

Local Development Plan 2030

Evidence Paper

A Review of Current Operational Planning Policy

January 2017



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Executive Summary

1. The new local development plan will contain operational planning policy.
2. Current operational planning policy is set out in a range of documents including the Strategic Planning Policy Statement (SPPS) and a range of Planning Policy Statements (PPSs). The SPPS sets out transitional arrangements for plan in terms of existing policy – the PPSs will no longer apply once the Plan Strategy stage of the Antrim and Newtownabbey Borough Local Development Plan is published.
3. Therefore the Council should consider how it intends to deal with existing planning policy.
4. This paper sets out a number of recommendations:-
OPTION 1 – Do nothing
OPTIONS 2 – Retain and publish the existing PPSs as they are with the Plan Strategy
OPTIONS 3 – Review PPSs and incorporate succinct versions tailored to the needs of the Borough into the Plan Strategy.
5. Council officers recommend that Option 3 is the best approach.
6. The Planning Section has carried out a preliminary review of the principles of the PPSs and has concluded that the broad thrust of the policies are acceptable and should be retained. The detail of the policy will be considered in a more detailed policy review in advance of the publication of the plan.
7. The Planning Section also recommends that the options for dealing with PPSs should be incorporated into the forthcoming Preferred Options Paper.

1. Overview of Current Operational Policy

Introduction

- 1.1 The purpose of this paper is to set out the options for the development of local planning policy as the local development plan is progressed.
- 1.2 This paper provides an overview of current issues, options for taking policy forward in the local development plan and an initial assessment of principles of current operational policy.

Policy Review Background

- 1.3 Currently in planning, policy is contained within a number of planning documents. These documents include the Regional Development Strategy 2035, the Strategic Planning Policy Statement, Planning Policy Statements, Supplementary Planning Guidance and current development Plans.
- 1.4 Under the new planning system introduced in Northern Ireland in 2015, the new local development plans will apply regional policies at the local level, tailored to the needs of the area. Therefore, Councils will have the opportunity to develop policy to the particular circumstances of our area.
- 1.5 New planning policies will be contained within both the plan strategy stage and the local policies stage of our new local development plan. At the plan strategy stage, policies will be strategic and borough wide. At the local policies stage, policies will be tailored to specific sites or areas. Legislation (Section 9(5) of the 2011 Planning Act) requires the Local Plan to be consistent with the Plan Strategy. Therefore policies at the local level should flow directly from those at the strategy stage.
- 1.6 Of key importance to the development of policy, are the tests to meet soundness and also the transitional arrangements set out in the Strategic Planning Policy Statement. These are set out below.

Soundness

- 1.7 A key feature of the local development plan system is soundness which requires the plan to be tested in terms of content, conformity and the process by which it produced at Independent Examination.
- 1.8 It is also important to note that the plan must take account of the RDS, any policy or advice contained in guidance issued by the Department and any other such matters as the Department may prescribe or direct. The plan must also take account of the impact on neighbouring councils.
- 1.9 Any policy contained within the Council's plan should be developed within this requirement to meet the test of soundness. Where policy errs from this requirement, there will be an onus on the Council to demonstrate why the policy deviated outside of the legislative requirement and the justification for doing so.
- 1.10 Departmental Guidance advises that it is a matter for each council to decide the most appropriate evidence to demonstrate how it has met each test of soundness and that a council should be able to show how policy formulation

and development has taken account of the PSSs and any other relevant and guidance prepared by the Department.

The Strategic Planning Policy Statement (SPPS)

- 1.11 The SPPS was published in its final form in 2015 and is a statement of the Department's policy on important planning matters that should be addressed across Northern Ireland. It was agreed by the Northern Ireland Executive and was judged to be in general conformity with the Regional Development Strategy 2035.
- 1.12 It consolidates some twenty separate policy publications into one document and sets out strategic subject planning policy for a wide range of planning matters. The SPPS aims to set out the strategic direction for the new councils to bring forward detailed operational policies within future local development plans.
- 1.13 The SPPS retained the majority of planning policy statements and also relevant provisions of the Planning Strategy for Rural Northern Ireland. Until such times that councils develop their own tailored policy, taking into account the strategic direction of the SPPS, the remaining operational policy documents currently apply in tandem with the SPPS. This is to allow continuity in planning policy for taking planning decisions until such times as the local development plan is published. The full list of documents to be retained is set out in Annex A. Annex A also sets out which documents the SPPS superseded.
- 1.14 When the first part of the Council's plan is adopted – the plan strategy – the remaining list of operational policy documents will no longer apply to the Borough. These are highlighted in Annex A. Any planning application submitted before or after the date of adoption will be assessed under the policy set out in the adopted plan.
- 1.15 This direction is set out in the transitional arrangements of the SPPS.

