the confines of the airport boundary with no requirement to justify the scale or location of parking within that zoning. Conversely, other potential (or existing) airport car parking providers are required to provide a robust analysis of need despite the fact that BIA holds all of the relevant statistical data required to undertake any such exercise in quantifying that need. BIA has consistently refused to disclose this data. This is a clear case of one service provider having a manifestly unfair advantage over potential commercial competitors thereby creating a monopoly situation facilitated through proposed Council policy. This is clearly not in the public interest.

In the context of the plan-led system the draft policy SP3.12 reinforces that unfair advantage and thereby acts in the commercial interests of one private party over another. That is clearly contrary to the purpose of planning as set out in the SPPS and is therefore contrary to the SPPS.

Draft policy SP 3.15 states that:

‘...the Council will support proposals necessary to maintain, improve or expand existing operational facilities at BIA to meet anticipated growth needs’.

The Council anticipates growth needs at BIA and acknowledges that this should be facilitated, yet by adding a further test of need for third party commercial car park operators to overcome through policy SP 3.12 it is specifically creating policy to favour only one commercial party. In conjunction with SP 3.12 policy SP3.15 is again in clear conflict with the SPPS provision not to protect the private interests of one person against another through the planning system. This does not meet the test for soundness.

2. Lack of robust evidence base

The above policies are contained in the Transportation and Infrastructure section of the draft Plan Strategy. The evidence base to support that approach is set out in Evidence Paper 10 – Transportation. There is no evidence presented in this paper that justifies the proposed approach to airport car parking provision. The Evidence Paper does make reference to a Car Parking Strategy being prepared by the Council and further to a future Department for Infrastructure (DfI) Local Transport Plan. Neither of these documents have yet materialised and in that context there is no evidential justification for the approach adopted in this draft policy. Further, the public is being deprived of an opportunity to comment on proposed strategies/policies that are directly relevant to the draft Plan Strategy.

3. Conflict with Regional Development Strategy

The proposed policy 3.12 and 3.15 are also inconsistent with the provisions of the RDS. Notwithstanding DPPN 6, in accordance with sections 8(5)(a) and 9(6)(a) of the 2011 Act, the Council must take into account the RDS in the preparation of the Plan Strategy and Local Policies Plan.

The RDS has a vision to deliver:

“An outward-looking, dynamic and liveable Region with a strong sense of its place in the wider world; a Region of opportunity where people enjoy living and working in a healthy environment which enhances the quality of their lives and where diversity is a source of strength rather than division.”

To that end it sets out eight aims which include providing appropriate support and opportunities for sustaining rural areas through appropriate economic growth. This aim confirms the objective of supporting rural communities to maximise their potential. The RDS recognises that to sustain rural communities, new development and employment opportunities which respect local, social and environmental circumstances are required. This means facilitating the development of rural industries, businesses and enterprises in appropriate locations, and ensuring they are integrated appropriately within the settlement or rural landscape.

The RDS recognises the value of agriculture and diversification and seeks to:

“Facilitate the development of rural industries, businesses and enterprises in appropriate locations. Farming plays a major part in sustaining rural community networks, as employers, consumers and producers.”

The SPPS also supports this approach and states that sustainable development is at the heart of the planning system and furthering sustainable development in the long term public interest requires the integration and balancing of complex social, economic and environmental factors when plan-making and decision-taking.

This draft policy 3.12 does not balance those factors in applying a presumption in favour of one operator and setting a potentially insurmountable test for potential commercial competitors due to the fact that BIA hold (and refuse to disclose) key information required to meet the proposed policy test. In conjunction with draft policy 3.15 the policies overtly favour a single economic operator to the detriment of third parties. Accordingly the draft policies do not meet test C1 of DPPN 6.

