

STATEMENT TO THE ASSEMBLY  
PUBLICATION OF DRAFT PPS21  
TUESDAY 25 NOVEMBER, 2008

Mr Speaker

With your permission, I wish to make a Statement to the effect that I am now issuing draft Planning Policy Statement 21 on sustainable development in the countryside for consultation and with immediate effect.

I am also withdrawing draft PPS14 as reissued by the then Minister of the Environment, Arlene Foster on the 25<sup>th</sup> of October last year and its accompanying Ministerial Statement.

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.

Draft PPS21 is the culmination of the Review of Rural Planning Policy announced by Arlene Foster when she reissued draft PPS14 last October, following the transfer of responsibility from DRD to DOE.

Draft PPS21 is a balanced policy. It balances the need to protect the countryside from unnecessary or inappropriate development, while supporting rural communities.

Developing a sustainable economy is at the heart of our Programme for Government. Planning and other environmental policies must play their part in facilitating economic development. But not at the expense of our rich natural assets. And not at the expense of our natural and built environment.

Draft PPS21 will assist the rural economy. But – and I cannot stress this enough – it will not permit a building free-for-all in our countryside.

Draft PPS21 was developed by an Executive Subcommittee of Northern Ireland Ministers, working together for the good of Northern Ireland and for all of its people. The Subcommittee was ably led by the then Minister for the Environment, Arlene Foster.

In February, Arlene Foster made the Subcommittee's emerging findings public. Assembly Members debated them in this chamber. Almost 300 key stakeholders also discussed them at events across Northern Ireland. The Environment Committee scrutinised the revised policy. By a majority vote it supported a presumption against development in the countryside with a range of exceptions.

The Subcommittee took heed of the outcome of these deliberations in finalising its policy proposals.

In developing draft PPS21 we have kept what was good and useful in draft PPS14. We have cast aside the overly restrictive policies imposed by direct rule Ministers. And we have introduced new, more imaginative measures that are right for Northern Ireland.

Draft PPS21 sets out policy for rural areas outside settlement limits. It applies across Northern Ireland, including Greenbelts and Countryside Policy Areas.

The only exceptions are 5 Countryside Policy Areas which have been renamed as Special Countryside Areas. These are areas such as the high Mourne which have landscapes of such exceptional value that they require a higher level of protection, with development permitted only in particular circumstances. Further Special Countryside Areas, and local policies to protect them can be brought forward through the development plan process.

Draft PPS21 offers a number of opportunities for development in the countryside which did not exist under draft PPS14. Almost all of them will benefit non-farming rural dwellers and not just farmers.

Draft PPS21 reinstates the 12 Dispersed Rural Communities previously identified in development plans – 11 in Fermanagh and 1 in the Cookstown area.

These are areas outside settlement limits which have a strong identity and sense of place around focal points such as churches or schools and in which certain types of development are permitted – including clusters of up to 6 dwellings. There is scope for further Dispersed Rural Communities to be designated through the development plan process.

Older rural buildings are an important aspect of our collective inheritance. They can tell us so much about the settlement patterns, the social structures, the ways of life, the economic conditions enjoyed – or endured – by our grandparents and great-grandparents. Significant rural buildings like schools and churches evidence the taste and craftsmanship of our forebears. And yet, so many older buildings are left to go to wrack and ruin.

In draft PPS21 we are introducing an imaginative and sustainable approach to the reuse of buildings.

Our policy explicitly encourages people to reuse, to refurbish, or to adapt non-listed vernacular dwellings, rather than knocking them down and starting again.

It allows for non-residential buildings (such as a disused school or church) to be converted into single dwellings. Exceptionally, larger buildings (such as mills) may be refurbished to provide more than one dwelling.

In draft PPS21 we are also broadening the scope for the replacement of dwellings. We have replaced the “abandonment test” with a simpler test - a

dwelling can now be eligible for replacement if it has the essential characteristics of a dwelling and all its external structural walls are substantially intact.

And it's not just dwellings that can be replaced. Where there would be environmental benefits a redundant non-residential building (for example a disused hall) may be replaced with a single dwelling.

But before anyone gets too excited, I must emphasise that I am not talking about replacing a kitchen cottage with a gentleman's residence. The replacement dwelling should normally be sited within the established curtilage of the existing building and it should not have a visual impact significantly greater than the existing building.

I believe that we, the people of Northern Ireland, take a real pride in rural character and in quality design. Stakeholders emphasised the need to ensure that new rural architecture is to the highest standard, with vernacular style complemented by innovative design and a more environmentally friendly approach. They warned against blandness of style and mediocrity of design.

PPS21 does not rule out new-build – I have already mentioned that clusters of up to 6 houses can be built in a Dispersed Rural Community.

In ribbon development, two houses (rather than just one) may now be built to fill in gaps – provided they are consistent in size, scale, siting and plot size with other houses in the ribbon.

Other circumstances in which planning permission may be granted for new housing outside settlement limits relate to social and personal need.