Implications for the Local Development Plan

- 1.16 The key issue is that the Department has stated in legislation that councils must take account of its guidance – the SPPS guidance states that the policy listed in Annex A will no longer exist within the Borough when the first key stage of the plan, the Plan Strategy, is adopted.
- 1.17 Therefore the Council needs to decide how to address the issue that the PSSs will fall at Plan Strategy Stage. A number of options are considered and are set out overleaf:-

Options for Planning Policy Statements

OPTION	DETAIL	ASSESSMENT
1	Do Nothing Scenario	<p>The existing policies would fall at Plan Strategy stage and only policies contained within the Plan Strategy would apply.</p> <p>✓ Potentially speed up plan preparation.</p> <p>✗ There would be policy gaps as there would be a lack of policy detail to determine applications, could slow down planning system, could potentially leave the plan open to challenge, especially in terms of the Independent Examination causing a delay in plan production.</p>
2	Retain existing Departmental PPSs at the Plan Strategy Stage	<p>The Plan Strategy would specify that the existing policies will be retained and will form appendices to the Plan.</p> <p>✓ Potentially speed up the plan preparation</p> <p>✗ The Council would be continuing to operate existing and out of date Departmental policy not tailored to the needs of the Borough – (some of the existing Departmental policy is over 20 years old) ; could potentially leave the plan open to challenge , especially in terms of the Independent Examination in terms of soundness; could leave the plan open to judicial review in that the policies had not been assessed under equality impact and sustainability</p>
3	Review existing operational policies with a view to developing succinct up to date tailored policies to meet the needs of the Borough.	<p>✓ Up to date policy would be in place; would help to deliver our local priorities, we would have met the guidance in terms of new policy being full assessed; closer to the plan standing up at Independent examination</p> <p>✗ Might cause a slight delay to plan as this requirement will be more onerous as the decision to drop the PPSs was post 1 April 2015 and now places an additional requirement on councils. However, carefully managed, this risk can be managed.</p>

On balance therefore, it is the recommendation of officers that Option 3 should be the preferred option.

PREFERRED OPTION:

OPTION 3 – Review of operational policies with a view to developing succinct up to date tailored policies to meet the needs of the Borough.

Preliminary Policy Review

- 1.18 In order to develop policy, it is important to engage Members, the public and other key stakeholders in the process. This will show how policy has evolved and how people/stakeholders were engaged in the process. Therefore as part of the process, the Planning Section has undertaken a preliminary review of existing operational planning policy statements in order to determine if the **broad thrust and policy principle** of the policy is acceptable or not acceptable. Policy reviews have been taken under the topics headings of our Evidence Papers – Society, Economy and Environment and will be issued to Members. This will start the process of shaping our new policies for our Borough (subject to Members views to the option 3 above).
- 1.19 The conclusion of the Planning Section following this review is that the broad thrust of the current operational policies in the remaining PPSs and Rural Strategy are generally working well and therefore we do not envisage that the strategic direction and principle of the policies will require significant change. The detail of individual policies, the tailoring of them to local needs of the Borough and their effectiveness will be considered in the more detailed policy review in advance of the publication of the plan.

Carry forward the policy principles of the current PPSs into the Development of new policies for the Borough

Next Stages

- 1.20 Subject to agreement of Option 3, a more detailed policy review will take place before the publication of the Plan Strategy. This will examine the detail of the current policies.
- 1.21 It is important to gather the views of the public on our decision to review the policies and also to determine if they have any issues they wish us to take into consideration in the developing of new policy. Therefore, it is proposed that our Preferred Options Paper will contain a section on policy.

The Preferred Options Paper will include a public engagement section on planning policy.

- 1.22 Following the publication of POP, a detailed review of current policy will be undertaken to develop succinct policies for our new plan. It will be important to hear Members' views on the proposals and we will be engaging with you throughout the process.

