

# PLANNING POLICY STATEMENT 21 – SUSTAINABLE DEVELOPMENT IN THE COUNTRYSIDE

## SUMMARY OF CONSULTATION RESPONSES

### Introduction

- 1 On 25 November 2008 the Department issued Draft Planning Policy Statement (PPS) 21 Sustainable Development in the Countryside for public consultation. The draft PPS sets out the planning policies governing development in the countryside. For the purposes of this draft PPS, the countryside is defined as land lying outside of settlement limits as identified in development plans. The provisions of the draft PPS apply to all areas of Northern Ireland's countryside.
- 2 As part of the consultation process copies of the draft PPS were also distributed to Assembly Members; all 26 District Councils, Government Departments and external stakeholders. Notice of the publication of draft PPS 21 and the commencement of the consultation period was given in the Irish News, Newsletter and Belfast Telegraph on 26 November 2008. The document was also made available on the Planning Service website. Consultation responses were requested by 31 March 2009.
- 3 This paper provides a general overview of the main findings following the public consultation process, specific to the individual policies within PPS 21. It is not intended to be a comprehensive report on every comment received, but rather a summary of the key issues raised in the responses. All responses to the consultation can be viewed on the Planning Service website at [www.planningni.gov.uk](http://www.planningni.gov.uk).

### Non-Farming Rural Dweller

- 4 While not a specific element within the policy document itself, the issue of a policy response particular to the needs of the 'non-farming rural dweller' or a 'kinship / local needs test' was raised by **132 respondents (41%)**, mostly from 'individuals'. The analysis of responses particular to this issue was a matter for the Independent Working Group (IWG) established by the Executive Subcommittee to examine this issue.
- 5 The IWG subsequently reported to the Executive Subcommittee in September 2009.

## OVERVIEW OF THE CONSULTATION

- 6 The Department received a total of **320** responses to the draft PPS from a wide range of interests which can be broken down into the following broad categories:

**Table 1: Categories of Respondents**

Responses from individuals	<b>177</b>	<b>55%</b>
Voluntary Organisations and Charities (including Environmental NGO's)	<b>42</b>	<b>13%</b>
Professional Bodies and Trade Associations	<b>27</b>	<b>9%</b>
Elected Representatives (Councillors, MLAs)	<b>23</b>	<b>7%</b>
Planning / Architectural Consultants	<b>21</b>	<b>6.5%</b>
District Councils (80% of All Councils)	<b>21</b>	<b>6.5%</b>
Government Departments, Statutory Agencies and Other Public Bodies	<b>9</b>	<b>3%</b>
<b>TOTAL</b>	<b>320</b>	<b>100%</b>

- 7 Most of the responses covered a number of issues and many were detailed in nature. As mentioned, a full list of all respondents is available on the Planning Service website.

## RANK ORDER OF ISSUES BY POLICY / ELEMENT

- 8 The following table ranks the 'elements / policies' within draft PPS 21 by the frequency with which they were raised by respondents to the public consultation (excluding general, or non-policy specific issues).

**Table 2: Rank Order of Issues by Policy / Element**

<b>Rank</b>	<b>No</b>	<b>Element</b>
<b>1</b>	<b>140</b> (44%)	CTY 10 – Dwellings on Farms
<b>2</b>	<b>93</b> (29%)	CTY 3 – Replacement Dwellings
<b>3</b>	<b>70</b> (22%)	CTY 13 – Integration and Design of Buildings in the Countryside
<b>4</b>	<b>68</b> (21%)	CTY 2 - Dispersed Rural Communities
<b>5</b>	<b>60</b> (19%)	CTY 8 – Ribbon Development
<b>6</b>	<b>59</b> (19%)	CTY 6 - Personal and Domestic Circumstances

<b>7</b>	<b>56</b> (18%)	CTY 4 – The Conversion and Re-Use of Non-Residential Buildings
<b>8</b>	<b>55</b> (17%)	CTY 1 – Development in the Countryside;
		CTY 5 – Social and Affordable Housing; and
		CTY 11 - Farm Diversification
<b>9</b>	<b>47</b> (15%)	CTY 16 - Development Relying on Non-Mains Sewerage
<b>10</b>	<b>40</b> (13%)	CTY 7 – Dwellings for Non-Agricultural Business Enterprises;
		CTY 9 - Residential Caravans and Mobile Homes; and
		CTY 14 – Rural Character
<b>11</b>	<b>38</b> (12%)	CTY 12 – Agricultural and Forestry Development
<b>12</b>	<b>32</b> (10%)	CTY 15 – The Setting of Settlements
<b>13</b>	<b>31</b> (10%)	Aim / Objectives
<b>14</b>	<b>28</b> (9%)	The Role of Development Plans
<b>15</b>	<b>19</b> (6%)	Annex 3 - Screening for EQIA
<b>16</b>	<b>15</b> (5%)	Annex 1 -Consequential Amendment to Policy AMP3 (PPS 3)
<b>17</b>	<b>8-10</b> <b>(3%)</b>	Policy Context; and
		Preamble
<b>18</b>	<b>&lt;3%</b>	Background; and Annex 2 - Vernacular Buildings

## Main Issues by Policy / Element

### **Preamble:**

The preamble section attracted relatively few comments from respondents;

A small number of comments were received in respect of the fact that the policies of Draft PPS21 will take precedence over Policy SP13 of the PSRNI which relates to 'the Coast'; especially in the absence of a PPS relating to the Coast.

*Response: PPS 21 takes precedence over SP13 of A Planning Strategy for Rural NI only insofar as it relates to Green Belts or Countryside Policy Areas. A draft PPS specific to tourism is currently under preparation which will, where appropriate cross refer to PPS 21.*

Mixed views were expressed over whether a 'single-policy' approach to rural development (Greenbelt and non-Greenbelt areas) is appropriate to Northern Ireland.

