

**A Spotlight On...**



# **The Hillview Files**

## **A Spotlight on Belfast City Council**

From 2016 - 2018 PPR supported the homeless families of the Equality Can't Wait campaign to participate in council planning processes calling for homes at Hillview, north Belfast. On the 15th August 2017 council granted planning permission to the developer Frank Boyd, Killultagh Estates, for retail only on the site despite widespread objections. During the process PPR and families have uncovered unlawful activity, numerous breaches of policy and procedure and sectarian decision making by politicians on the planning committee. The files include;

- Sectarian voting on planning committee and information withheld regarding identity and enforcement proceedings surrounding unlawful market activity on Hillview Retail Park
- Written refusal to carry out enquiries by Chief Executive, Suzanne Wylie
- Notification of enforcement orders against Frank Boyd, Killultagh Estates, regarding unlawful money making operations at Hillview Retail Park - withheld by council officials until after the vote
- Breaches of policy and procedure





# HILLVIEW: THE CASE FOR AN INDEPENDENT INQUIRY

## OUR FOUR MAIN POINTS

On **23 November 2017**, PPR sent this letter to Ms. Suzanne Wylie, Chief Executive of the Belfast City Council, and raised that the recent planning decision taken on 15<sup>th</sup> August 2017 involving Hillview Retail Park is:

### PROCEDURALLY FLAWED

Vote went ahead despite the policy and procedural flaws raised in advance

### BREACHED COUNCIL POLICY

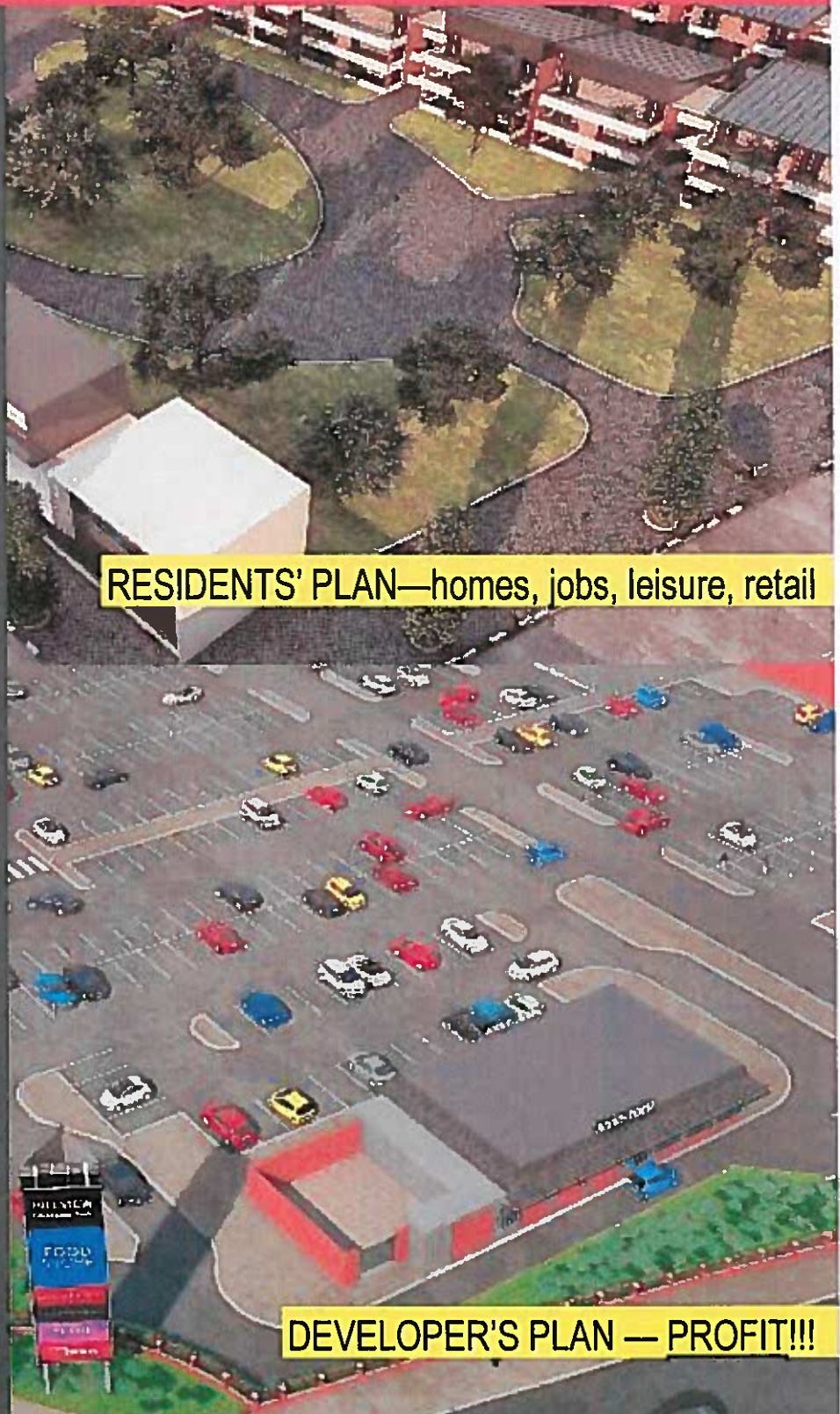
Planning guidance breached by allowing two applications for Hillview to be considered simultaneously

### INFLUENCED BY UNLAWFUL MARKET ACTIVITY

Unauthorized and unlicensed commercial activities is an act of fraud

### TAINTED BY A BREACH OF CODE OF CONDUCT BY COMMITTEE MEMBER(S)

Undeclared interest in the site before vote was taken or at any time during process



**RESIDENTS' PLAN—homes, jobs, leisure, retail**

**DEVELOPER'S PLAN — PROFIT!!!**





The Participation and the Practice of Rights (PPR) organisation provides tools and support to marginalised groups actively asserting their right to participate in economic and social decisions which affect their lives. In 2012, the model developed and used by PPR groups to make change was cited as best practice by the United Nations Office of the High Commissioner for Human Rights.



The Equality Can't Wait (ECW) campaign is led by people on the waiting list, in hostels and in poor housing from all over Belfast. Since 2006 ECW, supported by human rights organisation PPR have monitored human rights abuses experienced by residents and have pushed for real change in people's lives.

**Published November 2017**

**Participation and the Practice of Rights (PPR)**

Ground Floor, Community House, Citylink Business Park  
6a Albert Street, Belfast, BT12 4HQ

Tel: +44(0) 2890 313615

[www.pprproject.org](http://www.pprproject.org)

On 23 November 2017, the Participation and Practice of Rights (PPR) emailed this letter to Ms. Suzanne Wylie, Chief Executive of the Belfast City Council. This letter is a formal complaint and represents compliance with pre-action protocol for Judicial Review regarding decisions made regarding Hillview Retail Park taken on 15<sup>th</sup> August 2017.

Ms Suzanne Wylie  
Chief Executive  
Belfast City Council  
City Hall  
Belfast  
BT1 5GS

23 November 2017

CC: Belfast City Council Planning Committee, NI Ombudsman, NI Human Rights Commission, Equality Commission NI, Land and Property Services, NI Audit Office, The Charity Commission, Police Service of Northern Ireland

RE: Applications LA04/2017/0361/F and LA04/2016/2360/F relating to Hillview Retail Park taken on 15<sup>th</sup> August 2017

Dear Ms. Wylie,

Please treat this letter as a formal complaint and our compliance with pre-action protocol for Judicial Review. We are writing in connection with the conduct of Belfast City Council officers and committee members involved in the recent planning decision taken on 15<sup>th</sup> August 2017 regarding applications LA04/2017/0361/F and LA04/2016/2360/F involving Hillview Retail Park.

We are urgently calling on your office to **initiate an independent inquiry** into the conduct of the planning committee and its officers during the decision-making process regarding the above applications.

Our evidentiary attachments may be accessed here: <http://bit.ly/BCCannexes>. That being said, we trust that your office have these documents on file as part of the usual course of record keeping and document management. We believe that an objective and thorough review of the annexed evidence, and in light of information that has been made available following the vote taken on 15<sup>th</sup> August 2017, will clearly prove that the decision-making process was:

1. procedurally flawed;
2. in breach of council policy;
3. influenced by ongoing unlawful market activity; and
4. tainted by a breach of code of conduct by one or more committee member(s).

We believe the findings of an independent investigation would, at the barest minimum, result in the overturning of the planning decision taken on 15<sup>th</sup> August 2017. Further, an investigation would allow for a range of further remedial actions by council and other agencies to promote transparency and safeguard future planning processes.

We have also copied the sitting members of the planning committee and other relevant agencies with responsibilities regarding various aspects of the decision.



An objective and thorough review of the evidence will clearly prove that the decision-making process was: (1) procedurally flawed; (2) in breach of council policy; (3) influenced by ongoing unlawful market activity; and (4) tainted by a breach of code of conduct by one or more committee member(s).

