MAGHERAFELT DISTRICT COUNCIL

Response to:

Draft Strategic Planning Policy Statement for Northern Ireland
Executive Summary

This response to the draft Strategic Planning Policy Statement for Northern Ireland is made on behalf of Cookstown District Council, Dungannon & South Tyrone Borough Council and Magherafelt District Council (hereby referred to as the Council).

It addresses each of the 36 consultation questions contained in the draft statement and captures collectively the observations, comments and recommendations of the Council. In particular key issues concerning the implementation of policy, transitional arrangements and renewables are highlighted.

Council observes that the proposed transitional arrangements are overly complex and that if the draft SPPS had emerged as a more strategic expression of planning policy there would potentially have been more justification for the arrangements proposed.

Council takes the view that a simplification of the transitional arrangements would potentially reduce the pressure on plan making teams, incentivise expeditious completion of plan making, simplify planning for the public and reduce the risk of planning by appeal.

It is the Councils recommendation that the SPPS should immediately replace the suite of PPS documents when it becomes operational on 1 April 2015.

If the Department is concerned about a loss of detailed operational planning policy the important aspects of PPS coverage could be published as guidance – SPPG – to sit alongside the SPPS. Councils could choose to either rely on SPPG when preparing their development plans or, with the Department’s oversight and agreement, make it clear in their development plans that specific provisions supersede equivalent sections of the SPPG. Given the existence of this material within the PPS series it should be possible to publish SPPG quite quickly after the conclusion of the SPPS process.

In recognising the importance of a competitive and vital economy, Council recommend that the Economic Section be reviewed and the focus is placed on ‘the promotion of a Competitive Economy’. The encouragement for the inclusion of Special Economic Zones both inside and outside zoned land should be tailored to improve local economies as required.

The SPPS is an opportunity to clearly establish a strategic policy context that further stimulates economic growth through the delivery of much needed market and affordable housing. The SPPS should make it plain that:

- housing is very important from a social, economic and environmental perspective
- objectively assessed need for all types of housing will be met in the most sustainable way achievable
- this will be dependent on ensuring that there is an adequate and continued deliverable supply of land for all types of housing.

Under the new arrangements post April 2015, Council will have the ability to interpret the prevailing policy provisions for the first time and deal with some of the issues around consistency, opportunity and flexibility which emerged in the early phase of planning under PPS21.
Council is acutely aware of the challenges posed by renewables and in particular wind farm development. While the SPPS is pitched at a strategic level the key issues such as noise and visual impact concerns should not be diluted from the policy.

Council support the requirement for LDP’s to set out policies and proposals that support a diverse range of renewable energy developments. Council recommends the following additions (which should follow through into the decision taking transitional policies):

• A revised approach to assessing cumulative impact for wind energy development which takes into consideration the cumulative impact of existing turbines and those which have extant planning permission.

• Appropriate weighting to be given to the Environmental, Social and Economic benefits in line with the three pillars of sustainable development in the determination of planning applications for renewable energy developments.

Council recommends that the policy provisions of PPS18 are reviewed in the SPPS and in addition applicant’s are required to fully quantify the community benefits associated with their proposed development.
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.

Council welcome the expression of purpose as outlined in paragraphs 1.1 to 1.4 and would observe that this statement of intent – similar to what should be our equivalent of the National Planning Policy Framework’s (NPPF) golden thread does not work its way through the entire document.

The purpose of planning as currently described resonates strongly with the presumption in favour of sustainable development as currently set out in paragraph 5.33. It also strongly emphasises the Executive’s Programme for Government (PfG) and the emphasis on economic growth.

There is a sense that the central purpose at the forefront of the document is lost as the draft includes quite significant levels of detail around matters such as noise and air quality and also a very descriptive series of sections on how the new planning system will operate.

Council acknowledges that this SPPS is drafted for all users of the planning system and that it has been issued at a critical point ahead of the Reform of Public Administration but would respectfully suggest that it may be possible to include parts of the first 30 pages as appendices to allow a more successful carriage of the central purpose of planning and the key core principles.

Council suggests that it would also be in the interest of users for a comprehensive set of guidance notes to be issued along the SPPS consistent with the advice contained in the report of stakeholder engagement discussions of Spring/Summer 2013.

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?