*Response: A single policy approach to development in the countryside first emerged with the advent of draft PPS 14 in March 2006 and has prevailed from that time. A reintroduction of two-tier policy approach, i.e. GB/CPA and Rural Remainder to be meaningful, would require a clear policy distinction to be made to justify designation of GB/CPAs through the Development Plan process. In the absence of this a two tier approach would not be appropriate.*

Clarification requested on the role of SCA as well as concern the small number and likely delay in designation.

*Response: PPS 21 renames these areas as Special Countryside Areas. Designation occurs through the Development Plan Process. A regional PPS cannot seek to designate further SCAs. PPS 21 simply acknowledges these areas and the respective policy provisions for each (contained within the relevant Area Plans).*

### **Background:**

No substantive comments on this section

**Policy Context:**

A small proportion of the total number of responses were received in respect of the policy context;

Reference to the Water Framework Directive and Habitats Directive were welcomed by Environmental NGOs but explicit reference to the NI Biodiversity Strategy was requested. A small number of respondents also felt that the policy context should be expanded to demonstrate consistency with the RDS and other programmes for Agriculture and Rural Development;

*Response: The Policy Context section makes explicit reference to the both the RDS and Rural Development Strategy. This PPS is formulated to facilitate sustainable development in the countryside, with a stated aim to manage such development in a manner consistent with achieving the stated strategic objectives of the RDS. As a consequence it has also been developed having regard to these and other relevant strategies, and in consultation with DRD, DARD and other departments / agencies as appropriate.*

A small number of respondents expressed the view that the policy context fails to properly translate those elements of the RDS which are promotive of rural development.

*Response: This PPS is formulated to facilitate sustainable development in the countryside, with a stated aim to manage such development in a manner consistent with achieving the stated strategic objectives of the RDS.*

**Aim / Objectives:**

Around 10% of respondents made comment specific to the stated aims and objectives, with almost half offering full or qualified support;

A number of respondents suggested that specific reference should be made in the stated aim to delivering 'sustainable development' or, to 'promote growth' in the countryside, rather than 'managing development';

*Response: A Sustainable Development Strategy NI acknowledges that 'sustainable development' is a concept which, because of its wide ranging and cross-cutting nature, is hard to define and even harder to*

*put into practice. Nonetheless, the title of the PPS makes clear that the purpose is to facilitate sustainable development which protects the environment while simultaneously aiding economic growth and sustaining the rural society. Within this context adjustment to the stated aim and objectives is not considered necessary.*

Some suggested that reference should be made in the objectives to 'traditional and contemporary design'.

*Response: Reference to 'design' in the 4<sup>th</sup> objective can include both traditional and contemporary approaches. Paragraph 5.61 (CTY 13) acknowledges that while traditional design is often the most successful, there are also opportunities for contemporary and innovative approaches. Therefore adjustment to the objectives is not considered necessary.*

A number of respondents suggest that the aim should better emphasise the needs of rural communities, and that this aspect should be promoted within the stated aim.

*Response: The needs of rural communities /society, has to be balanced with the other strands of sustainable development, that is, protection of the environment and growth in the rural economy. Care needs to be taken to ensure that one is not be promoted over the others. Within this context adjustment to the stated aim and objectives is not considered necessary.*

## **The Role of Development Plans:**

### **Dispersed Rural Communities**

The vast majority of comment related to the provision for the designation of Dispersed Rural Communities (DRC). While generally supportive, some expressed concern that designation of new DRCs could only occur through the statutory development plan process, which many viewed was dogged with undue delays.

*Response: The identification and designation of DRCs can only occur through the statutory Development Plan process.*

Some considered that the policy should facilitate development within areas with characteristics similar to existing designated areas, or even allow designation of further DRCs out-with the statutory development plan process.

*Response: This PPS sets out the basis and criteria for designation only and as a regional document cannot seek to designate DRCs itself. To facilitate similar development in other non-designated areas would only serve to undermine the purpose and intention of DRCs themselves. The concept to allow a measure of development at existing focal points (outside DRCs) is however taken forward through the introduction of Policy CTY 2a.*

A few respondents considered that a limit of development for a designated area would not be an unnecessary obstacle to development. Some also considered that the policy should provide a clear definition of a DRC and not just set out the criteria for designation.

*Response: The criteria for DRC designation, is effectively what defines the area. Policy does not prohibit a 'limit of development' should this be the preferred option through the development plan process, and in consultation with the local community and District Council. Such an approach would also have the benefit of scrutiny through a subsequent Public Examination.*

### **Special Countryside Areas**

Whilst respondents were generally supportive of the measure to protect areas designated as Special Countryside Areas, some considered that this designation should be extended to cover all AONBs, including exceptional landscapes, coastal or otherwise; and

Some contend that PPS 21 should itself designate such areas given the delays in the statutory development plan process

*Response: This PPS sets out the basis for designation only, through the process of Countryside Assessments. As a regional policy document this PPS cannot seek to designate SCAs itself. Identification and designation of SCAs occurs through the statutory Development Plan process. Policy for these areas is set out in the respective plans which, tends to be more restrictive than PPS 2 reflective of the unique and often sensitivity of the landscape to new development. Proposed SCA designation would also benefit from scrutiny at a subsequent public examination.*

### **POLICIES:**

#### **CTY 1 – Development in the Countryside:**

Overall most comment centred around the change in emphasis from ‘a presumption against development’ (PPS 14), to ‘types of development which in principle are considered to be acceptable’ (PPS 21). In this respect, most favoured the approach set out in CTY 1 of PPS 21, with some indicating that it re-establishes the Department’s principle in PPS 1 that development should be permitted unless it would cause demonstrable harm. Others however raised concern about this approach and indicated that failure to re-introduce a ‘presumption against development in the countryside’ removes a significant protection for the countryside.

