

JOINT MINISTERIAL STATEMENT

DEVELOPMENT PLANS AND IMPLEMENTATION OF THE REGIONAL DEVELOPMENT STRATEGY

**A Statement by
John Spellar MP, Minister for Regional Development
and
Angela Smith MP, Minister for the Environment**

31st JANUARY 2005

INTRODUCTION

1. As Ministers responsible for the Department for Regional Development and the Department of the Environment we are issuing this Statement as a result of concerns that implementation of elements of the Regional Development Strategy for Northern Ireland (RDS) is being compromised by development decisions which are based on provisions within extant development plans drawn up prior to its publication.
2. We are also concerned that such decisions could compromise the achievement of general conformity between an emerging development plan and the RDS, which is required by the Planning (Northern Ireland) Order 1991 (as amended).
3. Furthermore the Statement addresses a number of other circumstances where decisions which are based on provisions within extant development plans are raising significant problems.
4. The purpose of the Statement therefore is to clarify the weight that should be accorded, in making planning decisions, to the provisions of an emerging development plan drawn up within the context of the new directions set out in the RDS and other prevailing regional planning policy. In so doing the Statement expands on the circumstances when it is appropriate to refuse planning permission on the grounds of prematurity.
5. This Statement is an expression of government policy. It will be operated by the Department of the Environment in the determination of planning applications. We also expect the Planning Appeals Commission to apply the policy contained in this Statement in the determination of planning appeals.
6. This Statement supersedes paragraphs 46 to 48 of Planning Policy Statement 1 – General Principles. In the event that there is a contradiction between the contents of this Statement and any other planning policy document including PPS 1 the policy contained in this Statement will take precedence.
7. The Statement has been subject to an equality impact screening exercise in line with the statutory obligation contained in Section 75 of the Northern Ireland Act 1998. The outcome of this exercise indicates that there is nothing in the Statement which is likely to have any significant adverse implications for equality of opportunity or community relations.

BACKGROUND

8. The Department for Regional Development (DRD) formulated “Shaping Our Future: the Regional Development Strategy for Northern Ireland 2025” (RDS) in September 2001. The Strategy had cross-party support within, and was agreed by, the then Northern Ireland Assembly. The Strategic Planning (Northern Ireland) Order 1999 requires that all government departments have regard to the RDS in exercising any function in relation to development in Northern Ireland.
9. The RDS sets out a dynamic strategic spatial planning framework for Northern Ireland which will guide physical development within the region up to 2025. It seeks to promote a balanced distribution of development which will facilitate economic growth and competitiveness, distributing the benefits of economic opportunity throughout the Region. The principles of accommodating development in a sustainable manner are embedded in the guiding principles of the RDS which in turn shaped the Spatial Development Strategy and the Strategic Planning Guidelines.
10. The Spatial Development Strategy and related Strategic Planning Guidelines provide the planning context for:
 - strengthening the competitiveness of the regional economy and tackling social and economic disadvantage;
 - protecting and enhancing the physical, natural and man-made assets of the Region;
 - housing, transport, air and water quality, energy and waste strategies, and infrastructure providers and public service providers; and
 - development plans and guiding public and private investment decisions relating to land use.
11. The success of the RDS will be determined by the extent to which its policies and actions are fully implemented. While implementation involves a wide range of public and private organisations, development plans produced by the Department of the Environment have a key role to play in ensuring the success of the Spatial Development Strategy set out in the RDS. They are for example the key mechanism in distributing and managing future housing growth to achieve more sustainable patterns of development - in particular the accommodation of an increased share of future residential development within existing urban areas in order to reduce greenfield housing.
12. Many of the existing development plans however were prepared prior to the formulation of the RDS in a very different policy context. They may contain, for example, significant reserves of land for housing which if developed would compromise the principle of accommodating development in a sustainable manner which is embedded in the guiding principles of the Strategy.
13. In order to help implement the new policy directions set out in the RDS the Department of the Environment has an ambitious programme for the preparation of updated development plans across the region and is making considerable progress.