As one of the new planning authorities, Council recognise that there is a need to explain how the planning system works and that the SPPS needs to be easily understood by all, including members of the public as users of the system. Council takes the view that there may be an opportunity for further consolidation of this front section of the draft.

In terms of an addition, Council suggests the inclusion of a core principle centred on ‘meeting the needs of society’. This would go some way towards striking a balance in terms of the weight to be afforded to economic considerations.
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.

Given the central importance of sustainable development to planning, Council considers that the presumption in favour of sustainable development should be repositioned in the draft. Presently it is located at page 30 of the document which is at the end of what is essentially the new version of PPS1. This reference should be at the beginning of the document – either within the Purpose for Planning or where furthering sustainable development is set out as the first of the core planning principles. As an iteration of the existing paragraph 59 of PPS1, and to immediately carry through the text on the purpose of planning, it is important that it features prominently, at the beginning of the SPPS. The preference would be within the Purpose for Planning section given the fundamental need for emphasis of this point which would suggest that it should sit apart from the core principles.

Council notes the three pillars of sustainable development (social, economic and environmental) and understands the importance of each, as well as the need for discretion in the weight to be attached to each strand depending on the analysis of the issues raised by individual development proposals. Council is at present observes that there is disconnect between the purpose of planning, as drafted and the presumption in favour of sustainable development.

Council was interested in the Scottish experience with its SPP where the direction of travel is to essentially subsume what was previously a clear focus on sustainable economic development within a new expression for the presumption of sustainable development. The Scottish Government reinforces that this does not mean ‘development at any costs’, it requires an assessment of the costs and benefits of a proposal. The draft policy states that due weight should be given to net economic benefit. This approach is similar to the English system and NPPF.

Council recognises the challenge of establishing an approach which both embraces the prospect of positive development/growth and provides sufficient comfort to provide a basis for the refusal of poor quality, unsustainable or environmentally damaging proposals. Council also notes the strong rural amenity of its district area with a balance to be established between protection of assets and promotion of the economy at all levels including rural businesses and developments.

Essentially what emerges is the presumption in favour of sustainable development unless there would be harm to interests of acknowledged planning importance. The difficulty is the approach to sustainable development in the early sections which is somewhat more ambiguous and unnecessarily cautious than the presumption itself. What should be an identifiable and coherent golden thread through the document is sometimes quite difficult to discern.
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.

The majority of the content under this heading is focused on new operational policy referencing noise and air quality – two areas which are currently outside the parameters of the suite of Planning Policy Statements (PPSs).

Their inclusion at this point both interrupts the flow of this part of the document and represents an unnecessarily detailed tangent within what is a reasonably strategic part of the document. The linkage to these detailed issues is also perhaps somewhat inconsistent with the intention of the inclusion of well-being in the legislation. Consideration should be given to relocating these statements to another part of the SPPS – perhaps within the subject policy section.

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.

Council welcome the inclusion of this core planning principle. Were the Department minded to further streamline the document, this relatively succinct core planning principle could be consolidated within the design and place making core principle given the resonance in subject matter.

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.

Council observe that it would be helpful to fully explain by definition what Spatial Planning means. Currently paragraph 3.29 refers to both the presumption (positively, in favour of development) and proactive approach (essentially a point of approach and practice) rather than deal with the central point about how spatial planning goes beyond land use planning to provide a new constituency for the function with more far reaching and better quality outcomes.

The Department has sought to articulate a link between community planning and spatial planning. It is not clear to Council how the aspiration set out in paragraph 3.31 can be met if there is a lack of clarity about how the new local planning authority deliver spatial planning.

Council note there must be mechanisms to have strong input into the applications which will have major impact on local constituents. Reference is made to integration with other programmes, plan policies and projects, and this section provides an opportunity for further explanation of how the status
and role of the Regional Development Strategy, Community Plan and LDP interlink in the delivery of spatial planning. That said, Council stresses the importance of flexibility in decision making and empowerment to make decisions and set its own direction fully reinforced by the provisions of the Community Plan and LDP.

**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.

Paragraphs 3.32 – 3.34 are reiteration of the legislation provisions. Council note that there may be benefits to cross reference the provisions on prematurity (paragraph 5.34) given the need to understand how to consider what weight should be given to plans at different stages of their life (as outlined in paragraphs 214 - 216 of the NPPF).