## 1. UNDECLARED INTEREST IN THE SITE

1.1. Cllr Billy Hutchinson did not declare an interest in the site at the Planning Committee meeting on 15<sup>th</sup> August 2017. On the 5<sup>th</sup> May 2016, during a 'hustings' event Mr Hutchinson in North Belfast specifically expressed his preference for the site to be used for retail and his opposition to any housing development whatsoever on the site. Mr Hutchinson did not declare these interests in a retail only use for the site before the vote was taken or at any time during the process.





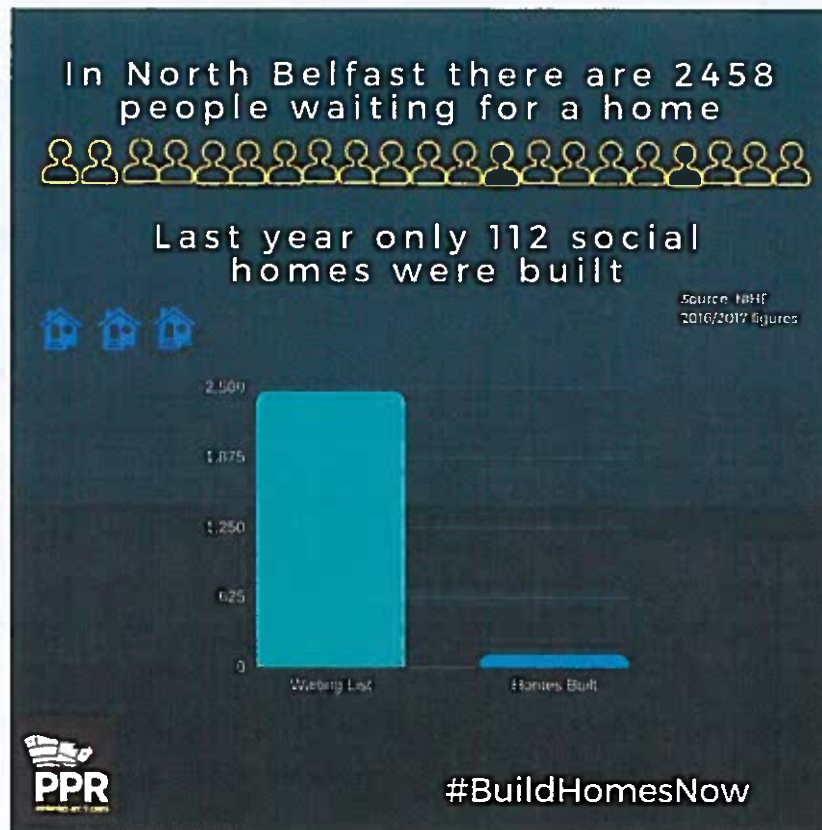
**DEVELOPMENT PLAN:** The Highview Retail Park site off the Creggan Road in north Belfast formerly housed Debenhams as its anchor tenant. **PICTURE:** Hugh Russell

## Car boot sale used to support retail plans

### 2. FRAUDULENT MARKET ACTIVITY CITED TO JUSTIFY NOT BUILDING SOCIAL HOUSING

2.1. It is clear that conducting unauthorized and unlicensed commercial activities is an act of fraud. Despite this, an illegal and unlicensed weekend market in north Belfast was cited by planning officials to support a decision to approve of a commercial and retail-only development planning application. The unlawful market is currently subject to ongoing official investigations and enforcement proceedings by various government bodies including the Belfast City Council, the Northern Ireland Audit Office, and Land and Property Services.

2.2. Moreover, relevant information about the illegal market and its unlawful activities requested from Belfast City Council under FOI was initially withheld from the public and the committee, but released following the vote after the decision to withhold was overturned by the city lawyer. The withholding of the information means that it is now too late to inform the vote that approved of the retail-only development proposal. The misguided support by officers of the developer's application, justified as it was by relying on fraudulent market activities, and exacerbated as it was by the withholding of crucial information from democratically elected planning committee members, influenced the vote, the result of which is that Belfast is even further away from resolving the festering housing crisis and deepening social inequalities.



### 3. PLANNER'S INCONSISTENCY REGARDING THE STATUS OF BMAP

3.1. Planning officials failed to state in the Planners' Report that the current designation of the site does not restrict it to retail. The site is zoned as a district centre under BMAP. BMAP status has been downgraded as a result of a judgement in the Court of Appeal delivered on 18<sup>th</sup> May 2017. As a consequence of this, the Belfast Urban Area Plan is now the existing Development Plan and it describes this site as on 'unzoned whiteland' which means any land use complying with policy and material considerations is possible. Despite this, planners cited the downgraded status of BMAP as a reason not to give proper consideration to objections stating that; *"A number of these objections relate to the Belfast Metropolitan Area Plan, which is a material consideration, but is no longer the extant Area Plan."*

3.2. Attention should also be drawn to the representation from the developer's legal representative Stewart Beattie QC that BMAP *"cannot be ignored."* However, the planning committee did exactly this when considering the planning decision which preceded the Hillview Retail Park vote. The application to develop a hotel in the Market area on land designated as for social housing use was granted permission regardless of its zoning status, further disadvantaging those in need of social housing.



## 4. KEY POLICY FAILINGS

PPR contends that the planning officer failed to give sufficient regard to the following material considerations as required under Section 45 (1) of the Planning Act (NI) 2011:

4.1. *Housing as a key need for the City of Belfast* – Projected social housing need for Belfast is nearly 6,000 units between 2015 and 2020. There are almost 12,000 households on the social housing waiting list in Belfast in 2015 and almost 7,000 in ‘housing stress’.

4.2. *Inequality and Human Rights* – No consideration has been given regarding the chronic and longstanding inequality in accessing social housing that impacts the Catholic community in North Belfast and has been the subject of three United Nations interventions since 2009. According to the NIHE there is a need for 938 units of additional social housing in Catholic areas of North Belfast, and a need for 38 additional homes in Protestant areas.

4.3. *The strong preference for use of existing land in building housing* – The Local Development Plan seeks to “*address current and future residential needs through ensuring sufficient suitable land is available.*”

4.4. *Sustainable Development Statutory Duty* – A failure to take proper consideration of the statutory duty to promote sustainable development, a key priority of which is “*ensuring everyone has access to decent housing.*”

## 5. KEY PROCEDURAL FAILINGS

PPR contends that the following procedural errors were made in consideration of the Hillview application:

5.1. Planning guidance breached by allowing two applications for Hillview to be considered simultaneously.

5.2. Policy guidance also advises council not to have two “*same or substantially the same applications under consideration at the same time.*”

5.3. Guidance also says that the same or similar application should not be heard if one has been refused in the previous two years.

## 6. INFORMATION WAS WITHHELD FROM THE PUBLIC BEFORE THE VOTE, OBSTRUCTING THEIR INVOLVEMENT IN THE DECISION-MAKING PROCESS

The vote went ahead despite the policy and procedural flaws raised by PPR in advance of the vote through a series of correspondence, complaints, and submission of documentary evidence to the council. Based on the outcome of the application and the subsequent incidents outlined below, we have no other option but to assume that all prior correspondence and submissions were ignored.

6.1. *Environmental Impact Assessment* – Despite the planners’ report stating that an Environmental Impact Assessment determination was carried out on 23<sup>rd</sup> Nov 2016, this was not made publicly available on the planning portal meaning that the public was denied the full information needed to input on the application.

6.2. *Planner’s recommendation reports delayed* – The two Council Planners’ reports for Hillview applications were not made available on the planning portal on the same date as the other applications to be heard on 15<sup>th</sup> August. This decision by officials afforded less time to potential objectors and/or supporters than was afforded to all other potential objectors and/or supporters of all other planning applications considered by the committee on the 15<sup>th</sup> August.

6.3. *Relevant material from objectors was often uploaded on the planning portal weeks after submission*, while those from the developer or supporters would quickly become made available. For example the Equality Can’t Wait campaign submitted a report on 26<sup>th</sup> September

## 7. INFORMATION WAS WITHHELD FROM BELFAST CITY COUNCIL PLANNING COMMITTEE MEMBERS

7.1. *No knowledge of housing proposals despite PPR correspondence* – Councillor Mc Gimpsey, a member of the Planning Committee, said on the night of the application being considered, and in subsequent media reports, that he had no knowledge of any proposals for housing on the site. PPR had previously provided correspondence for the attention of the Planning Committee and Council from North Belfast Housing Association, dated May 2014, seeking support from the Northern Ireland Housing Executive to build 100 homes on the same site. In light of Councillor McGimpsey statements, PPR is deeply concerned that this information was withheld from the Planning Committee members.



7.2. *No relevant information about objections in pack despite PPR correspondence* – On the night of the vote, planning committee member Jolene Bunting commented that she had not seen any information regarding objections from retailers in her ‘pack’ – the planners’ report - despite numerous local retailers whose businesses are under threat by large scale retail having signed and submitted a formal objection in advance of the vote.

