A Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning for Sustainable Development

Public Consultation Draft

February 2014
You are invited to give your views on this draft Strategic Planning Policy Statement for Northern Ireland (SPPS) by using the ‘interactive’ online consultation.

Incorporating digital engagement into policy-making processes is a new initiative by the Department. It is being driven by the DOE Digital Strategy but also supports on-going work in relation to policy best practice. Through the provision of digital consultation the Department aims to provide a better customer experience and better business outcome.

All responses to this public consultation exercise should be made electronically by accessing the following weblink:

www.planningni.gov.uk/spps

The SPPS is accompanied by an Environmental Report, Section 75 Equality of Opportunity Screening Analysis Form, and a draft Partial Regulatory Impact Assessment. These are available to view or download from the above mentioned web links. You may wish to reference these supplementary documents when commenting on the SPPS.

The consultation period will end on the 29th April 2014. The Department will not accept any comments received after this deadline.

Information people provide in response to this consultation, including personal information, may be disclosed in accordance with the Freedom of Information Act 2000 and the Data Protection Act 1998. If you want the information that you provide to be treated as confidential please tell us, but be aware that we cannot guarantee confidentiality. After the end of the consultation period we shall publish a summary of responses received. All responses will be considered. Following this, the draft SPPS will be amended as necessary and following referral of the revised document to the Northern Ireland Executive, it will be published in final form.

To ask about alternative document formats, or to submit your response by other means please contact the SPPS Team - by E-mail:SPPSteam@doeni.gov.uk, by Telephone: 028 90 416932 / 0300 200 7830, or by Textphone: 028 9054 0642.
I am very pleased to publish this draft Strategic Planning Policy Statement (SPPS) for a 3 month public consultation period.

The purpose of planning is to further sustainable development and improve well-being for the people of the North. I recognise that the planning system can, and should, do more to unlock development potential, support job creation and aid economic recovery, but not at the expense of compromising on environmental standards.

My vision is simple. I want to create a better environment and a stronger economy. My aim is to create an improved planning system that works to achieve this. A system that is fast, fair and fit for purpose. One that delivers for business - with timely decisions that bring investment and jobs but not at the expense of our environment, planet or people.

A system that realises that the environment and the economy should not, and cannot be, at loggerheads. A system, that fully recognises that a vibrant and sustainable environment can be a driver of prosperity and job creation. Similarly a strong economy and a prosperous society can be good for the environment.

In planning I believe there is a need for greater certainty. Certainty in terms of timescales for processing applications and importantly, certainty in terms of the planning policy context within which applications are submitted, so that stakeholders will know what is likely to be acceptable or not.

This draft SPPS consolidates 20 separate policy publications into one document, and brings forward new strategic policy relating to town centres and retailing. It sets out the core planning principles to underpin delivery of the reformed two-tier planning system from April 2015 including promoting sustainable development, well being and shared space. In this sense it is an essential, key element of the broader planning and local government reform programme that will assist in the transfer of planning to councils in 2015. It will set the direction for new councils to bring forward detailed operational policies within future local development plans.

The SPPS will ensure we have a policy framework which reflects the aims and priorities for planning and provides better clarity and certainty for all users of the reformed planning system. This is not simply an exercise to condense what already exists. This is your opportunity to work with me to deliver a better planning system.

I want everyone involved in the planning process, be it developers, planners, councils, communities, environmental groups and professional bodies, to work together to shape and influence this planning policy and the future planning system.

I would therefore greatly encourage everyone involved in the planning system to respond to this consultation, so that together we can shape clear and concise planning policy, to ensure we achieve an efficient and fit for purpose planning system which delivers for all.

MARK H DURKAN MLA
Minister of the Environment
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The purpose of the planning system is to secure the orderly and consistent development of land with the objective of furthering sustainable development and improving well-being. This means the planning system should positively and proactively facilitate development that contributes to a more economically, socially and environmentally sustainable Northern Ireland. Planning authorities should therefore simultaneously pursue economic, and social priorities alongside the careful management of our built and natural environments for the overall benefit of both current and future generations.

The planning system operates in the public interest. This requires that all development is carried out in a way that would not cause demonstrable harm to interests of acknowledged importance. To safeguard this public interest we must therefore continue to invest in a strong, modern, effective planning system. A planning system that is up to dealing with the very real challenges we all face - on the economy; on tackling disadvantage and helping to deliver social change policy, and on the environment. This includes mitigating and adapting to climate change.

To further sustainable development it is crucial that our planning system supports the Executive’s Programme for Government 2011-2015 ‘Building a Better Future’ (PfG) commitments and priorities. For Northern Ireland a key dimension of sustainable development is economic growth. This requires the planning system to unlock development potential, support job creation and aid economic recovery for the benefit of all our people. Planning authorities should therefore prioritise timely and predictable decision making and be focused upon facilitating investment and economic development in order to make positive change on the ground, where it matters. In doing so planning authorities should also continue to provide protection to the things we cherish most about our built and natural environment. This requires a continued focus on good design, place-making, and urban and rural stewardship that contributes to shaping high quality, sustainable places to live, work, invest and spend our leisure time.

The return of planning powers to local councils in 2015 provides for a new two-tier planning system that will significantly enhance local democratic accountability. These reforms provide for a planning system that is responsive to the priorities and needs of local people. A planning system that is more open, more accountable, and more inclusive. The new planning system provides for meaningful opportunities for all communities to engage with, and shape how, their local area changes and develops. This is vital to securing acceptance of, and building confidence in, the new way planning will be delivered under planning and local government reform. By working proactively with the planning system we can all bring about positive change, economic recovery and a more sustainable future for all.

Consultation Question 1

The Purpose of Planning

Do you think the purpose of planning set out in this SPPS is appropriate for Northern Ireland?

- If no, please explain how this could be improved.
2.1 The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the Department of the Environment’s (‘the Department’) regional planning policies for securing the orderly and consistent development of land under a reformed two-tier local planning system. It is a proportionate and appropriate framework for delivery of the reformed planning system when the primary responsibility for planning functions transfers from the Department to councils on 1 April 2015.

2.2 The SPPS will support and guide local plan-making, the design and delivery of individual development proposals and the determination of planning applications and appeals. It also influences how these functions are carried out.

Scope

2.3 The SPPS provides a new set of overarching core planning principles to underpin delivery of the planning reforms set out in the Planning Act (Northern Ireland) 2011 (‘the Planning Act’). It also explains the new Development Plan and Development Management system requirements. In addition, the SPPS consolidates existing subject planning policies into a single document and brings forward new strategic town centres and retailing planning policy.

2.4 It is important to note however that for most part land-use planning policies remain largely unchanged from the policy direction provided within extant PPSs, and those provisions within the Planning Strategy for Rural Northern Ireland which remain in force at the time of drafting this document. In other words a wholesale shift in the Department’s policy position on the range of land use topics currently in place is not within the scope of preparing this SPPS.

2.5 Nevertheless, this SPPS signals a new approach to regional planning policy formulation resulting in a shorter, strategic expression of the Department’s planning policy. It is not intended to be a full explanation of the variety of complex economic, social, environmental, and other factors (including those which have implications beyond the confines of the land-use planning system) that should be addressed in implementing the local planning system. Neither does it seek to restate policy or guidance that is expressed elsewhere within other Government Strategies or policies. Furthermore, this SPPS does not seek to identify all of the statutory obligations that have to be met in delivering the entire range of planning functions.

2.6 The Department intends to undertake a fundamental review of the SPPS within 5 years of it being published in final form when the new two tier planning system has had sufficient time to bed down.

2.7 Detailed Departmental Guidance to support planning and local government reform, including any guidance that may be necessary as a consequence of preparing this SPPS is being considered as a separate project.

Status

2.8 The SPPS has a statutory basis. It is being prepared under Article 3 of the Planning (Northern Ireland) Order 1991 which requires the Department to formulate and co-ordinate policy for securing the orderly and consistent development of land and the planning of that development. This document is therefore a statement of the Department’s policy on how
regionally important land use planning matters should be addressed across Northern Ireland, and it reflects the Environment Minister’s expectations for delivery of the local planning system.

2.9 When published in final form this SPPS must be taken into account in the preparation of local development plans (LDP) and is a material consideration in planning decisions. As a statement of the Environment Minister’s expectations of the planning system it carries significant weight. However the weight to be given to the SPPS and all other material considerations in any given case is a matter of planning judgement for the decision maker.

2.10 Where LDPs and development proposals are in accordance with the provisions of this SPPS, their progression through the planning process should be timely and predictable.

2.11 This consultation draft SPPS will not be treated as a material consideration or carry weight in the determination of planning applications or during plan preparation.

Strategic Environmental Assessment

2.12 The draft SPPS has been subjected to a Strategic Environmental Assessment (SEA) in accordance with European Directive 2001/42 and the Environmental Assessment of Plans and Programmes Regulations (NI) 2004. This process has been undertaken by specialist SEA consultants acting on the Department’s behalf. The SEA process has assessed the impact of the draft SPPS on Northern Ireland’s Environment, and has been integrated into the drafting of this document.

2.13 The Environmental Report, which is a key document in the SEA process, is published for public consultation together with this draft SPPS.

2.14 The SPPS is also supported by assessments on Regulatory and Equality impacts.

Transfer of planning powers

2.15 On 1 April 2015 councils will become responsible for the following key planning functions when the Planning Act is commenced:

- Local plan-making;
- Development management (excluding regionally significant applications); and
- Planning Enforcement

2.16 Under these new arrangements the planning system will be restructured. It will reform from the current unitary system (where planning powers rest with central government) to a two-tier model of delivery whereby councils will have primary responsibility for implementation of most planning functions. Planning will be more locally accountable, giving local politicians the opportunity to shape the areas they are elected to serve. Decision-taking processes will be enhanced by a better understanding of the needs and aspirations of local communities.

2.17 Central government will retain responsibility for regional planning policy, the determination of regionally significant and called-in applications, and planning legislation. It will also provide oversight, guidance for councils, audit, governance and performance management functions.
3.1 In undertaking their planning functions planning authorities must balance and integrate a variety of complex economic, social, environmental and other matters that are in the public interest.

3.2 The core planning principles of the reformed, two-tier planning system are:

- Furthering Sustainable Development
- Improving Health and Well-being
- Creating and Enhancing Shared Space
- Delivering Spatial Planning
- Observing a Plan-led System
- Supporting Good Design, Positive Place-making and Urban and Rural Stewardship
- Enhancing Stakeholder Engagement and Front-loading
- Enhancing Local Democracy and Accountability

Consultation Question 2

Core Planning Principles

Do you think the Department has identified suitable core planning principles for the reformed two-tier planning system?

- If no, please provide further information?

Furthering Sustainable Development

3.3 Resolution 42/187 of the United Nations Assembly defines sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. This definition is currently reflected in the revised RDS 2035. For the purposes of this SPPS the Department also supports the six guiding principles set out in the NI Executive’s Sustainable Development Strategy – Everyone’s Involved, namely:

- Living within environmental limits;
- Ensuring a strong, healthy, just and equal society;
- Achieving a sustainable economy;
- Using sound science responsibly;
- Promoting opportunity and innovation; and
- Promoting good governance

3.4 Furthering sustainable development is a cornerstone of this SPPS. For the planning system this requires the integration and balancing of complex economic, social and environmental factors when plan-making and decision-taking. Planning authorities should deliver on all three pillars of sustainable development in formulating policies and plans and in determining planning applications and appeals. This means:
• **On the economy** – contributing to the Executive’s key commitments and priorities for promoting economic recovery and tackling disadvantage by ensuring economic considerations are accorded appropriate weight in the taking of planning decisions; ensuring the speedy progression of policies, plans and decisions through the planning process; ensuring applications for large scale investment proposals with job creation potential are given particular priority, including proposals for appropriate tourism, renewable energy, and agri-food development.

• **On the needs and aspirations of our society** – facilitating delivery of social and affordable homes, supporting urban and rural regeneration, prioritising proposals to address dereliction and promoting investment in the physical regeneration of deprived areas; progressing policies, plans and proposals that can improve the health and well-being of local communities; and helping build a strong and shared society.

• **On the environment** – seeking to ensure the planning system contributes to a reduction in greenhouse gas emissions by supporting growth in renewable energy sources; preserving and improving the built and natural environment, including achieving good design; working towards halting the loss of biodiversity; the conservation of soil and bog lands; and, managing development to safeguard against water pollution and secure improvements in water quality.

3.5 The SPPS does not seek to promote any one of the above mentioned against another. In practice the relevance of, and weight to be given to economic, social and environmental considerations is a matter of planning judgement in any given case. Therefore, in summary furthering sustainable development means balancing economic, social and environmental objectives, all of which are considerations in the planning and management of development.

**Mitigating and Adapting to Climate Change**

3.6 A key challenge in furthering sustainable development is mitigating and adapting to climate change, whilst improving air quality. This includes the need to reduce emissions of greenhouse gases that contribute to climate change and to respond to the impacts brought about by climate change.

3.7 A key commitment of the Executive’s PfG is ‘to continue to work towards a reduction in greenhouse gas emissions by at least 35% on 1990 levels by 2025’.

3.8 The planning system should therefore help to address climate change by:

• shaping new and existing developments in ways that reduce greenhouse gas emissions and positively build community resilience to problems such as extreme heat or flood risk.

• promoting sustainable patterns of development which reduces dependency on motorised transport, encourages active travel, and facilitates travel by public transport in preference to the private car - taking into account the likely availability of public transport in rural areas and local environmental quality.
• requiring the siting, design and layout of all new development to limit likely greenhouse gas emissions and minimise resource and energy requirements.

• avoiding development in areas with increased vulnerability to the effects of climate change, particularly areas at significant risk from flooding, landslip and coastal erosion and highly exposed sites at significant risk from impacts of storms.

• When designating land for new residential, commercial and industrial development, planning authorities should consider the energy and heat requirements of these new developments and plan to make use of opportunities for decentralised or low carbon sources of heat and power wherever possible.

• Promoting the use of energy efficient, microgenerating and decentralised renewable energy systems.

• Work with natural environmental processes, for example through promoting the development of green infrastructure and also the use of sustainable drainage systems (SuDs) to reduce flood risk and improve water quality.

### Key Documents

- Programme for Government 2011-15: Building a better future (Northern Ireland Executive 2011)
- Regional Development Strategy 2035 ‘Building a Better Future’ (DRD 2010)
- ‘Everyone’s involved’-Sustainable Development Strategy- (Northern Ireland Executive 2010)

### Consultation Question 3

**Furthering Sustainable Development**

Do you think that this is an appropriate approach for this core planning principle?

- If no, please provide further information.

### Improving Health and Well-Being

3.9 Improving health and well-being is a key priority of the Northern Ireland Executive and this is reflected in the PfG 2011-2015 and in the RDS 2035. The land use planning system can play an active role in improving the lives of people and communities in Northern Ireland. Planning authorities should contribute positively to health and well-being in plan-making and decision-taking by:
3.10 In preparing development plans and exercising development management functions, planning authorities should engage with relevant bodies and agencies with health remits in order to understand and take account of health issues and the needs of local communities. Where appropriate, councils may bring forward local policies that contribute to improving health and well-being. Economic growth, provided it is sustainable, can secure higher social and environmental standards, and together with well-designed buildings and places can improve the health and well-being of our society overall.

3.11 Strategic networks of green spaces, commonly referred to as green infrastructure\(^{(1)}\), can provide a wide range of environmental benefits (in both rural and urban areas) including flood water storage, urban cooling, improved air quality and habitats for wildlife. Additionally, they can provide opportunities for social interaction by serving as a focal point for recreation and community activities. This infrastructure should be designed and managed as a multifunctional resource capable of delivering on a wide range of environmental and quality of life benefits for communities.

3.12 Protection of existing and provision of new open space within or close to settlements plays a vital role in promoting healthy living through facilitating play, sporting activities, passive activity and interaction with others.

3.13 The natural assets of the countryside and coast need to be recognised for the contribution they make to enhancing human health and well-being. Conserving and, where possible, enhancing these environments as well as promoting their appropriate use, accessibility and connectivity is key to ensuring their sustainable upkeep.

Key Documents

- **A Fitter Future for All- Framework for Preventing and Addressing Overweight and Obesity in Northern Ireland 2012-2022 (DHSSPSNI 2012)**
- **Food in Schools Policy - Healthy Food for Healthy Outcomes. (DE and DHSSPSNI 2013)**

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1 Green infrastructure is defined by the European Commission as “the use of ecosystems, green spaces, and water in strategic land use planning to deliver environmental and quality of life benefits”
Managing Noise

3.14 Noise is an inevitable consequence of human activity and cannot be avoided entirely. However, it is recognised that noise, particularly where it is loud, prolonged or evident during normally quiet periods or in usually quiet areas, can impact adversely on human health and well-being. Accordingly, noise control measures and restrictions are a feature of a diverse range of legislation, policy and guidance.(2)

3.15 The planning system has a role to play in minimising the potential for adverse impact upon health and well-being through noise, by means of its influence on the location, layout and design of new development and consideration of the amenity impacts. Accordingly, councils should consider noise issues in bringing forward local planning policy through development plans and in managing development.

3.16 Examples of how development plans can reduce the potential for detrimental noise impact include:

- the zoning or identification of land for uses likely to generate significant levels of noise, due to the nature of the activity or the potential for traffic generation, should take account of the location of sensitive receptors such as housing or parkland and designated quiet areas(3);

- the zoning or identification of land for noise sensitive uses such as housing, should take account of established noise generating uses which should not be unduly restricted or subject to unreasonable cost and administrative burdens, as a result of new incompatible development;

- where the potential for adverse noise impact is unavoidable, the development plan should seek to mitigate this through the application of appropriate key site requirements to new zonings (for example by requiring new housing in proximity to an existing noise generating use to be set back a specified distance and / or to incorporate sound proofing design elements).

3.17 In managing development, planning authorities should treat noise as a material consideration in the determination of planning applications for proposals likely to give rise to significant levels of noise and also for proposals such as housing in proximity to established noise generating uses such as quarrying or certain industrial uses. Where noise is identified as a significant issue, consultation with the council environmental health department will be necessary. In determining applications, the planning authority should strive to reach balanced decisions that consider noise issues alongside other relevant material considerations, including the wider benefits of the particular proposal. This will often result in conditions being applied to planning consents for new development or change of use proposals in order to mitigate against excessive noise impacts.

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2 The Department of Environment (NI) issued a Draft Consultation document, ‘Noise Policy Statement for Northern Ireland’ on 4th November 2013. The aim of this overarching Statement is to provide clarity regarding current policies and practices in Northern Ireland and to ensure that noise issues are considered in an appropriate and timely manner during the development of policy and in decision making.

3 DOE intends to consult on Quiet Area policy in 2014
3.18 Planning authorities should pay due regard to the Noise Policy Statement for Northern Ireland as it will ensure appropriate inter-relationship between the planning system and the Environmental Noise Directive\(^4\) that is recognised by government.