*Response: The ‘presumption against development’ operated within the context of a two-tier policy approach to rural development. The advent and continuation of a single policy approach negates this strategy. The change in emphasis should not lessen protection of the countryside / rural environment. Only development set out under Policy CTY 1 will be permitted.*

Some respondents are of the view that CTY 1 introduces too much flexibility for new development in the countryside, particularly within established Green Belt areas (e.g. Belfast Hinterland) while others considered that additional opportunities should be included for ‘non-farming rural dwellers’, zero-carbon development, tourism or the equine industry.

*Response: Any expansion in the scope of development deemed to be permissible in the countryside may be set by other PPSs under preparation, forthcoming Development Plans or the Executive informed by public consultation. Policy options for the ‘non-farming rural community’ were presented by the IWG to the Executive Subcommittee. More sustainable and environmentally friendly / carbon-neutral development is generally to be encouraged and is mentioned in Policy CTY 13. Tourism development in the countryside is permissible where this is in accordance with the TOU Policies in the Planning Strategy for Rural Northern Ireland (PSRNI). A Tourism PPS is currently under preparation.*

## **CTY 2 – Development in Dispersed Rural Communities:**

Overall, most respondents offered unequivocal or qualified support for the reintroduction of this policy (allied to the provision for designation of DRCs in the Development Plan Section). Some respondents are of the opinion that the approach will only be of benefit to those

designated DRCs (mostly in Co. Fermanagh), and consequently further DRCs should be designated in existing or proposed Development Plans. (In this regard, some were critical of the protracted nature of the Development Plan process which, they considered would hamper attempts to designate new DRCs);

*Response: This PPS sets out the basis and criteria for designation only and as a regional document cannot seek to designate DRCs itself. The identification and designation of DRCs can only occur through the statutory Development Plan process and subsequent examination at Public Inquiry. The processes in the preparation of Development Plans are outwith the scope of this PPS.*

Some suggested that policy should allow for the provision of small housing schemes outside 'designated' DRCs, where those areas largely met the criteria for designation (outwith the development plan process);

*Response: To facilitate similar development in other non-designated areas would only serve to undermine the purpose and intention of DRCs themselves, and possibly lead to greater opportunity for unfettered development in the countryside. The concept to allow a measure of development at existing focal points (outside DRCs) is however taken forward through the introduction of Policy CTY 2a.*

Generally supportive of the provision for a group of houses (at identified focal points), but questioned why a limitation had been set at **6 houses**, suggesting that **8 (or possibly more)** would be appropriate (in comparison to 14 social/affordable houses).

*Response: The basis and justification for up to 6 houses at identified focal points within a DRC emanates from the previous policy contained in the PSRNI. The principle acknowledges that DRCs are unique to the pattern of rural settlement and seeks to facilitate appropriate levels and types of development without adversely impacting upon the character or amenity of the area, yet also supporting and sustaining that community. In addition, Policy CTY 5 can allow for a social/affordable housing scheme within a DRC where demonstrable housing need has been identified. In this context no further change is proposed.*

Others suggested that achieving a well integrated and designed group of 6 or more houses would prove difficult, and that consideration

should be given to allowing smaller groups of between 2 or 4 houses at various 'suitable' locations elsewhere within the designated area.

*Response: The approach to site new development at identified focal points seeks to minimise the potential adverse impact visually and environmentally on the character of a locality. Allowing greater opportunity for development elsewhere may only lead to unfettered development within the DRC and potentially undermine the purpose and intention of DRC designation. Issues also arise regarding the identification of other 'suitable' sites, the overall number of such housing groups and the cumulative effects.*

Some have sought a clearer definition / differentiation of the terms 'clachan' and 'small cluster'.

*Response: Invariably both phrases could be interpreted with the same meaning. A dictionary definition of 'clachan' is described as a "cluster of small single storey cottages" The policy also refers to a 'clachan style' which is intended to give direction to the appearance of the proposed development. In this context no further clarification is deemed necessary.*

**'Focal points'** – locating development at focal points was viewed by some as too restrictive, while others considered that the identified areas should be clearly defined in the local plan in consultation with the community (to avoid uncertainty). Others were content with the policy approach both in terms of its impact on the landscape and upon the local community.

*Response: Focal points associated with DRCs are identified in the respective Development Plans prepared in consultation with the local community and District Council. The policy intention to group development at these points is to minimise the visual and environmental impact of such development, and to take advantage of existing services and infrastructure. In this context no further change is proposed.*

**Services / infrastructure:** A small number of respondents raised issues around the services and infrastructure needed to facilitate a group of 6 (or more) houses within the countryside. Most of this concern centred on the need for Waste Water Treatment Works for small housing schemes which did not have access to mains sewerage systems, and subsequent adoption and maintenance of such plant post-completion. Further comment was expressed in relation to the

need for adequate access arrangements at identified focal points.

*Response: The planning and environmental considerations for a small housing group (within DRCs) are material considerations and will be determined locally, having regard to other relevant policy e.g. CTY 16, and PPS 3. Adoption and maintenance of this infrastructure post-completion is outside the scope of PPS 21. Development will only be permitted were it complies with all material policy considerations. Within this context no further clarification or adjustment is deemed necessary.*

### **CTY 3 – Replacement Dwellings:**

Many respondents welcomed the relaxation with the removal of the ‘tests for residential abandonment’ which was seen as increasing the scope for approval particularly for those dwellings which have been unoccupied for some time. Some felt that the policy was too restrictive and should be relaxed further to allow a new dwelling on a site where there is evidence to show that a dwelling once existed.