## **CONCLUSIONS AND SUGGESTED REMEDIAL ACTIONS**

Despite council being provided with all of the above in advance of the vote, council officials proceeded and permitted a vote in the absence of the full facts.

PPR respectfully request the following:

**#1:** That the Chief Executive of Belfast City Council suspend planning permission to commence an independent inquiry into the conduct of the planning committee and its officers during the decision-making process regarding applications LA04/2017/0361/F and LA04/2016/2360/F involving Hillview Retail Park, inclusive of a clear and reasonable time-scale by which findings from the inquiry will be published.

**#2:** That Belfast City Council process this correspondence in line with existing complaint procedures and provides a comprehensive response to each point in the complaint to clarify the current Belfast City Council position.

**#3:** That the BCC Planning Committee members support the call for an independent inquiry in the interests of transparency and accountability and, make formal complaints regarding the aforementioned conduct of officials and fellow planning committee representatives

**#4:** That all Belfast City Councillors support the following motion to full council *“We hereby call for an independent inquiry into the conduct of Belfast City Council officers and some committee members involved in the recent planning decision regarding applications LA04/2017/0361/F and LA04/2016/2360/F relating to Hillview Retail Park taken on 15<sup>th</sup> August 2017.”*

We trust that the information provided is in order and will be acted upon by your good office. Please acknowledge receipt of this correspondence and confirm what actions will follow.

Yours Faithfully,  
Participation and Practice of Rights

## REFERENCES

- Paragraph 9.6 of the NI Local Government Code of Conduct for Councillors states: *'While planning committee members are free to attend public meetings/events they must not express a 'for' or 'against' view by advocating a position in advance of the decision-making meeting'*
- Section 45—(1) Subject to this Part and section 91(2), where an application is made for planning permission, the council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations, and— (a)subject to sections 61 and 62, may grant planning permission, either unconditionally or subject to such conditions as it thinks fit; or (b)may refuse planning permission.
- Topic Paper on Housing for Belfast Agenda and LDP
- Belfast Housing Investment Plan 2015-2019, Northern Ireland Housing Executive
- Freedom of Information response from NIHE to PPR on 19/06/17
- Northern Ireland (Miscellaneous Provisions) Act 2006, Section 25
- DM Practice note 16 The Determination of Planning Applications

The evidentiary attachments to the complaint letter is accessible online here:

<http://bit.ly/BCCannexes>.



Belfast Telegraph 11/8/17  
**Stormont's £1m loss in needless land deals**

*Patience is running out among local campaigners*

Housing chiefs lambasted over Belfast strategy

**OVER £1M SPENT BUYING HOUSING LAND IN LOYALIST NORTH BELFAST**

**Stormont under fire for losing £1m buying social housing land**

*The demand for new homes is greatest in nationalist districts*

**Hillview:**  
families 'shafted' in favour of retail

NORTH BELFAST NEWS 12/8/17  
**H.E. rejects calls to vest land for Catholic homes after £1.1 million spent in loyalist areas**

Another blow to needy families in North Belfast

**Car boot sale used to support retail plans**

**Inequality as policy deprives people of homes**

Doors are being slammed on Belfast's housing provision

In north Belfast, people were sidelined and councillors voted along political lines rather than on housing need

Belfast Telegraph 11/8/17  
**Stormont's £1m loss in needless land deals**

*Patience is running out among local campaigners*

Housing chiefs lambasted over Belfast strategy

**OVER £1M SPENT BUYING HOUSING LAND IN LOYALIST NORTH BELFAST**

**Stormont under fire for losing £1m buying social housing land**

*The demand for new homes is greatest in nationalist districts*

**Hillview**

NORTH BELFAST NEWS 12/8/17





**Published November 2017**

**Participation and the Practice of Rights (PPR)**  
Ground Floor, Community House, Citylink Business Park  
6a Albert Street, Belfast, BT12 4HQ

**Tel: +44(0) 2890 313315**

**[www.pprproject.org](http://www.pprproject.org)**





Your reference

Our reference SW/ac

Date 8 January 2018

**Ms Patricia Miranda**  
**Policy Officer**  
**PPR Project**  
**Ground Floor, Community House**  
**Citylink Business Park**  
**6a Albert Street**  
**BELFAST BT12 4HQ**

**Dear Ms Miranda**

Thank you for your letter of 23 November 2017. I apologise for the delay in replying but as you will appreciate pressure of other work and the extensive nature of your correspondence has prevented me from replying before now.

I note that your letter purports to double as a complaint and pre-action correspondence. In the first instance, given the nature of your correspondence, I have decided to deal with this directly with advice from the City Solicitor. In relation to the pre-action protocol aspect I am advised that correspondence setting out the issues was received well outside the period permitted for seeking leave to initiate proceedings. Taking each of the issues raised by you the Council would respond as follows:

**1 Undeclared interest in the site**

Declarations of interest are a matter for individual Members and the code of conduct is enforced by the Commissioner for Local Government Standards. Expressing a preference as you put it does not of itself constitute pre-determination affecting the decision made by Committee. In any event Councillor Hutchinson, with whom I have spoken, denies that he made comments as asserted in your correspondence.

**2 Fraudulent Market Activity**

The Council is aware of a market operating at the site. It has made its own enquiries to identify those responsible for organising it without success. The operation of the market

Belfast City Council, Chief Executive's Department,  
City Hall, Belfast BT1 5GS  
Tel: 028 9027 0202, Textphone: 028 9027 0405, Fax: 028 9027 0232  
Email: [wylies@belfastcity.gov.uk](mailto:wylies@belfastcity.gov.uk)



infringes proprietary rights which the Council holds. It is not accepted that this played any part in the decision making of the Committee. In fact, in reviewing the relevant minutes and the committee reports, no reference is made to this at all. Accordingly, this assertion is made without any reference to the facts or evidence to corroborate such a position.

### **3 Planner's inconsistency regarding the status of BMAP**

It is not accepted that the planners have acted in any way other than cognisant of the correct legal position of planning policy and the status of BMAP. As a matter of fact, the Council is very intimate with this issue as it was the successful party in a challenge regarding its purported adoption by the Executive in the Court of Appeal. Whilst BUAP is the current adopted local development plan, the reality is that BMAP when read in conjunction with ministerial statements, is to be treated as having greater weight. Your assertion that BMAP was disregarded in relation to the application at the Gasworks ignores the fact that the Council had determined to proceed on the basis of a mixed use development and that the site, which is currently the subject of a master planning exercise, contains a significant social housing dynamic. It also needs to be remembered that those advocating for social housing on that site accepted that not all of the site was required for that purpose.

### **4 Key policy failings**

With respect, the Council is of the view that your assertions in this regard ignore, to a greater extent, the legal parameters within which it was exercising its decision making powers. The application before the Committee was essentially to amend the physical layout of that which was already constructed and for which planning permission had been given before that function transferred to the Council. The decision was in accordance with the zoning in BMAP and consistent with the planning precedent created by the earlier decision. Moreover, this is a site which is in private ownership in respect of which the landowner also has rights enforceable at law. The Committee was required to deal with the application that was before it and not to engage on some speculative basis on an application that was not before it in respect of social housing. Essentially what your objection required of the Council was for it to engage in a rezoning of the land in question for which there is a process and in respect of which there are mechanisms for public engagement.

### **5 Key procedural failings**

The Council appreciates that you have looked at Development Management note 16 in a very literal way. The Council would be of the view that not to have dealt with these applications concurrently when they both relate to amendments to the physical layout of the retail park would have been absurd.

### **6 Information was withheld from the public before the vote, obstructing their involvement in the decision-making process**

Belfast City Council, Chief Executive's Department,  
City Hall, Belfast BT1 5GS  
Tel: 028 9027 0202, Textphone: 028 9027 0405, Fax: 028 9027 0232  
Email: [wylies@belfastcity.gov.uk](mailto:wylies@belfastcity.gov.uk)



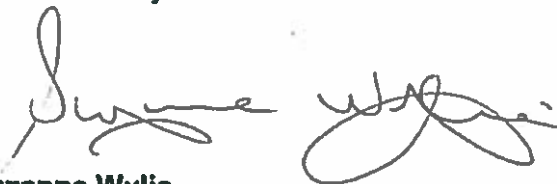
The Council accepts that there are certain limitations with regard to the planning portal which it is currently engaged in addressing through an alternative platform. The tenure of your correspondence would tend to suggest a deliberate attempt to obstruct the public from accessing material or the delayed publication of representations from objectors. The Council finds that such an accusation is unfounded and not supported by hard evidence. What is entirely clear is that there was no impediment to any person who wished to make an objection prior to the application being dealt with.