### Improving Air Quality

3.19 The planning system can also positively contribute to the improvement of air quality and in minimising its harmful impacts on health and well-being. In 2007 it was estimated\(^5\) that poor air quality reduces life expectancy in the United Kingdom by an average of 7 to 8 months, with equivalent health costs estimated to be up to £20 billion a year. The UK Air Quality Strategy aims to reduce the effect on life expectancy to 5 months by 2020.

3.20 In exercising planning functions, planning authorities should consider the location of development which may give rise to air pollution, and ensure that other developments are, as far as practicable, not adversely affected by major existing or potential future, sources of air pollution. Such considerations should be given effect by councils in bringing forward local planning policy through development plans and in managing development.

3.21 Examples of how development plans should have regard to air pollution considerations include:

- identifying appropriate locations for new development, including reducing the need to travel and integrating development with public transport services;
- identifying land or setting out criteria for the location of potentially polluting developments and the availability of alternative sites;
- zoning land with a view to minimising the potential for incompatible land uses to become established in close proximity;
- taking into account the existing or likely future air quality in an area and having regard to any local Air Quality Management Area (AQMA)\(^6\) action plans in planning for development.

3.22 In managing development, planning authorities should recognise that air quality is capable of being a material consideration in the determination of planning applications. Whether it actually is and how much weight should be attached to it will depend upon the facts of individual cases\(^7\).

3.23 Where a proposed development is likely to have a significant air quality impact or add to a cumulative impact in an area, applications must be supported by sufficient information to allow full consideration of the impact on local air quality. Adequate consultation between

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6 AQMAs are designated by District Councils under the Environment (NI) Order 2002 in areas where national air quality objectives are not being met, or are unlikely to be met. The Council has a duty to prepare and implement an action plan to address identified problems.

7 DOE Air Quality Management Policy Guidance LAQM PGNI (09)
the local planning authority and those with responsibility for air quality and pollution control will be essential. The impact on ambient air quality is likely to be particularly important for development proposals located within or close to a designated AQMA. Applications should be refused only if there remains no adequate means of mitigation of harmful air quality impacts.

3.24 In assessing other development proposals likely to be impacted by poor air quality, for example within an AQMA, the planning authority should ensure adequate consultation with the council environmental health department. This is particularly important where the proposed development is a sensitive receptor such as housing or an economic development proposal requiring a relatively contaminant free environment. Again, applications should be refused, only if all potential means of mitigation have been exhausted, for example through modification of layout and/or design elements. Other options, such as consideration of an alternative site to avoid an area where air quality objectives are regularly being exceeded, should also be explored with the developer. In this regard, pre application discussion is likely to be particularly useful.

Safeguarding Residential and work Environments

3.25 Noise and air quality are only two of a number of environment and amenity considerations which should be taken into account by planning authorities when proposing or managing development. Other amenity considerations arising from development, that may have potential health and well-being implications, include impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can include sewerage, drainage, waste management and water quality. This list is not exhaustive.

Consultation Question 4

Improving Health and Wellbeing

Do you think that this is an appropriate approach for this core planning principle?

• If no, please provide further information.

Creating and Enhancing Shared Space

3.26 The Executive through its “Together: Building a United Community” strategy is committed to addressing all barriers that prevent or interfere with the creation and maintenance of shared space, and ensuring that all individuals can live, learn, work and play wherever they choose. Shared spaces are places where there is a sense of belonging for everyone, where relationships between people from different backgrounds are most likely to be positive, and where differences are valued and respected.

3.27 The planning system has an important supporting role to play with assisting Government address these issues through its influence on the type, location, siting and design of development. In this context, the promotion of development likely to facilitate interaction
between members of the community who might not otherwise come into contact with each other is particularly important. Examples of such development could include mixed use developments, strong neighbourhood centres, active street frontages, attractive civic squares, public parks and public paths and cycle ways. The planning system can also assist in the removal of barriers to shared space and maximise the accessibility of all areas within our community. Our society will not only benefit from the economic advantages of maximising shared space but can also reap the rewards that come with a more diverse, enriched environment.

3.28 Planning authorities should utilise development planning, regeneration and development management powers to contribute to the creation of an environment that is: accessible to all communities; socially and religiously mixed; has a high standard of connectivity, and supports shared use of public realm. LDPs are required to take account of any ‘good relations’ policies set out within a local Community Plan/s by considering the criteria of equality of opportunity, reconciliation, mobility and connectivity in their formulation.

### Key Documents

- **Together: Building a United Community Strategy (OFMDFM 2013)**

### Consultation Question 5

**Creating and Enhancing Shared Space**

Do you think that this is an appropriate approach for this core planning principle?

- If no, please provide further information.

### Delivering Spatial Planning

3.29 A core principle of the reformed two-tier planning system is a focus on delivering spatial planning. This requires a move away from the reactive and regulatory culture of planning in the past, where the emphasis was on development control, towards a positive and proactive approach to planning.

3.30 This means planning should be:

- broad-ranging and integrated with other programmes, plans policies and projects that affect the development and use of land;
- participative, with meaningful stakeholder engagement;
- visionary by setting out a clear expression for how areas should look and function in the long term;
focused on how plan proposals will be delivered; and
• collaborative, particularly where issues transcend administrative boundaries.

3.31 The new community planning powers will assist in moving planning in this direction.

Consultation Question 6
Delivering Spatial Planning
Do you think that this is an appropriate approach for this core planning principle?
• If no, please provide further information.

Observing a Plan-Led System

3.32 Fundamental to the success of the plan-led system is the preparation of effective, up-to-date and relevant LDPs. LDPs should set out a long term spatial strategy for change and provide robust operational policies that provide certainty and transparency for all users of the planning system. Plans should be evidence-based and informed by meaningful participation with relevant stakeholders.

3.33 The plan-led system is given effect by Article 6 (4) of the Planning Act as follows:

3.34 ‘Where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise’.

Consultation Question 7
Observing a Plan-Led System
Do you think that this is an appropriate approach for this core planning principle?
• If no, please provide further information.

Supporting Good Design, Positive Place-Making, and Urban and Rural Stewardship

3.35 Good places are important to all of us. The planning system has a significant role in making successful places through its influence on the type, scale, location and design of development, and the use of land. Design is an important material consideration and planning permission may be refused solely on design grounds.
Place Making

3.36 There are ten qualities of successful urban places. Only when these qualities are brought together can truly great place-making begin. These qualities are:

1. **Visionary** – recognising potential, leadership, skills;
2. **Collaborative** – cooperation and coordination, the value of working together, active participation, communication;
3. **Contextual** – understanding place, natural systems, harnessing heritage, contextual design, appropriate scale, edges, boundaries and transitions;
4. **Responsible** – conserving limited resources, maximising the impact of limited resources, going local, shared space;
5. **Accessible** – inclusivity, sustainable transport hierarchy, connectivity, legibility, car parking;
6. **Hospitable** – climatic considerations, healthy, safety through urban design, sense of arrival, animation, partnerships;
7. **Vibrant and Diverse** – centralised services and facilities, sustainable urban densities, mixed use, type and tenure, active frontages;
8. **Crafted** – clarity of concept, aesthetic principles, peer review, commitment to quality, place specific design,
9. **Viable** – Diversity of provision, Deliverability, durability, flexibility of use and management, serviceability, temporary uses and interventions, testing – (see Civic Stewardship below); and
10. **Enduring** – self sustaining, adaptive re-use, communicating heritage, passage of skills and knowledge.

3.37 Guiding principles of good place making in the countryside include\(^{(8)}\):

- **Character** – recognising what gives particular rural areas their unique character and how to conserve and reflect this through new development;
- **Reuse** – the reuse of existing buildings, especially vernacular buildings, safeguards their significant contribution to rural place making;
- **Integration** – visual integration of new buildings into the landscape ensures that they do not appear incongruous or out of place;
- **Replacement** – high quality and appropriately scaled replacement dwellings avoids excessive build up of new development while retaining rural amenity and character;
- **New Build** – Sensitive siting, designing new buildings to respect the landscape and careful boundary treatment ensures that new buildings fit the rural environment;
- **Environment** – avoiding development that impacts adversely upon natural ecosystems

3.38 Planning authorities should be clear about their expectations on quality and standards early in the planning process. Local design policies should enable informed judgements on development proposals, but should not create a rigid or formulaic approach to decision taking.

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\(^{(8)}\) Building on Tradition, DOE, May 2012
Civic Stewardship

3.39 Civic Stewardship is about the active caring for people and places and associated techniques for managing and maintaining the spaces and places. Councils should consider positive ways in which to improve the linkages between good places (design) and the management and maintenance of those spaces (stewardship) for both urban and rural areas.

Key Documents

- **Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside** (DOE 2012)

Consultation Question 8

**Supporting Good Design, Positive Place-Making, and Urban and Rural Stewardship**

Do you think that this is an appropriate approach for this core planning principle?

- If no, please provide further information.

Enhancing Stakeholder Engagement and Front-loading

3.40 Engaging communities is an essential part of an effective and inclusive planning system. It is also an important element of an open, participatory local democracy.

3.41 Councils must prepare a Statement of Community Involvement (SCI) setting out their policy for actively involving the community from the outset in the making of LDPs and in the carrying out of its development management functions. The SCI is a key tool in increasing awareness of the scope for community participation and involvement. The Department must also prepare and publish a SCI in respects of its planning functions.

3.42 Planning authorities should ensure that the process whereby communities engage with the planning system is clear and transparent so that people understand when and how they can have a say in planning decisions which affect them. Planning authorities should adopt an inclusive approach to engagement to ensure that different groups within a community are given the opportunity to participate and are not disadvantaged by the process.
3.43 A key element of the enhanced arrangements for community engagement is ensuring that community views are reflected at the earliest stage. Applicants for regionally significant and major developments will therefore be required to demonstrate that they have undertaken consultation with the community prior to the submission of a planning application. Likewise councils must ensure that communities are given the opportunity to be actively involved in the preparation of their LDPs at the most appropriate stages in their preparation.

**Consultation Question 9**

**Enhancing Stakeholder Engagement and Front-loading**

Do you think that this is an appropriate approach for this core planning principle?

- If no, please provide further information.
Enhancing Local Democratic Accountability

3.44 The primary responsibility for the operation of the planning system rests with local democratically accountable politicians supported by council staff.

3.45 Planning operates in the public interest but will give rise to many complex and often competing issues. Planning issues, by their very nature, may often lead to disagreement and opposition from individuals, communities, and interest groups etc. Whilst the planning system may not be able to reconcile all interests all the time transparency, fairness and democratically accountable decision taking is fundamental to ensuring all interests are properly taken into account. Front-loading of the planning system with a focus on pre-application discussions between applicants and planners, meaningful community participation, high quality planning applications, and a robust ‘plan-led’ system will facilitate quicker and more confident decision taking.

3.46 Individuals, local communities and society at large will only respect democratic accountability when they can understand the trade-offs that are involved in preparing local policies and managing development in the public interest.

3.47 The Councillor’s Code of Conduct (under development) seeks to ensure that conflicts of interest are properly managed, that the potential for the abuse of power is properly regulated, and it provides protection for elected representatives when performing planning and other councillor duties.

Key Documents

Councillor’s Code of Conduct (under development)

Consultation Question 10

Enhancing Local Democratic Accountability

Do you think that this is an appropriate approach for this core planning principle?

• If no, please provide further information.
Preparation

4.1 The Planning Act transfers responsibility for the preparation of development plans from the Department to councils and establishes a plan-led planning system which gives primacy to the plan in the determination of planning applications unless other material considerations indicate otherwise.

4.2 LDPs guide the future use of land in their areas and inform developers, members of the general public, communities, government, public bodies, representative organisations, and other interests of the policy framework that is used to determine development proposals.

4.3 Within the wider context of spatial planning they allocate appropriate land for differing types of land use, and set out the main planning requirements to be met in respect of particular zoned sites. They also show designations for example Conservation areas, and Areas of Outstanding Natural Beauty.

4.4 These plans are a fundamental tool in the implementation of central government policies and strategic objectives particularly those set out in the RDS 2035.

4.5 In preparing LDPs councils must take account of the RDS 2035, the Sustainable Development Strategy for Northern Ireland, this SPPS and any other policies or advice in guidance issued by the Department such as landscape character assessments and conservation area design guides. In addition, other relevant matters may need to be considered, for example, neighbourhood action plans; regeneration projects, or a marine plan, where appropriate. Indeed, the need for interaction between the marine and terrestrial planning systems is recognised and the requirement to work effectively together to achieve harmonisation between the two interrelated planning systems is acknowledged.

4.6 Councils must also carry out a sustainability appraisal of LDPs to ensure that the plan strategy and the local policies plan are assessed against economic and social objectives, in addition to environmental considerations.

4.7 For decision-taking councils should be guided by the principle that sustainable development should be permitted where the development proposal is in accordance with the LDP, unless material considerations indicate otherwise.

Community Plans and Local Development Plans

4.8 A Council must take account of its current Community Plan in preparing its plan strategy and local policies plan.

Content

4.9 The new LDP system includes significant changes to plan processes and content that promotes greater efficiency, transparency, soundness, sustainability and accountability. Significant elements of these changes are highlighted below:

Efficiency

4.10 Good programme management is central to delivering LDPs more efficiently and effectively.
4.11 Councils must prepare (and keep under review) a timetable for the preparation and adoption of their plans. This should indicate the programme for the production of key documents and the timelines for reaching key stages in the LDP process.

4.12 The reformed plan process has introduced a two stage approach to plan production comprising:

- **A Plan strategy**, which must be prepared for the council area and must set out the council’s objectives in relation to the development and use of land in its district; its strategic policies for the implementation of those objectives; and other relevant matters; and

- **A Local Policies Plan** which must be prepared, after the plan strategy has been adopted, and must set out the council’s local policies consistent with the council’s plan strategy.

4.13 Plan documents will be published, subject to public consultation and independent examination and adopted separately and in sequence. This approach allows the Plan Strategy to be published quickly (anticipated within 2 years). Agreement on the strategic direction at an early stage will secure efficiencies in bringing forward the Local policies plan. The local policy plan should be brought forward in accordance with an agreed timetable.

4.14 The statutory requirement to monitor the LDP on an annual and five yearly basis will ensure that the LDP is kept up to date and reflects and responds to emerging issues so that the plan process is genuinely plan-led.

**Transparency**

4.15 Public and stakeholder participation at the start of the plan-making process is essential to identifying relevant issues and capturing local views from the outset. Enhancing stakeholder engagement and transparency provides for more meaningful participation, better informed plan preparation, and consensus, which should mean fewer representations as a plan progresses to adoption.

4.16 Councils must publish a Statement of Community Involvement (SCI) as a statement of its policy for involving interested parties in the preparation and revision of a LDP. Councils must attempt to agree the terms of the SCI with the Department. In the absence of agreement the Department may direct the terms of the SCI with which Councils must comply.

4.17 The reformed plan making system provides for the preparation of a ‘Preferred Options Paper’ in order to front-load community and stakeholder involvement.

4.18 The Preferred Options paper should contain a series of options for dealing with key issues in the plan area, as well as the Council’s justification for its proposed approach. Key issues should include:

- the overall pattern of new development throughout the plan area,
- options for planned growth of main settlements,
- options for major infrastructure projects.
4 Local Development Plans

Soundness

4.19 The new local LDP system will promote soundness which includes ensuring that plan policies and proposals are derived from a robust evidence base.

4.20 The Independent Examination will include soundness tests to ensure that the Plan strategy and the local policies plan take sufficient account of central government plans, policy and guidance. The plan content will also be scrutinised to ensure that it is consistent, coherent and effective.

4.21 Representations to a LDP are required to demonstrate how their proposed solution serves to make the plan more robust.

Sustainability

4.22 Councils must carry out a sustainability appraisal of LDPs to ensure that the plan strategy and local policies plan are assessed against social and economic objectives, in addition to environmental considerations. This should ensure that all key objectives of sustainability, (i.e. economic, social and environmental), are fully taken into account in assessing the effects of the Plan.

Accountability

4.23 Councils have the primary responsibility for the efficient and effective delivery of the LDP for which they are accountable.

4.24 The Planning Appeals Commission (PAC) or an independent examiner will be required to report to the Department and will make recommendations on the plan strategy and local policies plan. The Department will consider the report and may direct the council to adopt the plan strategy or local policies plan with or without modifications. Likewise, the adoption process will make the Department accountable for issuing a binding report to Council.

4.25 The Department retains an oversight role in the preparation of LDPs and has the powers to intervene should for example the Department think that a plan strategy of local policies plan is unsatisfactory. Under such circumstances the Department has the power to direct a council to comply with the necessary modifications. The Department also has default powers to assume responsibility for a council’s plan strategy or local policies plan if it thinks a council is failing properly to carry out these functions itself. In such circumstances the council must reimburse the Department for any related expenditure that the Department incurs.

Implementation, Monitoring and Review

4.26 Councils must keep under review the implementation of their plans and report annually to the Department on whether the objectives in the plan strategy or local policies plan are being achieved.

4.27 A council may revise its plan strategy or local policies plan at any time (after adoption), or by direction by the Department. If a review identifies that changes are required then a revision to the plan should be made, however any revision will go through the appropriate part of the plan process.
4.28 Depending on the size and scale of the revision, it may result in a replacement of the full LDP. However, where a more minor change is required the local policies plan can only be altered where it is consistent with the plan strategy.

4.29 Better monitoring, together with more regular reviews of LDPs, will provide more flexibility and enable councils to adapt to changing circumstances. Regular monitoring of the implementation of the LDPs through key indicators such as housing provision, economic development, retail development and so on will ensure that a rolling programme of up to date LDPs are in place. Diagram 1 illustrates the new Local Development Plan system.
Diagram 1 - The New Local Development Plan System

STAGE 1
- Programme Management
- Preferred Options
- Draft Plan Strategy
- Soundness Based Independent Examination
  - Advisory Report to Central Government
  - Central Government Issues Binding Report to District Council
- Adopted Plan Strategy

STAGE 2
- Draft Local Policies Plan
- Soundness Based Independent Examination
  - Advisory Report to Central Government
  - Central Government Issues Binding Report to District Council
- Adopted Local Policies Plan

STAGE 3

STAGE 4
- Annual Monitoring Report
- Review Every 5 Years

INDICATIVE TIMEFRAME (Months)
- 4
- 12
- 21
- 22
- 25
- 38
- 40

May be a longer period depending on changes required following adoption of Plan Strategy.
5.1 Development management is a key part of the planning system. It supports the Executive’s central purpose of growing a dynamic, innovative economy alongside efforts to improve our society, and protect and enhance our environment.

Determining Planning Applications

5.2 The main procedures for dealing with applications are set out in the Planning Act. The procedures are linked to the hierarchy of planning applications. This encourages a more proportionate and responsive approach to processing planning applications, with resources and decision-taking mechanism tailored according to the scale and complexity of the proposed development.