4. Lack of coherence with other draft Plan strategies

The draft policy 3.12 (in conjunction with 3.15) also results in a lack of coherence within the draft Plan Strategy itself. Our client welcomes the overall strategy in supporting appropriate economic growth but this policy creates unnecessary conflict and tension in relation to the overall strategy and other policies seeking to promote sustainable economic development. There are numerous examples of this tension and lack of coherence:

- Paragraph 2.70 summaries the Council Economic Strategy confirming that it is important that the LDP supports existing and growing businesses and promotes a wide range of employment opportunities for all skills sets which are accessible and attractive to those entering the labour market.
- Sustainable Development SP 1.1 confirms that when considering individual development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the SPPS and will work with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the Borough.
- SP 1.10 will support development in the countryside that is of a nature and scale appropriate to its location.
- Paragraph 5.1 under the Employment banner states that continued economic growth across a range of sectors and the creation of new jobs are key priorities for the Council and at 5.4 the Council is committed to promoting a vibrant economy, assisting existing employers, attracting new firms and supporting business start-up.
- Under policy SP 2.1 the Council will encourage the growth of indigenous businesses, promote innovation and proactively attract investment to support enterprise and increase employment and will

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operate a presumption in favour of employment-related development, provided it meets the requirements of Policy SP 2 and other relevant policies and provisions of the LDP.

- Under SP 2.11 the Council will support the ongoing operational needs of the agricultural sector and facilitate appropriate farm diversification schemes.
- In respect of Economic Development in the Countryside (paragraph 5.29) it is stated that the aim of this policy is to ensure that appropriate sustainable economic development opportunities are available in the countryside to support rural communities and help sustain the rural economy, whilst protecting the countryside from unsuitable uses in terms of amenity or environmental impact. It is claimed that this aim has taken account of and is consistent with the provisions of the SPPS.
- Specifically on farm diversification the Council also recognises the need to support local community enterprise and meet the appropriate redevelopment and expansion needs of established rural enterprises. It is accepted that such proposals may occasionally involve the construction of new buildings, where they can be integrated in a satisfactory manner.
- The Council is expressly committed to facilitating opportunities for appropriate economic development and diversification in the countryside in a manner that safeguards the quality of the rural environment.
- The aim of this policy is to facilitate sustainable diversification schemes that will allow farmers to supplement the income they receive from farming. Again it is claimed that this aim has taken account of and is consistent with the policy provisions of the SPPS.
- The Council expressly recognises the added value that farm diversification can bring to the wider rural economy in that such schemes not only add to farm income, but can bring redundant agricultural buildings back into beneficial use and generate additional local employment. The Council will therefore support appropriate diversification proposals.
- It states that the range of activities that could take place is wide ranging.

This approach is indeed consistent with the SPPS but the imposition of an unreasonable, unnecessary and arguably unachievable policy test for parties other than BIA to provide robust evidence of need compromises the coherence of the overall strategy and introduces unacceptable tensions between policies. Our client has direct experience of the cost of such policy tensions in recent times when interpretation of current policy applicable to its car parking operation had to be resolved through the courts. It is our considered view that the policy is therefore unreasonable and unsound since those policy tensions and inconsistencies could ultimately require further intervention and interpretation by the courts. This does not meet the test for a coherent strategy.

The presumption in favour of airport related developments within the defined airport boundary is understandable. There is however no justification for adding a further test for potential commercial competitors to overcome. It serves no purpose in the context of the objectives of the planning system as outlined in the SPPS as the other draft policies in respect of development in the countryside adequately protect the interests of acknowledged importance as expressed in the SPPS:

- To manage growth to achieve appropriate and sustainable patterns of development which supports a vibrant rural community;
- To conserve the landscape and natural resources of the rural area and to protect it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution;
- To facilitate development which contributes to a sustainable rural economy; and
- To promote high standards in the design, siting and landscaping of development.

Our clients have operated successfully for many years in close proximity to BIA. They provide a valued service that does not compromise the objectives of sustainable development in the countryside as set out above. This has been accepted by the Planning Appeals Commission in granting planning permission for the expansion of lawfully established development in December 2014.

Our clients' provision of car parking for airport users has not negatively impacted on the viability of the airport as a Gateway. BIA consistently reports growth in passenger numbers to annually increasing record levels and there is evidence that BIA and their existing car park providers cannot meet parking demand. This is characterised by their use of lands beyond the airport boundary and any land identified for *Proposed Airport Related Use* in the existing Area Plan.

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Conclusions

In light of the above we respectfully submit that the inclusion of Policy SP 3.12 as currently drafted and read in conjunction with draft Policy SP 3.15 renders the draft Plan Strategy unsound. The Policy should therefore be amended to be consistent with the terms of the RDS and SPSS and ensure that the coherence of the overall Plan Strategy and associated policies is not compromised. In particular, third party operators should not be required to provide a justification of need that implicitly requires consideration of data that is not in the public domain.

Yours sincerely,

for RPS Group Limited



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cc: Hyde Airport Parking
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