An observation is that the Department has taken a view not to introduce similar provisions to those found in the English and Welsh equivalents where there are clear statements to the effect that where plans are outdated or silent there is a presumption in favour of sustainable development. Policies which are not in conformity with the key principle of sustainable development should not be given any weight in the determination of planning applications.

The SPPS as currently drafted places great weight on a robust plan led system (paragraph 3.45 for example) but until the new LDP’s are in place, where plans are out of date, there needs to be a robust presumption led approach.

**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.

The Department outlines the 10 principles of quality places from Living Places and provides a separate set of principles for good place making in the countryside from Building on Tradition.

Council welcomes the distinction between urban and rural but observes that the countryside principles are very structure focused and do not take into consideration the wide range of development in the countryside (e.g. farming/industrial/minerals) which would benefit from reference to design consideration.

**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.
This core planning principle provides a summary of the obligations as set out in legislation. Council would welcome further clarification within the final document on the requirements of the Statement of Community Involvement (paragraph 3.41) and how this would be undertaken, along with linkages to Community Planning.

Council also notes the consultation on thresholds between the different categories of development in the development management hierarchy and looks forward to the opportunity engage in the preparation of associated secondary legislation.

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.

Council views this approach as broadly acceptable but consideration for an amendment to address issues around how the Department as a central planning authority will interact with the councils as local planning authorities under the new regime may be considered. Members of the public will wish to understand what the limits are to local decision making and why they have been set.

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.

This question considers a substantial section within the SPPS which is dedicated to both the preparation of LDPs and the development management process associated with making decisions on planning applications. Council provides the following comments:

Local Development Plans

Council notes the further expression of the presumption in paragraph 4.7 and would question whether this is an appropriate location for such a statement (see earlier comments at Question 3).

Paragraph 4.14 refers to a statutory requirement to monitor a plan on an annual and five year basis. It is unclear which part of the legislation is being referred to at this point (check).

It is unclear in this section how the Department will secure co-operation between Councils. Given the significant powers available to the Department to intervene (paragraph 4.25 for example), additional guidance would be welcomed on this point.

The 40 month indicative timeline for the preparation of both parts of the new development plan is challenging. Members are, however, confident that the new Council, assisted by the resources from the Department, will strive to achieve this objective.

Development Management

In light of previous comments, given the importance in determination of proposals, this section ought to commence with the presumption in favour of sustainable development rather than close with it.
Council comment that a substantial departure from a development plan (paragraph 5.6) need not necessarily be a regionally significant application and could be determined locally, or potentially fall within the major category which would allow a ‘call in’ but not as requisite. Council would welcome early sight of the call in criteria for major planning applications (paragraph 5.7). Paragraph 5.9 could be linked/expanded to refer also to the officer delegation schemes referred to in paragraph 5.14 to ensure all application categories are referenced in the development hierarchy.

Council anticipate that the new local planning authority will indeed make performance agreements available to developers proposing major developments but would welcome the opportunity to agree this prior to the Department making a commitment on its behalf (paragraph 5.11).

Council would welcome further advice on the circumstances outlined in paragraph 5.13 where major developments are referred to the Department for call in-consideration but are returned to council.

In the interests of completeness, it may be appropriate to refer to the award of costs at appeals after paragraph 5.25.

There is an implicit suggestion in paragraph 5.28 that where there is a choice between planning conditions and planning agreements, conditions are preferable. This mirrors the current position as provided for in PPS1. Council suggests that this principle should be made more explicit in the final version of the SPPS.

The principle set out in paragraph 5.29 and continued into paragraph 5.30 should be expanded to deal with the matter of viability in the planning system. As noted elsewhere there is very limited reference to the important matter of viability in the SPPS. It is unclear whether the forthcoming consultation on developer contributions will extend beyond affordable housing. If it does not there is a need to review the SPPS with specific reference to viability considerations in planning.

**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.

Council observe that the heritage policies have become less clear and precise in establishing their intent and that the presumptions in favour/against which are currently in PPS6 have been deleted. Specific examples include such references within BH1, BH5, BH7 and BH10.

Council observe that the heritage policies have been detrimentally weakened as part of this consolidation process. Policy controlling development of or near heritage assets must be made explicitly clear.

Council recommend that the policy be more specific on the use of sympathetic materials, details and techniques employed in the extensions or alterations of a Listed Building, or provide supplementary guidance.