If the Housing Executive identifies a need for social or affordable housing in a particular area which cannot readily be met within a settlement, a Housing Association may get permission to build a group of up to 14 social or affordable dwellings near the settlement. This is an advance on the draft PPS14 policy, which allowed only social housing and restricted the group size to eight dwellings. Generally speaking, however, we expect most social and affordable housing to continue to be sited within settlements.

We are also reintroducing a "personal circumstances" policy. This allows planning permission for a dwelling where there are compelling site specific reasons related to a person's personal or domestic circumstances. This policy will make a vital difference to the small number of people who would be caused genuine hardship if they had to live somewhere else.

Farming and farm life are changing. And, through PPS21, we are modernising planning policy on farm dwellings.

We have binned the farm viability test. It was outmoded, complex and burdensome. The new criteria for a farm dwelling are simple and transparent.

To qualify, a farm business needs to be active and established for at least 6 years. No dwellings or development opportunities should have been sold off during the last 10 years although this will not be applied retrospectively.

The new dwelling needs to be visually linked or clustered with an established group of buildings on the farm and, where possible, with access provided from an existing farm lane.

In such cases, planning permission for a dwelling will be granted only once every 10 years.

Draft PPS21 is not just about housing – it also facilitates economic development. It modernises planning policy for farm diversification, bringing it into line with DARD rural development policy. And it continues the draft PPS14 policy on farm and forestry development.

The policies on Dispersed Rural Communities, ribbon development and the reuse of non-residential buildings which I have already mentioned all provide for tourist and some other commercial uses.

In draft PPS21 we have strong policies on the integration and siting of buildings, and on rural character. These policies, together with our new, more sustainable approach to the reuse of buildings will help to maintain and enhance rural character and vernacular style.

In addition to this, I have commissioned work on a new Design Guide for Rural Northern Ireland. It will be concerned with designs for new dwellings and schemes for the refurbishment of existing properties.

I want to get architects and experts on built heritage and sustainable building techniques involved alongside rural people.

During the review of rural planning policy, questions were raised about the position of non farming rural dwellers. Some stakeholders suggested that residence or employment in an area – or even family connections with it – should entitle people to planning permission. Others called for a test to identify people who really needed to live in the countryside. The Subcommittee considered these ideas very carefully.

I can appreciate why some people favour such an approach. However, policies that rely on kinship or residency are unlikely to constitute proper discharge of the equality or good relations obligations under section 75 of the Northern Ireland Act 1998. They may also be contrary to European law. Difficulties in deriving lawful and objective criteria mean that they are unlikely to constitute a proper planning consideration.

In view of the interest in this issue, however, I have decided to set up an Independent Working Group to consider the way forward, taking into account domestic and EU legislation, relevant policy experience across the UK and Republic of Ireland and the outcome of the consultation on draft PPS21.

I expect the Group to begin its work during the consultation period and to make recommendations to me about the issue of non-farming rural dwellers within 5 months. It will consider the outcome of the consultation alongside other evidence.

Consultation on draft PPS21 will be for four months – closing on March 31. There will be information days in rural communities across Northern Ireland during January and February to provide people with the background they need to reach an informed opinion. These will be supported by information in the local press.

I encourage everyone who has an interest in rural planning to study draft PPS21 carefully, to go along to an information day and to let us know what they think.

All of the consultation responses will be carefully analysed.

I will take the Independent Working Group's report, together with the outcome of the consultation, to the Executive Subcommittee on Rural Planning Policy for consideration.

And I will seek Executive approval for the final policy document.

Planning Service is now holding in abeyance over 2,000 planning applications which would have been refused under draft PPS14.

When she was Environment Minister, Arlene Foster made clear that these applications would be dealt with when the revised draft PPS 14 was published and that the provisions of the revised policy would take precedence over the existing draft PPS 14.

I am mindful of the reasons why Arlene Foster gave precedence to the provisions of the existing draft over extant policies. I have reviewed her reasoning and carefully considered the current position on these and other substantive issues which I have mentioned already.

Taking all these matters into consideration I have decided in publishing draft PPS21 today that the public interest is now best served by withdrawing draft PPS 14 reissued by my predecessor on the 25<sup>th</sup> of October 2007 and its associated Ministerial Statement.

Furthermore I consider the policy provisions of draft PPS21 should, as with draft PPS14, continue to take precedence over the existing policies of "A Planning Strategy for Rural Northern Ireland". The particular policies to which I refer are listed in the draft. Draft PPS21 should therefore be accorded substantial weight in the determination of any planning application received after 16 March 2006.

This means that the deferred planning applications can now be reassessed under the new policy provisions set out in draft PPS21. It is likely that some – but not all – of these applications will be recommended for approval.

The deferred planning applications will be reassessed as quickly as possible. The majority of these cases are in Omagh and Craigavon Districts, so the reassessment exercises in these areas may take longer to complete than elsewhere.

The name change removes any confusion between former and extant documents. It also signals that we have left behind the overly restrictive Direct Rule policies. We now have a more balanced approach which is right for Northern Ireland.

The relaxations and developments which have been agreed and which I have described will benefit people in all our rural areas.

I commend draft PPS21 to you.