CWSAN
Cookstown and Western Shores Area Network

Response to
Response to Consultation on Draft Planning Policy Statement 23
(Enabling Development)

May 2011

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Dungannon & South Tyrone Borough Council and Magherafelt District Council
This is the response of CWSAN to the Consultation on Draft Planning Policy Statement 23 (Enabling Development)

This response supports that made by Community Places

Introduction
CWSAN is a non-profit taking Company Limited by Guarantee with Charitable aims and objectives.

CWSAN is the Rural Support Network (RSN) for Cookstown, Magherafelt and part Dungannon & South Tyrone Borough. CWSAN is part of the wider Rural Community Development Networking Infrastructure (RCDNI) with 8 other Rural Support Networks (RSNs), NIRWN and RCN covering the whole of rural Northern Ireland. The RCDNI has a membership of over 800 members.

This infrastructure facilitates the delivery of quality rural community development practice and networking among groups and communities. It is recognised as a strong conduit between rural communities and statutory bodies, providing the key link between accessing the decision making process and the decision makers in our society. This gives government and decision makers an important means of tapping into the local knowledge held by rural dwellers and the grass-roots community of East Tyrone, S. Derry.

CWSAN has 65 member groups and is a rural Networking organisation with links to over 500 local and regional voluntary, community and statutory groups and organisations.

CWSAN delivers practical community development support to rural dwellers, rural groups and organisations in our area under our 5 strategic aims:

1. Empowering the Voice of Rural Communities.
2. Championing Excellence in Rural Community Development Practice.
3. Developing Civic Leadership in Rural Communities through a Community Development approach.
4. Actively working towards and Equitable & Peaceful Society.
5. Promoting the Sustainable Development of Rural Communities.

We look upon public consultation as a key opportunity to articulate the (rural) voice of the community in this rural area and we believe very strongly in:

- Individual & Community Empowerment
- Self-help
- Local ownership
- Equity & Equality
- Self Determination
- Self Actualisation
- Social Justice
- Human Rights
- Active citizenship, participation & Civic engagement
- Proper and genuine consultation using a highly principled process

As an integral part of the Rural Community Development Networking Infrastructure (RCDNI), CWSAN is committed to acting as broker in empowering the people of our community. CWSAN welcomes the opportunity to respond to this public consultation. We have liaised with Community Places and wish to provide this support to their response.
Response to Consultation on Draft Planning Policy Statement 23
(Enabling Development)

Introduction

CWSAN supports Community Places as the only regional voluntary organisation which provides planning advice to individuals and communities and facilitates community participation in planning. Community Places prepared and distributed to community groups a summary of Draft PPSs 23 and 24. The summary identified key issues for community groups and networks such as CWSAN to consider in preparing their response to the consultation.

Draft PPS 23 issued by the Department focuses on development proposals (referred to as an enabling development) which are “contrary to established planning policy and in its own right would not be permitted”. The Draft envisages such proposals being approved where they provide long-term benefits and financial support to otherwise unviable development which:

- involves a place of heritage value (e.g. historic building, park or garden); or
- is of public benefit (e.g. social, health, leisure, community facilities); or
- removes “undesirable use” on land owned by the applicant.

These development proposals which would otherwise be refused must only be large enough to provide the financial support needed and must also be of decisive public benefit which outweighs the disbenefits of setting aside all other planning policies. They must also not “materially harm” heritage values but rather secure their long-term future. They can also be located somewhere other than the site of heritage value or public benefit.

We welcome the opportunity to make the following comments and recommendations on Draft PPS 23.

Public Confidence in Planning

Introducing a new policy which makes provisions for proposals being granted permission even though they are contrary to all other planning policies is unprecedented. If planning is to move in this direction it must be done with the greatest care and attention to detail. As it currently stands there is a risk that the policy could undermine public confidence in the planning process and the system. The Department must avoid giving any impression that with the right financial package planning permission can be obtained for any development in any location.

Undesirable Uses

One of the most worrying aspects of the new policy is the clause referring to undesirable uses. The term “undesirable use” is not an established planning term and is not defined in the Draft Policy. It introduces an opportunity for obtaining planning permission which could become a gateway for abuse of the planning system by unscrupulous landowners and an incentive to misuse land in undesirable ways as a pathway to obtaining planning permission. Such abuse would undermine the intention of the Draft Policy and could lead to developments being approved simply as a means of removing land uses which have been
deliberately introduced in order to manufacture an opportunity for planning permission. The clause is so ill defined and open to abuse that it should be removed.

**Recommendation:**
The clause at point (f) which refers to the removal of "undesirable use" should be deleted from the policy.

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**Public Benefit**

The introduction of a public benefit approach is welcome. However it is unclear how the public benefit test will be applied and whether it would include facilities that would be developed and operated for profit. It is unlikely that the general public would view facilities which are for private profit as providing public benefit.

**Recommendation:**
For clarification purposes the policy should clearly define what is meant by public benefit. This definition should exclude facilities which are for private profit.

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**Setting Aside of Planning Policies**

As currently worded the draft policy would allow unrestrained enabling development in that all planning policies including Area Plans and the Regional Development Strategy (RDS) could be set aside along with the fundamental purpose of planning as stated in the Planning Bill agreed recently by the Assembly. In our view this is a step too far and some limits should be set for enabling development that is contrary to existing plans and policies.

**Recommendation:**
We thus recommend that planning policies will only be set aside where an enabling development is broadly in keeping with the RDS and the Planning Bill requirements for sustainable development and the power of well-being.

Draft PPS 23 states that proposals for enabling development will be allowed for buildings of local significance. There is no definition in the draft PPS 23 of what a building of local significance is therefore the interpretation of this is very broad.

**Recommendation:**
PPS 23 needs to clarify what is meant by a building of local significance.

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**Pre-application Community Consultation**

Draft PPS 23 states developers will be encouraged to have pre-application discussions with the planning authority in respect of proposals for enabling development. However there is no reference to developers being required to consult with communities in the vicinity of proposals for enabling developments. Given the scope of the opportunities for development which the Draft Policy will introduce there should be a requirement for all proposals under the Policy to be subject to pre-application community consultation.

**Recommendation:**
PPS 23 should state that proposals covered by it will be required have a pre-application community consultation process.