Council note the absence of any required commitment to redevelop a site post demolition of buildings in a Conservation Area. The normal expectation was commitment to a programme for redevelopment.
In general the Council note that the thrust of policy is generally similar to that in the NPPF and set out in a similarly clear way. Change in some terminology is viewed as a weakening of the policy and particularly where clear direction is required.

**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.

Council offers no comment on this proposed policy.

**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.

The provisions of Article 67 of the Planning (Northern Ireland) Order 1991 requires the Department to make 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. This is transposed into Article 130 of the Planning Act (Northern Ireland) 2011, which outlines that any such regulations may provide for requiring the consent of the Council to be obtained for the display of advertisements.

This section of the SPPS sets out that the policy objectives for the control of outdoor advertisements are to ensure that they respect amenity and do not prejudice public safety, the SPPS introduces an additional test that requires advertisements to ‘contribute positively to the appearance of the environment.’

Due to the control of outdoor advertisements being covered in primary legislation (which will remain the case) Council does not consider it necessary to include a separate subject policy on advertisements in the SPPS akin to the SPP and NPPF. Whilst the SPP makes no mention of advertisements, the NPPF refers to signage in paragraphs 67 and 68 under the heading of ‘Good Design’. Council recommends that this approach is applied in the SPPS.

Council suggests to the Department to remove the additional policy test from the SPPS, that is, delete the wording ‘contribute positively to the appearance of the environment’, which is above and beyond the legislative requirements.

Additionally, Council suggests that a simple design guidance document on advertisements is produced centrally by the Department, which would replace the need for the LDP to include operational policies on advertisements.
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.

Council welcome the recognition of the importance of our rural area as described in the introductory paragraphs of this SPPS. Northern Ireland has a different pattern of settlement and culture of living in the open countryside than other parts of the United Kingdom. This is not recognised or taken account of in the prevailing policy context.

Planning applications for single dwellings and other buildings represents the single largest category of applications across the three parts of Mid Ulster. Paragraph 6.56 sets out the familiar aim of the need to balance environmental protection and sustaining rural communities.

The policy objectives in paragraph 6.57 are an expression of the need for this balance and the sustainable approach set out in paragraph 6.58 is the crux paragraph which speaks of the need to cluster, consolidate, group and re-use. These objectives may need to be revisited should the Department accept that an additional core principle focused on meeting the needs of society be introduced.

Council also observe that aspirations of a rural community as expressed in a community plan (still to be quantified) may not sit comfortably with a spatial plan that does not allow for flexibility beyond re-use, consolidation and clustering. Council requires sufficient flexibility to produce its own strategy for development in the countryside provided this reflects the aim, objectives and approach of the SPPS and which resonate with PPS21.

Under the new arrangements post April 2015, Council will have the ability to interpret the prevailing policy provisions for the first time and deal with some of the issues around consistency, opportunity and flexibility which emerged in the early phase of planning under PPS21.

It is clear, however, that PPS21 is essentially retained in strategic, outline form and currently does little to address the well known issues around the scale of opportunity for ‘non farming rural dwellers.’

Council presumes that in issuing the SPPS in its current form, the Department has, with due regard to the Ministerial Statement of July 2013, determined that there is no need to revisit this aspect of the policy. In the circumstances, Council would welcome an early indication of exactly what flexibility it has in preparing what will be the local expression of the existing strategic policy context, particularly the extent to which it is bound by the familiar range of opportunities currently listed.
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.

Despite the fact that Council endorse the overall policy objectives and support the aim in the SPPS of facilitating the economic development needs of Northern Ireland, Council observes that the content of the economic section is overly prescriptive, too focused on operational policy and less strategic in nature.

In recognising the importance of a competitive and vital economy, Council recommend that the economic section be reviewed and that the first subject topic listed is ‘the promotion of a competitive economy’. The language used throughout the policy section should be positive and flexible to adapt to changing circumstances and new (emerging) business sectors. The encouragement for the inclusion of special economic zones both inside and outside zoned land in rural areas should be tailored to improve local economies as required.

Council is of the view that current policy is blighting sites by prohibiting the re-use of existing and previously used zoned employment/industrial land for economic uses that fall out with the current definition. It is recommended that the same definition as the English NPPF, is used, “B’ Use Classes, public and community uses and main town centre uses (but excluding housing development)’.

