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Belfast City Centre Regeneration Directorate
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BELFAST CITY CENTRE NORTH WEST QUARTER PART TWO

GVA GRIMLEY BASELINE REGENERATION ISSUES REPORT TO THE DEPARTMENT FOR SOCIAL DEVELOPMENT

Dear Sir/Madam,

Thank you for sending the Committee on the Administration of Justice (CAJ) the above report, by the independent planning and regeneration consultants, GVA Grimley, which we read with great interest. For some time CAJ has worked to ensure that issues of equality, fairness, and the addressing of social need are mainstreamed across all areas of government policy. Given the important role that urban regeneration can play in addressing inequality and social exclusion we are particularly interested in this piece of work, which aims, among other things, to provide a framework of potential actions and linkages to shape the eventual Regeneration Masterplan for the North West Quarter Part Two Area.

The Vision for the Plan

We note that the report states that the government's vision is to:

“strengthen Belfast City Centre as Northern Ireland’s primary regional shopping destination providing a high quality, safe urban environment, which is attractive to investors, employees, residents and tourists. The vision for the North West Quarter is to create a revitalised mixed use quarter which optimises the area’s economic, tourism and leisure potential, creates appropriate new shopping development and levers potential benefit to the adjoining residential communities in North and West Belfast.”

We also note that there are some references to the Shared Future policy. In particular the document states that:

“It is within the context of the Shared Future and Belfast City Centre Regeneration Policy Statement, that we have offered comments about the North West Quarter Part Two area and of the need to regenerate the area in a way which will protect this part of Belfast City Centre as a safe and welcoming place for people of all walks of life; creating safe and shared space for meeting, sharing, playing, working and living; and, freeing the public realm from threat, aggression and intimidation while allowing for legitimate expression of cultural celebration”.

The Shared Future concept is a current (welcome) government priority; equality however is a statutory and permanent duty on government. It is regrettable therefore that there is no reference to the need to promote equality, or address social need in this, nor indeed any part of the document. Whilst we are particularly concerned at the fact that the proposals do not contain an Equality Impact Assessment, it is clear that the “vision” section of the document should incorporate the need to address inequality and disadvantage.

Socio-Economic Trends

Clearly an understanding of socio-economic trends is essential to addressing key regeneration issues. As the data in the report shows, deprivation is prevalent in and adjacent to the areas covered by this strategy.

Looking at the census information relating to the smaller output areas which correspond closely to the three distinct areas covered by this plan – namely Peter’s Hill, Carrick Hill, and the land to the north of North Street – some very interesting patterns emerge. The three individual areas are similar in size in terms of number of households, and indeed similar in levels of deprivation. The main difference between the areas would appear to be demographics in terms of age profiles and community background.

We note for example that according to the data presented, Peter’s Hill has an unemployment rate of 19% (significantly higher than the NI average of 4.6%), with 97% of the population living in social housing. The area is clearly overwhelmingly Protestant (81%), with 124 households in total.

Carrick Hill has an unemployment rate of 26% (significantly higher than the NI average of 4.6%), with 84% of the population living in social housing. The area is clearly overwhelmingly Catholic (81%) consisting of 126 households in total.

The land north of North Street has an unemployment rate of 30% (significantly higher than the NI average of 4.6%), with 72% of the population living in social housing. The area is clearly overwhelmingly Catholic (82%) consisting of 118 households in total.

In summary therefore, the development covers three areas – two of which are overwhelmingly Catholic and one which is overwhelmingly Protestant. All three areas have significant levels of deprivation, the alleviation of which should – in light of government’s equality and TSN obligations – be a priority for this plan.

Housing

In relation to the section of the report on housing the document states that within the study area, the “polarisation trend” is more extreme than that of Belfast as a whole with “81% single religion in each neighbourhood”. The report goes on to state that this issue is compounded by the dominance of social needs tenure “which is likely to result in further accentuation of this trend in the future”.

The report also states that demand and supply for housing is mismatched in North and West Belfast, and that generally demand is highest in Catholic communities but the problem is that little development land exists. According to the report:

“Waiting demand lists held by the NIHE/Housing Associations suggest as high as 80% Catholic demand of which 40% require family housing. Conversely, demand is lower for Protestant housing but potential development land exists within these areas”.

In terms of the previous stakeholder consultations, the document states that:

“discussion with local housing interests raised a number of issues including the requirement for family housing rather than apartment style within the city centre.”

The report goes on to state that a masterplan for the Brown’s Square neighbourhood area of Peter’s Hill has recently been completed which suggests capacity for additional residential units (houses and apartments), to be developed on site to help address the social demand issue. The report then goes on to state that

“It is our understanding that a site along Carrick Hill has been acquired by the NIHE for social housing and is being delivered in association with a Housing Association, with the potential to provide 15 two-storey family housing units.”