**7 Information was withheld from Belfast City Council Planning Committee members**

It is not accepted that information was withheld from Committee members. The Council did not receive any approach from a social housing provider articulating an interest in the Hillview site. In any event a purported interest by the Housing Executive was referred to at committee. It was suggested that some interest had been shown by the Housing Executive in relation to the site in 2014. In that regard it is notable that this purported interest had not subsequently materialised. In short the statutory body with responsibility for housing had not pursued any interest in the site and it is to be remembered that that organisation has the power to vest land for the purpose of housing provision. In any event the Council had been dealing with the application, as I have said, before it and in my view acted properly and within the law. It took all material considerations into account. The issue of local retail objection is expressly referenced within the reporting officers report and was therefore before the Committee.

In light of the contents of this response I will not be convening an independent inquiry. I am satisfied that the process was fully compliant and indeed transparent. The Council is of course cognisant of issues relating to housing need and stress and these are factors which will be given full consideration in the context of the local development plan.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Suzanne Wylie', followed by a large, stylized flourish or scribble.

**Suzanne Wylie**  
Chief Executive

Belfast City Council, Chief Executive's Department,  
City Hall, Belfast BT1 5GS  
Tel: 028 9027 0202, Textphone: 028 9027 0405, Fax: 028 9027 0232  
Email: [wylles@belfastcity.gov.uk](mailto:wylles@belfastcity.gov.uk)



UNIT 1 - 6, 275 Crumlin Road: Assessments, Reliefs & Payments

Start Date	End Date	Total NAV	Total Rates Assessed	Total Relief / Exemption	Total Paid	Exemptions/Reliefs
01/04/2006	31/03/2007	237,000	115,537.50	0.00	-115,537.50	
01/04/2007	31/03/2008	237,000	119,125.91	0.00	-119,125.91	
01/04/2008	03/05/2008	multiple	136,204.95	-68,525.14	-49,679.85	Vacant relief free period and relief
01/04/2009	31/03/2010	225,000	120,650.65	-60,315.31	-60,315.32	Vacant relief free period
01/04/2010	31/03/2011	multiple	130,792.89	-67,403.62	-63,389.23	Vacant relief free period and free period. 4p white oil
01/04/2011	31/03/2012	462,500	267,322.68	0.00	0.00	Charitable exemption
01/04/2012	31/03/2013	462,500	273,677.90	-273,677.90	0.00	Charitable exemption
01/04/2013	31/03/2014	462,500	277,701.65	-277,701.65	0.00	Charitable exemption
01/04/2014	31/03/2015	462,500	281,817.90	-281,817.90	0.00	Charitable exemption
01/04/2015	31/03/2016	446,000	255,744.45	-255,744.45	0.00	Charitable exemption
01/04/2016	31/03/2017	446,000	259,840.06	-259,840.06	0.00	Charitable exemption
Total			2,240,416.56	-1,832,438.71	-407,977.81	

Regional & District Percentage Fractions

Rating Year	Regional Poundage	District Poundage	Total Poundage	% Regional	% District
2006	0.2817	0.205800	0.487500	57.8%	42.2%
2007	0.2910	0.211641	0.502641	57.9%	42.1%
2008	0.2989	0.221853	0.520753	57.4%	42.6%
2009	0.2989	0.237325	0.536225	55.7%	44.3%
2010	0.3069	0.255849	0.562749	54.5%	45.5%
2011	0.3146	0.263395	0.577995	54.4%	45.6%
2012	0.3215	0.270236	0.591736	54.3%	45.7%
2013	0.3302	0.270236	0.600436	55.0%	45.0%
2014	0.3393	0.270236	0.609336	55.7%	44.3%
2015	0.3186	0.254818	0.573418	55.6%	44.4%
2016	0.3205	0.258601	0.579101	55.6%	44.4%

UNIT 1 - 6, 275 Crumlin Road: Ratepayers

Ratepayer Name	Start Date	End Date
Dunnes Stores (Bangor) Ltd	01/04/2006	10/07/2008
Kilnagh Properties Ltd & Snodgrass (Hillsborough) Ltd	11/07/2008	31/03/2011
East Belfast Mission	01/04/2011	31/03/2017





Our Ref 707-000222-4-NL

Your Ref

15th November 2012

**FIRST CLASS POST**  
Cityguard Security Services Limited  
Room 213  
2nd Floor Container Base  
Box Lane  
Renwick Road  
Barking  
ESSEX  
IG11 OSQ

Dear Sirs

**Re: Car Boot Sale at Hillview Retail Park, Crumlin Road, Belfast**

I refer to the above car boot sale, which I understand is held every Saturday.

I have been instructed to write to you on behalf of Belfast City Council in respect of the car boot sale.

I would advise you that Belfast City Council holds both the statutory and franchise rights to establish and hold Markets. This means that no Market may take place within the Belfast area without the permission of the Council.

As such the Market that you are permitting to operate on your land is unlawful. I also understand that an Application for Planning Permission to change the use of the carpark was refused in August 2010.

I enclose herewith a copy of the Council's Markets Policy, together with a copy of the Application to operate a commercial Market in Belfast. You can also obtain further information in relation to the Council's Policy on the website [www.belfastcity.gov.uk/markets](http://www.belfastcity.gov.uk/markets).

I would advise that unless an Application is made in respect of holding the said Market, Proceedings may be issued against you for the purpose of obtaining an Injunction and use of this letter will be made for the purposes of fixing you with the costs of same.

I await hearing from you.

Yours faithfully

Nora Largey  
Solicitor

CC. Killultagh Properties Limited  
5A Meeting House Road  
Ballinderry  
Lisburn  
Antrim BT28 2NN

Snoddons Developments Limited  
10 Ballynahinch Street  
Hillsborough  
Co Down BT26 6AW

Colliers CRE  
32-28 Linenhall Street  
BELFAST BT2 8BG

NL/EC



Our Ref 707-000222-4-NL

Your Ref

15th November 2012

**FIRST CLASS POST**

Killultagh Properties Ltd  
5A Meeting House Road  
Ballinderry  
Lisburn  
BT28 2NN

Dear Sirs

**Re: Car Boot Sale at Hillview Retail Park, Crumlin Road, Belfast**

I refer to the above car boot sale, which I understand is held every Saturday.

I have been instructed to write to you on behalf of Belfast City Council in respect of the car boot sale.

I would advise you that Belfast City Council holds both the statutory and franchise rights to establish and hold Markets. This means that no Market may take place within the Belfast area without the permission of the Council.

As such the Market that you are permitting to operate on your land is unlawful. I also understand that an Application for Planning Permission to change the use of the carpark was refused in August 2010.

I enclose herewith a copy of the Council's Markets Policy, together with a copy of the Application to operate a commercial Market in Belfast. You can also obtain further information in relation to the Council's Policy on the website [www.belfastcity.gov.uk/markets](http://www.belfastcity.gov.uk/markets).

I would advise that unless an Application is made in respect of holding the said Market, Proceedings may be issued against you for the purpose of obtaining an Injunction and use of this letter will be made for the purposes of fixing you with the costs of same.

I await hearing from you.

Yours faithfully

Nora Largey  
Solicitor

cc. Cityguard Security Services Ltd  
Room 213  
2<sup>nd</sup> Floor Container Base  
Box Lane  
Renwick Road  
BARKING  
Essex IG11 OSQ

Snoddons Developments Limited  
10 Ballynahinch Street  
Hillsborough  
Co Down BT26 6AW

Colliers CRE  
32-28 Linenhall Street  
BELFAST BT2 8BG

NL/EC

Our Ref 707-000222-4-NL

Your Ref

15th November 2012

FIRST CLASS POST  
Colliers CRE  
Companies House  
32-38 Linenhall Street  
BELFAST  
BT2 8BG

Dear Sirs

**Re: Car Boot Sale at Hillview Retail Park, Crumlin Road, Belfast**

I refer to the above car boot sale, which I understand is held every Saturday.

I have been instructed to write to you on behalf of Belfast City Council in respect of the car boot sale.

I would advise you that Belfast City Council holds both the statutory and franchise rights to establish and hold Markets. This means that no Market may take place within the Belfast area without the permission of the Council.

As such the Market that you are permitting to operate on your land is unlawful. I also understand that an Application for Planning Permission to change the use of the carpark was refused in August 2010.

I enclose herewith a copy of the Council's Markets Policy, together with a copy of the Application to operate a commercial Market in Belfast. You can also obtain further information in relation to the Council's Policy on the website [www.belfastcity.gov.uk/markets](http://www.belfastcity.gov.uk/markets).



I would advise that unless an Application is made in respect of holding the said Market, Proceedings may be issued against you for the purpose of obtaining an Injunction and use of this letter will be made for the purposes of fixing you with the costs of same.

I await hearing from you.