5.3 Early engagement on development proposals and making decisions on planning applications with greater transparency can promote high quality sustainable development.

5.4 Key elements of the development management system are:

- A development hierarchy for all planning applications;
- Pre-applications discussions;
- Pre-application consultation between prospective applicants and communities;
- Pre-determination council hearings; and
- Schemes of delegated decision making.

Development Hierarchy

5.5 A hierarchy of development for all planning applications includes:

- Regionally significant development;
- Major development; and
- Local development.

5.6 Regionally significant developments form the top tier of development proposals. These developments have a critical contribution to make to the economic and social success of Northern Ireland as a whole, or a substantial part of the region. They also include developments which have significant effects beyond Northern Ireland or involve a substantial departure from a LDP. These applications will be determined by the Department with the decision taken by the Minister.

5.7 Major developments have important economic, social and environmental implications for an area of an individual council area. With potential to deliver important benefits for the local community, these applications will be given appropriate priority to avoid undue delay and risk to investment decisions. In exceptional circumstances the nature and scope of some applications for major development may also raise issues of regional significance. This type of application will require the Department to consider whether it should be called-in for the Department to determine.

5.8 Local developments comprise the vast majority of residential and minor commercial applications likely to be received by a council.
5.9  Decisions on planning applications for categories of major and local development will be taken by the councils.

Pre-application Discussions and Performance Agreements

5.10  Pre-application discussions (PaDs) are considered to be fundamental to ‘front loading’ the new development management system. This front loading will help all parties, both to prepare an application to a high standard and to establish an agreed course and timetable for determining a development proposal.

5.11  To help create the conditions for a more efficient and high quality decision making process, performance agreements will be made available to developers proposing regionally significant and major developments. Whilst not a statutory requirement, performance agreements will formalise communication between the planning authority and the developer and other partners to bring about early engagement on projects, more collaborative working, project leadership and community involvement.

Pre-Application Community Consultation

5.12  Pre-application consultation with communities will be a statutory requirement for all major, including regionally significant, development proposals. This is fundamental to getting people in communities involved at the right time in discussing potential development affecting their areas. It enables local communities, including Section 75 groups, to be better informed about development proposals. Fundamentally, it provides an opportunity for communities to put forward their views on a significant planning application prior to the application being submitted. Councils have a power to decline to determine applications which have not fully met the statutory requirement for pre-application community consultation.

Pre-Determination Hearings

5.13  Councils will have the option of holding Pre-determination hearings for certain planning applications on a non-statutory basis. This allows both objectors and applicants to air their views prior to a decision being taken. They will be a mandatory requirement for other prescribed applications including those major developments which have been referred to the Department for call-in consideration but which have been returned to a council.

Schemes of Delegation

5.14  Councils will produce a scheme of officer delegation which will build on current practice and arrangements for streamlining consultation. Schemes of delegation will describe the classes and types of development which would be suitable for delegation to an appointed official of the council. They will be suitable for decisions on straightforward planning applications, enabling speedier decisions. These can be tailored to suit local circumstances.

Planning Enforcement

5.15  Effective enforcement is important to ensure the credibility and integrity of the planning system is not undermined.
5.16 Under the provisions of the Planning Act, councils have the general discretion to take enforcement action when they regard it as expedient to do so, having regard to the provisions of the LDPs and any other material considerations. In exercising this discretion, councils should be mindful of their duty to enforce planning legislation and to ensure that development is managed in a consistent, proactive and proportionate manner.

5.17 The Planning Act gives additional powers of (i) fixed penalty notices and (ii) multiple fees for retrospective planning applications. Councils should use the full range of powers available to them to ensure enforcement action is effective, speedy and appropriate.

5.18 The key objectives of the planning system for planning enforcement are to:
- bring unauthorised development under control;
- remedy the undesirable effects of unauthorised development including, where necessary, the removal or cessation of unacceptable development; and
- take legal action, where necessary, against those who ignore or flout planning legislation.

5.19 In determining the most appropriate course of action in response to alleged breaches of planning control, councils will take into account the extent of the breach and its potential impact on the environment. The Department also has reserve powers to take enforcement action where it believes a council has failed to issue enforcement or stop notices.

Call-in

5.20 Call-in allows the Department to direct certain applications be referred to it rather than being dealt with by councils. This provides a necessary safeguard where there are applications that raise issues of such importance that their impact is considered to extend to a sub-regional or regional level. It will be used sparingly however as it is recognised that councils are best placed to deal with the majority of applications within their own councils areas.

5.21 In addition to the general power to call-in a planning application, councils will be required to notify the Department of certain applications set out in a direction, including, for example, a major development application which would significantly prejudice the implementation of the local development plan objectives and policies including land in which councils have an interest.

Appeals, Public Inquiries and Hearings

5.22 Any planning decision may be subject to judicial review if there are grounds for considering that a council or the Department may have acted unreasonably, irrationally or otherwise failed in its legal duty.

5.23 Planning appeals are an important part to the fairness of the planning system. The PAC, an independent appellate body established under statute, to decide a wide range of appeals and on other matters covered by planning and other legislation, is part of OFMDFM.
5.24 The Planning Act allows the timeframe for lodging appeals to be reduced to four months. This adds time savings and brings about more certainty for all parties involved, either appellants or objectors.

5.25 Public inquiries and hearings may also be conducted by the PAC for regionally significant development, as defined under the Planning Act and associated regulations or called-in applications. However the Department can also appoint independent examiners for the purpose of conducting a hearing or inquiry into a regionally significant or called in planning application. Whilst the PAC will be contacted by the Department in the first instance, if a suitable date is not available, the Department may avail of this option for expediency.

Decision-taking Principles and Practices

Planning Conditions

5.26 Councils and the Department have the power to attach conditions to a grant of planning permission. This can enable the council or, as the case may be, the Department to approve development proposals where it would otherwise be necessary to refuse planning permission. However, conditions should only be imposed which are:

- necessary,
- relevant to planning,
- relevant to the development being permitted,
- precise
- enforceable
- reasonable

Planning Agreements

5.27 Councils, or as the case may be, the Department can also use planning agreements to overcome obstacles to the grant of planning permission where these cannot be addressed through the use of conditions. A planning agreement may facilitate or restrict the development or use of the land in any specified way, require operations or activities to be carried out, or require the land to be used in any specified way. An agreement may also require a sum or sums to be paid to the relevant authority or to a Northern Ireland Department. Councils, or as the case may be, the Department have the power to enforce a planning agreement by way of a court injunction.

5.28 The Department regards it as reasonable to seek a planning agreement where what is required cannot be adequately addressed by the imposition of conditions and:

- Is needed to enable the development to go ahead; or
- Will contribute to meeting the costs of providing necessary facilities in the near future; or
- Is otherwise so directly related to the proposed development and to the use of the land after its completion, that the development ought not to be permitted without it; or
- Is designed to secure an acceptable balance of uses; or
- Is designed to secure the implementation of development plan policies in respect of a particular area or type of development; or
- Is intended to offset the loss of or impact on any amenity or resource present on the site prior to development

5.29 A developer will be expected to pay for or contribute to the cost of, infrastructure that would not have been necessary but for the development or which needs to be rescheduled to facilitate the development.

Developer Contributions & Community Benefits

5.30 Councils, or as the case may be the Department can require developers to bear the costs of work required to facilitate their development proposals. Contributions may be required in a variety of circumstances including:

- Where a proposed development requires the provision or improvement of infrastructural works over and above those programmed in a LDP;
- Where earlier than planned implementation of a programmed scheme is required;
- Where a proposed development is dependent upon the carrying out of works outside the site; and
- Where a developer contribution is required to facilitate delivery of social and affordable housing

5.31 Mechanisms to use in the delivery of developer contributions include planning agreements under Section 76 of the Planning Act.

5.32 In some circumstances, community benefits may be offered voluntarily by developers to communities likely to be affected by a development. Community benefits can take a variety of forms including payments to the community; in-kind benefits; and shared ownership arrangements. Whilst the Department is committed to ensuring that local communities benefit from renewable energy development schemes that affect their area, such community benefits cannot be considered material considerations in decision-taking and are distinct from developer contributions and planning conditions.

Refusal of Planning Permission

5.33 Councils and where appropriate the Department should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In such cases the council or the Department has power to refuse planning permission. Grounds for refusal will be clear, precise and give a full explanation of why the proposal is unacceptable.

Prematurity

5.34 Where a new LDP is under preparation or review it may be justifiable, in some circumstances, to refuse planning permission on the grounds of prematurity. This may be appropriate in respect of development proposals which are individually so substantial, or whose cumulative effect would be so significant, that to grant planning permission would prejudice the outcome of the plan process by predetermining decisions about the scale, location or phasing of
new development which ought to be taken in the LDP context. A proposal for development that has an impact on only a small area would rarely come into this category, but refusal might be justifiable where a proposal would have a significant impact on an important settlement, or a substantial area, with an identifiable character. Where there is a phasing policy in the LDP, it may be necessary to refuse planning permission on grounds of prematurity if the policy is to have effect.

Consultation Question 11

Decision-taking Principles and Practices

Do you consider the decision taking principles and processes outlined above are appropriate for a reformed two-tier planning system?

- If no, please provide further information.
6.1 The following provisions provide the broad strategic planning policy framework which councils, or as the case may be, the Department should take into account in the delivery of plan-making and decision-taking functions.

Archaeology and Built Heritage

6.2 The RDS recognises that Northern Ireland has a rich and diverse built heritage which contributes to our sense of place and history. The RDS also regards the built heritage as a key tourism and recreational asset that, if managed in a sustainable way, can make a valuable contribution to the environment, economy and society. Accordingly, the aim of the RDS is to “Conserve, protect and where possible, enhance our built heritage and our natural environment”\(^9\).

6.3 The policy objectives of the planning system for archaeology and built heritage are to;

- secure the protection, conservation and, where possible, the enhancement of our built and archaeological heritage;
- promote sustainable development and environmental stewardship with regard to our built and archaeological heritage; and
- encourage the link between conservation and economic prosperity

Local Development Plans

6.4 In preparing LDPs councils should take into account the implications of local policies and proposals on all features of the archaeological and built heritage and their settings. LDPs should therefore identify the range of built and archaeological heritage features within the plan area, and bring forward policies or proposals for their protection and conservation and enhancement as follows:

- **Archaeological Sites and Monuments** – monuments in State Care and scheduled monuments and all other sites and monuments located within the plan area. Where appropriate, LDPs should designate areas of significant archaeological interest (ASAIs). Such designations seek to identify particularly distinctive areas of the historic landscape in Northern Ireland. They are likely to include a number of individual and related sites and monuments and may also be distinguished by their landscape character and topography. Local policies or proposals for the protection of the overall character and integrity of these distinctive areas should be included in LDPs, where relevant LDPs should also highlight, for the information of prospective developers, those areas within settlement limits, where, on the basis of current knowledge, it is likely that archaeological remains will be encountered in the course of continuing development and change. These will be referred to as areas of archaeological potential.\(^\text{10}\)

- **World Heritage Sites (WHS):** WHSs are designated under the UNESCO World Heritage Convention of 1972. The Giant’s Causeway and Causeway Coast World

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9 RDS 2035 – RG11
10 The Historic Monuments Council is a statutory body appointed to advise the Department on the exercise of its powers under the Historic Monuments and Archaeological Objects (NI) Order 1995, particularly with regard to the protection of monuments. It must also be consulted on the identification of ASAIs.
Heritage Site is currently the only WHS in Northern Ireland and was designated because of its unique cultural heritage and natural and geological interest. This designation affords it special protection and conservation status. Where relevant, LDPs should identify WHSs and their settings, and include local policies or proposals to safeguard such areas.

- **Historic Parks, Gardens and Demesnes**: A register of parks, gardens and demesnes of special historic interest in Northern Ireland, based on a comprehensive inventory, is held by the Department\(^{(11)}\). There are also a number of parks, gardens and demesnes which retain only some elements of their original form. These are included in an appendix to the main register as designated ‘supplementary’ sites and should also be identified in the LDP, where appropriate.

- **Conservation Areas (CAs)**: Existing CAs have been designated by the Department under the Planning (NI) Order 1991\(^{(12)}\). These are areas of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance. LDPs should identify existing CAs within the Plan area and may include local policies or proposals for their protection and / or, enhancement. Proposed new Conservation Areas or alterations to existing designations may also be brought forward by the council or the Department, where appropriate.\(^{(13)}\)

- **Areas of Townscape or Village Character**: Many areas within settlements do not have the distinctive character to warrant CA designation. However, because of their own unique identity, it may be appropriate to identify and define these as areas of townscape or village character. Local policies or proposals and guidance for such areas should also be included in the plan or where appropriate in supplementary planning guidance.

- **Local Landscape Policy Areas (LLPAs)**: These consist of those features and areas within and adjoining settlements considered to be of greatest amenity value, landscape quality or local significance and therefore worthy of protection from undesirable or damaging development. They may include:
  - archaeological sites and monuments and their surroundings;
  - listed and other locally important buildings and their surroundings;
  - river banks and shore lines and associated public access;
  - attractive vistas, localised hills and other areas of local amenity importance; and
  - areas of local nature conservation interest, including areas of woodland and important tree groups.

  LDPs should, where appropriate, designate LLPAs and bring forward local policies and guidance to maintain the intrinsic environmental value and character of such areas.

\(^{11}\) www.doeni.gov.uk/niea.
\(^{12}\) Art 50 The planning (NI) Order 1991
\(^{13}\) Section 104, The ‘Planning Act’ 2011
Listed Buildings: These are designated as being of ‘special architectural or historic interest’ under Article 42 of the Planning (NI) Order 1991. Such buildings and relevant settings of importance may be identified in a local development plan. LDPs should identify policies for their protection.

Community Listed Buildings (local listing): Many historic buildings will not have sufficient architectural or historic interest to warrant statutory protection as listed buildings. However, they may be important to local communities. Accordingly, it may be appropriate for local development plans to identify and define these buildings as Community Listed Buildings. LDPs should, where appropriate, bring forward policies or proposals to maintain the quality of these buildings.

Decision-taking

6.5 The potential for loss or damage to archaeological sites and the built heritage as a result of unsympathetic development is a material consideration in the determination of planning applications.

Archaeology

6.6 Archaeological remains of **regional importance** comprise monuments in State Care and scheduled monuments. Such sites benefit from statutory protection\(^{(14)}\). Development which would adversely affect such sites or the integrity of their settings should only be permitted in exceptional circumstances. This policy approach should also apply to sites which, whilst not scheduled presently, would otherwise merit such statutory protection\(^{(15)}\).

6.7 Development proposals which would adversely affect archaeological remains of **local importance** or their settings should only be permitted where the council or the Department considers that the importance of the proposed development or other material considerations outweigh the value of the remains.

6.8 The council, and where appropriate, the Department should seek all necessary information from applicants in making well informed planning judgements, particularly where the impact of a development proposal on archaeological remains is unclear, or the relative significance of such remains is uncertain. Should an applicant fail to provide a suitable assessment or evaluation on request a council, or where relevant the Department, should adopt a precautionary approach and refuse planning permission.

6.9 Where a council or the Department is minded to grant planning permission for development which will affect sites known or likely to contain archaeological remains, it should ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development. Where appropriate, this may involve the preservation of remains in situ, or a licensed excavation, recording examination and archiving of the archaeology by way of planning conditions\(^{(16)}\).

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\( ^{(14)} \) Historic Monuments and Archaeological Objects (NI) Order 1995

\( ^{(15)} \) The programme of scheduling is ongoing therefore consultation should be carried out with DOE, as necessary.

\( ^{(16)} \) Archaeological excavations may only be carried out under the provision of a licence granted by the Department under the provisions of the Historic Monuments and Archaeological Objects (NI) Order 1995.
World Heritage Sites

6.10 Councils need to carefully consider applications affecting such sites or their settings, particularly taking into account the critical views to and from the site, the access and public approaches to the site and the understanding and enjoyment of the site by visitors. Development that would adversely affect WHSs or the integrity of their settings should not be permitted unless there are exceptional circumstances.

Historic Parks, Gardens and Demesnes

6.11 In assessing applications for development in or adjacent to historic parks, gardens and demesnes, particular account should be taken of the impact of the proposal on the archaeological, historical or botanical interest of the site. The integrity and overall quality and setting of the site including its original design concept and other associated features should where possible be maintained. Planning permission should not be granted for development that would lead to the loss of, or cause harm to, the overall character, principal components or setting of such sites. In cases where approval is to be granted, the council should seek to ensure the accurate recording of distinctive features that will be lost as a result of the development, by way of planning conditions.

Listed Buildings

6.12 Listed Buildings\(^{(17)}\) of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the open countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure or particular design features in the local and regional context\(^{(18)}\).

6.13 Development involving a change of use and / or works of extension / alteration can be permitted, particularly where this will secure the ongoing upkeep of the building. It is important that such development respects the essential character and architectural or historic interest of the building and its setting, and features of special interest remain intact and unimpaired.

6.14 Consent for the display of advertisements or signs on a listed building should only be forthcoming where these are carefully designed and located to respect the architectural form and detailing of the building.

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17 Article 80 of the Planning Act (NI) 2011, when commenced, will require the Department to compile a list of buildings of special architectural or historic interest (as currently required under Article 42 of The Planning (NI) Order 1991).

18 Article 85 of the Planning Act (NI) 2011, when commenced, will require the written consent of a Council or the Department in regard to works for the demolition, alteration or extension of a Listed Building. This is additional to any separate requirement for planning permission. Article 44 of the Planning (NI) Order currently applies.
6.15 Proposals for the total demolition of a listed building or any significant part of it should not be permitted unless there are exceptional reasons why it cannot be retained in its original or a reasonably modified form. Where consent to demolish a listed building is accepted, this should normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building prior to its demolition.

Non-listed Vernacular Buildings

6.16 Councils are encouraged to facilitate the sympathetic conversion and re-use of non-listed vernacular buildings\(^{(19)}\) where this will secure their upkeep and retention. The building should be structurally sound and capable of conversion. The overall character of the building and its setting should be maintained or enhanced. The retention and sympathetic refurbishment, with adaptation if necessary, of non-listed vernacular buildings in settlements and in the countryside should be encouraged in preference to their replacement.

Community Listed Buildings (local listing)

6.17 In managing development associated with or likely to impact upon Community Listed Buildings (local listing) identified and defined through the LDP process, councils should apply the Plan policies and proposals directed at maintaining the quality of such buildings and their settings.

Conservation Areas

6.18 In managing development within a designated CA the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character of appearance where an opportunity to enhance does not arise. Accordingly, there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle. In exceptional circumstances this general presumption against development may be relaxed where it is considered to be outweighed by other material considerations grounded in the public interest. In the interests of protecting the setting of designated CAs, councils or the Department should also seek to ensure that development close to a designated CA respects its overall character and appearance, while important views in and out of the area should be retained.