Council requests that the SPPS explicitly sets out within the document that Council can apply significant weight to the ‘economic benefits’ of a proposal in the assessment of any future planning application.

Furthermore, the policy should allow scope for alternative uses on sites where it can be demonstrated that there is no reasonable prospect of a site being used for that purpose, and can adapt to address emerging growth businesses.

There is little or no scope for small scale rural enterprise to grow within the very narrow confines of the policy. A more flexible policy which supports rural enterprise and allows for small scale growth in the open countryside outside of the parameters of farm-diversification is required and is not allowed for in the SPSS. The Council recommends that paragraph 6.83 be deleted.

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.

Clarification is required in respect of the relationship between this consultation and the consultation for draft PPS15. Council note that the SPPS policy does not accommodate for exceptional circumstances where culverting or canalisation is required.
Council request that the following exceptional circumstances (as set-out in PPS15) should be re-introduced.

- Where such works are necessary as part of a flood relief scheme;
- Where the culverting of a short length of a watercourse is necessary to provide access to a development site or part thereof; or
- When it is demonstrated by the applicant that there is no practicable alternative to the culverting of the watercourse.

**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.

Facilitating the delivery of housing is a key purpose of the planning system. Council recognise that the purpose of the SPPS is to reduce the body of planning policy but the brief reference to the significance of housing, from an economic, social and renewal perspective in paragraph 6.117 is disproportionately to the importance of housing, particularly in the case of a rural district where rural housing supports the rural economy. Whilst there is also a brief reference in the ‘social’ element of sustainable development on page 9, Council suggest that there is potential to secure the desired emphasis by introducing a new Core Planning Principle (CPP) centred on meeting people’s needs. Alternatively more needs to be made of the multi-dimensional importance of housing in the introductory section of the SPP which moves quickly into a description of process. Particularly in Northern Ireland there is a need to emphasise the crucial role played by the provision of housing in regenerating communities.

As the SPPS will be a key reference point for all users of the planning system and not just local authority planners and consultants, it is important that it conveys the key messages succinctly and successfully. The SPPS is an opportunity to clearly establish a strategic policy context that further stimulates economic growth through the delivery of much needed market and affordable housing. An adjustment is needed to make it plain that:

- housing is very important from a social, economic and environmental perspective
- objectively assessed need for all types of housing will be met in the most sustainable way achievable
- this will be dependent on ensuring that there is an adequate and continued deliverable supply of land for all types of housing

The largest proportion of text on housing in the SPPS relates to processes for allocating housing land in LDP’s and measures to be contained in future LDP’s. This material is quite detailed and directive in character and overlaps, to an extent, with a similar body of guidance in the RDS. The measures essentially read as something of a checklist for new planning authorities. Council welcome the indication of how to plan for housing and what to include in its new LDP but is slightly concerned that the approach could limit the opportunity for sensible flexibility when it comes to plan preparation.
These requirements are the same as those set out in PPS12 which have guided the Department’s latest round of plan making but they have not been refined to reflect the new approach to plan making set out in the Planning Act and the first part of the SPPS.

Without some flexibility in application there is a risk that a tick box approach would drive new Councils to prepare LDP’s which look very like the old system plans. Furthermore, there is a need for flexibility to allow a specific response to the characteristics of the planning context faced by each individual Council. For example, the SPPS has an emphasis on the use of previously developed land and contains references to regeneration. This may, in a period of recovery, mean that there is less flexibility to respond with the type of land demanded by the market.

Perhaps more significantly, Council also questions whether some of this material could be subsumed within an Appendix to create space for more strategic, higher level statements which emphasise the most important aspects of planning for housing. For example, in a new evidence based approach to planning, and in line with the suggested re-emphasis on meeting needs, it seems reasonable to start the planning for housing section by reference to the Housing Need Assessment rather than move straight into what is essentially a descriptive process plan. Thereafter, the focus could turn to how need will be met sustainably, at which point it would perhaps be more appropriate to bring in the sequential approach which currently opens this section. Beyond this a key aspect of planning for housing, currently missing in the SPPS, should be the onus on local authorities to act to maintain a five year land supply, with appropriate definition around what constitutes effective supply. Whilst emphasising the importance of tracking, the section on implementation, monitoring and review (paragraph 6.123) falls well short of this central plank of planning policy in other jurisdictions.

