Comment

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Question 1: Do you think the purpose of planning set out in this SPPS is appropriate for Northern Ireland?
Yes

Question 2: Do you think the Department has identified suitable core planning principles for the reformed two-tier planning system?
No
Q2 - If no, please provide further information?
Ards Borough Council believes that "Delivering Spatial Planning" and "Observing a Plan Led System" reflect operational methodology rather than underpinning principles. The other planning principles are sound.

Furthering Sustainable Development

Question 3: Do you think that this is an appropriate approach for this core planning principle?
Yes

Q3 - If no, please provide further information?
Ards Borough Council welcomes the detail on sustainable development and climate change but supports the view of NILGA that the explicit reference to dereliction could encourage less scrupulous developers to allow their properties to fall into a derelict condition in a bid to "jump the queue" or shift the determining balance if the development conflicts with aspects of the LDP. The NI Local Goverment Sustainable Development Forum has developed the 'Sustainability Assessment Toolkit' to assess all decisions.
against a series of questions designed to test if sustainability has been adequately considered. This toolkit could be an appropriate means of assisting Councils to make planning decisions.

### Improving Health and Wellbeing

**Question 4:** Do you think that this is an appropriate approach for this core planning principle?  
- Yes

### Creating and Enhancing Shared Space

**Question 5:** Do you think that this is an appropriate approach for this core planning principle?  
- Yes

### Delivering Spatial Planning

**Question 6:** Do you think that this is an appropriate approach for this core planning principle?  
- No

**Q6 - If no, please provide further information?**

As expressed earlier in this response, the Council considers Delivering Spatial Planning to reflect operational methodology rather than an underpinning principle.

### Observing a Plan-Led System

**Question 7:** Do you think that this is an appropriate approach for this core planning principle?  
- No

**Q7 - If no, please provide further information?**

As expressed earlier in this response, the Council considers Delivering Spatial Planning to reflect operational methodology rather than an underpinning principle.

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

**Question 8:** Do you think that this is an appropriate approach for this core planning principle?  
- Yes

**Q8 - If no, please provide further information?**

It would be helpful to have some guidance on how good design will be determined.

### Enhancing Stakeholder Engagement and Front-loading

**Question 9:** Do you think that this is an appropriate approach for this core planning principle?  
- Yes

### Enhancing Local Democratic Accountability

**Question 10:** Do you think that this is an appropriate approach for this core planning principle?  
- Yes

**Question 11:** Do you consider the decision taking principles and processes outlined above are appropriate for a reformed two-tier planning system?  
- Yes
Q11 - If no, please provide further information.

Ards Borough Council believes that this and the principle relating to Enhancing Local Democratic Accountability (See Question 10) are appropriate principles. However, it would comment that, as the general approach is Plan led and, as all Plans are subject to the Department of the Environment's approval, it is arguable whether the SPPS and the Local Development Plans arising from it give Councils the opportunity to truly make planning decisions on a local and democratic basis. That said, this document will be a key framework document for decision making and, as such, will give protection to elected members, (provided they adhere to it), that they are making sound decisions. This means that while some policy flexibility is desirable to enable Councils to express their local aspirations (subjective), the SPPS must provide clarity to protect decision makers from challenge (objective). The Council notes that there are likely to be some policy areas where members will wish to have more flexibility to interpret and apply policy than others (e.g. rural development). The Council also notes that some political parties may have particular aspirations which may lead to policy being interpreted in a desired way if the policy is not suitably robust and that this could lead to challenge or delays in processing applications.

Question 12: 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?  

No

Q12 - If no, please explain how the SPPS can be improved.

The approach for Archaeology and Built Heritage is predicated on the physical preservation of archaeological remains of regional importance and their settings; the preservation of World Heritage Sites; a criteria based approach in relation to Conservation Areas. Ards Borough Council supports the NILGA view that there is potential for confusion and conflict to arise between "all the criteria to be met" approach (e.g. for demolition or new development in a Conservation area) set out in the existing PPS 6. It also seeks clarification on the "Listing" process to be used in the future as the current system can be confusing.

Question 13: Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Coastal Development?  

Yes

Q13 - If no, please explain how the SPPS can be improved.

Ards Borough Council notes that Marine Plans need to synergise with Local Development Plans and seeks clarification on the timeline for the implementation of this as there are existing Policies and Plans which could take precedence. Compulsory stakeholder engagement and involvement should include Marine Coastguards, NIEA, Crown Estates and harbour and marina operators.

Question 14: 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?  