6.19 In the interests of preserving or enhancing the character or appearance of the CA, development proposals should;

- be sympathetic to the characteristic built form of the area;
- respect the characteristics of adjoining buildings in the area by way of its scale, form, materials and detailing;
- not result in environmental problems such as noise, nuisance or disturbance, ;
- protect important views within, into and out of the area;
- protect trees and other landscape features contributing to the character or appearance of the area;

\(^{(19)}\) Vernacular buildings reflect the local ‘folk tradition’ and are typical of a common type of building in a particular locality, generally pre 1925. For more detail refer to ‘A Sense of Loss – The Survival of Rural Traditional Buildings in Northern Ireland’, published by DOE, March 1998.
• conform with the guidance set out in any published Conservation Area design guides; and
• only consider the demolition of an unlisted building where the planning authority deems the building makes no material contribution to the character or appearance of the area.

6.20 Consent for the display of advertisements in or close to a CA should only be granted where they would not adversely affect the overall character, appearance or setting of the area.

Areas of Townscape Character (ATC)

6.21 In managing development within ATCs designated through the LDPs process, the council should only permit new development where this will maintain or enhance the overall character of the area and respect its built form. The demolition of an unlisted building in an ATC should only be permitted where the building makes no material contribution to the distinctive character of the area. Consent for the display of an advertisement in an ATC should only be granted where the overall character and appearance of the area will be maintained.

Enabling Development

6.22 Enabling Development is a development proposal that is contrary to established planning policy and in its own right would not be permitted. Such a proposal may however be allowed where it will secure the long term future of a significant place. Enabling development typically seeks to subsidise the cost of maintenance, major repair, conversion to the optimum viable use of a significant place where this is greater than its value to its owner or market value.

6.23 The justification for allowing the enabling development lies in the over-riding public benefit to be derived from the implementation of the principal proposal which otherwise would have little prospect of being carried out.

6.24 Councils may bring forward plan policies to provide the flexibility to accommodate such unforeseen imaginative proposals which are clearly in the public interest.

Consultation Question 12

Archaeology and Built Heritage

Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Archaeology and Built Heritage?

• If no, please explain how the SPPS can be improved.

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20 A significant place means any part of the historic environment that has heritage value including scheduled monuments, archaeological remains, historic buildings (both statutory listed or of more local significance) together with any historically related contents, industrial heritage, conservation areas, or a historic park, garden or demesne. Work on finalising PPS 23 ‘Enabling Development’ is at an advanced stage. This section will be updated to reflect the final version of that policy document.
Coastal Development

6.25 Northern Ireland is noted for its beautiful and relatively unspoilt coast including well known features such as the Giant’s Causeway & Causeway Coast Benone Strand, Antrim Coast Road, Strangford Lough and the Mournes Coast. The coastline – which is some 650 kilometres in length – is a unique part of our natural heritage. It includes a wide variety of landscapes many of planning legislation requires the Department to make provision, by regulations, for restricting or regulating the display of advertisements so far as which are of high scenic quality. It is also of great importance in terms of its scientific interest, nature conservation value and its wildlife habitats. Much of the coast is designated within Areas of Outstanding Natural Beauty, Areas of Special Scientific Interest, or as Marine Conservation Zones.

6.26 The RDS recognises that coastal areas need to be protected from coastal squeeze, to safeguard against loss of distinctive habitats and to help adaptation to climate change, and accordingly states that the landscape setting of features should also be conserved.

6.27 The coast is also of great economic importance to Northern Ireland. There are many settlements and local communities located on the coast, and its seaports provide strategic economic links to Britain and Europe. Important coastal gateways identified in the RDS include Belfast, Derry/Londonderry, Newry and Larne.

6.28 The aim of this SPPS in relation to the coast is to protect the undeveloped coast from inappropriate development, consistent with the objectives of the RDS; and to support the sensitive enhancement and regeneration of the developed coast within coastal settlements.

6.29 The policy objectives for coastal development are to;

- conserve the natural character and landscape of the undeveloped coast and to protect it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution; and

- facilitate development in coastal locations within coastal settlements that contribute to a sustainable economy and which is sensitive to its location.

6.30 The Marine Policy Statement (March 2011) and where appropriate Marine Plan(s) will provide additional spatial guidance and detailed policy for the terrestrial / marine interface and the marine environment.

6.31 The need for interaction between the marine and terrestrial planning systems is recognised and the requirement to work effectively together to achieve harmonisation between the two interrelated planning systems is acknowledged.

6.32 Of particular relevance to councils, particularly those with an interface with the marine environment, will be the current legislative requirement that all public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine Policy Statement (MPS) unless relevant considerations indicate otherwise.

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6.33 The MPS sets the framework for preparing Marine Plans and taking decisions affecting the marine environment thereby contributing to the achievement of sustainable development in the marine area.

www.gov.uk/government/publications/uk-marine-policy-statement

Local Development Plans

6.34 The Department is currently engaged in the preparation of a marine plan for Northern Ireland’s inshore and offshore areas, and in doing so is under an obligation to take all reasonable steps to ensure that such plans are compatible with local development plans (22). The terrestrial planning system and the marine planning system are legally and functionally separate but overlap in the inter-tidal area. Planning authorities should work closely with the Department and neighbouring councils to ensure that LDPs and marine plans are complementary, particularly with regard to the inter-tidal area.

6.35 In plan-making councils should identify coastal areas likely to be suitable for development (most likely to be within existing settlements). LDPs should seek to accommodate new build development on the landward boundary of the settlement rather than permitting additional development along the coastal frontage.

6.36 Some developments require a coastal location. Examples include ports and marinas and industries which require a location near a port and recreational projects. Where appropriate, LDPs should identify land to be zoned for such uses within settlements.

6.37 Areas subject to significant constraints and therefore unlikely to be suitable for development include: some stretches of the coast or lough shores which are of unique amenity or landscape value; areas of nature conservation interest; and areas with significant historical or archaeological potential. In these areas local policies should be brought forward to restrict or only permit development in exceptional circumstances. In doing so councils should also identify those areas directly related to the coastline or lough shores.

6.38 LDPs should identify areas of the coast known to be at risk from flooding, coastal erosion, or land instability where new development should not be permitted.

Decision-taking

6.39 There are few types of development which require a coastal location and the undeveloped coast will rarely be an appropriate location for new development. Where new development requires a coastal location, it should normally be directed into coastal settlements.

6.40 The developed coastline includes not only existing settlements but also other major developments such as ports, isolated industrial units and power stations.

6.41 In dealing with proposals that require a coastal location, the council or as the case may be the Department should carefully assess the need for such development, its effect on the local or regional economy and potential impacts on the environment. Development should

22 Schedule 1 The Marine Act (Northern Ireland) 2013
only be permitted on the undeveloped coast; where the proposal is of such national or regional importance as to outweigh any potential detrimental impact to the coastal environment; and where no feasible alternative site within an existing urban area exists.

6.42 Councils, or the Department may impose conditions to minimise any potential adverse impact on the undeveloped coast particularly in relation to safeguarding visual amenity and landscape character and environmental integrity.

6.43 Regard must be paid to the visual and physical impact of coastal protection schemes, particularly on the undeveloped coastline.

6.44 Development should not be permitted in areas of the coast known to be at risk from flooding (see Flood Risk), coastal erosion, or land instability.

Key Documents


Consultation Question 13

Coastal Development

Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Coastal Development?

- If no, please explain how the SPPS can be improved.

Control of Outdoor Advertisements

6.45 The Executive has placed a priority on protecting people, the environment, and creating safer communities (Priority 3, PfG). Furthermore, the Department through its Road Safety Strategy 2020 aims to reduce the risk of collisions caused by driver distraction, and educate all road users about the dangers of distraction.

6.46 Planning legislation requires the Department to make provision, by regulations, for restricting or regulating the display of advertisements so far as it appears to the Department to be expedient in the interests of amenity or public safety, including road safety\(^{(23)}\). In addition, separate provisions within roads legislation provide additional controls on advertisements in, or on, a public road\(^{(24)}\).

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23 Currently Article 67 of the Planning (NI) Order 1991, otherwise Section 130 of the Planning Act (NI) 2011 when commenced.
24 Article 87 the Roads (Northern Ireland) Order 1993
6.47 The consent of the council will be required for the display of advertisements. However, some types of advertisement are exempt from control provided certain conditions are met.\(^{(25)}\)

6.48 The policy objectives for the control of advertisements are to:

- ensure that outdoor advertisements respect amenity and do not prejudice public safety, 
  (including road safety); and contribute positively to the appearance of the environment.

Local Development Plans

6.49 In plan-making councils should include policies to control the display of advertisements in the plan area having regard to amenity and public safety, including road safety.

6.50 Specific policies may be brought forward for the control of advertisements affecting Listed Buildings, Conservation Areas and Areas of Townscape Character (see also policies on Archaeology and Built Heritage).

Decision-taking

6.51 For decision-making, care must be taken to ensure that an advertisement will not detract from the place where it is to be displayed its surroundings and that it will not prejudice public safety, including road safety. In particular it is important to prevent clutter, adequately controlled signs involving illumination and to protect features such as listed buildings, and conservation areas from the potential adverse effects of advertising.

6.52 The subject matter of any advertising is not a material planning consideration.

Consultation Question 14

Control of Outdoor Advertisements

Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on the Control of Outdoor Advertisements?

- If no, please explain how the SPPS can be improved.

Development in the Countryside

6.53 The Executive attaches great importance to a sustainable approach to development, which promotes economic prosperity, social cohesion with protection of the environment. Sustainable development is also at the heart of the RDS, which recognises that the rural area including our towns and villages and countryside have a key role in supporting economic growth. The rural area is recognised as one of our greatest assets, with its stunning landscapes, an outstanding coastline, a complex variety of wildlife and a rich built and cultural heritage for the ecosystem services it provides, and its sense of place and history.

\(^{(25)}\) Regulations made under section 130 of the Planning Act (NI) 2011 when commenced
for all. The rural area also offers opportunities in terms of the potential for growth in new sectors, the provision of rural recreation and tourism, its attractiveness as a place to invest, live and work, and its role as a reservoir of natural resources and highly valued landscapes.

6.54 A strategic objective within the RDS is to sustain the overall strength of rural communities living in smaller settlements and the open countryside, and to improve connectivity of rural communities to services. Sustaining rural communities requires new development and employment opportunities which respect local, social and environmental circumstances.

6.55 Planning and other environmental policies must therefore play their part in facilitating development in the countryside but not at the expense of the region's rich natural assets and not at the expense of the natural and built environment. By adopting a positive approach to new development, particularly residential development, the planning system can help to create the right conditions for rural communities and businesses to flourish and grow.

6.56 The aim of this SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining vibrant rural communities consistent with the RDS.

6.57 The policy objectives for development in the countryside are to;

- manage growth to achieve appropriate and sustainable patterns of development which supports a vibrant rural community;
- conserve the landscape and natural resources of the rural area and to protect it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution;
- facilitate development which contributes to a sustainable rural economy; and
- promote high standards in the design, siting and landscaping of development.

6.58 To achieve these objectives the policy approach is to cluster, consolidate, and group new development, particularly new residential development, with existing established buildings and the re-use of previously used land and buildings. This sustainable approach facilitates essential new development benefiting as it does from the utilisation of existing services such as access and drainage, whilst simultaneously mitigating the potential adverse impact arising from the cumulative effects of otherwise one-off or sporadic development upon rural amenity and scenic landscapes.

Local Development Plans

6.59 Councils should bring forward a strategy for development in the countryside. This should reflect the aim, objectives and policy approach of this SPPS tailored to the specific circumstances of the plan area.

6.60 The development plan process will play an important role for councils in identifying key features and assets of the countryside and balancing the needs of rural areas/communities with protection of the environment. This should include an environmental assets appraisal and landscape assessment.
6.61 Councils should also identify Dispersed Rural Communities (DRCs), where appropriate. These areas will be designated taking account of: remoteness; evidence of community activity associated with focal point/s (e.g. school or sports club, shop or public house); an established dispersed pattern of settlement.

6.62 Arising from this process local polices and proposals may be brought forward in the LDP for a range of types of development that will contribute to the aims and objectives of this SPPS and wider sustainability objectives as follows:

- **Residential development** including: small scale social and affordable housing development where demonstrable housing need exists; infilling / rounding off of appropriate development clusters / groups; a replacement dwelling; a farm dwelling; a dwelling or conversion housing linked to rural businesses, and a dwelling/temporary caravan or mobile home where there are compelling personal and domestic circumstances.

- **Other types of development** including: farm diversification, agriculture and forestry development; tourism / holiday accommodation; re-use / conversion of existing buildings.

6.63 For DRCs local development plans should include policy for small scale housing, appropriate economic development enterprises, and new social or community facilities.

6.64 Councils should also bring forward policies which address the need to ensure that development in the countryside integrates into its setting, respects rural character, and is designed appropriate to the local area.

6.65 Some areas of the countryside exhibit exceptional landscapes, such as mountains, stretches of the coast or lough shores, and certain views or vistas, wherein the quality of the landscape and unique amenity value is such that development should only be permitted in exceptional circumstances.

6.66 Councils should make clear that any proposals other than those provided for in the plan will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

**Decision-taking**

6.67 All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, sewerage, access and road safety. Access arrangements must be in accordance with the Department’s published guidance\(^{26}\).

6.68 Of particular importance is the need to ensure development does not mar the distinction between a settlement and the surrounding countryside, or result in urban sprawl.

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\(^{26}\) Development Control Advice Note 15 ‘Vehicular Access Standards’ (Second Edition) August 1999
Key Documents


Consultation Question 15

Development in the Countryside

Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Development in the Countryside?

- If no, please explain how the SPPS can be improved.

Economic Development, Industry and Commerce

6.69 Growing a sustainable economy and investing in the future is the first strategic priority of the Northern Ireland Executive. Long term economic growth will be achieved by improving competitiveness and building a larger and more export-driven private sector. This will not only mean creating more employment but also a rebalancing of the economy to meet the challenges of a highly competitive global environment and to improve the wealth and living standards of everyone.

6.70 Effective planning for the economy requires the planning system to take into account the overarching strategic framework provided by the RDS as well as meeting local employment and economic development needs. In terms of strategic economic development, the RDS seeks to promote a balanced spread of opportunities across Northern Ireland through a Spatial Framework that enables strategic choices to be made in relation to development and infrastructural investment. It will also assist private investment decisions. Aside from promoting further economic growth in the Belfast Metropolitan Area and Derry/Londonderry, the Spatial Framework also aims to exploit the economic potential of the strategic network of urban hubs, key transport corridors and regional gateways and to provide for a diversified and competitive rural economy.

6.71 The planning system has a key role in achieving a vibrant economy. In this regard, the aim of the SPPS is to facilitate the economic development needs of Northern Ireland in ways consistent with the protection of the environment and the principles of sustainable development.
6.72 The policy objectives\(^{27}\) for economic development are to;

- promote sustainable economic development in an environmentally sensitive manner;
- tackle disadvantage and facilitate job creation by ensuring the provision of a generous supply of land suitable for economic development and a choice and range in terms of quality;
- sustain a vibrant rural community by supporting rural economic development of an appropriate nature and scale;
- support the re-use of previously developed economic development sites and buildings where they meet the needs of particular economic sectors;
- promote mixed-use development and improve integration between transport, economic development and other land uses, including housing; and
- ensure a high standard of quality and design for new economic development.

Local Development Plans

6.73 A fundamental role for LDPs is to ensure that there is an ample supply of suitable land available to meet economic development needs within the plan area. To this end, LDPs should zone sufficient land for economic development over the plan period. In discharging this function, LDPs should offer a range and choice of sites in terms of size and location to promote flexibility and provide for the varying needs of different types of economic activity. Account should also be taken of factors such as accessibility by all members of the community, the availability of adequate infrastructure, the specialised needs of specific economic activities, potential environmental impacts and compatibility with nearby uses including the operational requirements of existing or approved economic development. A system to monitor the take up and loss of land allocated for economic development purposes as well as ongoing assessment of future requirements and trends will help to identify any shortfalls that may arise or highlight the need to reallocate inappropriate or unmarketable sites for alternative uses.

6.74 LDPs should, where possible, seek to identify previously developed land for economic development. This will serve to return vacant or underused land to productive use and to create more attractive environments. It will also promote sustainable development through reducing the need for green field development and may assist with economic regeneration and physical renewal, helping to stimulate enterprise in disadvantaged areas. Not all previously developed sites may be available or feasible in the short term. However, areas can be identified where investment in site assembly, remediation, infrastructure and environmental improvement will enable successful economic development in the longer term.

\(^{27}\) These Objectives relate to economic development uses comprising industrial, business and storage and distribution uses, as currently defined in Part B ‘Industrial and Business Uses’ of the Planning (Use Classes) Order (Northern Ireland) 2004
6.75 LDPs should identify opportunities for mixed use development, including economic development uses, where this would create synergy and underpin the economic viability of the development as a whole. Plans should indicate, through key site requirements, the types of economic development that will be acceptable and seek to avoid uses that would have a detrimental impact on the environment and/or residential amenity. It is important that such development is sustainable, and major mixed use sites should therefore be directed to locations that are well served by public transport, accessible by walking and cycling, have adequate infrastructure and where development can be properly integrated, in terms of land use and design, with surrounding areas.

6.76 Where appropriate, LDPs should specify the type or range of economic development uses that will be acceptable within zoned sites or broader areas designated by the Plan. Within larger settlements such as towns and cities, the Plan may zone individual sites for a particular industrial and business use class\(^\text{28}\), such as Class B1 Business, Class B2 Light Industrial, Class B3 General Industrial and Class B4 Storage and Distribution. The plan may also set out restrictions as to where particular types of economic development should be located in order to meet particular Plan objectives. For example, office uses may be restricted to town or district centres in order to promote the vitality and viability of the centre. Similarly, research and development facilities may be directed to locations identified for high technology type businesses that offer the opportunity to cluster with a range of business support services.

6.77 LDPs should normally contain a number of supporting actions to assist in meeting the needs of business enterprises in ways which are workable and that will ultimately deliver sustainable and high quality development. Such actions should normally include key site requirements to ensure that developers provide necessary infrastructure such as road access, access for pedestrians and cyclists, water supply, sewerage and land drainage. The Plan may also provide guidance in terms of key design, layout and landscaping requirements.

Decision-taking

6.78 Councils, or as the case may be the Department should generally adopt a positive and constructive approach in determining applications for economic development. Pre-application discussion to highlight and address potential issues at an early stage should be encouraged.

6.79 Within larger settlements such as cities and towns, planning decisions should, to a large extent, be informed by the provisions made for economic development through the LDPs process.

6.80 In these larger settlements proposals for Class B1 business uses should be treated favourably if located within city/town centres or district/local centres, as this will invariably be in accordance with the thrust of the LDPs. Elsewhere, such proposals should be determined on their individual merits, taking account of the potential impacts and the likely economic benefits, both local and regional.

