

PLANNING POLICY STATEMENT 16:

'TOURISM'

SUMMARY OF CONSULTATION RESPONSES

Introduction

- 1) On 23rd November 2010, the Department issued for consultation draft Planning Policy Statement (PPS) 16 setting out the Department's planning policy for tourism development and the safeguarding of tourism assets.
- 2) The Department sent out copies of the Draft PPS to approximately 350 interested parties, including district councils, a wide range of public bodies, MPs, MLAs, non-governmental organisations, professional bodies, and business interests. Notices advertising consultation and inviting responses were posted in the Belfast Telegraph, the Irish News and the Newsletter, on 24th November 2010. The document was also made available on the Planning Service website. Consultation responses were requested by 25th March 2011. All the responses received were taken into account.
- 3) The Northern Ireland Assembly Committee for the Environment was briefed on draft PPS 16 on 24th February 2011. The Committee received a further briefing on 24th November 2011 in regard to the public consultation responses and the Department's consideration of these.
- 4) This report provides an overview of the findings of the consultation process. It is not intended to be a comprehensive report on every comment received, but rather a summary of the key issues raised in the responses. The Department would take this opportunity to thank all those who contributed to the consultation exercise. A copy of the individual responses can be viewed on the DOE Planning NI website www.planningni.gov.uk

Overview of Consultation

- 5) The Department received a total of 69 responses to the draft PPS from a wide range of interests which can be broken down into the following categories:

Groups	No	%
Local Government (Local Councils, NILGA, Council tourism bodies)	21	30

Business & Development Enterprises and Organisations	17	24
Public Bodies / Agencies	9	13
Community / Voluntary Groups	6	9
Environment / Heritage Groups	6	9
Individual Responses	6	9
Agents / Architects / Professional Bodies	4	6
TOTAL	69	100

- 6) Most of the responses covered a number of issues although some respondents focused on key issues of relevance, for example respondents engaged in the caravan sector tended to focus largely on the draft policy for holiday parks in the countryside. A full list of the respondents is provided in Annex A.
- 7) The public consultation responses revealed mixed views on Draft PPS 16. Overall, 20 (29% of respondents) were broadly supportive of the draft document. Overall, 27 (39% of respondents) were broadly critical. Of these 10 (14% of total respondents) objected to a particular policy area – for example some holiday park / caravan sector interests concerned only about Policy TSM 7 for Holiday Parks in the Countryside, while 17 (25% of respondents) were broadly opposed to the draft document. A further 20 (29% of respondents) submitted comments without indicating broad support or opposition and their stance has been treated as neutral. Some of these respondents did however welcome the principle of a PPS dedicated to tourism development. Finally, there were 2 nil comments representing 3% of total responses.
- 8) Environment and Heritage groups indicated the strongest levels of support, followed by public bodies / agencies and community / voluntary groups. Business and Development groups and individuals were most opposed to the draft PPS. Local government opinion was evenly split between overall support, overall opposition and neutral opinion. NILGA, Fermanagh District Council and Down District Council demonstrated strong opposition to the draft countryside tourism policies (TSM 3 to TSM 7). Their concerns were reflected to some extent by the Northern Ireland Tourist Board.

Key Issues Emerging from Responses

Support

- 9) There was significant support for various aspects of the draft policy. Policy TSM 2 Tourism Development in Settlements was supported for facilitating tourism development within settlements. Policy TSM 8 Criteria for Tourism Development also elicited general support along with some specific proposals for amendment to individual criterion or provision of additional criteria. NITB and some other respondents welcomed the removal of

needs tests for proposals for tourist accommodation in the countryside. Policies seeking to retain approved tourism development in tourism use were also generally welcomed.

Response: The Department having taken account of the significant support for draft policies TSM 2 and TSM 8 finds that they should remain in place with minor amendments to the latter to take account of specific issues.

Tourism Development in the Open Countryside

10) The core issue emerging from the responses relates to the draft Countryside tourism policies (TSM 3 to 7). The basic criticisms amongst those opposed (mainly business & development groups, individuals, some Councils and some public bodies) are that individually and collectively, these policies are too restrictive, are not 'enabling', promote an inappropriate urban bias, fail to meet market preferences and do not provide sufficient support for the draft Tourism Strategy for Northern Ireland (TSNI). The lack of significant provision for new build tourism development in the open countryside, as opposed to edge of settlement locations, is seen as a particular problem.