Yours faithfully

Nora Largey  
Solicitor

cc. Cityguard Security Services Ltd  
Room 213  
2<sup>nd</sup> Floor Container Base  
Box Lane  
Renwick Road  
BARKING  
Essex IG11 OSQ

Snoddons Developments Limited  
10 Ballynahinch Street  
Hillsborough  
Co Down BT26 6AW

Killultagh Properties Limited  
5A Meeting House Road  
Ballinderry  
Lisburn BT28 2NN

NL/EC

Our Ref 707-000222-4-NL

Your Ref

15th November 2012

**FIRST CLASS POST**

Snoddens Developments Ltd  
10 Ballynahinch Street  
HILLSBOROUGH  
Co Down  
BT26 6AW

Dear Sirs

**Re: Car Boot Sale at Hillview Retail Park, Crumlin Road, Belfast**

I refer to the above car boot sale, which I understand is held every Saturday.

I have been instructed to write to you on behalf of Belfast City Council in respect of the car boot sale.

I would advise you that Belfast City Council holds both the statutory and franchise rights to establish and hold Markets. This means that no Market may take place within the Belfast area without the permission of the Council.

As such the Market that you are permitting to operate on your land is unlawful. I also understand that an Application for Planning Permission to change the use of the carpark was refused in August 2010.

I enclose herewith a copy of the Council's Markets Policy, together with a copy of the Application to operate a commercial Market in Belfast. You can also obtain further information in relation to the Council's Policy on the website [www.belfastcity.gov.uk/markets](http://www.belfastcity.gov.uk/markets).

I would advise that unless an Application is made in respect of holding the said Market, Proceedings may be issued against you for the purpose of obtaining an Injunction and use of this letter will be made for the purposes of fixing you with the costs of same.

I await hearing from you.

Yours faithfully

Nora Largey  
Solicitor

cc. Cityguard Security Services Ltd  
Room 213  
2<sup>nd</sup> Floor Container Base  
Box Lane  
Renwick Road  
BARKING  
Essex IG11 OSQ

Killultagh Properties Limited  
5A Meeting House Road  
Ballinderry  
Lisburn  
Antrim BT28 2NN

Colliers CRE  
32-28 Linenhall Street  
BELFAST BT2 8BG

NL/EC





Our Ref:- KP/RS

## Killultagh Properties Ltd.

Date:- 06 January, 2009

The Planning Service  
Bedford House  
16-22 Bedford Street  
Belfast  
BT2 7FD

The Linenhall  
7th Floor, 32-38 Linenhall Street,  
Belfast, BT2 8BG.  
Tel: 028 9027 8899  
Fax: 028 9027 8879  
Email: mail@killultagh.com  
www.killultagh.com

For the attention of Mr P O'Reilly

Dear Sirs ,

Your Ref.,

C	pend.
2	herby
	the 5/1/09

The Planning Service RECEIVED 6 JAN 2009 File No. .... Belfast Division 4
---

Z/2008/0363CA Unauthorised signage advertising car boot sale  
Z/2008/0364CA Unauthorised car wash  
Z/2008/0365CA Unauthorised signage advertising car wash  
Corner of Crumlin Road/ Hillview Road, Belfast

We acknowledge receipt of your correspondence dated 29/ 30 December, 2009 in respect of the above with particular reference to your previous correspondence of 15 October, 2008.

You will be aware of our response dated 07 November, 2008 and can advise that we have been eagerly awaiting a formal response from the tenants occupying the site for the purposes detailed above. This response, despite our best endeavours, has not been forthcoming.

We can confirm that the existing tenant, under the terms of the licence agreement, is wholly responsible for "observing all Acts of Parliament and all Regulations and By-laws of the Local Authority and other official bodies relating to the Sale of Goods and Trading". As of today's date, formal notice to terminate occupation of the site has been issued by our Managing Agent (copy letter enclosed).

We trust the foregoing performance will conclude any actions being pursued by the Department on this site with this organisation. For your convenience please find detailed below contact details of the Tenant, as follows :-

PD

Spoke to PD 10am Thur 19/2.  
(Returning call from Wed. 18/2).

PD stated he was involved in security of market / boat sale, and they wished to run a market on the site Saturday mornings, or car boat sale Sunday mornings.

I told him that he had PD rights for 14 days a year, and any more would require planning permission.

He enquired where he could get form & I directed him to planning web page.

U. Mc Anord  
19/2/09.

PD.



File Ref:

Z/08/036804

P D

proved to

Confirm that she views the car boot  
sale. She enquired if they could  
continue to trade pending D.C.  
appeal. I pointed out that this  
could take 2+ years but that  
she could put this request  
formally in writing & I will  
discuss with Senior staff.

Signature:

P. O'Leary

Date:

10/02/10



File Ref: 2/2008/0368C4

Lacy Elliot of Colliers CRE  
phoned to point out that the  
contract between them as landlords  
the tenant operating the markets,  
P.O. has been terminated  
on the grounds that they don't have  
planning permission. She will forward  
a copy of this letter to the  
Dept.

Ms Elliot said that 21/02/10  
was the final trading day for the  
car boot sale. If the tenant  
fails to stop trading, Colliers will  
take legal action.

Signature:

P.O. O'Carroll

Date:



**Colliers CRE**

tered Surveyors & International Property Consultants  
Commercial Property Agency of the Year 2007 - NI Property Awards

Our Ref: LD

19 February 2010

PD



The Linenhall  
32-38 Linenhall Street  
Belfast BT2 8BG  
Tel: 028 9024 1500  
Fax: 028 9023 7278

[www.colliers.com/belfast](http://www.colliers.com/belfast)

Dear

RE: HILLVIEW RETAIL PARK

Further to the attached letter that we have recently received (copy attached) I am writing to inform you that the landlord has confirmed that you do not have permission to use the above site for a car boot sale with effect from 23 February 2010.

I understand that you are currently in the process of appealing the refused planning application referred to in the letter. Should you be successful in appealing this then please provide me with the appropriate documentation showing that planning permission has indeed been granted. At this point your landlord will consider allowing you to occupy the site once one as a car boot operator.

I must reiterate once more that you do not have permission to hold any car boot sales with effect from 23 February 2010.

If you have any queries please do not hesitate to contact me.

Kind regards

A handwritten signature in ink, appearing to read 'Lucy Elliott'.

LUCY ELLIOTT CTA MRICS  
[lucy.elliott@collierscre.co.uk](mailto:lucy.elliott@collierscre.co.uk)  
Direct Line: 028 90511028

Belfast Birmingham Bristol Edinburgh Glasgow Leeds London: West End & City Manchester

Colliers CRE is the principal business of Colliers Conrad Ritblat Erdman (Belfast) Limited, registered No. NI 27116.  
Registered Office: Norwich Union House, 7 Fountain Street, Belfast BT1 5EA.

Colliers Conrad Ritblat Erdman (Belfast) Limited is an independently owned and operated associate of Colliers CRE plc., which is a member firm of Colliers International Property Consultants, an affiliation of independent companies, with over 240 offices throughout more than 50 countries worldwide.  
Regulated by RICS.

The Planning Service  
RECEIVED  
24 FEB 2010  
File No. ....  
Belfast Division 3

REF 2/2009/0434/F

Dear Mr O'Reilly

cc - Eileen?  
24/2

I am writing this letter to explain to you about Hillview Retreat ForB Bootcamps at Hillview Road. I founded this bootcamps almost 6 years as a cross community project, and we have all worked very hard to bring the people of North Belfast to-gether. we do not get grants of any kind, but we still have to pay £12 per week in advance, I do not know who received the letters from your Office regarding more information about the planning permission for the bootcamps but two weeks ago we were told that

It was turned down in December 2009  
 as I had received my appeal for it  
 about this I would have dealt with it  
 right away. If the Court has to close  
 pending our appeal we will never get  
 the people back again as they will  
 be seeking other outlets like the both  
 Loyalist and republican standing beside  
 each other and we do not allow any  
 kind of flags or regalia to be sold as  
 that is the way it should be. This  
 place is the best thing that has  
 taken off in North Belfast in all the  
 years of the trouble, and it would be  
 a real disaster to us if we loose it  
 So could you please help us in any  
 way

Thanking you

Colliers CRE

Chartered Surveyors & International Property Consultants

Colliers CRE is a member of the Colliers Group, a leading international real estate services provider.



Our Ref: LE

8 March 2010

Citiquard Security Services

The Linenhall  
32-38 Linenhall Street  
Belfast BT2 8BG  
Tel: 028 9024 1500  
Fax: 028 9023 7278

[www.colliers.com/belfast](http://www.colliers.com/belfast)

PD

Dear Paul

RE: BELFAST – HILLVIEW RETAIL PARK  
CAR BOOT SALE

I refer to the above.

I would advise that the licence agreement for the car boot sale has been terminated with effect from 23 February 2010 for the following reasons:-

IP

2. Clause 5.12 – Breach of other terms within the agreement. As previously advised the car boot sale requires planning consent. Further correspondence has been received from the Planning Service requesting termination of the car boot sale. Therefore, in accordance with Clause 5.15 the licence will be terminated immediately.

I must reiterate once more that you do not have permission to hold any car boot sales with effect from 23 February 2010.

