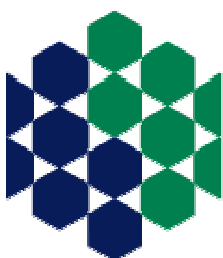


Rural Planning Policy and PPS 14

**A Statement by Arlene Foster
Minister of the Environment**

25 October 2007



Department of the
Environment

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1. As Minister of the Environment, I am making this statement with the agreement of the Minister for Regional Development to advise that from today my Department is assuming responsibility for rural planning policy set out in draft Planning Policy Statement 14 entitled "Sustainable Development in the Countryside" (commonly known as PPS 14). I will lead cross-departmental work to review draft PPS14 and to develop new policies.

2. It is my clear view that this review will be focussed and short in timescale. Until then the Planning Service cannot operate in a policy vacuum and speculative development is still a real threat to our countryside. The extent of this threat is demonstrated by the fact that approximately 4,500 PPS 14 applications were received after 16 March 2006, and up to early September 2007. Following the judgement Mr Justice Gillen gave on 7 September 2007 a further 1900 applications for single dwellings in the countryside have been received. Most of these are in Omagh Division, including Fermanagh, where almost 1200 had been received by the end of September. That is why I consider it prudent to reissue the policy provisions of draft PPS14 today and to continue to apply them to planning applications received after 16 March 2006 until we have completed our review and developed new policies. I will publish a new draft PPS 14 within 6 months and this will be followed by a period of consultation.

3. This statement is an expression of my Department's policy made under the powers conferred by Article 3 of the Planning (Northern Ireland) Order 1991. It is the duty of planning decision makers to

have regard to relevant statements of planning policy, as legally material considerations. This is such a statement.

4. Draft PPS 14 was published on 16 March 2006 by the Department for Regional Development (DRD). It was accompanied by a Ministerial Statement by the then Parliamentary Under Secretary of State for Northern Ireland with responsibility for DRD, Shaun Woodward, which advised that the provisions of the Draft PPS took immediate precedence over existing rural planning policies and should therefore be accorded substantial weight in the determination of planning applications received after 16 March 2006.
5. The planning policies contained in Draft PPS 14 were introduced to address the significant development pressure affecting rural Northern Ireland. Shaun Woodward concluded that, in the public interest, action designed to minimise irreversible environmental damage could not be delayed and through his statement he sought to address substantial concerns that the policy direction of Draft PPS 14 could be seriously frustrated by a large influx of planning applications.
6. The introduction of draft PPS 14 provoked a widespread debate about rural planning and over 8,500 responses were received to the public consultation.
7. A judicial review challenging Draft PPS 14 was subsequently lodged. In his judgement of 7 September 2007 Mr Justice Gillen concluded that DRD did not have the statutory power to prepare and issue draft PPS 14.

8. In light of the court judgement I am issuing this statement to advise that from today my Department is assuming responsibility for PPS 14, and its ongoing review.
9. Prior to the restoration of devolution, all parties on the Preparation for Government Committee agreed that PPS 14 should be subjected to a fundamental review and new policies developed. The Minister for Regional Development's proposal to establish an Executive Sub-Committee to review rural planning was agreed by the Executive in July. He started the review process by meeting a range of stakeholders. With his agreement, I have taken over chairmanship of the Sub-Committee. Conor Murphy will continue to be involved in it along with other Ministers who have a policy interest in rural planning. In taking forward this review I, and my Executive colleagues, wish to develop a policy based on the principles of sustainability that strikes a balance between the need to protect our countryside from unnecessary development, but that supports and allows our rural communities to flourish, socially and economically.
10. It is my intention, prior to publishing the final rural planning policy document, that there will be an opportunity for all those with an interest in this matter to make their views known through a further public consultation exercise.
11. In assuming responsibility for PPS 14 I am conscious of the large numbers of people who responded to the public consultation last year and the variety of views expressed. However, the policy review process remains incomplete and in the meantime there

continues to be evidence of a significant threat to the rural environment from development. I therefore believe there is still good reason to proceed as previously with a precautionary approach pending the completion of the review process.