ANNEX A- Current operational planning policy to be retained until Plan Strategy is adopted:

- PPS 2: Natural Heritage
- PPS 3: Access, Movement and Parking
- PPS 3 (Clarification): Access, Movement and Parking
- PPS 4: Planning and Economic Development
- PPS 4: Clarification of PED 7
- PPS 6: Planning, Archaeology and The Built Heritage
- PPS 6 (Addendum): Areas of Townscape Character
- PPS 7: Quality Residential Environments
- PPS 7: (Addendum): Residential Extensions and Alterations
- PPS 7: (Addendum): Safeguarding the Character of Established Residential Areas
- PPS 8: Open Space, Sport and Outdoor Recreation
- PPS 10: Telecommunications (Policy TEL 2 is cancelled)
- PPS 11: Planning and Waste Management
- PPS 12: Housing in Settlements
- PPS 12: Policy HS 3 (Amended) 'Travellers Accommodation'
- PPS 13: Transportation and Land Use
- PPS 15 Revised: Planning and Flood Risk
- PPS 16: Tourism
- PPS 17: Control of Outdoor Advertisements
- PPS 18: Renewable Energy
- PPS 21: Sustainable Development in the Countryside
- PPS 23: Enabling Development
- Relevant provisions of "A Planning Strategy for Rural Northern Ireland"

Departmental planning documents which will continue to be treated as material considerations during the transitional period (or as the case may be after the expiry of the transitional period) are listed on the Department's website, and include:

- Airport Public Safety Zones (2007)
- 'Living Places' - An Urban Stewardship and Design Guide for Northern Ireland
- 'Building on Tradition' – A Sustainable Design Guide for the Northern Ireland Countryside
- 'Creating Places' – Achieving quality in residential developments'
- Best Practice Guidance to PPS 18 'Renewable Energy'
- Wind Energy Development in Northern Ireland Landscapes (August 2010)
- Development Control Advice Notes
- Supplementary Planning Guidance to Policy PED 8 'Development Incompatible with Economic Development Uses

Departmental publications cancelled by the introduction of the SPPS are:

- PPS 1: General Principles
- PPS 5: Retailing and Town Centres
- PPS 9: The Enforcement of Planning Control

2. Housing

Introduction

- 2.1 This section of the paper provides an interim policy review of the planning policy principles in current policy relating to Housing. The purpose of this review is to seek agreement on strategic policy direction for our new Local Development Plan. The detail of the current operational policy will be reviewed in further detail once agreement is reached on the overall principle of the policy.
- 2.2 Current operational policy is set out at the strategic level in the Strategic Planning Policy Statement (SPPS) and also in the remaining operational Planning Policy Statements (PPSs) and other guidance. The remaining operational policies will no longer apply once the first part of the new Local Development Plan, the Plan Strategy, is adopted.
- 2.3 This paper sets out the current policy that applies and reviews the requirements of both the SPPS and remaining PPSs. The paper finally assesses the future of the thrust of the remaining operational policy and makes a recommendation on whether or not the policy should be retained as part of our new Local Development Plan.
- 2.4 Individual planning policies and other relevant guidance are detailed in Annex A.

Current Planning Policy Context

- 2.5 Relevant policies in relation to Housing are set out in:
 - Planning Policy Statement 12 'Housing in Settlements' (DRD, 2005)
 - Planning Policy Statement 21 'Sustainable Development in the Countryside' (DOE, 2010)
- 2.6 It should be noted that other policies exist which relate to housing, such as Planning Policy Statement 7 'Quality Residential Environments' and its two Addendums, however these are reviewed in separate Policy Review Papers such as Design of the Built Environment, Community Facilities, and Open Space, Sport and Outdoor Recreation. In addition, this paper omits some elements of Planning Policy Statements 12 and 21 which relate to housing – these elements are similarly reviewed in the above Policy Review Papers

Strategic Planning Policy Statement

- 2.7 The policy approach of the SPPS is to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. This approach to housing will support the need to maximise the use of existing infrastructure and services, and the creation of more balanced sustainable communities.
- 2.8 The SPPS addresses that policy approaches to new development should reflect differences within the region, be sensitive to local needs and be sensitive to

environmental issues including the ability of settlements and landscapes to absorb development.

A Summary of Relevant Planning Policy Statements

Planning Policy Statement 12 'Housing in Settlements'

2.9 PPS 12 outlines the policy direction for all residential development proposals within cities, towns, villages and small settlements in Northern Ireland. This policy document does not apply to dwellings in the countryside, except in exceptional circumstances as outlined in Policy HS3. Dwellings in the countryside are dealt with in PPS 21.

2.10 The policy objectives for PPS 12 are:

- To manage housing growth in response to changing housing need;
- To direct and manage future housing growth to achieve more sustainable patterns of residential development;
- To promote a drive to provide more housing within existing urban areas;
- To encourage an increase in the density of urban housing appropriate to the scale and design of the cities and towns of Northern Ireland; and
- To encourage the development of balanced local communities.