Yours sincerely

LUCY ELLIOTT CTA MRICS  
[lucy.elliott@collierscre.co.uk](mailto:lucy.elliott@collierscre.co.uk)  
Direct Line: 028 90511028

Cc Richard Steenson Killultagh Estates Ltd

Belfast Birmingham Bristol Edinburgh Glasgow Leeds London: West End & City Manchester

Colliers CRE is the principal business of Colliers Conrad Ricblat Erdman (Belfast) Limited, registered No. NI 27116.  
Registered Office: Norwich Union House, 7 Fountain Street, Belfast BT1 5EA.

Colliers Conrad Ricblat Erdman (Belfast) Limited is an independently owned and operated associate of Colliers CRE plc., which is a member firm of Colliers International Property Consultants, an affiliation of independent companies, with over 240 offices throughout more than 50 countries worldwide.  
Regulated by RICS.



Colliers CRE

Chartered Surveyors & International Property Consultants  
Commercial Property Agency of the Year 2007 - NI Property Awards



Our Ref: LD

19 February 2010

The Linenhall  
32-38 Linenhall Street  
Belfast BT2 8BG  
Tel: 028 9024 1500  
Fax: 028 9023 7278

PD

[www.colliers.com/belfast](http://www.colliers.com/belfast)

Dear

RE: HILLVIEW RETAIL PARK

Further to the attached letter that we have recently received (copy attached) I am writing to inform you that the landlord has confirmed that you do not have permission to use the above site for a car boot sale with effect from 23 February 2010.

I understand that you are currently in the process of appealing the refused planning application referred to in the letter. Should you be successful in appealing this then please provide me with the appropriate documentation showing that planning permission has indeed been granted. At this point your landlord will consider allowing you to occupy the site once one as a car boot operator.

I must reiterate once more that you do not have permission to hold any car boot sales with effect from 23 February 2010.

If you have any queries please do not hesitate to contact me.

Kind regards

LUCY ELLIOTT CTA MRICS  
[lucy.elliott@collierscre.co.uk](mailto:lucy.elliott@collierscre.co.uk)  
Direct Line: 028 90511028

Belfast Birmingham Bristol Edinburgh Glasgow Leeds London: West End & City Manchester

Colliers CRE is the principal business of Colliers Conrad Ritblat Erdman (Belfast) Limited, registered No. NI 27116.  
Registered Office: Norwich Union House, 7 Fountain Street, Belfast BT1 5EA.

Colliers Conrad Ritblat Erdman (Belfast) Limited is an independently owned and operated associate of Colliers CRE plc., which is a member firm of Colliers International Property Consultants, an affiliation of independent companies, with over 240 offices throughout more than 50 countries worldwide.  
Regulated by RICS.

File Ref: 2/2008/0368CA

Lucy Elliott of Colliers (90511028) phoned to confirm that car boot sale is still operating. She said that the operator is using their site <sup>IP</sup> & that Colliers padlocked the site only to find that the operator broke the locks off & replaced them with new locks so Colliers can't access the site. Ms Elliott also confirmed that they are

IP

Colliers have no control on the site due to this

Signature

PO Kelly

Date

28/03/10

File Ref: Z/2008/036PCA

Lacey Elliott of Collier's phoned to point out that they have been unable to erect the current layout of the site &

IP

However, she did also confirm that ASDA have now brought the lease to the premises & will soon begin to fit out the units to suit their purposes. works are due to commence after the July 12th holidays & ASDA will have 24hr security on site during this period which will prevent illegal access by the car boot sale operators.

Signature

Polly

Date

29/06/10

I refer to our earlier telephone conversation in respect of the above. We have been liaising with your planning enforcement section regarding an unauthorised boot sale

IP

I can however confirm, that Asda have signed an agreement to lease to take the large old Dunnes unit at Hillview Retail Park. Their licensing appeal is scheduled for 14/15 September and once this is agreed, together with planning in respect of the right hand access/ egress issue, the lease will complete and fit out commence. As a result of the Asda deal we have further secured offers from other retailers for 4 of the 5 remaining units from other tenants of a similar calibre.

We are keen to ensure these lettings complete as this site plays an important part of the regeneration of the area and are therefore keen to avoid any disturbances in the short term. We are confident that once the units are occupied we, along with the new tenants, will be able to provide enough pressure to ensure the unauthorised boot sale ceases to operate.

I would be grateful if you could postpone enforcement proceedings in light of this information.

Should you have any queries please do not hesitate to contact me.

Regards

Richard Steenson

Killultagh  
The Linenhall  
32- 38 Linenhall Street  
Belfast  
BT2 8BG

Tel 02890 278899  
Mob 07989 278899

Paul Mon. 14/3/11

PD

Phoned

re. Market at Hillview Rd

Said he has nothing to do with  
the market would like you to  
call him on P.O.

Returned call & left  
voicemail -

Paul O'Leary



**BEDFORD  
HOUSE**

bedfordhouse.com

18/3/11



PD

placed. He explained that he no longer has any interest in this site. He explained that a person named [redacted] had took over the site but to the best of his knowledge they are large in the markets either. He does not know who is the organizer now. is at [redacted]

PD

Signature: [Signature]

Date: 18/03/2011

File Ref: Z/2008/0368CA

Note of telephone call

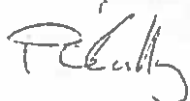
Date of telephone call: 18/03/2011

Richard Steenson of Killultagh Properties Ltd phoned regarding our warning letter dated 10 March 2011. He pointed out that they are unable to secure the site as the organisers of the car boot sale are IP. The police are claiming that this is a civil matter. Mr. Steenson enquired if they could submit another planning application but this time to propose a smaller area. I explained that the Department are unlikely to accept another planning application for the same proposal as it has not been two years since their previous one was refused. He confirmed that he has sent a letter to the Divisional Planning Manager to request his advice. I explained that the DPM may just explain that as this is their site it is their responsibility to ensure it is secure. I enquired as to how much of the site the car boot sale currently takes up. He said that the entire site is used. I then enquired as to how they intend to scale this down if they are given an approval for part of the site to be used. I also enquired as to how they will prevent the organisers going ahead and using the entire site regardless if they are unable to prevent them entering their site IP. He said that they will have to work this out with the operator. Mr. Steenson is to put this in an email. He is also concerned as to what happens next if this is not resolved. I explained the process involving an Enforcement Notice and how they have a right of appeal.

Contact number: 07989 278899

02890 278899

Paul O'Reilly



Date: 18/03/2011



59

Our Ref:- KP/RS

## Killultagh Properties Ltd.

Date:- 18 March, 2011

The Planning Service  
Bedford House  
16-22 Bedford Street  
Belfast  
BT2 7FD

The Linenhall  
7th Floor, 32-38 Linenhall Street,  
Belfast, BT2 8BG.  
Tel: 028 9027 8899  
Fax: 028 9027 8879  
Email: mail@killultagh.com  
www.killultagh.com

For the attention of Mr P O'Reilly

Dear Sirs ,

Your Ref.,

**Z/2008/0368CA Unauthorised markets**  
**Hillview Retail Park, Crumlin Road, Belfast**

We acknowledge receipt of your correspondence dated 10 March, 2011 in respect of the above.

Your will be aware of our previous correspondence on this and other matters on this site. Despite using our reasonable endeavours we have been unable to stop the trading of the carboot sale -

IP

and our site security are unable to stop the trading due to the volume of users.

You will further be aware of the impending occupation of Asda on this site; however, recent press coverage would appear to suggest this is now unlikely to happen - we had expected the carboot would cease or be endorsed by way of a further application by them.

We note your advice in respect of the previous refusal on this site; it is proposed however, to submit an application on Monday, 21 March for the continuance of the carboot on a smaller area within the site; we should be grateful for your comments on this proposal.

We should be grateful if you would consider this note - perhaps we could meet please, at a time suitable to you - please advise.

Yours faithfully

  
R Steenson



## Introduction

The Participation and the Practice of Rights (PPR) organisation was established in 2006 and works to support disadvantaged groups to use a human rights based approach to address the social and economic deprivation and inequality they face, and to participate meaningfully in government decision making about their lives. Since 2007 we have supported people from across the city of Belfast impacted by poor housing and homelessness. A key issue in this work has been the inequality in accessing housing among the Catholic Community in North Belfast. This group are known as 'Equality Can't Wait'.

Since 2009, Equality Can't Wait have secured three UN level interventions supporting their campaign, from the Committee on Economic, Social and Cultural Rights (2009, 2016) and the UN Special Rapporteur on the Right to Housing (2014). They have secured support of 49 MLAs across the political spectrum. The issue has also been recognised by the Northern Ireland Children's Commissioner, the Northern Ireland Human Rights Commission, and the Equality Commission. Hillview/Dunnes site was identified by them as a site which is integral to tackling housing inequality in North Belfast and they have secured the support of five political parties in their campaign to build homes at Hillview/Dunnes.