*Response: The revised policy is a significant relaxation over the former replacement dwelling policy. The policy intention is to allow the replacement of existing dwellings in the countryside [including buildings formerly used as dwellings], more often also taking advantage of a defined curtilage and existing services including water, electricity and vehicular access. There would very likely be major difficulties in applying the policy to areas where a dwelling may have stood, not least accurate and reliable historical records and evidence that the former building was used as a dwelling house. Wording has been included to clarify that buildings formerly used as dwelling will be eligible for replacement under this policy.*

**‘Other Dwellings’** - define what is meant by ‘substantially intact’ and amplify the ‘essential characteristics’ of a dwelling house.

*Response: The determination of ‘substantially intact’ is better left to planning judgement based upon the merits of each individual case. Equally, the ‘essential characteristics’ of a dwelling house will normally be self-evident.*

**‘Non-Listed Vernacular Dwellings’** - some suggested that the title of the policy should change to ‘The Reuse of Traditional Buildings’ to better reflect the overall policy intention to retain and reuse such

buildings. Views were generally split between those who consider that the wording to 'encourage' retention of such dwellings does not go far enough and would lead to the further loss of 'vernacular' buildings, and those who consider that it was sufficient and would ensure such buildings were adapted and preserved. Of the latter many felt that policy should operate with a 'presumption in favour of the retention' of non-listed vernacular buildings and needed to clarify potential conflict with Policy BH15 of PPS6.

*Response: The purpose of the policy is to facilitate the replacement of dwellings in the countryside. A sub-section of the policy seeks to retain and reuse those dwellings which are good examples of local vernacular. In this respect the policy title is appropriate.*

Specific terms 'important element in the landscape' and 'structurally sound' should be better defined.

*Response: The wording 'important element in the landscape' is changed to 'important contribution to the heritage, appearance or character of the locality' which better reflects the overall intention. Determination on this matter is better left to planning judgement based upon the merits of each individual case. Equally, the onus will be on the applicant to demonstrate through the submission of appropriate evidence that a building is, or cannot reasonably be made 'structurally sound'.*

**'All Replacement Cases'** - most comment was directed at the provisions which govern the size of a new replacement dwelling. On the issue of 'Off-Site' replacements, many felt that the policy should clarify what is meant by a 'modest sized dwelling' and 'modern living requirements'. For 'in-curtilage' replacement others felt that the 'visual impact' assessment, in comparison to the existing dwelling was too vague. Overall, most felt that unrealistic restrictions should not be imposed on the size of replacement dwellings, but particularly where they occupy mature, defined sites.

*Response: Definition of the term 'curtilage' is added while wording 'modern living requirements' is removed. The determination of the visual impact of a proposed new dwelling, and consequently its size, in comparison to the original dwelling is a matter for planning judgement with overall assessment taken from critical views, and based upon the merits of each individual case.*

**‘Off-Site’ Replacement** - Some respondents consider that existing provisions should be further relaxed to allow more ‘appropriate’ sites to be utilised, including the creation of new accesses in preference to utilising existing laneways.

*Response: Policy allows for off-site replacement dwellings in specified circumstances. The onus will be on the applicant to demonstrate an alternative position nearby would result in a better solution overall. Policy has been adjusted to on the issue of access arrangements and requires that access and other necessary services are available or can be provided without significant adverse impact on the environment. Additional guidance in Policy CTY 13 and PPS 3 will be determining where new accesses are proposed.*

#### **CTY 4 – The Conversion and Reuse of Existing Non-Residential Buildings:**

The majority of respondents were very supportive or at least offered qualified support for this new policy which some viewed as ‘inherently sustainable’ and offers an alternative to the development of ‘green-field’ sites. Similarly, some considered the policy would secure the upkeep and retention of older traditional buildings, but felt there was a paucity of information as to the types of eligible buildings.

A small number of respondents expressed the view that while welcomed, the policy would be of little ‘added value’ to rural areas or help to increase rural housing stock.

*Response: The overall policy intention is to bring back in to productive use older and traditional buildings which otherwise would likely have remained unused and fallen into dereliction. Re-use and conversion of such buildings also lessens pressure for new green-field sites and can take advantage of well integrated sites and existing infrastructure such as access laneways.*

A few respondents suggested the policy should be broadened and renamed, with reference to exclusively ‘non-residential’ buildings removed, or inclusion of ‘vernacular’ or ‘traditional’ in the title. In this regard some suggested there was conflict with Policy BH15 of Planning Policy Statement 6.

*Response: The Preamble section to the document now makes clear that PPS 21 supersedes Policy BH15 of PPS 6 insofar as it relates to*

*buildings in the countryside. In this respect the policy title remains appropriate and can incorporate vernacular and other traditional buildings. The advice at Annex 2 will continue to assist in this regard.*

### **CTY 5 – Social and Affordable Housing:**

Around half of all respondents on this policy were **fully supportive** of the overall concept, including the broadening of the policy to incorporate ‘affordable’ as well as ‘social’ housing.

A small number of respondents (around 11%), were generally unsupportive indicating that this type of housing provision was not the preferred tenure of choice in rural areas, suggesting that ‘owner/builders’ or ‘self-build’ was the preferred option.

*Response: This policy will facilitate those in housing need and while not the preferred solution to all within the rural community will greatly assist those who present as being in housing stress, who may not have the either the means or land asset to build their own dwelling.*

A majority were in favour of the increase in the **number of dwellings** in a social/affordable group to 14 (from 8 in PPS 14).

Some expressed concern regarding the possible infrastructural needs required for such housing groups and as a consequence called for a reduction in the number of dwellings to between 6 and 8, citing also the possible cumulative impact particular to designated Dispersed Rural Communities, which also allows for 6 dwellings at identified ‘focal points’. One respondent however has called for the policy to allow an increase in the number of dwellings to around 25;

While generally supportive of the policy intention, many respondents viewed the restriction of the this policy to **registered Housing Associations** as limiting, suggesting that the policy should be expanded to allow for the development of such schemes by private developers or other charitable organisations. Some also questioned whether Housing Associations have the capacity to provide this type of housing in rural areas, given inherent difficulties with site identification and acquisition.