Response: The Department considers that complementary opportunities available through the planning system for tourism development in the countryside, mainly through PPS 21 'Sustainable Development in the Countryside' and local development plans, have not been made sufficiently clear in Draft PPS 16. Accordingly, the Department has substituted Policy TSM 3 'Tourism Development in the Countryside' with more detailed and user- friendly guidance focussed on alternative opportunities for tourism development in the countryside under existing planning policies.

Response: The Department has introduced a new policy (TSM 4 in the final document) to make provision for major tourism development in the open countryside in exceptional circumstances.

Response: Most of the individual policies for tourism development in the countryside have been amended to allow greater flexibility and enhanced opportunities for tourism development in the countryside. These amendments are set out below under Specific Issues..

Safeguarding of Tourism Assets

11) The retention in Draft PPS 16 of the existing PSRNI policy (TOU 2) for the safeguarding of tourism assets was subject to some criticism, most significantly from the renewable energy / wind farm sector who expressed concern that this will preclude wind farm development in areas such as Areas of Outstanding Natural Beauty (AONBs). It was also alleged that

this policy would conflict with broader government policy for the promotion of renewable energy, with the Regional Development Strategy and with Planning Policy Statement 18 'Renewable Energy'. Other comments suggested that the policy should allow for development that provided for sustainable access to and appreciation of the tourism asset.

- 12) There was also considerable support for this policy, notably from environment and heritage groups and also from a variety of local councils, public bodies / agencies and community / voluntary groups.

Response: The Department considers that this policy is justified because the safeguarding of tourism assets from damaging development is of fundamental importance in underpinning the tourism industry of Northern Ireland and this is recognised by a significant number of the respondents.

This policy is not considered to be in conflict with broader government policy, RDS or PPS 18 which precludes wind energy development that would have an unacceptable impact on landscape character through the number, scale, size and siting of wind turbines.

However, the Justification and Amplification (J&A) of this policy is amended so as to make clear that the tourism value of the whole or a substantial part of the asset (eg AONB) would need to be compromised to warrant a refusal of planning permission.

The J&A is also amended to cross reference to the PPS 16 policy provision for a tourist amenity that is in association with and requires a site at or close to a particular tourism attraction located in the countryside. The Department considers that PPS 16 should facilitate development that contributes to sustainable access to and interpretation of the tourism asset so long as the integrity and quality of the asset itself remains undiminished.

Holiday / Caravan Parks in the Countryside

- 13) Representations were received from the National Caravan Council, British Homes and Holiday Parks Association and a number of business interests in the caravan sector all expressing strong opposition to policy TSM 7 in the Draft PPS. The main grounds of objection were:

- Overall objection to the restrictive nature of the policy in failing to meet the needs of the caravan sector and to facilitate growth at a time of market expansion;
- New static parks / large scale extensions – the reliance of the policy on development plans to identify suitable sites will not enable providers to respond to upturns in the market because of the protracted nature of the development plan process. It was also pointed out that development plans have not identified suitable sites to date, therefore future provision is uncertain.

- Minor extensions – the policy restriction to small scale rounding off and infilling will encourage overcrowding, use of unsuitable land, and reduce the scope for the provision of landscaping and amenities and adequate space for larger caravans and motor homes.
- Touring Caravan Sites – the 1 hectare size limit for new sites is not economically viable, there is no provision for static pitches and the exclusion of sites on or adjacent to the coastline / shoreline of lakes and river does not meet market preferences.

Response: The Department has amended this policy by providing for a new or extended holiday park in the countryside subject to meeting a number of policy criteria and being based on a design concept that demonstrates respect for the surrounding landscape, rural character and site context. The amended policy does not distinguish between static and touring caravan / camping sites.

Specific Issues Emerging from Responses

Preamble / Introduction

- 14) NILGA and a few other respondents considered that the purpose of PPS 16 should be to facilitate or enable tourism development and underpin the Tourism Strategy for Northern Ireland (TSNI).