### Context

19 years on from the signing of the Belfast/Good Friday Agreement, the face of Belfast is changing rapidly. Far from the heavily militarised zone it once was, new developments are springing up across the city. As a result, land is vanishing. With it, vanishes the opportunity to address one of the outstanding conflict related human rights issues – the inequality in social housing provision impacting the Catholic Community in North Belfast.

That right to housing issues are a matter for council is clear. In her first report to the Human Rights Council (A/HRC/28/62), the United Nations Special Rapporteur on the Right to Housing, underlines the fundamental responsibilities subnational and local governments, like Belfast City Council, have for implementing human rights stating:

*"Under international human rights law, human rights obligations extend to all levels of government. This means government authorities at all levels must exercise their authority consistently with the right to adequate housing. Local government is closest to community needs and therefore can play a central role in bringing to light the most critical housing needs and ensuring effective responses by all levels of government."*

This has particular relevance in the Northern Ireland context, where powers relating to housing were removed and vested in the newly established Northern Ireland Housing Executive as a result of evidence of systemic discrimination in housing provision, which fuelled the civil disturbances that led to the 30-year conflict on this islands.

PPR and the Equality Can't Wait group contend that the Hillview/Dunnes site in North Belfast represents a key opportunity for much needed social housing in North Belfast.

## Consideration of Emerging Planning Policy

We submit that the Planning Committee should take a forward-thinking approach, rooted in the principles of the emerging Local Development Plan and emerging Belfast Agenda, to ensure this site can be made available for social housing for families into the future.

Planning in Northern Ireland is increasingly driven by Councils, with the Department of Infrastructure retaining a role (especially in regards to planning guidance and in developing regional developments). The main sources of *planning guidance* the Councils and the Department must adhere to derive from the Regional Development Strategy 2035 (RDS), the Strategic Planning Policy Statements of NI (SPPS), planning guidance notes, and for Councils, the Local Development Plan. All guidance compliments each other, and the LDP is informed by the RDS and the SPPS.

The Dunnes/Hillview site is currently "unzoned whiteland" according to the BUAP, and according to the planners own report, "Therefore, any land use may be possible providing it complies with regional policy and all other material considerations." The adopted Belfast Metropolitan Area Plan 2015 (BMAP) (*which zones this site for retail*) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May, 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area.

Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. In our discussions with the Belfast City Council Planning Officers it was confirmed to us that in assessing individual planning applications under Section 6 (4) of the Planning Act the Council must also have regard to all material considerations and there are circumstances in which it is appropriate to depart from the area plan.

Official planning guidance states that there *"is no legal definition for material considerations; however they are held to include all the fundamental factors involved in land-use planning. Essentially a material consideration is one which is relevant to making a planning decision as to whether to grant or refuse an application for planning permission. Material considerations will vary depending on the specific circumstances of each case."*

The SPPS states that: *"There are two main tests in deciding whether a consideration is material and relevant: (i) it should serve or be related to the purpose of planning - it should therefore relate to the development and use of land; and (ii) it should fairly and reasonably relate to the particular application."*

*"Examples of material considerations include the local development plan; planning policy; planning history; need; public opinion; consultation responses; existing site uses and features; layout, design and amenity matters; precedent; alternative sites and planning gain".*

It is our contention that the below represents strong material considerations for the Planning Committee and provide a basis for rejecting the current proposal, to ensure this site becomes available for social housing.



## Material Considerations

### **Housing as a key need for the City of Belfast**

It is submitted that the provision of adequate and sufficient social housing units is a key need for the city. As such it falls squarely within the remit of the Belfast City Council Planning Committee. The Local Development Plan has as one of its core aims to 'allocate sufficient land to meet the needs of the city' and will be the main vehicle for assessing future housing land requirements and managing housing growth.

Announcing the timetable for its LDP the previous Planning Committee Chair Councillor Peter Johnston acknowledged this duty stating that:

***"we have a requirement to identify an adequate supply of housing land; without an LDP, Belfast is susceptible to speculative development proposals that may not deliver the aims of the council and wider needs of the city."***

SPPS: 6.137 states:

***"In preparing Local Development Plans (LDPs) councils shall bring forward a strategy for housing, together with appropriate policies and proposals that must reflect the policy approach of the SPPS, tailored to the specific circumstances of the plan area. Planning authorities must deliver: increased housing density without town cramming; higher density housing developments should be promoted in town and city centres and in other locations that benefit from high accessibility to public transport facilities."***

A Preferred Options Paper of the LDP underwent a community consultation at the beginning of this year. Simultaneously, the Belfast Agenda – which has a statutory link to the LDP – also underwent consultation.

In overview, both documents highlighted the need for additional housing in Belfast, with the Topic Paper on Housing which informs that Agenda and the LDP stating that *"Projected social housing need for Belfast is nearly 6,000 units over the period 2015- 2020"*, or 1,200 a year. The Belfast Agenda only proposed the creation of c.450 number of affordable/social homes per year.

The LDP sets out a strategic aim to *"provide a sufficient supply and choice of homes that will provide for the city's growing and diverse population,"* and it will seek to *"address current and future residential needs through ensuring sufficient suitable land is available"*.

At these consultations PPR noted that key aspects of Belfast's current housing profile are ignored, especially in relation to housing inequality in North Belfast.

PPR *"urge[d] the Council to incorporate an exploration of the potential of the Northern Ireland Housing Executive's vesting powers into this delivery plan."*

The Council has recently released its report into the consultations received for the LDP (the report for the Belfast Agenda has not been released). The Council report recognised that respondents raised the issue of:

***"The commitment to provide shared housing is acknowledged, but it is important to tackle inequality in social housing provision."***

In response, the Council committed to:

***"In relation to social housing provision, consideration will be given of the need to tackle inequality."***

The Council notes that respondents also raised that:

**"Previous development plans have repeatedly failed to strike the right balance between social, economic and environmental considerations for a variety of reasons. The challenge for Belfast council will be to resist legal and other obstacles raised by powerful groupings who want to pursue their own agenda."**

and also:

**"The need to address and bring to the forefront of the plan, the alleviation of a housing crisis, of low educational attainment, of poverty and inadequate living conditions, of limited access to healthcare, and of diverse life expectancy rates"**

Council have responded saying:

**"We will give greater consideration to the need to address more explicitly issues around concepts of; space and place, social and affordable housing, education and employment and other specific measures of deprivation."**

As a guiding principle, Council proposed:

**"To allocate sufficient land to accommodate 37,000 new housing units, prioritising the reuse of vacant and derelict brownfield land and increasing the density of homes, particularly in the city centre and at other accessible locations."**

With a **"general agreement [from the public] that brownfield sites should be developed in advance of other sites in the city.**

Council also acknowledged that:

**"While there is presumption in favor of retaining employment use, it is recognized that a flexible approach to allow for alternative uses on employment land where such sites are not capable of accommodating similar employment uses.**

It is welcomed that there is agreement that employment land should be periodically reviewed and that zoned land, which is not coming forward for employment use, should be considered on a site-specific basis having regard to strategic needs."

**PPR notes that Hillview is a failed site. It has been vacant for over ten years. It is a prime example of land that should be reviewed, and the site-specific needs that the site could meet should be considered.**

Council also note that:

**"An Urban Capacity Study is currently being prepared which will consider the land available to accommodate the level of housing and employment growth proposed in the POP. It will**

inform the preparation of both the Plan Strategy and Local Policies Plan. Depending on its findings, [Belfast City Council] may issue a formal 'Call for Sites' at the Local Policies Plan stage, at which point the submissions received to the POP will also be taken into account."

And call for Hillview to be one for housing, as well as other sites highlighted in Surrounded by Land report

### **General Need for Social Housing**

Section 6.139 of the SPSS states that housing allocations in LDPs should be informed by the RDS Housing Growth Indicators. These require 50,100 new dwellings in Belfast Metropolitan Urban Area between 2008-2025. [LDP/BA proposed 450 number of new 'affordable' homes each year – the NIHE has stressed that affordable means social]

Section 6.143 of the SPSS also requires reliance on the Housing Needs Assessment undertaken by the Northern Ireland Housing Executive, in order to identify the range of specific housing needs, including social/affordable housing requirements.

The Northern Ireland Housing Executive's Social Housing Development Programme's Unmet Social Housing Need Prospectus identifies Belfast as the area of Northern Ireland with the highest unmet need, with a need for 4,434 social housing units identified outside of those already planned in the Social Housing Development Programme.

According to the NIHE's 'Belfast Housing Investment Plan 2015-2019' there were almost 12,000 people on the social housing waiting list in Belfast in 2015 and almost 7,000 in 'housing stress'. Around 6,000 families presented as homeless and over 3,000 were accepted as such. To deal with this crisis the government built 542 social homes in Northern Ireland in 2015.