*Response: The planning and environmental considerations for a small housing group are material considerations and will be determined locally, having regard to other relevant policy e.g. CTY 16, and PPS 3.*

*The sequential approach to site identification only allows development on a green-field site, outside the settlement when all other sites have been discounted. Adoption and maintenance of any infrastructure post-completion is outside the scope of PPS 21.*

The NIHE has indicated that the policy should specifically allow it to also bring forward such schemes.

*Response: Housing Associations registered with the Department for Social Development provide social and affordable housing in Northern Ireland. The role of the NIHE is to monitor housing need through the Housing Needs Assessment. In this respect the respective function and roles of both are distinct. No change in policy considered necessary.*

## **CTY 6 – Personal and Domestic Circumstances:**

Overall, the majority of respondents offered unequivocal or qualified support for the reintroduction of this policy, with some seeking assurances that for the policy to mean anything it should not be applied 'too strictly', however, some others suggested the opposite. Around ¼ of respondents on this policy indicated a preference for an 'independent panel' or other trained medical professional staff to be engaged to validate and consequently decide on the merits of the 'special circumstances' put forward by an applicant.

*Response: The interpretation of planning policy is a matter for Planning Service (and PAC), and each case must be considered on its own individual merits. The policy is not instructing planners to make medical judgements where such evidence is presented, but rather whether a new dwelling in the countryside is a necessary response to applicant's circumstances. The onus is also on the applicant to demonstrate that possible alternative accommodation solutions have been considered and discounted. In this regard no change to policy considered necessary.*

*Additional wording is added to the policy to clarify that those with a long-term and continuing need for a high level of care will likely be facilitated under this policy, in contrast to others with a short term need where an alternative / temporary solution would best meet their accommodation needs.*

**'Occupancy conditions'** - Views were split between those who considered the use of such conditions as too restrictive (e.g. in obtaining mortgages), and those who viewed it as a necessary and proportionate response. Others considered that the policy should specify a general period in years for the application of such restrictions.

*Response: The use of personal occupancy conditions in relation to such approvals is standard practice and reflective of the personal and often unique / exceptional circumstances particular to the individual in question. Standard practise is to impose such conditions for between 5-7 years from first occupation. No change deemed necessary.*

**Criteria (a)** - A small number of respondents consider that the policy should provide greater clarification and guidance on the term 'genuine hardship' and also queried who would make such an assessment.

*Response: This element of policy does not seek to gauge the degree of hardship rather that it is 'genuine' (i.e. not contrived). This will be unique and particular to each applicant and in this respect cannot be standardised. No change in policy deemed necessary.*

**Criteria (b)** – A small number of respondents were generally supportive of the approach regarding 'alternative solutions' with a suggestion that the policy should facilitate an 'independent dwelling' as an 'granny flat' extension / annex (without the need for inter-linkage between the two dwellings).

*Response: Consideration of the possible alternative solutions to the individuals' accommodation needs is proportionate in drawing a conclusion whether a new dwelling is a necessary response to the particular circumstances. No change in policy considered necessary.*

#### **CTY 7 – Dwellings for Non-Agricultural Business Enterprises:**

The majority of respondents offered unequivocal or qualified support for the policy.

A small number of respondents felt the policy was too restrictive and stressed the need for greater flexibility to encourage rural businesses.

*Response: This policy is long established and requires a functional need for the new dwelling associated with the existing business to be demonstrated. Such rural businesses rarely need to be permanently manned. No change to policy considered necessary.*

A number of respondents felt that clarification was required on what constituted an 'established business'.

*Response: Prescribing a fixed period to define 'establishment' for a non-agricultural business enterprise in the countryside may only serve to hinder genuine need for such dwellings to businesses which may fall short of such a defined period. While the period of establishment is material and should reflect a degree of longevity, the functional need for a dwelling is critical. No change to policy considered necessary.*

A small number of respondents felt that the policy should incorporate a mechanism to assess whether the business was 'viable'.

*Response: The period of establishment is material and should reflect a*

*degree of longevity and therefore indirectly the viability of such a business. No change to policy considered necessary.*

A small number of respondents highlighted the need to ensure commonality between this policy and wider economic programmes.

*Response: This policy is only one element of a number of others formulated to assist in developing the rural economy.*

A small number of respondents felt that the policy should give greater weight to security concerns of rural businesses.

*Response: Such issues will normally be material but are not usually sufficient to warrant planning approval. No change to policy considered necessary.*

A small number of responses highlighted the importance of an applicant being able to demonstrate a 'need' for a new dwelling. One respondent felt that the need test was inappropriate and should be replaced with an allowance of one dwelling every 10 years in common with CTY 10.

*Response: This policy requires a functional need for the new dwelling associated with the existing business to be demonstrated. The policy provision set out under CTY 10 is formulated taking into account the social and functional needs of farms and farming families. Agricultural business is tied to the land, while non-agricultural businesses are usually not. No change to policy considered necessary.*

A small number of respondents felt the policy should make provision for people retiring from a rural business.

*Response: Unlike agriculture, the owners and operators of non-agricultural rural businesses are not usually 'tied' to their place of work or a particular geographic location. No change to policy considered necessary.*

### **CTY 8 – Ribbon Development:**

Overall, most respondents offered unequivocal or qualified support for the policy intention particularly the exception to allow the infilling of a (qualifying) small gap site with up to two houses, or appropriate economic type development.

Better define the term '**substantial and continuously built up frontage**', possibly with reference to a specific numbers of buildings/dwellings.

*Response: Prescribing a specific number of dwellings/buildings to qualify as 'substantial' may only serve to discount some potential gap-sites which otherwise lie within a line of buildings and which occupy a 'substantial' length of roadside. Each application is best considered on its own merits. No change to policy considered necessary.*

Better define the term '**small gap site**' with some suggesting that a general length should be stated.