Response: The Department considers that the overall purpose of PPS 16 is properly reflected in its stated aim – “to manage the provision of sustainable and high quality tourism developments in appropriate locations within the built and natural environment.” Nevertheless it is considered that the final document will facilitate tourism development and underpin the TSNI as substantive engagement with the Northern Ireland Tourist Board and DETI has served to address and resolve their concerns about the draft PPS.

Role of Development Plans

- 15) Some respondents indicated a need to clarify how PPS 16 will relate to existing development plans.

Response: The Department accepts that further guidance is necessary, particularly in regard to the status of development plans such as the Fermanagh Area Plan 2007 which contains detailed tourism policies. Such policies may provide for tourism development opportunities considered appropriate for identified areas, but not specifically provided for by PPS 16. The Department considers that such opportunities afforded by development plans should not be ruled out by PPS 16. Accordingly, the ‘Role of Development Plans’ section has been amended to state that the tourism policies in existing development plans will be afforded

substantial weight in the determination of planning applications, provided they are not deemed to be contrary to the aim, objectives and general thrust of PPS 16 in facilitating sustainable and high quality tourism development in appropriate locations.

Consultation

- 16)** NILGA and some local councils consider that the consultation section and the document as a whole needed to be ‘future-proofed’ to take account of the impending transfer of planning functions to local government.

Response: The Department accepts this and has amended the document accordingly.

Draft TSM 1 - Safeguarding of Tourism Assets

- 17)** A number of respondents considered that the definition of a tourism asset as “any feature associated with the built or natural environment which is of intrinsic interest to tourists” is too wide and open to ambiguity and mis-interpretation.

Response: The Department considers that the definition of a tourism asset needs to be wide to avoid being too prescriptive and to allow sufficient local flexibility in taking account of local circumstances in decision making. However, the J&A to the policy has been amended to provide generic examples of tourism assets so as to offer some guidance. It is also stated that the list provided is not exhaustive.

Draft TSM 2 - Tourism Development in Settlements

- 18)** A variety of comments were made along the lines that this policy should support council driven and also community based tourism initiatives especially where this will assist the physical regeneration of urban areas and benefit local communities and also where tourism development offers potential to improve social cohesion and community relations.

Response: This policy is generally supportive of tourism development in settlements through the general presumption in favour of development and therefore should assist in meeting these aims. It is not within the scope of the PPS to promote or facilitate particular schemes. The J&A refers to the advantages of tourism for regeneration schemes and mixed use development.

- 19)** Some respondents thought that this policy should place more emphasis on the need for high quality design in urban areas.

Response: PPS 16 requires high quality design for all tourism development and this requirement is set out in the draft document in Policy TSM 8 (Criteria for Tourism Development). However, the J&A to the policy for Tourism Development in Settlements has been amended to take account of the need for high quality design in settlements, particularly in conservation areas and areas of townscape character.

Draft TSM 3 - Tourism Development in the Countryside

20) A few respondents thought that all proposals for tourism development in the countryside should be subject to a needs test.

Response: The Department considers that the existing needs tests for tourist accommodation proposals in the countryside contained in policy TOU 3 of PSRNI lack clarity and pose problems in demonstrating and assessing need. The removal of such tests in Draft PPS 16 has been generally welcomed, most notably by NI Tourist Board. Accordingly, the Department has removed needs tests, although proposals involving major tourism development in the countryside are required to demonstrate exceptional benefit to the tourism industry.

21) A number of respondents stated that the requirement in policy TSM 3 to demonstrate 'exceptional circumstances' for all other proposals for tourism development in the countryside (ie those not falling within the policy parameters of PPS 16, PPS 21 or other regional or local planning policies) needs to be clarified, so as to explain what is meant by exceptional circumstances and how such proposals will be assessed.

Response: The Department has introduced a new policy to make provision for tourism development in the open countryside in exceptional circumstances. The new policy provides guidance on the type of proposal that will be considered under exceptional circumstances and sets out clearly the factors that will be taken into account in the assessment of such proposals.

22) Several respondents called for additional countryside tourism policies to provide for various forms of tourist accommodation including: guest houses, larger scale guest lodges, bed & breakfast accommodation, tourist hostels, bunk houses and camping barns.