\(^{28}\) For the purposes of the SPPS, economic development uses comprise industrial, business and storage and distribution uses, as currently defined in part B ‘Industrial and Business Uses’ of the Planning (Use Classes) order (Northern Ireland) 2004.
Within villages and small settlements, the LDPs will not normally zone land for economic development purposes, as this could inhibit flexibility. However, favourable consideration will be given to an economic development proposal where it is of a scale, nature and design appropriate to the character of the particular settlement and subject to meeting normal planning criteria such as compatibility with nearby residential use.

Councils or the Department should adopt a positive approach to sustainable economic development in the countryside in order to promote a healthy rural economy, thereby supporting rural communities. In determining planning applications the guiding principle should be to facilitate proposals likely to benefit the rural economy while protecting or enhancing the environment. Farm diversification, the re-use of rural buildings and appropriate redevelopment and expansion proposals for industrial and business purposes will normally offer the greatest scope for sustainable economic development in the countryside. Such proposals may occasionally involve the construction of new buildings.

However, there is a need, in the interests of rural amenity and wider sustainability objectives, to restrict the level of new building for economic development purposes outside settlements. Exceptions to this general principle may be justified in the following circumstances:

- A small scale new build economic development project may be permissible outside a village or small settlement where there is no suitable site within the settlement. An edge of settlement location will be favoured over a location elsewhere in the rural area, subject to normal planning considerations.

- A proposal for major industrial development, where a countryside location is necessary because of size or site specific requirements. Such proposals should be able to demonstrate a significant contribution to the regional economy and be otherwise acceptable, particularly in terms of their environmental and transport impacts. An edge of town location should normally be favoured over a location elsewhere in the rural area.

It is important that economic development land and buildings which are well located and suited to such purposes are retained so as to ensure a sufficient ongoing supply. Accordingly, planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. Any decision to reallocate such zoned land to other uses ought to be made through the LDPs process. While the same principle should also apply generally to unzoned land in settlements in current economic development use (or land last used for these purposes); councils may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits, that are considered to outweigh the loss of land for economic development use.

Some proposed developments may be incompatible with nearby economic development enterprises, either already operating, or approved. For example, activities giving rise to emissions such as dust, odour or micro organisms would be likely to be incompatible with industrial enterprises requiring a particularly clean and contaminant free environment. Examples of the latter include pharmaceuticals, medical products, food products and research and development. Often, an individual enterprise engaged in one of these sectors will offer employment in specialised jobs and of significant importance to the local or regional economy. Accordingly, it is in the public interest to ensure that their operations are not unduly compromised through incompatible development. In other cases, incompatibility
could arise when new residential development is approved in proximity to an existing economic development use that would be likely to cause nuisance, for example through noise, pollution or traffic disturbance. Where it is clearly demonstrated that a proposal for new or expanded development would prejudice the future operation of an established or approved economic development use, then it will normally be appropriate to refuse the application. However, it is incumbent on the decision maker to explore all reasonable means of mitigation with the developer and the established enterprise prior to determining the application.

6.86 All applications for economic development will be assessed in accordance with normal planning criteria, relating to such considerations as access arrangements, design, environmental and amenity impacts, so as to ensure safe, high quality and otherwise satisfactory forms of development.

Key Documents

- Supplementary Planning Guidance to Planning Policy Statement 4 - Policy PED 8: ‘Development Incompatible with Economic Development Uses’ (DOE 2012)

Consultation Question 16

Economic Development, Industry and Commerce

Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Economic Development, Industry and Commerce?

- If no, please explain how the SPPS can be improved.
Flood Risk

6.87 Flooding is a natural process that cannot be entirely prevented. Some areas are already susceptible to intermittent flooding from various sources, principally from rivers, the sea or surface water runoff. Climate change is generally expected to increase flood risk, albeit that there remains much uncertainty as to the degree of climate change that will occur and the implications for particular areas of Northern Ireland.

6.88 The effects of flooding on human activity are wide ranging. Floods have the potential to cause fatalities and injury, displacement of people, pollution and health risk, damage to buildings, adverse environmental impacts and to severely compromise economic and social activities.

6.89 The European Union Floods Directive confirms that development can exacerbate the consequences of flooding and identifies the important role of the planning system in managing development so as to reduce the risks and impacts of flooding. In this regard, the Directive highlights the fundamental importance of preventing or restricting new development in flood prone areas. In addition, the Directive recognises the role of the planning system in regulating new development in existing built up areas so as to afford greater protection to people and property, where this is considered appropriate and commensurate with the flood risk.

6.90 The RDS also recognises the need to avoid, where possible, the selection of flood prone land for employment and housing growth. It urges the planning system to adopt a precautionary approach to development in areas of flood risk and the use of the latest flood risk information that is available in order to properly manage development. The RDS also promotes a more sustainable approach to flood risk management and in particular encourages the greater use of sustainable drainage systems.

6.91 The aim of the draft SPPS in regard to planning and flood risk is to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere.

6.92 The policy objectives for the management of flood risk are to:

- prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere;
- ensure that the most up to date information on flood risk is taken into account when determining planning applications and zoning / designating land for development in LDPs;
- adopt a precautionary approach to the identification of land for development through the LDP process and the determination of development proposals, in those areas susceptible to flooding where there is a lack of precise information on present day flood risk.

29 This section gives strategic expression to the emerging PPS15 Revised (Draft) Planning and Flood Risk and will be updated to reflect the final version of that policy document.

30 The European Directive on the Assessment and Management of Flood Risks came into force in November 2007 and was transposed into local legislation by the Water Environment (Floods Directive) Regulations (Northern Ireland) 2009.
risk or future uncertainties associated with flood estimation, climate change predictions and scientific evidence;

- manage development in ways that are appropriate to the 4 main sources of flood risk in Northern Ireland, i.e. fluvial, coastal, surface water and water impoundment (reservoir) breach or failure;

- seek to protect development that is permitted within flood risk areas by ensuring that adequate and appropriate measures are employed to mitigate and manage the flood risks;

- promote sustainable development through the retention and restoration of natural flood plains and natural watercourses as a form of flood alleviation and an important environmental and social resource;

- promote sustainable development through encouraging the use of sustainable stormwater management for the drainage of new development;

- promote public awareness of flood risk and the flood risk information that is available and of relevance to undertaking development;

- promote an integrated and sustainable approach to the management of development and flood risk which contributes to:
  - the safety and wellbeing of everyone
  - the prudent and efficient use of economic resources,
  - the conservation and enhancement of biodiversity.

Local Development Plans

6.93 The preparation of a LDP affords opportunity to engage with other relevant government departments and agencies having responsibility for various aspects of flood risk management, thereby fostering a necessary joined up approach to addressing flooding issues.

6.94 LDPs must take account of the potential risks from flooding over the plan period and beyond as this is likely to influence decisions on such matters as the zoning of land for development or the designation of land for open space use. Flood risk may also be a consideration in the definition of settlement limits and in decisions concerning the designation of new settlements. LDPs should also promote sustainable drainage within the plan area, for example by requiring such solutions, where appropriate to individual zonings, as a key site requirement.

6.95 LDPs must take account of the most up to date information on flood risk, in particular that which is available on the Strategic Flood Map[^31]. There should also be consultation with Rivers Agency from an early stage on strategic issues relating to flood risk management throughout the Plan area and beyond. Ongoing consultation with Rivers Agency and other

relevant agencies in regard to detailed Plan proposals, for example housing zonings, will also be necessary where flood risk is identified from the available information as a potential issue. The strategic flood risk information and advice provided by Rivers Agency will take account of the latest information on flood risk. This will not only include the present day predictive flood risk associated with flooding from various sources, but also historical records of flooding and the predictive flood risk in the future, associated with climate change.

6.96 LDPs should apply a precautionary approach to development in areas that may be subject to flood risk presently or in the future as a result of climate change predictions. Consequently, LDPs should not bring forward sites or zone land that may be susceptible to flooding, now or in the future, unless in exceptional circumstances. Where, exceptionally, a new plan brings forward such a site, it needs to explain the rationale and set out the measures necessary to manage or mitigate the risk.

Decision-taking

6.97 The susceptibility of land to flooding is a material consideration in the determination of planning applications. New development may be directly at risk of flooding from a number of sources and/or may increase the risk elsewhere. Where a flood risk is known to exist, the planning authority must have regard to this when determining an application.

6.98 The onus rests with the developer to identify and consider the potential flood risk to the proposed development by referring to the Strategic Flood Map. Where flooding is identified as a potential development constraint, pre-application discussion with the decision maker is advisable in order to explore various options, such as selection of an alternative suitable site or the potential for managing the flood risks.

6.99 All planning applications will be determined with reference to the most up to date flood risk information available. The council, or as the case may be the Department should consult Rivers Agency and other relevant bodies as appropriate, in a number of circumstances, where prevailing information suggests that flood risk or inadequate drainage infrastructure is likely to be a material consideration in the determination of the development proposal. The purpose of the consultation will often involve seeking advice on the nature and extent of flood risks and the scope for management and mitigation of those risks, where appropriate.

6.100 The following strategic policy considerations should be taken into account when determining planning applications for development;

- the need to avoid most forms of development in the flood plains of rivers and the sea;
- the need to ensure adequate mitigation and management of flood risk in areas outside flood plains susceptible to surface water flooding;
- the need to manage development in proximity to reservoirs to take account of this particular source of flood risk;
- the need to ensure that the operational effectiveness of flood defence and drainage infrastructure is not compromised by inappropriate development; and
- the need to ensure that flood risk is not increased through the artificial modification of watercourses.
Development in River (Fluvial) and Coastal Flood Plains

6.101 Flood plains store and convey flood water during flood events. These functions are important in the wider flood management system. Development in flood plains should be avoided where possible, not only because of the high flood risk and the increased risk of flooding elsewhere, but also because piecemeal reduction of the flood plain will gradually undermine the functionality of the flood plain.

6.102 Accordingly, built development should not be permitted within the flood plains of rivers or the sea unless:

- the development proposal constitutes a valid exception to the policy;
- the development proposal is of overriding regional or sub-regional economic importance; and
- the development proposal is considered as minor development in the context of flood risk.

6.103 Even where the proposal constitutes an exception to the policy there should be a presumption against certain types of development in the flood plain including bespoke development for vulnerable groups, essential infrastructure (unless for operational reasons it has to be in the flood plain) and also development for the storage of hazardous substances likely to cause pollution in a flood event.

6.104 Land raising, which involves permanently elevating a site to an acceptable level above the flood plain in order to facilitate development will normally be acceptable within the coastal flood plain, but not within the fluvial flood plain, where displacement of flood water would be likely to cause flooding elsewhere. Other flood protection / management measures involving new flood defences or flood compensation storage works will not be acceptable unless carried out by Rivers Agency or other statutory body.

6.105 Where the principle of development within the flood plain is accepted by the planning authority, the applicant is required to submit a Flood Risk Assessment (FRA). Planning permission will only be granted if the FRA demonstrates that all sources of flood risk to and from the proposed development have been identified and that there are adequate measures to manage and mitigate any increase in flood risk arising from the development. A FRA may also be required when a site is close to the margins of the flood plain as depicted on the Strategic Flood Map and a more accurate definition of the extent of potential flooding is needed.

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32 The generally flat areas adjacent to a watercourse or the sea where water flows in a flood, or would flow, but for the presence of flood defences. The limits of the flood plain are defined by the peak water level of an appropriate return period event (currently defined as 1 in 100 year or AEP of 1% for the river or fluvial flood plain and 1 in 200 year or AEP of 0.5% for the coastal flood plain).
33 Exceptions for defended and undefended areas of the flood plain are set out at Figure 1.
34 Non residential extensions with a footprint less than 150 sq metres, alterations to buildings and householder development as defined by the prevailing planning legislation.
6.106 Surface water or pluvial flooding occurs as a result of high intensity rainfall which overwhelms natural or man-made drainage systems resulting in water flowing overland and ponding in depressions in the ground. It is a particular problem in urban areas which are often dominated by non-permeable surfaces such as roofs, roads, patios and car parking areas that restrict infiltration of water into the ground and promote run-off. The steady growth of urban areas has served to intensify surface water run-off and to place additional pressures on the drainage network. It is not uncommon for drainage systems to be overwhelmed during periods of high intensity rainfall, particularly when blockages occur. The problem is exacerbated in many areas by an outdated drainage infrastructure that has not been upgraded to cope with the rate of development.

6.107 Councils or as the case may be the Department should only facilitate development in areas where there is evidence of a history of surface water flooding when a developer is able to demonstrate, through a drainage assessment, that the flood risk can be effectively controlled and mitigated and that it will not create greater potential for surface water flooding elsewhere. Particular account should be taken of adverse impact upon other development or features of importance to nature conservation, archaeology or the built heritage.

6.108 In some areas there may be potential for surface water flooding, as opposed to a known history of this type of flooding. Where there is potential for surface water flooding, for example as indicated by the surface water layer of the Strategic Flood map, the onus should rest upon the developer to assess the flood risk and drainage impact and to mitigate the risk to the development and any adverse impacts beyond the site.

6.109 In managing development in areas susceptible to surface water flooding, planning authorities should encourage developers to use sustainable drainage systems (SuDs) as the preferred drainage solution. Such systems are widely used in other UK jurisdictions and have been shown to be more effective than traditional piped drainage in reducing surface water flooding as well as providing other environmental, economic and social benefits.

Development in Proximity to Reservoirs

6.110 Water impounding structures such as reservoirs are a recognised source of flood risk because of the potential for downstream flooding which may ensue if the structure fails, is overtopped, or in the event of a controlled release of water from the reservoir as part of the normal management regime. In any of these circumstances there is potential for rapid inundation of downstream areas and response times to flooding are likely to be short.

6.111 New development within the flood inundation area of a controlled reservoir can only be justified where the condition, management and maintenance regime of the reservoir are appropriate to provide assurance regarding reservoir safety. Accordingly, planning permission

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35 Policy FLD 3 of PPS 15 sets out the development thresholds and other circumstances in which a Drainage Assessment is required to accompany a planning application.

36 As defined by Rivers Agency for individual reservoirs

37 Reservoirs with an individual or combined capacity greater than 10000 cubic metres above the natural level of any part of the surrounding land.
for new development should only be granted subject to such assurance, provided by a suitably qualified engineer and supported by Rivers Agency, as the responsible body for the management of reservoir flood risk.

6.112 Applications for built development in these areas must also be accompanied by a FRA which demonstrates an assessment of the downstream flood risk in various scenarios (for example, controlled release of water, uncontrolled release due to reservoir failure, change in flow paths as a result of the proposed development). The FRA will also need to set out suitable measures to manage and mitigate the identified flood risks, including details of emergency evacuation procedures.

6.113 Development should be precluded where the FRA indicates a likelihood of sudden and deep inundation. There should also be a presumption against certain types of development in the flood inundation area including bespoke development for vulnerable groups, essential infrastructure (such as emergency services, transport or utilities) and also development for the storage of hazardous substances likely to cause pollution in a flood event.

Protection of Flood Defence and Drainage Infrastructure

6.114 Flood defence and drainage infrastructure are critical in providing a level of flood protection to people and property and adequate land drainage. Accordingly, the decision maker must not permit development that would impede operational effectiveness or hinder access for maintenance purposes. Generally, this will require the retention of an adequate working strip alongside watercourses and a general presumption against the erection of buildings or other structures over the line of a culverted watercourse.

Artificial Modification of Watercourses

6.115 While culverting may in some instances alleviate local flood risk, it cannot eliminate it and often increases the flood risk downstream by the accumulation of higher flows. The artificial modification of watercourses through culverting or canalisation is also widely considered to be environmentally unsustainable as such operations can adversely impact upon landscape quality, ecological integrity and biodiversity of watercourses.
6.116 Councils or the Department should therefore only permit the artificial modification of a watercourse in the exceptional circumstances where culverting of a short length of a watercourse is necessary to provide access to a development site or part thereof or where such operations are necessary for engineering reasons.

Figure 1 - Exceptions to General Presumption against Development in Flood Plains

Defended Areas

Previously developed land protected by flood defences provided that the proposed development does not fall into any of the following categories:

- essential infrastructure such as power supply and emergency services;
- development for the storage of hazardous substances;
- bespoke accommodation for vulnerable groups, such as schools, residential / nursing homes, sheltered housing;
- any development located close to flood defences.

Undefended Areas

- replacement of an existing building;
- development for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located in the flood plain;
- water compatible development, such as for boating purposes, navigation and water based recreational use, which for operational reasons has to be located in the flood plain;
- the use of land for sport or outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings;
- the extraction of mineral deposits and necessary ancillary development.

Key Documents

- Living with Rivers and the Sea (DARD 2008)
- Preliminary Flood Risk Assessment and Methodology for the Identification of Significant Flood Risk Areas DARD 2011
- Managing Stormwater - A Strategy for Promoting the Use of Sustainable Drainage Systems (SuDS) within Northern Ireland. (DOE 2011)
Consultation Question 17

Flood Risk

Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the emerging planning policy approach on Flood Risk as expressed in PPS 15 Revised (Draft) Planning and Flood Risk?

- If no, please explain how the SPPS can be improved.

Housing in Settlements

6.117 The planning system, in co-ordination with the broader public sector, private sector and key housing agencies, has a vital role in the delivery of good quality housing in appropriate locations. Housing is recognised in the RDS as making a vital contribution to the key policy objectives of promoting economic well-being and social progress. New housing development can also stimulate urban and rural renewal.

6.118 The policy objectives for housing in settlements are to underpin the regional guidelines in the RDS by;

- managing housing growth in response to changing housing need;
- directing and managing future housing growth to achieve more sustainable patterns of residential development;
- promoting a drive to provide more housing within existing urban areas;
- encouraging an increase in the density of urban housing appropriate to the scale and design of the cities and towns of Northern Ireland;
- encouraging the development of balanced local communities.

Local Development Plans

6.119 The LDP process is the main vehicle for assessing future housing land requirements and managing housing growth to achieve sustainable patterns of residential development, as well as fulfilling other objectives. In this regard, the SPPS sets out guidance for plan preparation under 3 inter-related elements, as follows:

- processes for allocating housing land;
- measures to be contained in LDPs;
- implementing, monitoring and reviewing LDPs.

The Processes for Allocating Housing Land

6.120 Housing allocations in LDPs should be informed by:

- Application of RDS Housing Growth Indicators (HGIs) – as a basis for allocating housing distribution across the plan area;
Use of the RDS housing evaluation framework\(^{(38)}\) which takes account of the varying capacities of settlements;

**Allowance for existing housing commitments** – Councils should take account of dwellings already constructed, approvals not yet commenced and residential development proposals likely to be approved.

**Urban capacity studies** – Councils should assess the potential for future housing growth within the urban footprint\(^{(39)}\) and the capacity for different types and densities of housing. The urban capacity study should take account of housing development opportunities arising from previously developed land\(^{(40)}\), infill sites, conversion of existing buildings, and possible changes of land use. Consideration needs to be given to the type of housing and density appropriate to each site in order to assess the number of housing units likely to be generated. Urban capacity studies should also include an allowance for “windfall”\(^{(41)}\) housing arising from previously developed land within the urban footprint over the course of the plan period. The urban capacity study should be published as a technical supplement to the draft plan.