12. Taking all these matters into consideration I have decided in the public interest as a short-term interim measure to today reissue the policy provisions of Draft PPS 14 under the powers conferred by Article 3 of the Planning (Northern Ireland) Order 1991. Furthermore I consider that these policy provisions should continue to take precedence over the existing policies of the Planning Strategy for Rural Northern Ireland listed in an Annex to my statement, copies of which have been posted in members' pigeonholes, and should be accorded substantial weight in the determination of any planning application received after 16 March 2006.

13. In taking this course of action my officials have carefully reviewed and considered all of the steps and procedures followed by DRD in the preparation and publication of Draft PPS 14 to date. In addition I am aware that in the judicial review litigation there was no challenge of any kind to the substance or merits of draft PPS14. I am also conscious that the due process and procedural challenges made were all dismissed by the Court. Finally, I note that Mr Justice Gillen in his judgement of 7 September 2007 observed that had Draft PPS 14 been issued by my Department the contents might well have been unobjectionable.

Annex

The policy provisions of the re-issued Draft PPS 14 will take precedence over the following provisions of A Planning Strategy for Rural Northern Ireland (PSRNI):

- Policy SP 5 Dispersed Rural Communities
- Policy SP 6 Houses in the Open Countryside
- Policy SP 7 Economic Development in so far as it relates to the countryside
- Policy SP 8 Agricultural Diversification
- Policy SP 9 Resources in so far as it relates to agricultural land
- Policy SP 12 Rural Landscapes
- Policy SP 13 The Coast in so far as it relates to Green Belts and Countryside Policy Areas
- Policy SP 16 Environmental Protection
- Policy SP 19 Rural Design
- Policy HOU 7 Housing In Dispersed Communities
- Policy HOU 8 Houses in the Countryside
- Policy HOU 9 Farmworkers Houses
- Policy HOU 10 Retirement from Farming
- Policy HOU 11 Houses for Other Business Enterprises
- Policy HOU 12 Personal and Domestic Circumstances
- Policy HOU 13 Replacement Dwellings
- Policy HOU 15 Residential Caravans and Mobile Homes
- Policy AG 1 Agricultural Land Quality
- Policy AG 2 Agricultural and Forestry Development
- Policy AG 3 Agricultural Diversification
- Policy AG 4 Community Woodlands
- Policy PSU 9 Septic Tanks

- Policy DES 1 Countryside Assessments in so far as it relates to Green Belts and Countryside Policy Areas
- Policy DES 3 The Settings of Towns and Villages
- Policy DES 5 Buildings in the Countryside
- Policy DES 6 Rural Character
- Policy DES 7 Ribbon Development and Infill
- Policy DES 8 Renovations and Extensions
- Policy GB/CPA 1 Designation of Green Belts and Countryside Policy Areas
- Policy GB/CPA 2 Non-Residential Uses
- Policy GB/CPA 3 Dwelling Houses
- Policy GB/CPA 4 Redundant Buildings

As a consequence the policy provisions of the re-issued Draft PPS 14 will also take precedence over the following designations contained in existing statutory and published draft development plans:

- Dispersed Rural Communities;
- Green Belts; and
- Countryside Policy Areas (CPA) with the following exceptions:
 - The Islands CPA as identified in Fermanagh Area Plan 2007;
 - The Undeveloped Coast CPA as identified in Larne Area Plan 2010; and
 - The Mourne Area of Outstanding Natural Beauty CPA Zone A as identified in Newry and Mourne Rural Area Subject Plan 1986-1999.

These three areas will, as an interim measure, change in title to Special Countryside Areas.

There will be a number of policies remaining in the PSRNI, as well as a number of Planning Policy Statements that distinguish between development in Green Belts/CPAs and non-policy areas. In such cases the provisions for Green Belt/CPA will, as an interim measure, apply to all proposals until such times as that policy is superseded.