Response: The Department considers that a policy for B&B in the countryside would not be appropriate for two reasons. Firstly, any existing dwelling or new dwelling approved in the countryside can be used for B&B often without the need for express planning permission. Secondly, provision for new build B&B would create significant potential for unauthorised residential use in the countryside.

Provision for guest houses and tourism hostels in the countryside has been made in the final PPS on the same basis as hotels. No specific provision has been made through PPS 16 for bunk houses and camping barns because these forms of tourist accommodation can be facilitated through various planning policies contained in PPS 21.

Draft TSM 4 – Tourist Amenities in the Countryside

- 23)** Fermanagh District Council and associated respondents claimed that the functional and sequential tests within draft policy TSM 4 will prevent the development of tourist amenities in the countryside.

Response: The Department considers that the functional requirement is justified in restricting development in the countryside to that which needs to be there. This avoids unnecessary impact upon rural landscape, environment and character. It also serves to direct appropriate tourist amenities to settlements where they will be integrated with complementary services and facilities, promoting increased tourist spend. The Department has removed the sequential criterion (favouring edge of settlement sites over open countryside locations for tourist amenities with a functional requirement for a countryside location).

- 24)** Two respondents expressed concern about the emphasis in the policy for the utilisation of existing or replacement buildings for the provision of tourist amenities in the countryside.

Response: The Department considers that the utilisation of existing buildings through conversion or replacement is a sustainable form of development and in keeping with the thrust of broader rural planning policy in NI and GB. It is noted also that the policy requires these options as a first option, only “where possible”.

- 25)** Several respondents were concerned that this policy may conflict with draft policy TSM1 (Safeguarding of Tourism Assets) through the provision for a tourist amenity in association with and requiring a site at or close to a particular tourism attraction in the countryside.

Response: The Department considers that this policy will facilitate the development of a tourist amenity that contributes to sustainable access to and / or interpretation of a tourism asset, so long as the integrity and quality of the asset itself remains undiminished. All relevant proposals will therefore be assessed against both policies. A tourist amenity will not be permitted if it will have an adverse impact on the tourism value of the asset.

Draft TSM 5 – Hotels in the Countryside

- 26) Two respondents claimed that the draft policy (TSM 5) for the provision of a hotel in the countryside through the redevelopment of an existing building will allow only limited opportunities, especially because of the criterion requiring the existing building and its replacement to be of sufficient size to facilitate use as a hotel.

Response: The Department considers that the redevelopment or replacement option provides a sustainable opportunity for the provision of a hotel in the open countryside. While such opportunities may be somewhat limited by the size criterion this is considered to be necessary in order to properly manage the provision of hotel development in the countryside. If this option was to include smaller buildings, the result is likely to be excessive development and development having a significantly greater impact than the existing building.

- 27) Several respondents expressed the opinion that the new build hotel option that provides for a new hotel on the edge of a village or small settlement where there is no suitable site within, should also apply to towns and larger settlements, especially in areas where tourists want to visit.

Response: The Department accepts this argument and has amended the policy to allow for a new build hotel on the edge of any settlement where there is no suitable site within the settlement or other nearby settlement.

- 28) Several respondents commented that the policy fails to provide for a new build hotel in the countryside in areas remote from a settlement and that such provision should be made subject to development being of high quality design and carried out sensitively in regard to the rural context.

Response: The Department considers that hotels or tourism development in general should not be facilitated throughout the whole countryside, even if development is of high quality and well sited. To do so would not be sustainable and would run counter to the rural planning policy framework of PPS 21. The dispersal of tourism / hotel development throughout the countryside could also forfeit the economic benefits to be derived from focusing such development within or at the edge of settlements. The Department has introduced a new policy to make provision for tourism development in the open countryside in exceptional circumstances. This policy could allow for hotel development as part of a broader project aimed at securing significant regional tourism benefit.