- Application of a sequential approach and identification of suitable sites - see Figure 2 below.

<table>
<thead>
<tr>
<th>Step 1</th>
<th>Use previously developed and undeveloped land within the urban footprint, informed by urban capacity studies</th>
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<tbody>
<tr>
<td>Step 2</td>
<td>Extensions to cities and towns</td>
</tr>
<tr>
<td>Step 3</td>
<td>Exceptional major expansion of a village or small rural settlement</td>
</tr>
<tr>
<td>Step 4</td>
<td>New settlements</td>
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</tbody>
</table>

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38 Table 3.2 on page 42 of RDS 2035 refers
39 RDS 2035 page 109 refers
40 RDS 2035 (Page 106) definition of brownfield land (i.e. previously developed land) refers
41 RDS 2035 page 109 refers
Housing Needs Assessment - to provide an evidence base for the allocation of land to cater for special housing needs such as affordable housing, social housing, supported housing and travellers accommodation. The HNA will influence how LDPs facilitate a reasonable mix and balance of housing tenures and types.

- Allowance for Windfall housing – Sites that are not presently zoned for housing but which may become available during the preparation of or following adoption of a LDP.
- Transport Assessments – where appropriate transport assessments should be carried out when considering certain sites for residential use to achieve increased integration with public transport and other alternatives to the private car.

Measures to be contained in Development Plans

6.121 LDPs should:

- set out the overall housing provision for each settlement over the plan period;
- set development limits for all identified settlements;
- zone sites for housing in larger settlements to meet the range of identified need indicate in small settlements areas where it is anticipated that most new housing will be located through the use of Housing Policy Areas (HPAs);
- provide for a managed release of housing land, in line with the RDS ‘plan, monitor and manage’ approach;
- identify sites or areas within settlements where the site (or part thereof) is required to meet one or more category of need and clearly state the proportion required;
- identify settlements where the HNA has found there to be an affordability pressure – (See Affordable Housing below),
- zone land or include policy, as appropriate, to reflect the local need resulting from the demand for second homes;
- where justified, specify those sites or areas where the development of certain house types or a mix of house types will be required
- set density levels for housing sites appropriate to the location of the site and the character of the surrounding area;
- identify areas within town centres where existing residential development will be protected;
- set requirements for the housing elements of sites identified for a mix of land-uses;
- include, where appropriate, specific policies to protect the distinctive nature and character of settlements;
- identify opportunity sites and specify the level of housing that is either required or is acceptable and any design requirements that should be applied;
- set out any additional plan policies or proposals (including key site requirements) to deliver quality residential environments. For example, plans may set out the main infrastructure requirements that developers will be expected to meet for zoned residential sites, local design requirements, and requirements for local neighbourhood facilities;
- identify sites requiring a development brief to be drawn up;
- include as supplementary planning guidance Concept Master Plans for major developments site; and
- contain specific policy for safeguarding the character of established residential areas.
Affordable Housing

6.122 DOE and DSD are currently working on bringing forward a new operational planning policy and delivery mechanism for securing developer contributions for affordable housing. These proposals are to be subject to a separate consultation exercise and will be reflected in the final SPPS.

Implementation, Monitoring and Review

6.123 Councils should undertake regular monitoring. Tracking residential development through monitoring provides for example, valuable information on annual building rates, housing output relative to planned densities, and gives an indication of the validity of estimated windfall predictions. This information will allow a clear view of the overall progress in meeting the housing objectives of the plan and identifying issues likely to require intervention. For example, a need to release second phase sites where a sufficient land supply is not being maintained, or the need to release a site providing for a particular housing need. It will also be necessary to monitor and assess housing development in the rural area in order to ensure that total housing growth can be assessed against the plan’s housing allocation.

Decision-taking

6.124 The decision-taking process has a particularly important role to play in supporting Government improve community cohesion facilitate urban and rural renaissance, and deliver sustainable patterns of residential development.

6.125 In decision-taking councils should adhere to the following planning principles;

- increased housing density without town cramming;
- good design;
- sustainable forms of development; and
- balanced communities.

Increased Housing Density without Town Cramming

6.126 Higher density residential development should be promoted in town and city centres and other locations which benefit from good accessibility to public transport facilities. It may also be appropriate for major housing or mixed-use development proposals. Within established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents. In residential areas of distinctive townscape character an increase in density should only be allowed in exceptional circumstances.

Good Design

6.127 Good design should be the aim of everyone involved in housing development and will be encouraged everywhere through the development management process. All new housing developments should demonstrate a high quality of design, layout and landscaping.
Sustainable Forms of Development

6.128 Whilst the LDPs process will be the main mechanism for steering residential development to sustainable locations, the development management system also has a role to play in dealing with individual planning applications. In this regard a design concept should be sought from and agreed with the developer incorporating sustainable elements such as good linkage of housing with schools, community facilities and public transport; provision for cycling; adequate provision of open space and landscaping integrated with broader green and blue infrastructure systems; energy efficient design of housing units and use of sustainable drainage systems, where appropriate.

6.129 Within town centres, planning permission should be granted for residential use above shops and other business premises, where appropriate, as this can promote sustainability through utilising underused space, maintaining the fabric of buildings and contributing to the vitality and viability of town centres.

Balanced Communities

6.130 Achieving balanced communities and strengthening community cohesion is one of the major themes underpinning the RDS. The provision of good quality housing offering a variety of house types, sizes and tenures to meet different needs and development that provides opportunities for the community to share in local employment, shopping, leisure and social facilities is fundamental to the building of more balanced communities. The development management process has an important role in delivery in this context.

Key Documents

- Creating Places- achieving quality in residential developments incorporating guidance on layout and access (DOE 2010)
- The Housing Association (HA) Guide (DSD)

Consultation Question 18

Housing in Settlements

Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, existing planning policy on Housing?

- If no, please explain how the SPPS can be improved.
Minerals are an important natural resource and their exploitation / extraction makes an essential contribution to the economy and quality of life, providing materials for construction and other uses, fuels and employment. Planning can safeguard mineral resources and facilitate their responsible use.

The Sustainable Development Strategy recognises that while it is important that we respect the limits of our natural resources and ensure a high level of protection and improvement of the quality of our environment, 'sustainable development' does not prevent us from using and capitalising on such resources. An enduring successful economy will effectively use natural resources and contribute toward the protection of the environment.

The RDS also recognises the importance of the rural area, including towns and villages, offering opportunities in terms of their potential growth in new sectors, are attractive places to invest, live and work, and have a role as a reservoir of natural resources and highly valued landscapes.

Minerals can only be extracted from where they are found, though with common minerals, there may be a choice of site. While exploration continues for valuable minerals, the environment effects of specific proposals can have significant adverse effects on the environment and well-being, and must first be considered. Because of their nature, scale, location and duration of operation, mineral developments often impact more severely on the environment than other forms of development so they must be subject to rigorous assessment and control standards.

In recognition of the reality that mineral working can never be entirely reversed, the Sustainable Development Strategy advocates that the use of recycled building rubble should be encouraged to reduce the depletion of natural resources and to limit transportation of such materials.

The key aim of the SPPS in regard to minerals extraction / development is therefore to identify and safeguard workable resources for potential future development and to prevent over exploitation reflecting their importance to the economy and in the interests of environmental protection.

The policy objectives for minerals are to;

- recognise the continuing and important role which indigenous minerals play to the regional economy;
- minimise the impacts of extraction on local communities, built and natural heritage, and the water environment; and
- secure the sustainable restoration of mineral sites to a relevant use after working has ceased.

Local Development Plans

Councils should assess the need for mineral resources against the need to conserve and protect the environment. In particular LDPs should;
• ensure that local supplies of construction aggregates can be made available for use within the local market area to meet likely future development needs over the plan period;

• safeguard mineral resources which are of economic or conservation value, and seek to ensure that workable mineral resources are not sterilised by other surface development which would prejudice future exploitation; and

• identify areas which, because of their intrinsic amenity value such as designated AONBs including area of scientific value or archaeological or historic interest should be protected from minerals development A presumption against the granting of planning permission for the extraction and/or processing of minerals will apply in such areas. Exceptions to this may be made where the proposed operations are short term and the environmental implications are not significant. In such cases, on-site processing of the excavated material is unlikely to be permitted. However, in relation to unconventional hydrocarbon extraction there should be a presumption against their exploitation until the Department is satisfied that there is sufficient and robust evidence on all environmental impacts.

Decision-taking

6.139 All applications for minerals development including commercial peat extraction from bog lands will be assessed against the need to protect and conserve the environment. Mineral developments within or in close proximity to areas that have been designated (or are proposed for designation) to protect their landscape or natural heritage features, will not normally be given permission where they would prejudice the essential character of such areas. The decision maker should balance the case for a particular mineral working proposal against the need to protect and conserve the environment. In all areas, decisions on mineral applications will be made with regard to the preservation of good quality agricultural land, tree and vegetation cover, wildlife habitats, natural features of interest in the landscape and sites of archaeological and historic interest. Where applicable, measures designed to prevent pollution of rivers, watercourses and ground water should be included in applications for mineral extraction and processing plants, including settlement ponds. The provision of reliable protective measures will be an important factor in assessing the acceptability of the extraction proposal.

6.140 Visual intrusion is often the most significant environmental impact associated with mineral workings and where permission is granted, landscape quality will be protected by attaching conditions designed to avoid or mitigate visual disturbance. Particular regard should be paid to the preservation of skylines and to the proposed location of plant, stockpiles and overburden/waste within the working.

6.141 Applications for minerals development should have particular regard to the safety and amenity of the occupants of developments in close proximity to the mineral workings. The potential for conflict can be reduced by requiring a degree of separation to be kept between mineral operations and other developments particularly where mineral operations involve blasting. The distance required will vary according to the nature of the mineral operations and neighbouring developments. Planning permission will not normally be granted for
mineral workings to be in close proximity where potential sources of nuisance are judged to be incompatible with standards of amenity acceptable to the council, or as the case may be the Department and other relevant authorities.

6.142 Where traffic from a minerals working would prejudice the safety and convenience of road users planning permission will normally be refused unless the roads can be satisfactorily improved. When considering applications for new mineral developments with access onto the main traffic route network, particular attention should be paid to the importance of the mineral to the economy of the area, alternative sources of the mineral, the availability of an alternative access and the suitability of the access.

6.143 From time to time minerals may be discovered which are particularly valuable to the economy. Their exploitation may create environmental effects which are particular to the methods of extraction or treatment of that mineral. There will not be a presumption against their exploitation in any area, however in considering a proposal where the site is within a statutory policy area, due weight will be given to the reason for the statutory zoning. However, in relation to unconventional hydrocarbon extraction there should be a presumption against their exploitation until the Department is satisfied that there is sufficient and robust evidence on all environmental impacts.

6.144 Applications for the extraction of minerals must include satisfactory restoration proposals. The preferred types of reclamation and after use depend on the characteristics of the deposits, nature of excavation, availability of fill materials, the surrounding landscape, the needs of the local community and the potential for nature conservation on the site.

Consultation Question 19

Minerals

Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Minerals?

- If no, please explain how the SPPS can be improved.

Natural Heritage

6.145 The EU Biodiversity Strategy seeks to halt the loss of biodiversity and ecosystems services by 2020 and this is reflected in both Priority 3 of the PfG and the RDS. Furthermore, the Wildlife and Natural Environment Act (Northern Ireland) 2011 places a statutory duty on every public body to further the conservation of biodiversity.

6.146 Government, councils and the wider public must be aware of their role in enhancing and conserving our natural heritage, recognising it as an asset to society and in promoting sustainable development and wellbeing.

6.147 The policy objectives for natural heritage are to;
seek to further the conservation, enhancement and restoration of the abundance, quality, diversity and distinctiveness of the region’s natural heritage;

further sustainable development by ensuring that biological and geological diversity are conserved and enhanced as an integral part of social, economic and environmental development;

assist in meeting international (including European), national and local responsibilities and obligations in the protection and enhancement of the natural heritage;

contribute to rural renewal and urban regeneration by ensuring developments take account of the role and value of biodiversity in supporting economic diversification and contributing to a high quality environment;

protect and enhance biodiversity, geo-diversity and the environment; and

take actions to reduce our carbon footprint and facilitate adaptation to climate change.

6.148 In plan-making and decision-taking councils, or as the case may be the Department will apply the precautionary principle that, where there are significant risk of damage to the environment its protection will generally be paramount, unless there are imperative reasons of overriding public interest.

Local Development Plans

6.149 In plan-making councils should take full account of the implications of proposed land use zonings, locations for development and settlement limits on natural heritage features within or adjoining the plan area.

6.150 LDPs should seek to protect and integrate certain features of the natural heritage when zoning sites for development through ‘key site requirements’. In addition LDPs should seek to identify and promote green and blue infrastructure\(^{(42)}\) where this will add value to the provision, enhancement and connection of open space and habitats in and around settlements.

6.151 Natural heritage features and designated sites should be identified as part of the plan-making process. Where appropriate, policies should be brought forward for their protection and / or enhancement. LDPs should also identify and promote the design of ecological networks throughout the plan area which could help reduce the fragmentation and isolation of natural habitats through a strategic approach.

6.152 LDPs should consider the natural and cultural components of the landscape and promote opportunities for the enhancement or restoration of degraded landscapes\(^{(43)}\), particularly those affecting communities.

6.153 Councils should ensure that potential effects on landscape and natural heritage, including the cumulative effect of development are considered when preparing LDPs and policies. With careful planning and design the potential for conflict can be minimised and enhancement of features brought about.

\[42\] Green infrastructure such as parks, green spaces and street trees; blue infrastructure such as ponds, streams and lakes (RDS 2035, Strategic Guidance RG11 ‘Natural Environment’).

\[43\] European Landscape Convention (ELC) binding in UK from March 2007.
6.154 In decision-taking councils, or as the case may be the Department should take account of the potential effects of development proposals on landscapes and natural heritage, including cumulative effects. Appropriate weight should be given to designated sites of international, national and local importance; priority and protected species; and to biodiversity and geological interests within the wider environment.

6.155 Adverse impacts on landscape and natural heritage can be minimised through careful planning and design, considering the services which the natural environment is providing and maximising the potential for enhancement.

International Designations

6.156 Development proposals are restricted where they are likely to impact upon the integrity of European or Ramsar sites as these are afforded the highest form of statutory protection. Such designations should be identified in the local development plan.

6.157 Planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on:

- a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or
- a listed or proposed Ramsar Site

6.158 Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, councils or where appropriate, the Department is required by law to carry out an appropriate assessment of the implications for the site in view of the site’s conservation objectives. Only after having ascertained that it will not adversely affect the integrity of the site, can the planning authority agree to the development and impose appropriate mitigation measures in the form of planning conditions.

6.159 A development proposal which could adversely affect the integrity of a European or Ramsar Site may only be permitted in exceptional circumstances as laid down in the relevant statutory provisions.

National Designations

6.160 Areas of Special Scientific Interest are sites are of special interest by reason of their flora, fauna, geological and/or physiographical features and are designated under Part IV of the Environment (Northern Ireland) Order 2002. Other statutory designations include:

- Nature Reserves and National Nature Reserves – nature reserves can be of national (and sometimes international) importance. They are usually managed by the Department or by agreement with another Department, a District Council or a voluntary conservation body;

44 www.doeni.gov.uk/niea.
- **Marine Conservation Zones** – inter-tidal or sub-littoral areas designated by the Secretary of State. They are established for the conservation or study of areas of marine flora, fauna, geological or physiographical features of special interest;

- **Areas of Outstanding Natural Beauty** – designated by the Department primarily for their high landscape quality, wildlife importance and rich cultural and architectural heritage. The Department can also designate a National Park under the above-mentioned legislation.

6.161 Nature conservation sites selected as European sites under the Birds and Habitats Directives may also be underpinned, either wholly or in part, by sites selected at national level.

6.162 Planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of;

- an Area of Special Scientific Interest;

- a Nature Reserve;

- a National Nature Reserve; or

- a Marine Conservation Zone.

6.163 A development proposal which could adversely affect a site of national importance may only be permitted where the benefits of the proposed development clearly outweigh the value of the site.

6.164 In such cases, appropriate mitigation and/or compensatory measures shall be required.

**Local Designations**

6.165 **Local Nature Reserves and Wildlife Refuges** can be established by councils under the Amenity Lands (Northern Ireland) Order 1985. The Department can also provide a Wildlife Refuge under the Wildlife Order.

6.166 A development proposal which could have a significant adverse impact on a site of local importance should only be permitted where the benefits of the proposed development outweigh the value of the site. In such cases, appropriate mitigation and/or compensatory measures shall be required.

**Protected Species**

6.167 The presence or potential presence of a legally protected species is an important consideration in decision-making. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish whether it is present, the requirements of the species must be factored into the planning and design of the development, and any likely impact on the species must be fully considered prior to any determination.

6.168 Planning permission will only be granted for a development proposal that is not likely to harm a **European protected species**. In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where;

- there are no alternative solutions; and
6.169 Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species (including National Protected Species) and which can be adequately mitigated or compensated against.

6.170 Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

Other Habitats, Species or Features of Natural Heritage importance

6.171 Many important habitats, species and features of natural heritage fall outwith a designated site. To ensure international and domestic responsibilities and environmental commitments with respect to the management and conservation of biodiversity are met, the habitats, species and features mentioned below are material considerations in the determination of planning applications.

6.172 Planning permission should only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known;

- priority habitats;
- priority species;
- active peatland;
- ancient and long-established woodland;
- features of earth science conservation importance;
- features of the landscape which are of major importance for wild flora and fauna;
- rare or threatened native species;
- wetlands (includes river corridors); or
- other natural heritage features worthy of protection, including trees and woodland.

6.173 A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures shall be required.

Areas of Outstanding Natural Beauty (AONB)

6.174 Development proposals in Areas of Outstanding Natural Beauty (AONB) should be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife, and be in the accordance with relevant plan policies.

6.175 In assessing proposals in such areas account should also be taken of the Landscape Character Assessments and any other relevant guidance including AONB Management Plans and local design guides.
Consultation Question 20

Natural Heritage

Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Natural Heritage?

- If no, please explain how the SPPS can be improved.

Open Space, Sport and Outdoor Recreation

6.176 Government recognises that open space, sport and outdoor recreation is important to society now and in the future. It supports many cultural, social, economic and environmental benefits. Everyone, particularly children, the elderly and those with disabilities should have easy access to open space and the opportunity to participate in sport and outdoor recreational activity. This is recognised in the RDS which highlights the need to provide adequate provision for green and blue infrastructure in cities, towns and neighbourhoods, and new developments.