### **Specific need to tackle Housing Inequality in North Belfast**

The lack of social homes has a disproportionate impact in areas where there is already chronic housing shortages, including for the Catholic community in North Belfast. In 2008, the then Department for Social Development projected in an Equality Impact Assessment that between 2008-2012, 96% of the need for additional social housing in North Belfast would be in the Catholic community. Despite the long-standing legislative requirements on public bodies to tackle inequalities where they are identified, no action has been taken to address this.

The most relevant data pertaining to this issue are statistics relating to 'residual need'. While the waiting list and housing stress are relevant to consider, residual need statistics show the number of 'additional' social homes that are needed to meet the need in a particular area. The most recent figures (2016) from the Northern Ireland Housing Executive indicate that there is a need for 938 units of additional social housing to meet the need in Catholic areas, while in Protestant areas of North Belfast there is a need for 38 additional social homes.

In our work with families affected by housing shortage since 2006, PPR have documented the human impact inadequate, inappropriate and overcrowded has on people's lives and on their wellbeing.

PPR therefore submits that the 'specific circumstances' referred to should incorporate consideration of the longstanding, chronic and internationally condemned issue of housing inequality impacting the Catholic community in North Belfast.

### **Strong preference for use of existing land in building housing**

The Regional Development Strategy *'recognises that there are significant opportunities for new housing on appropriate vacant and under-utilised land.'*

It continues; *'The policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone'*

The SPSS states that *'When place-making, planning authorities should make efficient use of existing capacities of land [...] in order to achieve sustainable communities where people want to live, work and play now and into the future.'*

As mentioned above, Section 6.139 of the SPSS states that housing allocations in LDPs should be informed by the RDS Housing Growth Indicators and should also consider Urban capacity studies to take account of housing development opportunities arising from previously developed land (i.e. brownfield sites), and windfall sites defined by the RDS as:

***"Housing sites that were neither zoned nor anticipated during the formulation of the development plan but which have become available during the lifetime of the plan."*** (16)

As mentioned above, in its report on LDP consultation responses, the City Council Planning Committee proposes to:

***"prioritising the reuse of vacant and derelict brownfield land"*** as it allocates sufficient land to accommodate proposed new housing units under the LDP, and notes with approval the ***"general agreement [from the public] that brownfield sites should be developed in advance of other sites in the city."***

Thus, using a site like Dunnes/Hillview, which has already been developed but is not in use, would be in keeping with this principle. The SPSS further states that *'Identifying previously developed land within settlements [...can assist with the return to productive use of vacant or underused land.]'*

#### **Sustainable development statutory duty**

A statutory duty exists on government departments and district councils to promote sustainable development under Section 25 of Northern Ireland (Miscellaneous Provisions) Act 2006. The NI Executive published *'Everyone's Involved - A Sustainable Development Strategy'* in May 2010, which sets out a number of priority areas for action and a number of strategic objectives to achieve in the pursuit of sustainable development. One of the key priorities is ***"ensur[ing] that everyone has access to decent housing that enables them to live sustainably."***

Housing as an element of sustainable development must be reflected in the Council's LDP. According to the Regional Development Strategy this must also be achieved *'through the recycling of land and buildings and the encouragement of compact town and village forms.'*

LDPs also call for local facilities, services and adequate infrastructure integrated into new housing development to meet the needs of the community as a way to meet sustainable development and housing obligations.

Part of PPR's submission to the Planning Committee includes a vision for the Hillview site which incorporates retail alongside housing units, open shared space and community facilities.

The SPSS states that LDPs also call for local facilities, services and adequate infrastructure integrated into new housing development to meet the needs of the community as a way to meet sustainable development and housing obligations.

*"A design concept should be sought from and agreed with the developer incorporating sustainable elements such as good linkage of housing with schools, community facilities and public transport; provision for cycling; adequate provision of open space and landscaping integrated with broader green and blue infrastructure systems; energy efficient design of housing units and use of sustainable drainage systems, where appropriate."*

These guidelines are reflected in our concept proposal for the site as outlined as below:

### Alternative Concept Plan for Hillview Site



- **130 homes (mixed occupancy levels) built to a high specification including the use of sustainable materials and promoting energy efficiency;**
- **Community facilities and shop frontage to restore pedestrian activity in a derelict area of Belfast;**
- **Green space and play facilities for children**



**Hillview**  
Residential-Commercial Complex  
Proposal



Client: PPR

Architect: Barsav Architects



**Hillview**  
Residential-Commercial Complex  
Proposal



Client: PPR

Architect: Barsav Architects



**Hillview**  
Residential-Commercial Complex  
Proposal



Client: PPR

Architect: Barsav Architects



**Hillview**  
Residential-Commercial Complex  
Proposal



Client: PPR

Architect: Barsav Architects







## Procedural Flaws

LA04/2017/0361/F & LA04/2016/2360/F - Hillview Retail Park Application

- 1) Planners report states that an **Environmental Impact Assessment** determination was carried out on 23<sup>rd</sup> Nov 2016, **but this was not made publicly available on the planning portal**. Without this members of the public do not have the full information needed to make an assessment of this application and therefore are prejudiced. Councillors should ask planners why this is the case?
- 2) Councillors could ask why there is not mention of the issues of **asbestos** in the planners report for Hillview 1, despite being mention in documents on the portal.
- 3) There are two applications for Hillview being considered at the same time. **Yet policy guidance also advises council to not have two "same or substantially the same applications under consideration at the same time."** (DM Practice note 16 The Determination of Planning Applications ). Guidance also says that the same or similar application should not be heard if one has been refused in the previous two years. The applicant seems to be trying to get around this by submitting two different applications as the first one submitted may have been refused. Councillors should ask planners why this has been allowed to go forward?
- 4) Councillors should also ask why the **planner's recommendation reports for the two Hillview applications were not made available at the same date as the other applications to be heard today, as this did not give us the same amount of time as objectors of other applications**, and thus prejudices the process. Planning was brought to council level for greater public accountability, but that opportunity was not afforded to us. Councillors should ask why the report was withheld?
- 5) Councillors could ask why objectors were originally told the applications would be heard on 17<sup>th</sup> August, only then to hear it would be up on the 15<sup>th</sup> August.
- 6) Councillors could ask why has there has been a **discrepancy** in how material for developers and supporters on the one hand, and objectors on the other, have been dealt with. **Relevant materials from objectors was often uploaded only weeks after submission**, while those from the developer or supporters would quickly be made available. For example the Equality Can't Wait campaign submitted a report on 26<sup>th</sup> September 2016 documenting objections but this was only uploaded to the planning portal on 9<sup>th</sup> January 2017. Related to this point, **Councillors could also ask why this application is going ahead, when there is ongoing investigation of complaints raised with BCC over handling of discrepancies**
- 6) Councillors could ask planners to explain their use of **speculation** on the potential of this site. **Planners twice state without evidence that this application will "rejuvenate" the area, the speculate about additional jobs even to those the developers have proposed, and have cited an illegal market as evidence "an interest in the locality for retail shopping."** How does an

illegal market demonstrate need? Professional judgment of this is flawed. And yet to the charge from objectors that "Economic benefits should not be given weight to a speculative proposal," the planners turn around and say "the economic benefits are not a primary material consideration in this case." Councillors could ask planners to explain this approach, which appears heavily weighted in favour of the developers.

- 7) Councillors could ask planners to explain their approach to area plan – for example they say that this site is listed as district centre on BMAP and thus can be approved for retail. However, they do not give proper consideration to objections which are based on BMAP by stating that "A number of these objections relate to the Belfast Metropolitan Area Plan, which is a material consideration, but is no longer the extant Area Plan)". Which is it? This undermines the planning argument. Again, councillors could ask planners to explain this approach, which appears heavily weighted in favour of the developers.
- 8) The current zoning under Belfast Area Urban plan – which carries statutory authority - **does not limit the use of the site to retail rather states it is 'unzoned whiteland' which means any land use complying with policy and material considerations is possible.** – including housing. Why is this omitted from the Planner's report?
- 9) Councillors could ask why this application has been recommended for approval, when the designation of this site is in question, and the **Local Development Plan is undergoing consultation** and is being drafted. Why have planners in their report not responded to objections regarding prematurity of alternative uses of this site. Why have the planners not considered the Planning Committee's own statements on the need to tackle housing inequalities and broader housing needs following the recent LDP consultation? Why have the planners not considered housing in the wider context of planning processes?
- 10) Councillors should ask why this application has been recommended for approval, as this would **prejudice ongoing discussions with the NIHE regarding vesting this land for social housing.** Planning permission on this land will increase the price and make it more expensive for NIHE to buy.
- 11) Councillors can ask why planners make such a point of saying that **planning permission is not needed** for most aspects of application, as they stress on various occasions throughout the report that "The existing retail units on the site could re-open without the benefit of planning permission". Councillors should question the intention behind the application. Is it primed it about increasing price of the land for the developer. This is material when considering the merits of this application - economic benefits and other potential uses for the site