TSM 6 – Self Catering Accommodation in the Countryside

29) There were a number of objections regarding the lack of provision within this policy for new single unit self catering accommodation in the countryside. Various arguments in favour of single unit provision were advanced including the need to meet visitor / market preferences, the lesser impact of single units compared to clusters of 3 or more units and the reduced cost of providing a single unit as opposed to 3 or more. The latter issue also raised concerns about denying economic benefit to rural dwellers, especially to lower income households and limiting the geographic spread of economic benefit.

Response: While recognising the validity of some of these arguments, the Department considers that they are outweighed by 3 considerations. Firstly, provision for single unit development would be likely to promote a more random and dispersed development pattern having a greater cumulative impact on the rural landscape, than fewer clustered developments associated with existing tourism activity in the countryside.

Secondly, provision for single units would create significant scope for unauthorised residential use in the countryside that would be difficult to address through planning enforcement procedures.

Thirdly, there are a range of opportunities for single units available through PPS 21, including: conversion of an existing building, provision as part of a farm diversification project and provision within dispersed rural communities. Local development plans (e.g Fermanagh Area Plan 2007) may also make provision for such development within designated opportunity areas. The final PPS has been amended to make these opportunities clearer.

However, the draft policy for Self Catering Accommodation in the Countryside has been amended to allow for a single unit in association with an existing hotel, guest house, self catering complex or holiday park.

30) Several respondents objected to draft plan policy TSM 6 on the basis that the circumstances set out in the policy are too narrowly defined, that the policy will preclude other suitable sites in areas of tourism potential and that the policy does not take account of local needs and circumstances.

Response: The Department considers that draft PPS 16 provides a reasonable range of sustainable opportunities for self catering development in the countryside taking account of additional provision through PPS 21 and local development plans, as outlined above. It is considered that to meet visitor / market preferences in an open-ended way would not promote sustainable patterns of development and would have the potential to damage environmental assets important to tourism.

31) Some respondents objected to the policy option (a) providing for self catering units in association with an existing hotel in the countryside on the

basis that there may be few hotels in disadvantaged areas, or in the rural destination choices of self catering tourists, or in areas where tourism development is at an early stage.

Response: While recognising the validity of some of these arguments, The Department would point out that this is only 1 of 3 options provided by the policy and that other opportunities are provided by PPS 21 and local development plans, as previously outlined. It is noted that provision for self catering in association with a hotel meets a specific market requirement.

32) Some respondents objected to the policy option (b) providing for self catering units in association with a tourist amenity in the countryside on the basis that there may be few tourist amenities in the destination choices of self catering tourists or in areas where providers envisage opportunity for such development. A further concern related to provision being potentially curtailed by what is interpreted by the planning authority as a tourist amenity.

Response: The Department considers that the link with existing or proposed tourist amenities is justified on the basis of sustainable development because the policy provides a means of focusing self catering around clusters of tourism activity in the countryside. Again, this is only 1 of 3 options provided by the policy and other opportunities are provided by PPS 21 and local development plans, as previously outlined. It is noted that even in areas where suitable tourist amenities to link to do not exist, that there may be opportunity to provide a new tourist amenity under PPS 16 along with self catering accommodation. Appendix 1 of PPS 16 provides the definition of a tourist amenity as contained in the Tourism (NI) Order 1992. The policy requires self catering to be provided in association with a tourist amenity that is a “significant visitor attraction” in its own right. It is accepted that some degree of interpretation will be necessary in determining what a “significant visitor attraction” is. However, the policy cannot be prescriptive because of the wide range of possible tourist amenities.

Draft TSM 7 – Static Holiday Parks and Touring Caravan Sites in the Countryside

33) Key Issues (paragraph 13) also includes specific issues.

Draft TSM 8 – Criteria for Tourism Development

34) While there was general support for the general and design criteria, a number of respondents suggested that additional criteria be included as set out below.

- 35) An additional criterion requiring proposals to reflect local design / to preserve or enhance the character of the locality / to support authentic design that fits tourism brand values.

Response: The link between good design and reflecting local character and distinctiveness is made in the J&A to draft TSM 8 (para 6.34). The Department considers that it would not be appropriate to require design to reflect local character / distinctiveness for 2 reasons: Firstly, it will be difficult for some forms of tourism development to comply with this because of the nature of the development, for example a holiday / caravan park. Secondly, PPS 21 (policy CTY 13) while emphasising the importance of design in reflecting local character, also allows scope for contemporary or innovative design.