6.177 Open space, whether or not there is public access to it, is important for its contribution to the quality of urban life by providing important green lungs, visual breaks and wildlife habitats in built-up areas. Open space can enhance the character of residential areas, civic buildings, conservation areas, listed buildings and archaeological sites. It can also help to attract business and tourism and thereby contribute to the process of urban and rural regeneration.

6.178 The policy objectives for open space, sport and outdoor recreation are to;

- safeguard existing open space and sites identified for future such provision;
- ensure that areas of open space are provided as an integral part of new residential development and that appropriate arrangements are made for their management and maintenance in perpetuity;
- facilitate appropriate outdoor recreational activities in the countryside;
- ensure that new open space areas and sporting facilities are convenient and accessible for all sections of society, particularly children, the elderly and those with disabilities;
achieve high standards of siting, design and landscaping for all new open space areas and sporting facilities; and

ensure that the provision of new open space areas and sporting facilities is in keeping with the principles of environmental conservation and helps sustain and enhance biodiversity.

Local Development Plans

6.179 Councils should make adequate provision for green and blue infrastructure in local development plans informed by an assessment of existing open space provision and future needs, and by liaising with other interested bodies such as the Sports Council.

6.180 Councils should undertake a survey of existing open spaces, both public and private, identifying the different needs they serve. This survey should generally focus on open spaces within or adjoining urban areas, but may also include outdoor recreational facilities in the countryside.

6.181 Councils should assess existing provision against the National Playing Fields Association (NPFA) recommended minimum standard of 2.4 hectares of ‘outdoor playing space’ per 1000 population (commonly referred to as the ‘6 acre standard’). These assessments should consider both the level of ‘outdoor playing space’ provision in the plan area, and the distribution and accessibility of such land use. Councils should also take account of the provision and role of other forms of open space and the availability of indoor sports facilities. The distribution and accessibility of such spaces and facilities together with the amenity value, environmental assets and linkages they may provide will be important considerations.

6.182 LDPs should identify existing open space provision (and any proposals for future development of these areas). A general policy presumption against the loss of open space to competing land uses should be applied. Areas of open space which perform a strategic function such as community greenways and landscape wedges in urban areas should be identified and designated.

6.183 Zonings for future needs should take into account the following:

- accessibility to and from existing and proposed housing areas;
- the potential for any detrimental impact on biodiversity or on sensitive environmental areas and features;
- the contribution that open space can make to the quality of the environment and community life; and
- the importance of protecting linear open spaces such as pedestrian and cycle routes, community greenways, former railway lines and river and canal corridors many of which are valuable in linking larger areas of open space.

6.184 Where appropriate, key site requirements for zoned residential land should include guidance on the provision of areas of public open space as an integral part of the development. Where residential zonings occur in close proximity to existing or zoned open space, plans will normally provide guidance on the need for linkages between the development and these areas in order to facilitate ease of access. LDPs should bring forward policy to require new residential development of an appropriate scale (generally 25 or more units, or on sites of...
one hectare) to provide adequate and well-designed open space as an integral part of the development. LDPs should also ensure a suitable mechanism is in place to secure the future management and maintenance of open space in new residential developments.

Outdoor Recreation in the Countryside

6.185 The NI countryside lends itself to accommodating a wide range of recreational activities. LDP’s should contain policy for the consideration of development proposals for outdoor recreation in the countryside. In doing so councils should have regard to a range of issues including:

- visual and residential amenity;
- public safety, including road safety;
- any impact on nature conservation, landscape character, archaeology or built heritage; and
- accessibility

Intensive Sports Facilities

6.186 The precise location of intensive sports facilities can be contentious, and by their very nature and scale can give rise to particularly complex planning considerations such as impact on amenity, and sustainability issues. Local planning policy should require as a principle that such facilities are located within settlements in order to maximise the use of existing infrastructure. As an exception this policy may allow for a sports stadium outside of a settlement, but only where clear criteria is established which can justify a departure from this approach.

Decision-taking

6.187 Councils, or where appropriate the Department should carefully consider development proposals for all sport and outdoor recreational activities, including facilities ancillary to watersports. Relevant material considerations will include: location, design, hours of operation, noise, impact upon visual and residential amenity, access and links to public transport; floodlighting; landscaping, public safety (including road safety); nature conservation, archaeology or built heritage.

6.188 Particular attention should be paid to those development proposals which generate high levels of noise such as motorsports, shooting, water skiing and paintball adventure games. These activities are more likely to conflict with, disturb and cause nuisance to nearby noise sensitive uses (For example schools, hospitals, places of worship, and residential neighbourhoods). Such sports or activities can also be disruptive to farm animals and wildlife and may also have a detrimental effect on the natural environment, as well as local character. These developments should only be permitted where there is no unacceptable level of disturbance.

Key Documents

- Play and Leisure Policy Statement for Northern Ireland (OFMdFM 2011)
Consultation Question 21
Open Space, Sport and Outdoor Recreation

Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Open Space, Sport and Outdoor Recreation?

- If no, please explain how the SPPS can be improved.

Renewable Energy

6.189 Renewable energy comes from energy sources that are continuously replenished by nature. The main sources of renewable energy are wind, sun (solar energy), moving water (hydropower), heat extracted from the air, ground and water (including geothermal energy), and biomass (wood, biodegradable waste and energy crops).

6.190 Priority 1 of the PfG, and RG5 of the RDS 2035, emphasise the need to increase the contribution that renewable energy can make to overall energy mix. This will reduce our dependence on imported fossil fuels and will bring diversity and security of supply to our energy infrastructure. It will also help Northern Ireland achieve its targets for reducing carbon emissions\(^{(45)}\) and will reduce environmental damage such as that caused by acid rain. Renewable energy technologies can also support the Northern Ireland economy.

6.191 The aim of this SPPS in relation to renewable energy is to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland’s renewable energy targets and to realise the benefits of renewable energy.

6.192 The policy objectives for renewable energy are to:

- ensure that the environmental, landscape, visual and amenity impacts associated with or arising from renewable energy development are adequately addressed;
- ensure adequate protection of the region’s built, natural, and cultural heritage features; and
- facilitate the integration of renewable energy technology into the design, siting and layout of new development and promote greater application of the principles of Passive Solar Design.

6.193 Renewable energy development proposals in the marine environment are managed under a separate consenting regime within the framework of the UK Marine Policy Statement.

\(^{(45)}\) The PfG contains a target for a reduction in greenhouse gas emissions by at least 35% on 1990 levels by 2025
Local Development Plans

6.194 In plan-making councils should set out policies and proposals that support a diverse range of renewable energy development taking into account the above-mentioned policy objectives. Plans should clearly set out the factors that will be taken into account for decision-making. These factors will depend on the scale of the development and its local context, but are likely to include matters such as: public safety, human health, residential amenity; visual amenity and landscape character; biodiversity, nature conservation, built heritage interests; local natural resources, such as air quality or water quality; public access to the countryside; cumulative impact; communications interference; and wider environmental, economic and social benefits.

Decision-taking

6.195 Councils, or as the case may be the Department should carefully consider all development proposals for renewable energy development, including proposals which include micro-generation, and passive solar design.

6.196 Particular care should be taken when considering the potential impact of wind farm proposals on the landscape. Some landscapes may be able to accommodate wind farms more easily than others, on account of their topography, landform and ability to limit visibility. A cautious approach is necessary in relation to those designated landscapes which are of significant value, such as Areas of Outstanding Natural Beauty, and the Giant's Causeway and Causeway Coast World Heritage Site, and their wider settings. In such sensitive landscapes, it may be difficult to accommodate wind turbines without detriment to the Region's cultural and natural heritage assets.

6.197 However it will not necessarily be the case that the extent of visual impact or visibility of wind farm development will give rise to negative effects; wind farm developments are by their nature highly visible yet this in itself should not preclude them as acceptable features in the landscape. The ability of the landscape to absorb development depends on careful siting, the skill of the designer, and the inherent characteristics of the landscape such as landform, ridges, hills, valleys, and vegetation.

6.198 Where any project is likely to result in unavoidable damage during its installation, operation or decommissioning, developers will be required to indicate how such damage will be minimised and mitigated, including details of any compensatory measures, such as a habitat management plan or the creation of a new habitat. These matters will be agreed before planning permission is granted. Any development on active peatland will not be permitted unless there are imperative reasons of overriding public interest.

6.199 In relation to developments, which become redundant, such as wind farms, applicants will be required to provide details on future decommissioning, including proposals for site restoration. In such cases planning conditions (or a legal agreement where appropriate) should be used.

6.200 The supplementary planning guidance ‘Wind Energy Development in Northern Ireland's Landscapes’ should be taken into account in assessing all wind turbine proposals.

46 Defined as development comprising more than 2 turbines
Consultation Question 22

Renewable Energy

Do you consider that the SPPS has appropriately reflected and update, in a strategic way, the existing planning policy approach on Renewable Energy?

- If no, please explain how the SPPS can be improved.

Telecommunications, Public Services and Utilities

6.201 The Executive and RDS (RG3) recognise the need for a modern efficient telecommunications infrastructure that will give Northern Ireland a competitive advantage. Northern Ireland’s core telecommunications network is world class and high quality communications infrastructure is essential for sustainable economic growth.

6.202 The aim of this SPPS in relation to telecommunications is to facilitate the growth of new and existing telecommunications in an efficient and effective manner whilst keeping the environmental impact to a minimum.

6.203 The policy objectives for telecommunications are to;

- ensure that where appropriate new telecommunications development is accommodated by mast and site sharing;
- ensure that the visual and environmental impact of telecommunications development is kept to a minimum;
- minimise, as far as practicable, undue interference that may be caused to terrestrial television broadcasting services by new development; and
- encourage appropriate provision for telecommunications systems in the design of other forms of development.
Local Development Plans

6.204 During the preparation of LDPs, councils may discuss with telecommunications operators the anticipated extent of the network coverage required over the plan period. LDPs may in certain circumstances and, subject to technical limitations on location and siting, allocate specific sites for major new telecommunications development. LDPs should bring forward policies which set out the detailed criteria for consideration of new telecommunications development in its area including siting, design and impact upon visual amenity. Policy may also set out additional requirements on operators, for example, to demonstrate the need for new development and existing network constraints.

Decision-taking

6.205 Operators will be encouraged to site share wherever possible. In decision-taking, councils should take particular account of potential effects of new telecommunications development, and any necessary enabling works, on visual amenity and environmentally sensitive features and locations. Applicants will be required to submit sufficient information which demonstrates that such considerations have been thoroughly assessed and mitigated. New masts should only be considered where site sharing is not feasible or offers an improved environmental solution.

OTHER PUBLIC SERVICES & UTILITIES

6.206 LDPs should allocate sufficient land to meet the anticipated needs of the community, in terms of health, education and other public services, and should also zone land for known requirements for future expansion of ports and airports. Development adjacent to existing airport or port facilities which would seriously jeopardise their future expansion should not be permitted.

6.207 LDPs will also highlight Airport Public Safety Zones for information purposes wherein a general presumption against development will apply. The basic objective is to ensure that there is no increase in the number of people living, working or congregating in such areas.

6.208 In relation to power lines current Government policy is that exposures to power-line Electro Magnet Fields (EMFs) should comply with the 1998 International Commission on Non-Ionizing Radiation Protection (ICNIRP) Guidelines. A voluntary Code of Practice Power Lines: Control of Microshocks and other indirect effects of public exposure to electric fields A voluntary Code of Practice (DECC, July 2013) has been agreed by the Department of Energy and Climate Change, the Department of Health, the Energy Networks Association, the Welsh Government, the Scottish Government, and the Northern Ireland Executive. It sets out what is regarded as compliance with those aspects of the EMF exposure guidelines that relate to indirect effects as far as the electricity system is concerned. Further Government policies relating to EMFs from overhead power lines, advise that as a precautionary measure they should, where reasonable, have optimum phasing. This is the subject of a companion Code of Practice “Optimum phasing of high voltage double-circuit power lines”. This Code of Practice applies in England, Wales, Scotland, and Northern Ireland.
6.209 Proposals for the development of new power lines will be considered having regard to potential impact on amenity and should avoid areas of landscape sensitivity, including AONBs.

Consultation Question 23

Telecommunications, Public Services and Utilities

Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Telecommunications, Public Services and Utilities?

- If no, please explain how the SPPS can be improved.

Tourism

6.210 The Executive’s PfG identifies the Tourism Strategy as one of the ‘building blocks’ to underpin their first strategic priority of growing a sustainable economy and investing in the future. The PfG also contains a key commitment to increase visitor numbers to 4.2 million and tourist revenue to £676 million by December 2014. Government therefore recognises the potential of the tourism industry to deliver significant economic growth in the future.

6.211 The RDS also recognises tourism as a key element underpinning sustainable economic growth in Northern Ireland and Regional Guideline 4 (RG 4) seeks to promote a sustainable approach to the provision of tourism infrastructure.

6.212 Sustainable tourism development is brought about by balancing the needs of tourists and the tourism industry with those of the destination. This requires management and the planning system has a key role in managing tourism-related development through planning policies that provide a framework for identifying appropriate development opportunities and safeguarding tourism assets from harmful development. The planning system also has a role in securing high quality design and integrating tourism provision with necessary infrastructure. In discharging these functions the planning system will ensure that development is sustainable and achievable without damaging those qualities in the environment which are of acknowledged public value and on which tourism itself may depend.

6.213 The aim of the SPPS in relation to tourism development is to manage the provision of sustainable and high quality tourism developments in appropriate locations within the built and natural environment.

6.214 The policy objectives for tourism are to;

- facilitate sustainable tourism development in an environmentally sensitive manner;
- contribute to the growth of the regional economy by facilitating tourism growth;
- safeguard tourism assets from inappropriate development;
utilise and develop the tourism potential of settlements by facilitating tourism development of an appropriate nature, location and scale;

- sustain a vibrant rural community by supporting tourism development of an appropriate nature, location and scale in rural areas; and
- ensure a high standard of quality and design for all tourism development.

Local Development Plans

6.215 In plan-making councils should consider how best to facilitate the growth of sustainable tourism in their areas and bring forward a tourism strategy. This will be tailored to the needs and assets of their local area and informed by early engagement with relevant stakeholders. Such a strategy should reflect wider government tourism initiatives (e.g. Signature Projects), and may address the following:

- how future tourism demand is best accommodated;
- safeguarding of key tourism assets;
- identification of potential tourism growth areas;
- environmental considerations; and
- contribution of tourism to economic development, conservation and urban regeneration.

6.216 Policies to safeguard tourist assets will be contained in LDPs, together with policies for tourism development such as tourism accommodation, amenity facilities, and holiday parks, and the criteria for consideration of such proposals.

6.217 There should be a general presumption in favour of tourism development within settlements.

6.218 In the countryside there is a need, in the interests of rural amenity, and wider sustainability objectives, to manage the level of new build for tourism purposes. The guiding principle should be to facilitate tourism development where this supports rural communities and promotes a healthy rural economy and tourism sector. Farm diversification, the re-use of rural buildings and appropriate redevelopment and expansion proposals for tourism purposes will normally offer the greatest scope for sustainable tourism development in the countryside. Such proposals may occasionally involve the construction of new buildings.

Decision-taking

6.219 A positive approach should be adopted in determining applications for tourism development so long as proposals are sustainable and will result in high quality forms of development. In decision-making important considerations will include: the nature of individual proposals, the context, scale, size, design and access arrangements. Design is a particularly important consideration within Conservation Areas and Areas of Townscape Character and when considering the impact of tourism development proposals in the countryside particularly within areas designated for their landscape, natural or cultural heritage properties.
There are many diverse features of the built and natural heritage of Northern Ireland that can be regarded as tourism assets, in that they are important in attracting tourists and sustaining the tourism industry. Examples include historical and archaeological sites, certain beaches, conservation areas and Areas of Outstanding Natural Beauty. The safeguarding of such tourism assets from unnecessary, inappropriate or excessive development is a vital element in maintaining a healthy tourism industry. To allow such development could damage the intrinsic character and quality of the asset and diminish its effectiveness in attracting tourists. Accordingly, planning permission should not be granted for development that would, in itself or in combination with existing and approved development in the locality, have an adverse impact on a tourism asset, such as to significantly compromise its tourism value.

Consultation Question 24

Tourism

Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Tourism?

- If no, please explain how the SPPS can be improved.

Town Centres & Retailing (New Strategic Policy)

The RDS 2035 provides a spatial framework for the future growth of Northern Ireland. It identifies a hierarchy of settlements and related infrastructure and outlines the patterns of service provision appropriate at different spatial levels: neighbourhoods, smaller towns, regional towns (or groups of towns) and cities or at a regional level. It recognises the importance of accessible, vibrant city and town centres which offer people more local choice for shopping, social activity and recreation (RG7). In particular, Spatial Framework Guidance (SFG) 3 identifies the need to enhance the distinctive role of Belfast City Centre as the primary retail location in Northern Ireland, and in relation to future major retail development proposals it promotes a precautionary approach based on the likely risk of out of centre shopping developments having an adverse impact on the city centre shopping area. The RDS also highlights the need to strengthen and secure the role of Derry/Londonderry as the principal city for the North West (SFG 7).

The planning system has a key role to play in contributing to successful town centres. The aim of this SPPS is to support and sustain vibrant town centres across Northern Ireland, consistent with the RDS.

The policy objectives for town centres and retailing are to:

- secure a town centres first approach for the location of future retailing and other main town centre uses.

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47 A tourism asset can be regarded as any feature associated with the built or natural environment which is of intrinsic interest to tourists.

48 Includes cultural and community facilities, retail, leisure, entertainment and businesses.
- adopt a sequential approach to the identification of retail and main town centre uses in LDPs and when decision-taking;
- ensure LDPs and decisions are informed by robust and up to date evidence in relation to need and capacity;
- protect and enhance diversity in the range of town centre uses appropriate to their role and function, such as leisure, cultural and community facilities, housing and business;
- promote high quality design to ensure that town centres provide sustainable, attractive, accessible and safe environments; and
- maintain and improve accessibility to and within the town centre.

**Consultation Question 25**

**Town Centres and Retailing**

Do you think a ‘town centres first’ / sequential test is the appropriate policy approach for the location of future retail and other main town centre uses in Northern Ireland?

- If no, please set out and justify any alternatives.

**Local Development Plans**

6.224 The preparation of a LDP provides the opportunity to address the needs, challenges and opportunities facing town centres and retailing in the plan area. Given the wide range and complexity of issues that influence the development, role, function and success of town centres councils should work collaboratively with other relevant stakeholders to inform plan preparation.

6.225 In preparing LDPs councils should undertake an assessment of the need or capacity for retail and other main town centre uses across the plan area. A key element in developing the evidence base will be the preparation of *town centre health checks*. Councils should undertake and regularly update these (at least once every five years). They will contain information on a range of indicators, including:

- existing town centre uses, including resident population;
- vacancy rates;
- physical structure and environmental quality – including opportunities, designations constraints;
- footfall;
- retailer representation;
- attitudes and perceptions;
- prime rental values and
- commercial yields.

