

**STATEMENT TO THE ASSEMBLY
PUBLICATION OF PPS 21
TUESDAY, 1 JUNE 2010**

Mr Speaker

With your permission, I wish to make a Statement to the effect that I am now issuing Planning Policy Statement 21 on Sustainable Development in the Countryside. It was agreed by the Executive Committee on the 27 May 2010.

I am also withdrawing draft PPS21 and its accompanying Ministerial Statement which were issued on the 25 November 2008 by the previous Minister of the Environment.

The publication of PPS21 today ends uncertainty about development in the countryside and provides the planning policy context for deciding planning

applications in rural areas. It will be accorded substantial weight in the determination of any relevant planning application which was received after 16 March 2006.

PPS21 as I am publishing it today has been refined, improved and clarified. In finalising it, the Executive Subcommittee on the Review of Rural Planning Policy considered the response to the public consultation on draft PPS21 and the report of the Independent Working Group on Non Farming Rural Dwellers. It also took account of what Planning Service has learned from implementing draft PPS21. And of decisions made by the Planning Appeals Commission.

In organising the public consultation, my officials went to great lengths to ensure that as many people as possible had the chance to learn about draft PPS21 and

to comment on it. In support of the consultation, they provided 16 Information Days across Northern Ireland. These attracted over 2,500 people including rural dwellers, farmers, developers and public representatives. My officials spoke to most of these people individually. They also made presentations to District Councils, NGOs, the Housing Council, the Royal Society of Ulster Architects, the Royal Town Planning Institute, Rural Network Groups and the Ulster Farmers Union.

We received 320 responses to the consultation. Over half of these were from private individuals.

Almost everyone who responded to the consultation generally supported the draft PPS21 policies. We have carried all of these policies forward into the final

version, strengthening them as necessary to take account of points raised.

Draft PPS21 provided for grouped development outside settlement limits. Grouped development in Dispersed Rural Communities. Groups of affordable or social housing. And infilling of gaps in ribbons of development.

This final version of PPS21 introduces further opportunities by defining a ribbon as a minimum of 3 buildings, rather than 6 buildings as has been the practice to date.

More significantly, I have won Executive support for a new policy which provides for rounding-off or consolidation of clusters of development. These are existing clusters of least 4 buildings which have

developed around focal points like churches or at crossroads. It makes good sense to allow new dwellings at these clusters - as long as this rounds off and consolidates the existing cluster and does not intrude into the surrounding countryside.

Regarding dwellings on farms, consultation respondents told us that it may not always be possible or practicable to build a new dwelling in close proximity to existing buildings on the farm. I have therefore revised the policy to allow for an alternative site to be used where it can be demonstrated that there are health and safety issues or that the applicant has genuine plans for business expansion.

Consultation respondents also asked us to provide some definitions and clarifications. This final version of PPS21 therefore defines terms such as “curtilage”, “active

farm” and “a substantial and built up frontage”. It makes clear that a non-listed vernacular building should be retained if it makes a “contribution to the heritage, appearance or character of the locality”. And makes explicit that a building retained as part of a replacement development will not be eligible for replacement again.

Such amendments will make PPS21 easier to use. They should help applicants to make better applications. And help planners to make better and faster decisions.

As with any new policy senior management will be advising staff to ensure a consistent approach across Divisions.

I want to turn now to the issue of non farming rural dwellers. During the Review of Rural Planning Policy some stakeholders suggested that residence or

employment in an area, or even family connections, should entitle people to planning permission for a dwelling. Others called for a test to identify people who really needed to live in the countryside. The Executive Subcommittee considered these ideas very carefully.

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

However in view of the interest in the issue of non farming rural dwellers it was recognised that more work

needed to be done. The Executive therefore agreed that an Independent Working Group with clear terms of reference should be set up to bring forward options.

In so doing, the Group was required to take account of domestic and European legislation, of relevant policy experience across the United Kingdom and the Republic of Ireland; and of the outcome of the consultation on draft PPS21.