- 36) An additional criterion that requires tourism development to safeguard water quality through adequate means of sewage disposal.

Response: The Department has amended the wording of criterion (i) to highlight the importance of ensuring adequate means of sewage disposal in order to safeguard water quality. This criterion now reads as follows: (...the development is capable of dealing with any emission or effluent in accordance with legislative requirements. The safeguarding of water quality through adequate means of sewage disposal is of particular importance).

- 37) An additional criterion that requires key panoramas / views / setting of historic built environment to be protected from unsympathetic development.

Response: The Department considers that these matters can be taken into account through the proper application of draft policy TSM1 'Safeguarding of tourism assets' where it can be demonstrated that unsympathetic development would be likely to adversely impact upon the tourism value of the asset. General criteria (f) and (h) of draft policy TSM 8 are also relevant. It is not considered appropriate to introduce a criterion to safeguard important views or panoramas as what constitutes an important view is very subjective and such a criterion could result in widespread and unnecessary blight, especially in the urban context. It is considered that particularly significant public views should be identified in development plans and afforded appropriate protection through that mechanism.

38) An additional criterion to prevent tourism development in areas of flood or erosion risk.

Response: The Department considers that it is sufficient for proposals to be assessed against PPS 15 where flood risk is an issue or PSRNI where coastal erosion or land instability is an issue.

39) An additional criterion aimed at reducing resource use, increasing resource efficiency and enhancing biodiversity through tourism development.

Response: This is a wider issue than tourism development and would not therefore be appropriate to list as a policy criterion. Nevertheless, the desirability of promoting sustainable development through energy conservation and the use of renewable technologies in tourism development is referred to in the J&A to draft TSM 8 (para 6.35). Para 6.35 of draft TSM 8 has also been amended to make reference to the promotion of biodiversity through tourism development.

40) Comment was made that PPS 16 should take account of the contribution of public art to tourism development and attracting tourists.

Response: The Department accepts this comment and has included an additional criterion under draft policy TSM 8 relating to public art to be provided in association with tourism development. The J&A is also supplemented to reference the positive contribution that public art can make to tourism development and the surrounding environment.

Annex A – List of Respondents

NI Judicial Appointments Commission
Development Planning Partnership (on behalf of Bernard Owens)
James O' Flaherty
Historic Buildings Council
Ards Borough Council
NI Housing Executive
Castlereagh Borough Council
Confederation of British Industry NI
Newtownabbey Borough Council
Coleraine Borough Council
Ulster Angling Federation
Craigavon Borough Council
Antrim Borough Council
Armagh City and District Council
Rod McMahon
West Belfast Partnership
B9 Energy and Thetis Energy
Down District Council
Causeway Coast Communities Consortium
Ballymoney Borough Council
Roisin McMahon
Fermanagh District Council
Strabane District Council
Royal Town Planning Institute
Institute of Directors
Ballyness Caravan Park
Newry and Mourne District Council
Banbridge District Council
David Maginn
Omagh District Council
Destination Fermanagh
Lisburn City Council

Historic Monuments Council
Council for Nature Conservation and the Countryside
Fermanagh Lakeland Tourism
Blackwater Regional Partnership
Development Planning Partnership (on behalf of Stoney Properties Ltd)
NI Tourist Board
Belfast City Council
Sperrins Tourism Ltd
Western Homes
Rathlin Community & Development Association
Ballymena Borough Council
NI Biodiversity Group
Royal Society for the Protection of Birds
NI Hotels Federation
National Trust
Portrush Partnership
Edgewater Holiday Park
Pamela Houston
GM Design Associates
D J Cleland
Northern Ireland Environment Link
NI Coastal and Marine Forum
Community Places
Mourne Heritage Trust
Renewable Energy Systems
ILEX Urban Regeneration
NI Local Government Association
National Caravan Council
Causeway Coast and Glens Heritage Trust
Dungannon and South Tyrone Borough Council
Federation of Small Businesses
Bonalston Caravans
Loughs Agency
British Homes and Holiday Parks Association

Community Relations Council
Ulster Farmers Union
NI Renewables Industry Group