Council would suggest that a more strategic approach, which emphasises the most important aspects of planning for housing, could be introduced without sacrificing some of the operational detail which, for obvious reasons, the Department has been keen to retain. Given the significance of the subject matter a revised approach to the drafting of this section would be a time investment well worth making.

Council would welcome an opportunity to understand and reply to the separate consultation on developer contributions and affordable housing as soon as possible.

Without prejudice to the next consultation, Council wishes to comment more generally that the SPPS is conspicuously silent in relation to assessing and responding to development viability matters. This is at odds with published and widely available guidance on development viability in the plan making process from other jurisdictions.

To an extent the approach to the decision-taking section within this SPPS depends upon how the Department responds to Council’s suggested changes to transitional arrangements. As it currently stands, the draft incorporates much of the thrust of PPS7 in relation to, for example, Policy QD1, and also the main thrust of the second addendum to PPS7 in respect of established residential areas. However the Department may wish to further reflect on how these operational policies would work in the event that the PPSs were not longer applicable as soon as the SPPS became operational.
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.

Council welcomes the policy which outlines a requirement for minerals development to be addressed against the need to protect and conserve the environment and the protection of the landscape and natural heritage features.

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.

Council notes that each policy from PPS2 has been transposed into the SPPS subject policy with similar wording and subject matter. The subject policy introduces Marine Conservation Zones (MCZ’s) as a designation to be afforded appropriate decision making weight under National Designations.

Council notes the reference to Areas of Outstanding Natural Beauty (AONB) at 6.174, detailing that AONB Management Plans should be considered in the assessment of proposals. It should be noted as a point of reference that the Sperrin AONB does not have a current Management Plan.

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.

Council agrees with the basic thrust and objectives of this section of SPPS and this should carry through into the final document. Council note a number of recommendations to improve policy.

For the purposes of creating LDP’s and making decisions on planning applications and appeals the SPPS should provide a definition of the types of spaces which should fall under the definition of Open Space.

The new definition of Open Space should be varied from the current definition set out in PPS8 which is overly restrictive. Within the existing definition ‘amenity green space’ and ‘natural and semi-natural urban green spaces’ are too broad resulting in the protection of a wide variety of spaces which are not always of public value.
Council observe that the SPPS should require a dedicated Open Space Strategy (OSS) as part of the LDP process. The OSS should identify how existing open spaces throughout the Plan Area can be strengthened and linked to provide a more robust open space network. New strategic open space zonings should be identified in the LDP and opportunities for developer contributions should be considered in the OSS and delivered through Key Site Requirements in the LDP.

An up to date audit of all types of existing open space should be completed to inform the OSS. This will in turn allow the Council to plan the provision of valuable public spaces and facilities in a more meaningful manner.

Council endorses the '6 Acre Standard' for the OSS. Council agrees with the general presumption against the loss of open space but in line with above recommendations suggest more flexibility, to allow for the redevelopment/rezoning of existing and/or previously zoned open spaces for alternative uses where those spaces are identified as not providing a public value.

Local councils are primarily responsible for the provision of open space in Northern Ireland and are key enablers of sporting and recreational facilities. Councils have a statutory requirement to secure the provision of adequate recreational facilities and are also charged with asserting, protecting, and keeping open Public Rights of Way. The protection of existing and or proposed open spaces is too rigid insofar as local councils are concerned. The final SPPS should allow greater flexibility for local councils to redevelop existing open spaces and proposed open spaces in LDPs given the Council carry out their responsibility for open space in the public interest.

Regarding the provision of new open space as part of new residential development proposals Council recommend opportunities for on-site and/or off-site provision depending on the local and site specific circumstances. All too often open space provided within residential developments does not provide any true public value, if better opportunities exist off site policy should facilitate this.

Council endorses the policy regarding Intensive Sports Facilities (ISFs) but recommends that policy facilitates expansion of existing ISFs in urban and rural area.

The SPPS should also encourage the principles of dual use for new facilities and spaces to ensure maximum benefit is derived from the facilities.

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.

Council recommend the policy context for renewable energy is stated more robustly citing the ambitious renewable energy targets laid down by the EU, UK and NI as the key driver behind the policy approach.