The Group comprised experts from the fields of planning, the environment, rural development and the law. It was chaired by Jim Mackinnon, the Chief Planner for the Scottish Government. Work began in February 2009, and in September Mr Mackinnon presented conclusions to the Executive Subcommittee on the Review of Rural Planning Policy. The Group's

Report was then published on the Planning Service website.

The Independent Working Group reached a number of conclusions. I am not going to list them all – but I will draw some of them to your attention.

The Group concluded that **“Planning policy should not create a special category for non farming rural dwellers. Planning applications for single houses should not be determined on the basis of kinship, connection or occupation”**.

This reflects our approach to PPS21. Almost all of its policies are relevant to non farming rural dwellers.

These include policies which allow for the re-use or replacement of existing buildings. And which allow for new development in Dispersed Rural Communities and

in ribbons or clusters of development and for social or affordable housing. All of these can benefit the entire community.

This does not mean that there is nothing more to be done. Quite the reverse. The Independent Working Group encouraged us to look beyond PPS21 to the wider planning framework and to consider rural development. It said **“the Regional Development Strategy, while recognising the diversity of rural Northern Ireland, needs to support and manage positive change through a planning framework that recognises the local dimension”** and **“The aspirations of local communities needs to be at the heart of any future approach and should be an important consideration in preparing development plans...”**

The local dimension will be strengthened when we devolve Development Plan and Development Management functions to local Councils. These crucial areas of decision making will then be under local democratic control exercised within a planning framework set out in the Regional Development Strategy and Planning Policy Statements.

The Minister for Regional Development is already reviewing the Regional Development Strategy. He has agreed that the revised version will recognise the diversity of rural areas. This will allow Planning Authorities to take rural diversity and local circumstances into account in drawing up their Development Plans.

In terms of rural development the Minister for Agriculture and Rural Development is leading the

formulation of an Executive Rural White Paper. This aims to identify measures that the Executive can take to address the needs of rural communities and to help ensure the sustainability of rural areas.

All of this has moved us forward. But there is more to be done. That is why I have invited the Ministers on the Executive Subcommittee to continue to work with me on the issue of non-farming rural dwellers. We will bring forward an addendum to PPS21 to further address the issue. This is not an easy subject. And we will not produce the addendum in a month – or even in six months. We will think carefully. We will be transparent in our work and our policy proposals will be subject to public consultation and to debate in this house.

When he published draft PPS21, Sammy Wilson said that, because of the complex issues involved, PPS21

would be reviewed 2 years after it was published in final form. I am happy to reiterate that commitment. I have already asked Planning Service to monitor the number of rural applications and subsequent approvals and refusals to see what change, if any, occurs as a result of the implementation of this policy.

When draft PPS21 was published, Planning Service was holding over 2,000 applications which had been deferred because they were likely to be refused under draft PPS14. All these applications were reassessed under draft PPS21 and 585 were approved. Taking account of cases that remain deferred and further applications which were deferred refusals under draft PPS21 there is now a total in excess of 2,500 deferred cases which will be looked at again in the context of PPS21 which I am publishing today. Planning Service will do this over the next six months.

PPS21 has had a long gestation period. It is the product of a lot of hard work by a lot of people over a long period of time.

I wish to put on record my gratitude to my predecessors Arlene Foster and Sammy Wilson and to all the Ministers of the Executive Subcommittee who worked together to develop this policy.

I also wish to highlight the vital contribution of stakeholder groups and of the public – the many people who took the time to participate in seminars, to visit information days to respond to the consultation or to write to us with their views. I thank them all.

In developing PPS21 we have done what we promised. We have balanced the need to protect the countryside

from unnecessary or inappropriate development, while supporting rural communities. We have developed a policy which is right for Northern Ireland.

This policy is a demonstration that devolution can deliver real tangible benefits for local people. Under Direct Rule a blanket ban on development in the Countryside was put in place. Through the Executive and this Assembly - which are accountable to the people of Northern Ireland - we have a policy that is a major step forward for rural planning and for the development of rural communities. I commend it to you.