*Response: Prescribing a specific size to qualifying as 'gap site' may only serve to discount some potential sites which otherwise lie within a line of buildings and which occupy a 'substantial' length of roadside. Each application is best considered on its own merits. No change to policy considered necessary.*

Further clarification was also sought as to the types of '**economic development**' deemed to be appropriate in such circumstances.

*Response: Policy has been changed in this regard to include 'light industry', and where this is of a scale in keeping with adjoining development.*

A small number of respondents expressed the view that policy should facilitate 'ribbon' type development in particular parts of the countryside where it can be demonstrated that it is an established or traditional pattern of development.

*Response: This basis for this policy is essentially that which was set out under Policy DES 7 of 'A Planning Strategy for Rural Northern Ireland', and is formulated to resist ribbon type development in the countryside. Such patterns of development can have consistently been opposed on a host of grounds including adverse impact upon visual amenity, road safety, sterilisation of back-land and can also make access to farmland more difficult. No change to policy considered necessary.*

**CTY 9 – Residential Caravans and Mobile Homes:**

Most respondents offered unequivocal or qualified support for the policy;

A number of respondents expressed the view that the 3-year time limit was overly restrictive.

*Response: The policy allows the time limitation to be extended having regard to the particular circumstances. No change to policy considered necessary.*

One respondent felt that the policy may need to make provision for the accommodation needs of transient workers.

*Response: This PPS applies regionally and has been screened for equality purposes. It is not formulated specifically to cater for the accommodation needs of any section 75 group, or transient worker(s). The exceptional circumstances cited are not exhaustive and other circumstances can be considered. No change to policy considered necessary.*

A small number of respondents raised the issue of caravans associated with the tourist industry and suggested that clarification on this area was required.

*Response: This policy governs circumstances where a (i.e. one) caravan / mobile home is proposed (normally for domestic reasons). Policy TOU4 of PSRNI governs proposals for caravan sites. A PPS on 'Tourism' is currently under preparation. No change to policy considered necessary.*

A small number of respondents raised the issue of the sewerage infrastructure associated with these developments and the need to ensure appropriate facilities for waste disposal.

*Response: Such proposals will be subject to the same planning and environmental considerations as a permanent dwelling. No change to policy considered necessary.*

### **CTY 10 – Dwellings on Farms:**

The requirement to cluster / visually with existing buildings under **Criterion (c)** is deemed by most as too restrictive, not practicable nor even feasible in some instances. Many suggested that the policy should facilitate the siting of a new dwelling on a farm on an alternative

but 'good' site away from the farmyard / building group, e.g. for a retiring farmer who wishes to live away from a working farm environment;

- where the farm is being sold or transferred (to facilitate a retirement);
- where the new dwelling is to accommodate a genuine family member;
- where no building group exists on the farm (e.g. Sheep Farming);
- for general Health & Safety reasons; or
- where the existing established building group occupies a prominent 'hilltop' position in the landscape.

*Response: This criterion has been amended to allow for a new dwelling elsewhere on a farm for health and safety reasons, or where firm proposals are in place to expand the existing business / group of buildings for farming reasons. Additional wording is also introduced to amplify and clarify the information which is required to be submitted to justify an alternative site elsewhere on the farm.*

Many suggested that the policy should better clarify the terms 'cluster' and 'visually link', so that the distinction between the two is made clearer.

*Response: The dictionary definition of 'cluster' as 'a small close group', is deemed sufficient to illustrate that it requires the new dwelling to effectively integrate into the existing building group. The term 'visually link' allows for a comparatively less strict interpretation. In this context the two terms are sufficiently distinct. Additional wording is introduced in the final policy to clarify the respective phrases.*

Suggestions around the policy provision which states that approval under CTY 10 would only be forthcoming once in every ten years ranged from those who considered it should be reduced to around 5 years, to those who considered it to be too generous and should therefore be increased to 25 years. Many of those who want it reduced say it is impracticable, particularly for larger families and larger farms, while those who want it increased suggest it would lead to a proliferation of new dwellings given the likely number of qualifying farms.

*Response: This aspect of policy is deemed sufficient to allow new dwellings on farms to meet both the functional and social needs of farmers and their families. This provision is in addition to other*

*potential development opportunities which may exist on the farm holding including any replacement dwelling, or conversions opportunity. No change to policy considered necessary.*

**Criterion (a)** – Issues centred around policy defining what is meant by a ‘currently active farm’, together with the view that the 6 year establishment requirement for a farm was too onerous, and should be reduced possibly to 3 or 4 years, particularly for new farm entrants.

*Response: A definition of ‘active farming’ is included in the final policy. The 6 year criteria on ‘establishment’ is deemed necessary to differentiate between those farms and other more recently established businesses.*

*Additional text is also added regarding information needed to assess applications relating to commercial equine businesses which, are to enjoy the same benefits under this policy.*

**Criterion (b)** – While this aspect of this policy **does not** apply retrospectively, some consider that the period should be reduced to 5 years. Most however are unsure whether ‘transferring’ a site / development opportunity to a son / daughter, or receiving one via a will, constitutes as a ‘sell-off’. They therefore suggest that the policy should clarify this issue and make a distinction with others who ‘buy’ a site but are not associated with the farm holding.

*Response: Additional wording is added to the policy to clarify that for the purposes of this policy ‘sold-off’ will include sites disposed of to any other person, including other family members.*

### **CTY 11 – Farm Diversification:**

The majority of respondents were strongly supportive of measures to support farm diversification. A number of respondents felt that the policy could have gone further in promoting farm diversification / rural development.

A small number of respondents expressed concern that the policy wording had changed from permitting diversification schemes which are ‘**complimentary**’ to the agricultural operations on the holding to those which, are run ‘**in conjunction**’ with the holding. Concern was expressed that this may result in unsuitable or inappropriate diversification schemes. Other respondents welcomed the change as

complimenting the aims of DARDs rural development programme.