Yes

Question 15: 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?  

Yes

Q15 - If no, please explain how the SPPS can be improved.

The Council welcomes the statements in relation to the facilitation of development which contributes to a sustainable rural economy.
Question 16: 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?

Q16 - If no, please explain how the SPPS can be improved.

The Council considers that, while the SPPS largely reflects the above aspirations, it can be improved in a number of ways. The Draft SPPS seeks to put in place a policy for assessing proposals for permitting economic development. An application may, however, be approved where it will secure the long-term future of a place of heritage significance, or scheme of significant regional or sub-regional public benefit and may also be acceptable to secure the future of a non-listed building of local significance. It would be useful if the SPPS could provide sufficient flexibility to accommodate imaginative proposals for development that are clearly in the public interest. It is acknowledged that this would need to be done while at the same time maintaining and enhancing the standard of the historic built environment, as well as that of the community, cultural, educational, social and health & wellbeing infrastructure. The Council welcomes that this statement will be considered in context with other Planning Policy Statements and relevant strategic documents, including the Regional Development Strategy for northern Ireland The Council acknowledges that economic development applications must be accompanied by a Statement of Justification and that the onus is on the project developer to demonstrate that it possesses sufficient funds to finance the research that is required to inform the new Council of the potential impacts of that development. The Council fears that this may discourage developers from submitting plans for innovative and flagship developments or from improving crumbling built heritage. It is suggested that a category of application be identified whereby economic development interests take precedence over other policy considerations to ensure that those innovative developments are not immediately ruled out by fixed guidelines. The Council welcomes the specific reference to economic considerations in the decision making process and on the provision of guidance on the weight that should be accorded to same. However, it is essential that the guidance, which is the subject of a separate exercise, must assist decision makers by giving a definition of “significant” and “substantial weight” in an economic development context, and indeed in any planning context. Further, clarification is required on the meaning of the term “sufficient information about the economic implications (positive and negative)”. A lack of clarity, as in all areas of planning policy application, could lead to misinterpretation, result in inconsistent decision making and be subject to challenge. The Draft SPPS is unclear about the relative importance of non-economic considerations. Environmental and social impacts (particularly from the point of view of regeneration and job creation) need to be given more prominence in the final document. The Council also supports the views of NILGA that the SPPS should clarify if there is a difference between the terms “generous supply of land” and “ample supply”. The SPPS does not in its policy objectives address the policy for the retention of land for economic development uses or the loss of unzoned land in existing B2, B3 and B4 to other uses. NILGA considers that this represents a significant difference between the existing Planning Policy approach and that the SPPS adopts a more flexible approach.

Question 17: 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?

Q17 - If no, please explain how the SPPS can be improved.

The Council asks that reference be made to the Local Climate Impacts Profile, a technique used to assess risk in areas of regular severe weather events. It echoes the concern expressed by NILGA that the use of brownfield sites, where there may be outdated drainage infrastructure, could require dedicated resources to be made available by the NI Executive or other agencies to allow development in some urban areas.
Question 19: Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Minerals? No

Q19 - If no, please explain how the SPPS can be improved.

The Council refers to ongoing discussions between the Minister and Departmental representatives and representatives of the quarry industry. It supports the view of CEHOG that explicit clarity should be provided to aid the consideration of developments involving minerals. Emphasis should be placed on exploiting minerals from those sites which provide the least adverse environmental impacts e.g. sites with significant separation distances from local residents, existing or dormant sites. Paragraph 6.141 - “Nuisance” should be amended to read “impacts on residential amenity”. As per the National Planning Practice Guidance note relating to minerals, there is a need for cumulative impacts to be considered and referenced within the SPPS. The Council supports CEHOG’s comment welcoming similar recognition within the SPPS of the deterioration of local environments via the cumulative impacts from piecemeal development. The Council supports CEHOG’s comments in relation to Paragraphs 6.138, 6.139 and 6.141.

Question 20: Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Natural Heritage? No

Q20 - If no, please explain how the SPPS can be improved.

The list of key reference documents needs to be updated to include the new Biodiversity Strategy.

Question 21: 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? No

Q21 - If no, please explain how the SPPS can be improved.