The SPPS is pitched at a more strategic level than some of the other topic areas in the document and Council questions the appropriateness of this approach given key issues such as noise and landscape concerns. Council recommends that the policy provisions of PPS18 are reviewed in the context of the SPPS.
Strategic Planning Policy Statement for Northern Ireland
Cookstown District Council, Dungannon & South Tyrone Borough Council and Magherafelt District Council

Council support the requirement for LDP’s to set out policies and proposals that support a diverse range of renewable energy developments. However, within the section which sets out the factors to be included in LDP’s to assist decision-making, Council recommends the following additions (which should follow through into the decision taking transitional policies):

- A revised approach to assessing cumulative impact for wind energy development which takes into consideration the cumulative impact of existing turbines and those which have extant planning permission.
- Appropriate weighting to be given to the Environmental, Social and Economic benefits in line with the three pillars of sustainable development in the determination of planning applications for renewable energy developments.

Council recommend that policy should require developers to demonstrate the acceptability of projects considered against environmental, planning and general amenity considerations much akin to the approach mandated in PPS18 including such measures as noise. In addition, developers should have to demonstrate in fully quantifiable terms what benefits will be derived from their schemes.

Where there are Environmental, Social and Economic benefits, these should be given appropriate weight and considered in the context of contributions to sustainable development in the determination of applications.

The viability of schemes relative to the available renewable resource should also be demonstrated at planning application stage, as should the likelihood of connecting to the NIE Grid.

Council recommends the inclusion of a policy for small – medium energy projects to ensure proportionality in the assessment of projects.

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.

Council observe that this consolidated policy omits one of the PPS10 objectives for facilitating the continuing development of telecommunications infrastructure in an efficient and effective manner. Council note the LDP policy function to bring forward local policy but highlights that stronger telecommunications policy to address the imbalance in communication infrastructure in rural areas should be included here.

Council notes this revised policy is much less specific on the content of application for telecommunications equipment. For example, PPS10 requires that planning applications be accompanied by an International Commission on Non-Ionizing Radiation Protection (ICNIRP) Certificate. Supplementary guidance may be required if no change is proposed to the policy.
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

The tourism section is generally strategic in nature and advocates the tourism policy objectives that duplicate those in the existing PPS. The core themes of tourism can be woven through the SPPS in a similar approach taken in the NPPF and SPP, and Council is of the opinion that there is no need to have an individual subject policy for tourism.

Tourism policies are referenced throughout the NPPF and SPP, particularly within the rural and town centre policy sections. However, they are silent on tourism policies to the extent that both documents do not contain discrete tourism policy sections.

Council favours the existing operational PPS16 in so far as it relates to tourism developments within settlement limits. Council does not support the overly-prescriptive approach adopted for tourism developments in the open countryside and would advocate a more flexible and pragmatic approach similar to the SPP and NPPF.

The NPPF encourages tourism development within rural areas where it supports sustainable rural tourism developments and mainly in circumstances where tourist facilities are currently lacking. The SPP supports high quality tourism related development, including the provision of appropriate facilities in key urban and rural locations. The policy outlines that development plans should promote economic activity and diversification in all small towns and rural areas, including development linked to tourism and farm diversification.

The design policies set out in PPS16 can be covered within the ‘Good Design’ section of the SPPS.

Council does not consider it essential to retain PPS16 during the transitional period subject to the above being incorporated into the final SPPS.

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.

Council supports the ‘Town Centres First’ approach, where, town centres are the preferred location for new retail development, which plays an important part in protecting the vitality and viability of town centres. Council is also very supportive of a sequential test being applied to proposals for new retail development and other town centre uses outside town centres.
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.

Empirical evidence will assist the Council in assessing planning applications for retail development and other town centre uses. It will help highlight the degree of need for such uses in plan areas and will be a useful guide to developers in deciding where best to bring forward new development proposals.

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.

Council agree that town centre health checks are an essential indicator of the vitality and viability of town centres. Such health checks highlight the strengths and weaknesses of town centres to provide an invaluable source of information for Councils when it comes to plan making by identifying for example, areas of need, early signs of decline or potential, and also assisting Councils in assessing out-of-centre developments.

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.

Council understands that the LDP can be used to undertake a call for site in the consideration and allocation of the various individual town-centre uses. This would assist Council in understanding the availability of such sites and appreciate realistic opportunities rather than relying on dormant sites with no prospect of development.