A number of responses stressed the need for consistency and co-ordination of approach between PPS21 and the DARD rural development programme.

*Response: This is an established rural planning policy which in the past was often criticised for not allowing development which otherwise would have been eligible for grant aid under previous rural development programmes. The policy is considered to be in line with current wider rural development programmes, and has been adjusted to facilitate farm businesses which are established and currently active (see CTY 10). Consistency in the interpretation and application of the policy are matters for Planning Service to decide. No change to policy considered necessary.*

Opinion was divided on the requirement for the re-use of existing buildings. A number of responses supported the policy however some respondents felt that the policy should do more to facilitate new buildings where existing ones are unsuited to re-use.

*Response: The policy allows new buildings in circumstances where existing building(s) are unsuitable for the purpose intended, or are otherwise required for the current agricultural operations. No change to policy considered necessary.*

A small number of respondents requested clarification on whether equine businesses could benefit from the provisions of this policy. Concern was expressed that the restrictions on new buildings may prevent diversification into commercial equine businesses such as livery yards.

*Response: The policy does not expressly prohibit diversification into equine business. Decisions on new buildings to accommodate the enterprise will be determined having regard to availability and suitability of existing buildings, and whether it is to be run in conjunction with the existing agricultural operations on the holding. No change to policy considered necessary.*

One respondent felt that the policy should include provisions on the suitability of local infrastructure to serve any diversification proposals.

*Response: All other planning and environmental considerations will be material to decisions on such planning applications, including effluent*

*disposal / waste water, noise and access arrangements. No change to policy considered necessary.*

### **CTY 12 – Agricultural and Forestry Development:**

The majority of responses gave unequivocal or qualified support for the policy provisions.

A number of respondents suggested that the policy should provide more flexibility facilitating new buildings where there are no existing buildings on the farm or forestry holding. Some suggested that the requirement to site the buildings with existing farm or forestry buildings could limit scale and efficiency.

*Response: As with Policy CTY 11, this policy is also adjusted to facilitate established and active agricultural or forestry businesses. The policy is also amended to allow for a new building to be located elsewhere on the farm (away from other buildings) where it is necessary for the proper functioning of the business or, for health and safety reasons.*

Some respondents commented that the type of new buildings permitted under this policy should be closely defined in order to prevent potential abuses.

*Response: To tightly prescribe the type of buildings permissible under this policy may only serve to stifle or hinder innovation. The overall policy intention is to facilitate development necessary for the efficient running of such businesses. No change to policy considered necessary.*

A number of respondents suggested that, given the scale of agricultural buildings, the policy should include reference to a design guide covering these types of buildings.

*Response: Issues of design and integration are material considerations and governed under Policy CTY 13. That policy also indicates that buildings and site selection should be developed in accordance with extant design guidance.*

One respondent suggested that it was necessary to define 'forestry' to avoid poorly justified forestry needs.

*Response: A 'Forestry Bill' is under preparation which could provide the appropriate definition of 'forestry'. The policy may need defer to*

*such a legal definition should this be provided at a later stage. No change to policy considered necessary.*

One respondent sought clarification / inclusion of provisions for the removal of agricultural or forestry development which is no longer required.

*Response: Express planning permission is not normally required for the demolition or removal of agricultural or other buildings (unless Listed). Engineering operations do require permission and fall within the definition of 'development', in the Planning (NI) Order 1991.*

### **CTY 13 – Integration and Design of Buildings in the Countryside:**

Overall, most respondents accepted the principle of the policy, and further welcomed the inclusion of '**contemporary and innovative**' design solutions within the rural context.

'**Design**' and linkage with proposals for a new rural design guide featured strongly in the consultation. Some respondents considered that the provisions for the design and integration of a new building should be more flexible and considered that a Regional approach to siting and design was inappropriate. In this regard, many also felt that there should be a series of design guides (including for all AONBs), reflective of the diversity of landscapes throughout the Region. Some suggested that local Development Plans through Countryside Assessments should contain specific criteria regarding siting and design for their respective geographic areas.

*Response: Work has commenced on a new design guide for rural Northern Ireland which may take account of sub-regional distinctiveness. Design guidance is available for some AONBs however, commissioning of new or updated guides for all ANOBs is outside the scope of this PPS. Policy encourages applicants to submit a Design Concept Statement with their application.*

*Development Plans through Countryside Assessments are open to identify the forms of development traditional and appropriate to particular countryside areas.*

**Criterion (c)** – Some felt this should be dropped as **new landscaping** often enhanced the site, resulting in an improved level of integration. This was allied to the overall policy approach to the retention or reinstatement of existing landscaping / biodiversity features with many

respondents of the view that a 'bond' system should be employed to guarantee the implementation of approved landscaping schemes in the first available planting season after approval is granted.

*Response: Criterion (c) aims to resist new development which relies primarily on new / proposed landscaping as a means to achieve satisfactory integration. The suggestion of a 'bond' system may only serve to add an unnecessary burden onto the applicant and, additional bureaucracy on the Department. Failure to comply with conditions of planning approval is an enforcement issue.*

Most respondents were in favour of the policy approach toward controls on '**access and ancillary works**'.

*Response: The policy acknowledges that the introduction of tarmac and concrete can look out of place (in some localities) and that less formal solutions should be considered. This is not a prerequisite but rather advice and guidance.*

Generally mixed views were expressed with regard to the issue of '**critical views**' with some of the opinion that these should be extended to include views from navigational waterways, while others considered that it should exclude views from private laneways.

*Response: The identification and use of 'critical views' in the assessment of integration of a new building in the landscape is established planning practice. Views from private lanes can also be accepted where this serves a number of dwellings.*

A small number of respondents expressed the view that **Criterion (g)** of the policy was overly restrictive and should therefore be dropped.