While the Council welcomes the policy objectives, it refers to the objective for ensuring 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. While this objective is commendable from the point of view of the health and wellbeing of residents, it is important that consultation takes place with those charged with its maintenance (or who may be asked to take over its maintenance in the future) before open space is included in developments. There is historical evidence that such areas can become sites for anti-social behaviour which has a negative impact on local communities. This should also be acknowledged in the SPPS to assist those responsible for their management. Para 6.180 - Consideration should be given to travel distances and the availability of facilities for sport in rural areas. Para 6.181 - This refers to Councils assessing existing against the National Playing Fields Association’s 6 acre standard. While a useful reference, this may be a blunt instrument and should not be considered as the definitive standard. Para 6.184 - This suggests that development of 25 or more units or one hectare should require the provision of well-designed open space. This may be too low a threshold and lead to unintended consequences, for example, a plethora of applications for smaller sites with no open space. It is important that consultation should take place with those charged with its maintenance before open space is included in new developments. Para 6.186 - This provides for an exemption to the policy (purely for sports stadia) that intensive sporting facilities should be located within settlements. Certain sporting activities, e.g. mountain biking, may better lend themselves to a location outside of a settlement. In view of the emphasis placed on "play" in the OFMDFM’s Play and Leisure Policy Statement, the SPPS appears to be light on this aspect. “Community Use of Schools Estates” guidance should be added to the list of key documents.
Question 22: Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Renewable Energy?  No

Q22 - If no, please explain how the SPPS can be improved.

The Council believes that a more joined-up approach is required to addressing renewable energy from a planning perspective. Different types of renewable energy are the responsibility of different Government departments and fall within different strategies, inevitably leading to an inconsistent approach to renewable energy generally. The Council supports the views of CEHOG that renewable energy development in appropriate locations is of great importance. CEHOG supports the aim of the SPPS in facilitating renewable energy generating facilities but fails to see how the objectives or the requirements for the LDP will achieve this. CEHOG considers this element of the SPPS to be overly focused on the decision making process and that it misses an opportunity to strategically address the need for such development or the environment's capacity to support such development (transmission grid and roads etc.)

Question 24: Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Tourism?  Yes

Q24 - If no, please explain how the SPPS can be improved.

While it would be helpful if the document had articulated the changes to the Policy in detail, the Council broadly welcomes the thrust of the revisions. The revised policy facilitates the economic potential of the tourism industry in an environmentally sensitive manner, while safeguarding tourism assets from inappropriate development. The Council welcomes the general presumption in favour to tourism development within settlements and agrees that it makes sense for new Councils to bring forward a tourism strategy which can then be part of the tourism planning decision making process. Partnerships already exist across a number of Councils and with the NIEA which provide a vehicle for representing environmental concerns and safeguarding tourism assets. The Council has some concern about the emphasis on re-using, developing and expanding existing rural buildings for tourism development in the countryside, rather than constructing new ones as it is not clear how many buildings of this type exist (there appears to be no data available on this matter). The Council believes that appropriate new buildings of a sensitive and sustainable design may be needed to allow tourism to grow and the final SPPS should acknowledge this. The Council supports the comments of NILGA that the policy objectives contained in para 6.124 of the draft SPPS are the same as those set out in PPS 16 but that policies TSM 1-8 in the existing PPS 16 contain a number of significant planning considerations including a 'cumulative impact' test in relation to assessing impact on tourism assets. NILGA considers that the 'cumulative impact' test is an important element and, in its absence, there is considerable scope for conflict between the SPPS and PPS 16.

Question 25: 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?  Yes

Q25 - If no, please set out and justify any alternatives.

The Council welcomes the "Town Centre First" approach to retail planning which aims to boost footfall and aid economic recovery. It also welcomes the recognition of town centres as the appropriate place for the provision of a community's leisure, business and cultural facilities.

Question 26: 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?

Q26 - If no, please provide further information.

The Council agrees that retail capacity studies should be used to inform local development plans and should be included as an element of any Town Masterplan Reports. The Council is supportive of the NILGA response requiring standardisation of the methodology and data used in developing local development plans.

Question 27: Do you think that councils should prepare town centre health checks as described?  

Yes

Q27 - If no, please provide further information.

The Council agrees that Town Centre health checks should inform local development plans and, again, these should be an element of Town Masterplan reports. Where the indicators need to be regularly updated, appropriate resources will need to be built in to Council budgets and workplans. The definition of a Town Centre health check should be consistent and implemented across the region to allow the Department and others to monitor activity and to trigger central government intervention, as appropriate.

Question 28: Do you think a ‘call for sites’ consultation is an appropriate mechanism to assist with site allocations in a local development plan?  

Yes

Q28 - If no, please provide further information.

The Council has no objection to this mechanism, provided acceptable protocols are agreed in advance.