In addition to this exercise Council also support the current mechanism of identifying Development Opportunity Sites in plans which further provides flexibility for the location of town centre uses.
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.

Factors determining the linkages between sites and town centres vary such as the presence of roads, footpaths, cycle paths, public transport facilities and physical constraints.

Council is of the view that there should be no default distance of 300 metres to define sites as edge-of-centre. The adopted SPPS should reflect that sites should be assessed on their individual merits and within their locational context to determine if they are edge-of-centre.

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?

Council note that the application of a 2,500 square metre threshold to Northern Ireland brings policy in line with the rest of the United Kingdom.

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.

Council consider it appropriate to address the factors listed in the SPPS within a Retail Impact Assessment.

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.

Council note that the policy allows for undertaking local transport studies and includes a number of matters for consideration. Council observes that the policy is overly urban centric and should allow for further development of a comprehensive rural transportation network as appropriate.

The Council would also welcome a policy which requires a real commitment by developers to the implementation of Travel Plans. It is clear to Council that Travel Plans are viewed as a tick in the box when securing agreement on planning applications, but with no real follow-up or delivery that effects change in peoples transport habits.
The Council understand that DRD Roads Service sit outside the local authority structure. Clear guidance is required in support of new transportation policies so no conflict arises in the decision making process were a recommendation from Roads Service is contrary to the view of Council.

**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.

Council considers that the SPPS has appropriately reflected in a strategic way the existing planning policy approach on waste management.

It is noted that the policy objectives and the factors to be considered in determining planning decisions on waste management developments are identical to the extant PPS11. However, locational criteria are omitted from the SPPS. Council welcome the discretion to decide local policies for the siting of waste facilities.

**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.

Council considers that the proposed transitional arrangements are overly complex and could potentially lead to challenges defining the appropriate policy context for determining planning applications, as well as issues around investment.

Council view is that the draft SPPS, has gone far in summarising and consolidating the existing suite of PPS’s. By observation compared to, for example, the NPPF, the SPPS it is more simplified than strategic. If the draft SPPS had emerged as a more strategic expression of planning policy, like the NPPF, there would potentially have been more justification for the transitional arrangements proposed. As it stands, however, with the ability, subject to amendments and adjustments outlined in this submission, to find almost all of what was previously covered within the PPS series, it is difficult to understand the reason why both the SPPS and the vast majority of the PPS series need to operate in parallel until such times as Council plan making processes have been completed.

Council intend to complete its plan making process as expeditiously as possible and approaches the task with a determination to conclude the process in a timeline as close as possible to the 40 months suggested in the draft. Notwithstanding the changes to the plan making system which the Department are confident will truncate timelines from those currently experienced, it has to be acknowledged that this will be the Council’s first plan making process and there is no certainty that the projected timelines will be delivered.

Council takes the view that a simplification of the transitional arrangements would potentially reduce the pressure on plan making teams, incentivise expeditious completion of plan making, simplify
planning for the public and reduce the risk of planning by appeal. Council’s suggestion is that the SPPS should immediately replace all PPSs when it becomes operational on 1 April 2015.

If the Department is concerned about a loss of detailed operational planning policy, the draft should be revisited to include more of what has is considered to have been lost. Alternatively, what might be considered to be important aspects of PPS coverage could be published as guidance – SPPG – to sit alongside the SPPS. Councils could choose to either rely on SPPG when preparing their development plans or, with the Department's oversight and agreement, make it clear in their development plans that specific provisions supersede equivalent sections of the SPPG. Given the existence of this material within the PPS series it should be possible to publish SPPG quite quickly after the conclusion of the SPPS process.

**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.

Council makes the observation that the timing of this consultation has been such that it has not been possible for the new Mid Ulster Council to respond to the draft SPPS. It is anticipated that there may be aspects of the SPPS which the new Council will wish to be able to comment on.

Cookstown, Magherafelt and Dungannon Council would respectfully request that the successor Council is afforded the opportunity to engage with the Departmental team preparing the SPPS after the consultation period formally closes.

**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?

Council welcomes the flexibility offered by the ability to provide digital consultation response. It should be noted however that the views of responding Councils should receive due consideration as they will be required to implement these policies going forward.