*Response: This criterion is required in respect of applications for new dwellings on farms. No change to policy considered necessary.*

#### **CTY 14 – Rural Character:**

A large number of respondents offered unequivocal or qualified support to the policy provisions;

A small number of respondents expressed concern that the policy text was promotive of development and suggested that the policy should state that permission will not be granted for a building which would

cause a detrimental change to, or further erode rural character.

A number of respondents suggested that the policy should take account of local landscape character and one respondent suggested that the policy should be expanded to make reference to Local landscape Character Areas.

*Response: Policies CTY 13 and 14 are formulated to protect the landscape from inappropriate or incongruous development in the countryside, and therefore are not themselves promotive. They both provide a common approach to issues around design, integration and protection of rural character, to be applied locally. Development Plans through Countryside Assessments are open to identify areas of special landscape quality or character. In this regard, and also for development control purposes, the Departments Local Landscape Character Assessment Series may be material to decisions on such issues.*

### **CTY 15 – The Setting of Settlements:**

Most respondents offered unequivocal or qualified support for the policy;

A number of respondents expressed concern over a potential conflict with policy CTY5 on Social and Affordable Housing, which was deemed by some to be ‘unhelpful’ as well as ‘to open interpretation’;

*Response: The policy acknowledges that in respect of a proposed social and affordable housing scheme, it will be important to consider siting options and to mitigate the potential any possible adverse effects on the setting of a settlement. Site selection under CTY 5 is subject to a sequential test.*

A small number of respondents suggested that the policy should make provision for tourism and leisure developments on the edge of settlements.

*Response: Policies for tourism development are contained in the PSRNI which is to be superseded by a PPS due course. Policy CTY 1 makes clear that development compliant with the TOU policies will be acceptable in principle. Development which would mar the setting of the settlement will however be resisted.*

Some respondents observed that the objectives of this policy might

have been better served by retaining a distinction in policy terms between Greenbelt and non-Greenbelt areas.

*Response: The advent and continuation of a single policy approach negates the need to consider a two-tier policy strategy. The change in emphasis should not lessen protection of the countryside / rural environment generally or around settlements. Only development set out under Policy CTY 1 will be permitted, taking account of all other policy considerations, including CTY 15 where appropriate.*

A small number of respondents felt that the policy should make provision for development which would 'round-off the urban area' without adversely impacting upon setting or contribution to urban sprawl.

*Response: Policy CTY 2a allows for a new dwelling where this will have the affect of rounding – off and infilling of appropriate gap sites within an existing cluster of buildings in the countryside.*

### **CTY 16 – Development Relying on Non-Mains Sewerage:**

A significant number of respondents offered unequivocal or qualified support for the policy provisions.

A number of respondents highlighted technological advances in septic tanks and commented that the policy should do more to encourage these technologies.

*Response: Paragraph 5.93 of the final PPS makes clear that overall aim of the policy is to protect water resources for pollution, but also recognises recent technological advances in non-mains sewerage systems.*

A number of respondents requested clarification of the 'exceptional circumstances' when developments identified as posing a pollution risk might be permitted.

*Response: The exceptional circumstances will always be particular and unique to each application, and consequently must be considered on their own individual merits. It would not be practicable to prescribe what type of circumstances could be deemed as 'exceptional'. No change to policy considered necessary.*

A number of respondents felt the policy should be withdrawn because this matter is already dealt with under other regulations.

*Response: Paragraph 5.95 of the final PPS acknowledges the legislative framework for consent to discharge sewage effluent. The installation of non-mains sewerage infrastructure nonetheless falls within the definition of development as assigned by Article 11 of the Planning (NI) Order 1991, and requires express planning approval.*

A number of respondents suggested the inclusion of a mandatory separation distance between effluent systems and water bodies with 15m, 25m and 60m suggested.

*Response: Paragraph 5.97 of the final PPS offers advice in relation to the separation distance of such infrastructure from a dwelling house.*

A small number of respondents felt that discharge consent should be a pre-condition to receipt of planning approval while others were opposed to the use of conventional non-mains treatment solutions.

*Response: Prior approval for discharge consent is not mandatory and is dealt with under different legislation. A requirement to obtain approval for discharge consent in advance may place an unnecessary burden on the applicant, without assurance that planning approval would be granted for the overall development.*

## **ANNEXES:**

### **Annex 1: Consequential Amendment to Policy AMP3 (PPS 3)**

A small number of responses were received in respect of Annex 1

A number of responses felt that it would be unfair to refuse an application because no existing access onto a protected routed route was available. These respondents felt that new accesses should be permitted onto protected routes.

*Response: This consequential amendment facilitates new accesses onto protected Routes for relevant types of development, where access cannot be reasonably be obtained onto an adjacent minor road. Only in replacement dwelling cases that are not served by an existing access is there potential for refusal.*

Roads Service have suggested as re-wording to AMP 3 to reflect their concerns that additional accesses or intensification along single

carriageway protected works will have a detrimental impact on future proposals for dual carriageways along these routes.

*Response: Additional wording included to clarify that access arrangements must be in accordance with existing published guidance.*

Several respondents felt that the policy should also specify development approved under CTY 4 and CTY 11.

*Response: Other types of development including that deemed acceptable under CTY 4 and / or CTY 11 can be considered under Criterion (d) of this Annex. No change to policy considered necessary.*

## **Annex 2: Vernacular Buildings**

There were only a small number of respondents who commented upon this Annex. Of those who did comment, there was a broad welcome for the inclusion of a definition of vernacular buildings.

One respondent suggested that the definition should include a caveat stating that the definition was not exhaustive.

A small number of respondents observed that the definition should not necessarily exclude those vernacular buildings that may be modified over the years.

*Response: This Annex states that vernacular houses may be recognised by most of the Primary Characteristics and some of the Secondary Characteristics. No change to policy considered necessary.*