Question 29: Do you agree that 300m from a town centre boundary is an appropriate threshold for a site to be considered as edge of centre?  

No

Q29 - If no, please provide further information.

While the Council is not opposed to the 300m threshold, it supports the comments of NILGA regarding the lack of rationale behind it. The threshold may be acceptable, subject to the topography and access (and other planning considerations) not presenting a barrier to development within such limits.

Question 30: Do you agree that 2,500 sq metres (gross) is the appropriate threshold for requiring a proportionate retail impact assessment?  

No

Q30 - If no, please provide further information.

The Council considers this to be a low threshold which could present a barrier to economic development and investment and adversely impact on town centre vitality and sustainability.

Question 31: Do you agree with the factors to be addressed as part of a retail impact assessment?  

Yes

Q31 - If no, please provide further information.
The Council comments that, while the factors to be addressed are sound, the terms (e.g. viable) need to be more clearly defined and, again, the threshold for this requirement is too low and could be prohibitive to the revitalisation of town centres.

Question 32: Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Transportation?  
Yes

Q32 - If no, please explain how the SPPS can be improved.

The Council supports the promotion of new transport schemes for walking and cycling and the development of disused transport routes.

Question 33: Do you consider that the SPPS has appropriately reflected and updated, in a strategic way, the existing planning policy approach on Waste Management?  
No

Q33 - If no, please explain how the SPPS can be improved.

The Council reflects the view of NILGA in relation to reference to the PfG target of recycling of household waste by 2015 and asks that the EU’s Waste Framework Directive recycling target of 50% by 2020, with which Councils must comply, be used instead to ensure the longevity of the SPPS. The section on Waste Management should be broadened to consider the disposal of waste other than municipal waste (e.g. agricultural waste) so that the policy works in tandem with the Waste Management Strategy for Northern Ireland and so that a more economic and holistic approach can be taken in relation to waste management generally. The Council welcomes the integration of Waste Management in a plan-led land use system in the context of site specificity, zones and zoning criteria. The Council notes the negative characterisation of waste facilities (para 6.255) and the reference to the potential for “habitat and heritage destruction and pollution” and expresses the view that the statement should take a more objective viewpoint at the outset and should highlight the robust processes used to mitigate against risk and comply with regulatory requirements in relation to applications for such facilities (e.g. Environmental Impact/Strategic Environmental Assessment). Similarly, the Precautionary Principle implies a presumption against waste facilities, rather than taking an objective position. The Council welcomes the removal of the Best Practical Environmental Option (BPEO) as a material concern in the planning process. The Council highlights that the Waste Hierarchy is not a “five step process” as described in the Draft SPPS but a series of separate processes applied on a hierarchical basis. This needs to be made clear in the final SPPS document.

Question 34: Do you agree that transitional arrangements as described above are required in the short to medium term?  
Yes

Q34 - If no, please provide further information.

The Council would comment that no subordinate legislation is as yet in place to state how plans should be prepared and that guidance on the development of Local Development Plans will not be available before 1 April 2015. Further, Councils must take account of their current Community Plan in preparing the plan strategy and local policies plan. Progress on Community Planning is not in step with progress in other areas. Given the above and the need for capacity building amongst Council members, the anticipated timeframe for the compilation of Local Development Plans (40 months) seems optimistic.

Question 35: Do you have any other comments on the SPPS?  
Yes

The Council notes that the list of key reference documents cited in the Draft SPPS is not exhaustive and may be misleading if it only contains some of the strategic documents on which the application of
policy and guidance depends. If a full list is to be compiled, it would need to be regularly updated. Given the strategic significance of this document and the implications for new Councils operating in a quasi-judicial capacity within its framework, the Council believes that the consultation period has not adequately allowed for a comprehensive response to be prepared by Councils generally and by the new Council clusters' Statutory Transition Committees. The Council, having written to the Minister to this effect, welcomes his response (dated 14 April 2014) that following submission of a response via this portal, it may provide supplementary comments and a full response by the end of May 2014 by email to sppsteam@doeni.gov.uk

Question 36: Do you consider that the provision of the interactive digital consultation document has been a successful initiative?

Q36 - If no, please tell us why?

The process would have been simpler for end users if they did not have to register and await a registration email to commence making a response. The yes/no answers do not allow for qualified responses. In some cases, the respondent may wish to respond positively but only subject to conditions. Supplementary comments are only invited where the answer to the question is "no". As can be witnessed elsewhere in this response, this respondent has added comments in any case.