Other than a reference to the “potential to provide” 15 housing units however, no numbers are provided in terms of the impact that these proposals (if completed, they are still clearly proposals) will have on overall need in the respective areas. As outlined above, the report gives a waiting list breakdown of “80% Catholic demand of which 40% require family housing.”

Clearly, the only areas that are likely to be able to address the disproportionate level of Catholics in need of social housing are Carrick Hill or the land north of North Street. Given the demographics of the areas concerned however, it would

appear (although the report does not state this) that the disproportionate Catholic demand will not be met by the provision of houses and apartments in Peter's Hill – which is overwhelmingly Protestant. However in relation to the land north of North Street, the document specifically rules out further social housing. Instead, this section goes on to suggest that student housing might potentially expand in the area in light of the expansion of the Belfast Institute of Further and Higher Education. The report also points out that in relation to new private sector housing, the *“desire to live in the City Centre in affordable apartment style housing is strong. The opportunity exists to encourage more residential (sic) within the area to the north of North Street ”*.

Summary of Issues

In summary therefore, it appears that the overall plan relates to three distinct areas, all three of which would be considered single identity areas, or using the terminology of the report are “highly segregated”. Two of the areas are overwhelmingly Catholic (Carrick Hill and the land north of North Street), while the other area (Peter's Hill) is overwhelmingly Protestant.

The demand among the social housing tenants is for family housing rather than apartment style within the city centre, with an emphasis on the need for recycling underused or vacant development land. There is no information on the extent to which new build measures (if they take place) will impact on social housing need in any of the areas.

Although there is little student or private sector housing in any of the areas at the minute, the report had identified some potential developments for both groups, including the opportunity to develop private apartments within the *“area to the north of North Street”*.

Clearly there are likely to be a range of differential equality impacts depending on the particular options that are pursued. For example, the proposal to develop private apartment style developments in the land north of North Street would, on the information provided, clearly have an adverse impact on the Catholic community. As the data presented in the report shows, this is an area that is currently 82% Catholic, with 72% of the population living in social housing, and with a surrounding major demand for housing, and for that housing to be family housing rather than apartments.

It is imperative therefore that an EQIA be carried out in order to identify specifically what equality impacts are likely to arise as a result of these proposals.

Conclusions on Housing

CAJ finds the conclusions reached in this section of the report deeply problematic. The report claims:

“Housing is required to be part of the mixed-use approach but this requires a sensitive approach. Given the existing situation, it is likely that social new build in the City Centre would polarise communities for the foreseeable future. Policy makers will need to consider the merits of available options for residential development, although given the current polarisation, private sector residential apartment style living is the suggested way forward for securing neutrality for the foreseeable future. Student residences could also provide an excellent opportunity for 24-hour living.

However, in working towards the production of the final adopted Masterplan for the area, policy makers may also wish to explore with the community whether there is the potential to support new social housing which could accommodate all sections of the community or social housing development which is planned to minimise the risk of further polarisation within the area. Possibilities include identifying whether land could be “swapped” to locate social housing away from the arterial routes. Alternatively, there may be potential to develop social housing within small scale mixed-use commercial schemes within the area. Finally, the opportunity for innovation in the design of social housing schemes, again to minimise the risk of polarisation, should also be exploited”.

Priority Actions

CAJ also notes with concern that one of the priority actions identified in the plan is entitled “Neutral Uses/Housing”. This states that:

“Ensuring neutrality in the area is essential particularly along Peter’s Hill/North Street and Clifton Street/Donnegall Street. The uses, which are introduced along these streets, need to be neutral to maximise connectivity with the wider area. Potential uses include education, leisure, enterprise/employment and tourism. It is therefore important to engage with BIFHE, TEP, and UU to seek to deliver such uses in these locations. Housing is required to be part of the mixed-use approach but this requires a sensitive approach. Given the existing situation, it is likely that social new build in the City Centre would polarise communities for the foreseeable future.”

The need to secure “neutrality” therefore has been prioritised over any requirements to provide housing on the basis of objective need. Moreover, private sector tenants and students have been prioritised over social tenants on the basis that they will be better able to secure the “neutrality” of the area to the north of North Street which is currently 82% Catholic.

In terms of the proposals to “support new social housing which could accommodate all sections of the community” it is unclear whether the suggestion is that social housing will only be provided on a “quota basis”. There is clearly an implicit threat that if a community is unwilling to accept limits (ie quotas) on the proportion of the number of residents from each community in a given area, then no houses will be built. The underlying message is that allocating housing on the

basis of need does not comply with the Shared Future vision and that the latter must predominate.