6.226 Arising from the above-mentioned evidence base LDPs should include a Retail strategy, and contain appropriate policies and proposals that must promote town centres first for retail and other main town centre uses. Plans should also;
define a network and hierarchy of centres - town, district and local centres, acknowledging the role and function of rural centres;

- define the spatial extent of town centres and the primary retail core;
- set out appropriate policies that make clear which uses will be permitted in the hierarchy of centres and other locations, and the factors that will be taken into account for decision taking;
- provide for a diverse offer and mix of uses, which reflect local circumstances; and
- allocate a range of suitable sites to meet the scale and form of retail, and other town centre uses.

6.227 As part of the process of identifying sites to be allocated for town centre uses in the plan councils should undertake a ‘call for sites’ consultation exercise. In judging between allocations on non primary area sites, preference should be given to edge of town centre land before considering out-of-centre sites. The measuring or ranking of alternatives should include an assessment of the physical distance and functional linkage of sites with the primary retail core, and other relevant factors.

6.228 For a site to be considered as edge-of-centre a default distance threshold of 300m from the town centre boundary should apply. Councils may set other thresholds to take account of local issues such as constrained areas and topography.

6.229 The requirement to allocate sites should be considered on the basis of fulfilling sustainably and objectively assessed needs for retail/economic development during the plan period. It will also be important to regularly monitor and review retail and town centre development and trends. This will ensure the maintenance of an up to date and robust evidence base.

Consultation Question 26

Town Centres and Retailing

Do you agree that councils should undertake an assessment of need or capacity for retail and other main town centre uses to inform local development plans?

- If no, please provide further information.

Consultation Question 27

Town Centres and Retailing

Do you think that councils should prepare town centre health checks as described?

- If no, please provide further information.
Consultation Question 28

Town Centres and Retailing

Do you think a ‘call for sites’ consultation is an appropriate mechanism to assist with site allocations in a local development plan?

- If no, please provide further information.

Consultation Question 29

Town Centres and Retailing

Do you agree that 300m from a town centre boundary is an appropriate threshold for a site to be considered as edge of centre?

- If no, please provide further information.

Decision-taking

6.230 Councils or as the case may be the Department must adopt a town centre first approach in the consideration of applications for retail or main town centre uses. A sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date LDP.

6.231 Where it is established that an alternative sequentially preferable site or sites exist, an application which proposes development on a less sequentially preferred site should be refused.

6.232 Councils or as the case may be, the Department should require applications for main town centre uses to be considered in the following order of preference;

- primary retail core;
- town centres;
- edge of centre; and
- out of centre locations, only where sites are accessible by a choice of good public transport modes.

6.233 Flexibility should be adopted in seeking to accommodate developments onto sites with a constrained development footprint. For example, through use of creative and innovative design schemes, including multi-level schemes (where appropriate), shared car parking, smaller more efficient trading floors/servicing arrangements. Applicants will be expected to identify and fully demonstrate why alternative sites are not suitable, available and viable.
6.234 In the absence of a current and up to date LDP, councils should require applicants to prepare a proportionate need assessment to support their application. This may incorporate a quantitative and qualitative assessment of need taking account of the sustainably and objectively assessed needs of the local town and take account of committed and allocated sites.

6.235 All applications for retail or town centre type developments above 2,500 metres (gross external area) which are not proposed in a town centre location and not in accordance with the LDP should be required to undertake a full assessment of retail impact as well as need. Councils may choose to apply a lower threshold taking into account local circumstances such as the size, role and function of their town centres. Factors to be addressed in such an assessment include:

- The impact of the proposal on trade and turnover for both convenience and comparison goods traders, and the impact on town centre turnover overall.

- The impact of the proposal on existing committed and planned public and private sector investment and investor confidence in the town centre/s.

- The impact of the proposals on the delivery of the planned/allocated sites and the local development plan strategy.

- The impact on the vitality and viability of existing centres including consideration of local independent traders and the important contribution they make to the diversity and distinctiveness of existing town centres.

- Cumulative impact taking account of committed and planned development including plan allocations within the town centre and wider area.

- A review of local economic impacts including job creation.

6.236 Where an impact on one or more of these criteria is considered significantly adverse or where in balancing the overall impacts of each of the criteria the proposed development is judged to be harmful, then it should be refused.

6.237 All applications for retail development or main town centre type uses will also be assessed in accordance with normal planning criteria; relating to access arrangements, design, environmental and amenity impacts as to ensure high quality and otherwise satisfactory forms of development.

Consultation Question 30

Town Centres and Retailing

Do you think 2,500 sq metres (gross) is the appropriate threshold for requiring a proportionate retail impact assessment?

- If no, please provide further information?
Consultation Question 31

Town Centres and Retailing

Do you agree with the factors to be addressed as part of a retail impact assessment?

- If no, please provide further information.

Transportation

6.238 The relationship between transport and land use has a strong influence on the RDS aims to support strong, sustainable economic growth and to promote development which improves the health and well-being of communities. Regional Guideline 2 (RG 2) aims to deliver a balanced approach to transport infrastructure that takes account of the needs of our environment, society and economy. This approach is seen as a prerequisite to remaining competitive in the global market. The focus is on managing the transportation network in a better and smarter way so as to use road space and railways more efficiently, improve access to towns and cities and improve road safety. Regional Guideline 9 (RG 9) aims to reduce our carbon footprint and facilitate mitigation and adaptation to climate change whilst improving air quality. Reducing greenhouse gas emissions from transport is listed as one of the mitigating measures and reduced car use is considered necessary in moving towards this goal.

6.239 The RDS considers better integration between transport and land use as fundamental to progress in implementing the above regional guidelines. The aims of this SPPS with regard to transportation are to secure improved integration with land-use planning, consistent with the RDS; and to facilitate safe and efficient access, movement and parking.

6.240 The policy objectives for transportation and land-use planning are to:

- promote sustainable transport choices including walking, cycling and public transport, recognising that this may be less achievable in some rural areas;
- ensure accessibility for all, particularly the needs of people with disabilities and others whose mobility is impaired;
- promote the provision of adequate facilities for cyclists in new development;
- promote parking policies that will assist in reducing reliance on the private car and help tackle growing congestion;
- protect routes required for new transport schemes including disused transport routes with potential for future reuse;
- restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes; and
- promote road safety, in particular for pedestrians, cyclists and other vulnerable road users.
Local Development Plans

6.241 The preparation of a LDP provides the opportunity to assess the transport needs, problems and opportunities within the plan area and to ensure that appropriate consideration is given to transportation issues in the allocation of land for future development. Councils should take account of the DRD Regional Transportation Strategy and transport plans. Councils should undertake a local transport study to identify transportation and land use planning issues to be addressed in the LDP. These issues include:

- **Land Use Allocations and Associated Transport Infrastructure**: Reducing the need to travel can be achieved through allocating sites for housing development in proximity to existing or planned provision of services such as shopping, employment, health and educational facilities. Ensuring the provision of local neighbourhood facilities as an integral element of new large scale residential development can greatly assist in curtailing the need to travel by car as well as enhancing the vitality and viability of the development. Maximising modal choice can also be influenced by the LDPs. For example, high density and mixed use development and tourist amenities should generally be steered towards locations benefitting from good accessibility to public transport provision and major travel generating uses should be accessible by public transport, and wherever feasible, by walking and cycling. Where appropriate, LDPs should contain key site requirements for zoned sites that promote sustainable transport choices such walking and cycling infrastructure, or phasing of development so as to tie in with planned provision of public transport. Efficient movement of freight and storage is of significant economic importance. LDPs should allocate land for distribution and storage facilities at locations such as the edge of urban areas that are readily accessible to the Regional Strategic Transport Network and should, where feasible, take account of the potential for use of the railway freight.

- **New Transport Schemes, Walking and Cycling**: New transport schemes (including major proposals for road, rail and public transport provision, and cycle / pedestrian networks) or planned improvements to the transport network should be identified in LDPs. The land required to facilitate infrastructure provision needs to be afforded adequate protection from development likely to jeopardise its implementation.

- **Disused Transport Routes**: LDPs should identify and safeguard disused transport routes such as former railway lines and canals where there is a reasonable prospect of re-use for future transport purposes. Where this is not the case, consideration should be given as to whether protection should be afforded through the Plan for alternative purposes such as a recreational, nature conservation or tourism related use.

- **Car Parking**: LDPs should identify existing and proposed town centre car parks. As part of an overall parking strategy councils should bring forward local policies to ensure adequate provision for car parking within new developments (including spaces for people with disabilities, and parent and child parking spaces) and appropriate servicing arrangements LDPs should also designate areas of parking restraint, normally within larger settlements well served by public transport, wherein flexibility can be applied to published car parking standards.

- **Protected Routes**: LDPs will list and display on maps for information purposes those sections of regionally designated protected routes which are located within the Plan.
area. The regional policy is to restrict the number of new accesses and control the level of use of existing accesses onto protected routes. In the case of motorways and high standard dual carriageways an exception may be considered for motorway service areas where there is demonstrable need. For other dual carriageways, ring roads, through-passes and by-passes a direct access or the intensification of the use of an existing access will only be permitted in the exceptional circumstances where the proposal is of regional significance.

For other protected routes outside settlements access will only be permitted in the case of a replacement dwelling; a farm dwelling or a dwelling serving an established commercial or industrial enterprise (only where no alternative access opportunity exists and the use of an existing vehicular access cannot be achieved). No new accesses for other categories of development in the countryside will be permitted onto protected routes.

For other protected routes within settlements, direct access or the intensification of an existing access onto a protected route may be acceptable in circumstances where no alternative exists, or in the case of residential development where this will significantly assist in the creation of a quality environment without compromising road safety standards or resulting in an excessive number of access points.

Where appropriate, usually for road safety or traffic flow reasons, the LDP may contain additional local policies in order to apply further restrictions.

**Decision-taking**

6.242 The decision-taking process is a key tool for delivering sustainable travel patterns and good integration between transportation and land use.

6.243 In determining planning applications, it is therefore important that due regard is given to the design and layout of the proposed development and the facilities provided to cater for the particular needs of people with disabilities. Relevant considerations will normally include user friendly pedestrian routes, easy access to reserved car parking and public transport facilities, and public buildings designed to provide suitable access for customers, visitors and employees.

6.244 In assessing development proposals, councils, must apply the Department’s published guidance. In determining a development proposal likely to generate a significant volume of traffic, the councils should require the developer to submit a Transport Assessment so as to facilitate assessment of the transport impacts. The Transport Assessment should also include a travel plan, agreed with DRD Roads Service, to mitigate any adverse consequences.

6.245 In assessing the appropriate amount of car parking account should be taken of the specific characteristics of the development and its location, having regard to the Department’s published standards and any reduction in standards provided for through a LDP or transport assessment.

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50 Supplementary planning Guidance on parking standards, February 2005
6.246 In determining proposals for public and private car parks, decision makers should take account of need, as identified or substantiated by DRD. Provision within town and city centres should focus on meeting demand for short stay parking. Other relevant considerations include traffic and environmental impacts and compatibility with adjoining land uses.

Key Documents

- Development Control Advice Note 15 Vehicular Access Standards 1999
- Ensuring a Sustainable Transport Future – A New Approach to Regional Transportation (DRD 2012)

Consultation Question 32

Transportation

Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Transportation?

- If no, please explain how the SPPS can be improved.

Waste Management

6.247 The Executive’s PfG identifies the ‘Waste Management Strategy’ (WMS) and ‘Social and Environmental Guidance for Water and Sewerage Services’ as building blocks for ‘Protecting our people, the Environment and Creating Safer Communities’ (Priority 3). It contains key commitments to achieve a household waste recycling or composting rate of 45% by the end of March 2015, and to maintain a high quality of drinking water and improve compliance with waste water standards by investing £668 million in water and sewerage infrastructure. The RDS 2035 also recognises the need to manage waste sustainably and take actions to prevent waste and deal with it in line with the revised Waste Framework Directive.

6.248 Published in October 2013 the Revised Waste Management Strategy ‘Delivering Resource Efficiency’ (2013) sets the policy framework for the management of waste in Northern Ireland, and contains actions and targets to meet EU Directive requirements and the Department’s Programme for Government commitments. It introduces a 5-step waste hierarchy in order to reduce the amount of waste materials produced, and to recover maximum value from the wastes that are produced.

6.249 The aim of this SPPS is to support wider government policy focused on the sustainable management of waste, and a move towards resource efficiency.

6.250 The policy objectives for waste management are to;
promote development of waste management and recycling facilities in appropriate locations;  
ensure that detrimental effects on people, the environment, and local amenity associated with waste management facilities (e.g. pollution) are avoided or minimised; and  
secure appropriate restoration of proposed waste management sites for agreed after-uses.

Local Development Plans

6.251 In plan-making councils should assess the likely extent of future waste management facilities for the plan area. Specific sites for the development of waste management facilities should be identified together with key site requirements including locational criteria. LDPs should also bring forward detailed policy for determining all proposals for waste management facilities, and identify the need for appropriate waste management facilities within new development. Particular attention should be given to the potential impacts of existing and approved waste management facilities on neighbouring areas and the need to separate incompatible land uses.

6.252 LDPs will need to take into account the Northern Ireland waste management strategy ‘Delivering resource efficiency’ which covers relevant EU Directive requirements and provides a coherent approach to the waste policy framework for Northern Ireland. Of particular relevance is the Strategy’s priority for waste treatment set out in the ‘waste hierarchy’ to be applied as follows:

- Prevention;
- Preparing for re-use;
- Recycling;
- Other recovery, e.g. Energy Recovery; and
- Disposal.

Decision-taking

6.253 A presumption in favour of waste collection and treatment facilities, and waste disposal (land filling and land raising) will apply where a need for such development is identified through the Waste Management Strategy and the relevant Waste Management Plan. In the case of Waste Water Treatment Works (WWTW’s) need must be demonstrated to the satisfaction of the Department.

6.254 Councils, or as the case may be the Department, should fully consider the potential impacts of all waste management proposals. Important considerations will include: the types of waste to be deposited or treated and the proposed method of disposal; impacts on human health and the environment (including environmental pollution), roads/transport considerations (particularly where facilities depend on large transfer of materials, often generating a substantial volume of traffic), flood risk, practical restoration and aftercare arrangements, where appropriate.

6.255 Many waste management facilities by reason of their size, nature or location have the potential to cause significant damage to the environment in terms of visual intrusion, habitat or heritage destruction and pollution. In assessing all proposals for waste management
facilities councils or where appropriate the Department will be guided by the precautionary principle that where there are significant risks of damage to the environment its protection will generally be paramount, unless there are imperative reasons of overriding public interest.

6.256 Development in the vicinity of waste management facilities should only be permitted where it will not prejudice the operation of such facilities and will not give rise to unacceptable impact on people, transport, or the environment.

6.257 Following publication of the revised Waste Management Strategy ‘Delivering Resource Efficiency’ BPEO will no longer be treated as a material consideration in the planning process.

Key Documents

- Social and Environmental Guidance to Water and Sewerage Services 2013-2013 (DRD 2010)
- Delivering Resource Efficiency - Northern Ireland Waste Management Strategy (DOE 2013)

Consultation Question 33

Waste Management

Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Waste Management?

- If no, please explain how the SPPS can be improved.
This document is a statement of the Department’s policy on how regionally important planning matters should be addressed under the reformed, two-tier planning system. It will support and guide local plan-making, the design and delivery of individual development proposals and the determination of planning applications and appeals. It also influences how these functions are carried out.

When published in final form this SPPS must be taken into account in the preparation of local development plans and is a material consideration in planning decisions. As a statement of the Environment Minister’s expectations for the planning system it carries significant weight. However the weight to be given to the SPPS and all other material considerations in any given case is a matter of planning judgement for the decision maker.

In preparing LDPs councils must take account of the RDS, the Sustainable Development Strategy for Northern Ireland, this SPPS and any other policies or advice in guidance issued by the Department, or any other relevant matters.

For decision-taking councils, or as the case may be, the Department should be guided by the principle that sustainable development should be permitted where the development proposal is in accordance with the LDP, unless material considerations indicate otherwise.

The Department intends to undertake a fundamental review of the SPPS within 5 years of it being published in final form when the new two tier planning system has had sufficient time to bed down.

Transitional Arrangements

Transitional arrangements will apply in the short to medium term. This is to ensure that there is continuity in planning policy for taking planning decisions, and to allow councils time to bring forward new plans for their own areas which will contain operational policies tailored to local circumstances.

Therefore, until such times as both a new local plan strategy and local policies plan are adopted, and found to be sound, councils will apply the retained operational policies contained within the documents listed below. Any associated supplementary or best practice guidance should also continue to be treated as a material consideration. In the case of any conflict between this SPPS once published in final form and any policies retained under the transitional arrangements the provisions of the SPPS will prevail.

Detailed Departmental Guidance to support planning and local government reform, including any new or amended guidance that may be necessary as a consequence of preparing this SPPS is being considered as a separate exercise.
Documents retained under transitional arrangements:

PPS 2: Natural Heritage
PPS 3: Access, Movement and Parking
PPS 3 (Clarification): Access, Movement and Parking
PPS 4: Planning and Economic Development
PPS 6: Planning, Archaeology and The Built Heritage
PPS 6 (Addendum): Areas of Townscape Character
PPS 7: Quality Residential Environments
PPS 7: (Addendum): Residential Extensions and Alterations
PPS 7: (Addendum): Safeguarding the Character of Established Residential Areas
PPS 8: Open Space, Sport and Outdoor Recreation
PPS 9: The Enforcement of Planning Control
PPS 10: Telecommunications
PPS 11: Planning and Waste Management (Policy TEL 2 is cancelled)
PPS 12: Housing in Settlements
PPS 12: Policy HS 3 (Amended) 'Travellers Accommodation'
PPS 13: Transportation and Land Use
PPS 15: Planning and Flood Risk (this is currently being revised)
PPS 16: Tourism
PPS 17: Control of Outdoor Advertisements
PPS 18: Renewable Energy
PPS 21: Sustainable Development in the Countryside

PPS 23: Enabling Development - under development and will be retained once published in final form.
Extant provisions of ‘A Planning Strategy for Rural Northern Ireland’

Documents replaced by this SPPS

PPS 1: General Principles
PPS 5: Retailing and Town Centres
Consultation Question 34

Implementation and Transitional Arrangements

Do you agree that transitional arrangements as described above are required in the short to medium term?

- If no, please provide further information.

Consultation Question 35

Other SPPS Comments

Do you have any other comments on the SPPS?

- If so, please specify the relevant section and/or paragraph.

Incorporating digital engagement into policy making:

7.9 Through the provision of digital consultation the Department aims to provide a better customer experience and better business outcome. Your feedback on this new Departmental initiative is also welcome by responding to the following question.

Consultation Question 36

Interactive Digital Engagement

Do you consider that the provision of the interactive digital consultation document has been a successful initiative?

- If no, please tell us why?