14. Development plans are required by the Planning (Northern Ireland) Order 1991 (as amended) to be in general conformity with the RDS. A certificate as to their general conformity is issued by the Department for Regional Development at both draft plan stage and at adoption.
15. Policy on the weight to be attached to an emerging development plan in making planning decisions is currently set out in Planning Policy Statement 1 – General Principles. It indicates that in reaching a decision on a particular planning application account will be taken of policies in emerging development plans that are going through the statutory procedures towards adoption. It further indicates that the weight to be attached to such policies depends on the stage of plan preparation or review, increasing as successive stages are reached. This policy however, which itself was published pre-RDS, has been the subject of varying interpretation, particularly at appeals, and has resulted in situations where more weight in the decision making process has been attached to the policies and proposals contained in the extant and pre-RDS development plan than to the provisions of the emerging plan which reflects the new policy context set out in the RDS
16. Such decisions, however, are not only compromising the ability of the Department of the Environment to promote sustainable forms of development, they also threaten the successful implementation of the RDS. In addition they raise significant questions as to the ability of the Department of the Environment to ensure that emerging development plans are and will remain in general conformity with the RDS.
17. Furthermore there are concerns relating to those areas where emerging plans are bringing forward proposals which seek to protect environmental assets. In such circumstances, decisions based on policies and proposals contained in extant development plans can prejudice the issue and prejudice the Department of the Environment's ability to ensure the asset is not adversely impacted or destroyed. Similar problems arise in circumstances where an emerging plan seeks to apply a Green Belt or Countryside Policy Area designation to an area for the first time. In such cases decisions based on pre-RDS Development Plans are leading to increased development pressures and subsequent impact on the countryside.
18. The Department for Regional Development has undertaken a review of the Housing Growth Indicators contained within the RDS and recently published a public consultation document setting out revised Indicators. The Department of the Environment will give consideration to the revised Indicators during the preparation of development plans and, as necessary, in development control work.

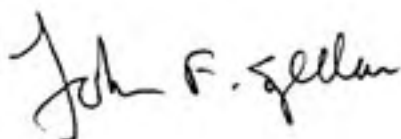
EMERGING DEVELOPMENT PLANS AND PREMATURITY

19. The following paragraphs clarify the weight that should be accorded, in making planning decisions, to the provisions of an emerging development plan drawn up within the context of the new directions set out in the RDS and other prevailing regional planning policies. They also expand on the circumstances when it would be appropriate to refuse planning permission on the grounds of prematurity.

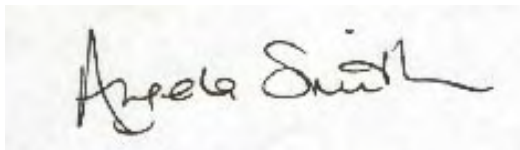
20. Where a development plan is under preparation or review and is being drawn up within the context of the framework set out within the RDS, there are circumstances where it would be appropriate to refuse planning permission on the grounds of prematurity. For example such a course of action would be appropriate where the Department can demonstrate that development proposals, either individually or cumulatively:
- (a) would prejudice the ability of the emerging new or replacement development plan to achieve or retain general conformity with the RDS; or
 - (b) would prejudice the outcome of the plan process by predetermining decisions that ought properly to be taken following full consideration of the relevant issues in the context of a public inquiry. These include decisions about the nature, scale, location or phasing of new development and decisions which would:
 - result in an adverse impact on an environmental asset which the emerging plan is seeking to protect; or
 - undermine the rationale behind a proposed Green Belt or Countryside Policy Area designation which is proposed in the emerging plan.
21. Planning applications will continue to be considered in the light of both current policies and policies in emerging development plans that are going through the statutory procedures. However, in circumstances where development would accord with the provisions of an extant development plan but the development, either individually or cumulatively, would prejudice the ability of an emerging new or replacement development plan to achieve or retain general conformity with the RDS, or would prejudice the outcome of the plan process as outlined at paragraph 20(b), then greater weight needs to be given to the provisions of the emerging development plan than to the extant plan. In all other circumstances the weight to be attached to policies in emerging plans will depend upon the stage of plan preparation or review, increasing as successive stages are reached.
22. Where a plan is at the draft plan stage but no objections have been lodged to relevant proposals then considerable weight should be attached to those proposals because of the strong possibility that they will be adopted and replace those in the existing plan. In circumstances where there have been objections to relevant policies, lesser weight may be attached except for those situations outlined in paragraphs 20 - 21 above. Much will also depend on the nature of those objections and whether there are representations in support of particular policies.
23. Other than in the circumstances described above, refusal of planning permission on grounds of prematurity will not usually be justified. However, each case will need to be considered on its own merits.
24. Where planning permission is refused on grounds of prematurity, the Department of the Environment will give clear reasons as to how the grant of permission for the development concerned would prejudice the ability of the emerging new or replacement development plan to achieve or retain general conformity with the RDS or would prejudice the outcome of the development plan process

CONCLUSION

25. This Statement seeks to ensure that decisions on planning applications are properly made within the context of the new directions set by the Regional Development Strategy and other prevailing regional planning policy. It clarifies the weight to be attached to emerging development plans in making planning decisions and in so doing it seeks to ensure that such plans will fulfil the statutory requirement to be in general conformity with the RDS.



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