In addition, the legal status of the proposal that social housing could be provided so long as it is located away from arterial routes is questionable to say the least. Such a scenario clearly implies that social housing tenants will be given a second class status of tenancy in which they are not allowed to reside on main roads, thereby imposing something of a “social housing” exclusion zone around arterial routes. No justification at all is given for such a novel and contentious measure. Clearly the message to those in greatest need is that if they are to be accommodated at in all this plan, then they are to be literally “out of sight” of those using the city centre. It is difficult to conceive of a scenario that could better contradict any notion of working towards social inclusion. In fact social exclusion – at least in terms of visibility – has become a key objective of this proposed plan.

At no point in any of these scenarios are the needs of social housing tenants considered, other than the extent to which they can conform to a notion of securing the “neutrality of the area”. Certainly, in terms of the land north of North Street, the effect of all the proposals is either to limit/reduce the proportion of Catholics living in the area, and to remove what would in effect be overwhelmingly Catholic-occupied social housing from arterial routes in the land north of North Street. The document does not however honestly and openly state this, but merely alludes to the general need to secure “neutrality” or “shared space”.

Such an approach is clearly not in line with current equality and anti-discrimination legislation. Equally, it is meaningless to outline any proposals without an accompanying analysis of the impact that all of the proposals will have on the Protestant community of Peter’s Hill, or the Catholic communities of Carrick Hill or the land to the north of North Street.

Problems with Key Issues Identified by the Department for Social Development for Consultation

In the supplementary questionnaire issued by the Department for Social Development we note that there are eight “key issues identified for consultation”.

In relation to “land uses” the report asks:

“Do you agree that social new build housing in this part of the city centre would further polarise social housing segregation in the area?”

Is there the potential to support new social housing which could accommodate all sections of the community or social housing development which is planned to

minimise the risk of further polarisation within the area? Proposals as to how this might be achieved would be welcomed.

Do you agree with the alternative land uses proposed to help promote the neutrality of this area of the city centre?"

Again, we are somewhat surprised at the notion that securing "neutrality" in an area can be achieved at the expense of providing social housing for those in most need. Moreover, we find the notion that a Department concerned with social development should be proposing options which directly encourage the marginalization of those in most need shocking. We also note that the final issue to be considered asks:

"Are there any issues that you feel should be given equality consideration at this stage?"

CAJ would hope that it is clear from this response that there are indeed a range of equality issues that the Department is under a legal duty to consider as part of an equality impact assessment.

Clearly, any proposals which impact adversely on the existing residents of Peter's Hill will have an adverse impact on Protestant need, and clearly, any proposals which impact adversely on the residents of Carrick Hill or the land to the north of North Street will impact adversely on Catholic need.

Equally, it is clear that in light of the fact that consultations identified a particular need in terms of requirements for family housing, the proposals to instead create private sector apartments in the land north of North Street would clearly have a negative impact on families in need of housing. Thus in terms of equality impact – apart from religious/political considerations – one could identify adverse impacts at the very least on grounds of age, gender, marital status, and those with dependants.

Given the government's current commitment to eradicate poverty, and child poverty in particular, it is difficult to see how the proposal to restrict or eliminate social housing provision for families in need would fit within the objectives of the anti-poverty strategy, or indeed any measures designed to address need, reduce inequality, or promote social inclusion.

We believe it is necessary to point out to the Department that the clear intention of limiting the presence of certain communities from arterial routes, and indeed the stated aim of targeting the proportion of one community living in any one particular area, is likely to constitute direct religious discrimination under Section 76 of the Northern Ireland Act. Notwithstanding that the Department might claim that this is for a "worthy" motive of securing "neutrality", there is no legal exemption for what amounts to direct religious discrimination.

We believe it is also necessary to point out to the Department that the clear intention of limiting the presence of certain communities from arterial routes, and indeed the stated aim of targeting the proportion of one community living in any one particular area, is likely to constitute an adverse impact on grounds of religion within the terms of Section 75 of the Northern Ireland Act.

In light of all of the above, we would be grateful if the Department could provide us with answers to the following questions:

- On what basis does the Department believe that the objective of securing “neutrality” in an area overrides the provision of housing on the basis of objective need?
- What is the legal status of the concept of “neutrality” outlined in the plans?
- What legal advice has the Department sought to ensure that the current proposals, particularly with regard to targeting Catholic social housing in the land north of North Street, is compliant with Sections 75 and 76 of the Northern Ireland Act, and the Fair Employment and Treatment Order 1998?
- In light of the clear adverse impacts identified in these proposals, when will the Department publish an equality impact assessment outlining the impact of the plans on the promotion of equality across the nine groups covered by Section 75?
- In light of the current anti-poverty strategy, how does the Department justify the deliberate exclusion of those in most need from arterial routes?

We look forward to receiving your views on these issues as soon as possible.

Yours sincerely,

Aideen Gilmore
Research and Policy Officer