2.11 PPS 12 also sets out a number of Planning Control Principles which are outlined in Annex A.

2.12 The relevant policies in PPS 12 are summarised as:-

- HS 1 Living over the Shop - this policy facilitates living over the shop and other business premises subject to certain criteria.
- HS 2 Social Housing - where there is an identified housing need a suitable mix of housing types and tenures will be provided for.
- HS 3 Travellers 'Accommodations (*amended*)' – where there is an identified need planning permission may be granted subject to a number of requirements.
- HS 4 'House Types and Size' – this policy requires a mix of house types and sizes to be provided in new residential development.

Planning Policy Statement 7 'Quality Residential Developments' (PPS7)

2.13 PPS 7 outlines the policy direction for achieving high quality new residential developments with focus on providing an appropriate level of facilities to meet the needs of new communities. The policy (in so far as it applies to community facilities) is summarised as:

- Policy QD 1 Quality in New Residential Development – this policy focuses on the design and layout of new residential developments, ensuring that adequate provision is made for necessary local neighbourhood facilities.

Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21)

Planning Policy Statement 21 'Development in the Countryside' (PPS 21)

2.14 PPS 21 sets out a range of policies in relation to residential development in the countryside. The policy (in so far as it applies to housing) is summarised as:

- Policy CTY 1 Development in the Countryside – This is the overarching policy and sets out a range of types of development which in principal are considered to be acceptable in the countryside.
- Policy CTY 2 Development in Dispersed Rural Communities - sets out the policy direction for clusters and clachans for up to 6 houses at an identified focal point where a dispersed rural community is designated in a development plan. It also allows appropriate economic enterprises e.g. tourism, new social or community facilities.
- Policy CTY 2a New Dwellings in Existing Clusters - allows permission for a dwelling at an existing cluster subject to certain criteria including that it lies outside a farm and consists of four or more buildings.
- Policy CTY 3 Replacement Dwellings - this policy allows permission to be granted for the replacement of an existing dwelling subject to a number of criteria.
- Policy CTY 4 The Conversion and Reuse of Existing Buildings – allows planning permission to be granted for the conversion of a suitable building to a variety of uses including use as a single dwelling, subject to certain criteria.
- Policy CTY 5 Social and Affordable Housing - allows planning permission to be granted for a group of no more than 14 dwellings adjacent to or near a small settlement to provide social and affordable housing to meet the needs of the rural community subject to a number of criteria.
- Policy CTY 6 Personal and Domestic Circumstances - this policy allows for a dwelling in the countryside to meet the long term needs of the applicant subject to specific criteria being met.
- Policy CTY 7 - Dwellings for Non-Agricultural Business Enterprises – this allows for a dwelling in connection with an established non-agricultural business enterprise if it is essential to live at the site of the work place.
- Policy CTY 8 Ribbon development- this allows aims to protect the countryside side from ribbon development where a building will create or add to this form of development. An exception is for an infill - i.e. for a dwelling in small gap site within a substantial and continuously built up frontage subject to a number of criteria.
- Policy CTY 9 Residential Caravan and Mobiles Homes- this allows permission for a temporary period and in exceptional circumstances for a residential caravan or mobile home.
- Policy CTY10 Dwellings on Farms - this allows permission for a house on a farm subject to a number of criteria. Planning permission will only be granted once every 10 years under this policy.
- Policy CTY 14 Rural Character – sets out the criteria to protect the rural character of the countryside.
- Policy CTY 15 The Setting of Settlements – sets out the criteria to protect existing settlements from development that mars the distinction between a settlement and the countryside and from urban sprawl.

2.15 The Strategic Planning Policy Statement, insofar as it relates to countryside protection and management issues, is currently under review by the Minister for Infrastructure.

Assessment of existing PPS's against the Provisions of the SPPS

2.16 The policies contained within PPS 12 and PPS 21 in relation to Housing, generally reflect those contained within the SPPS with the exception that there is no policy or reference to PPS 21 CTY 2 Development in Dispersed Rural Communities

Other Relevant Guidance

2.17 In addition to the above operational policy, there are a number of published guidance documents and Development Control Advice Notices (DCANs) that relate to the provision of Housing. DCANs represent non-statutory planning guidance which is intended to supplement, elucidate and exemplify policy documents including PPSs and development plans¹.

2.18 Supplementary guidance on Housing is outlined in:

- [Living Places - An Urban Stewardship and Design Guide for Northern Ireland \(DOE, 2014\)](#)
- [Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside \(DOE, 2012\)](#)
- [Creating Places: Achieving quality in residential environments \(DOE, 2002\)](#)
- [DCAN 8: Housing in Existing Urban Areas \(DOE, 2002\)](#)

2.19 The SPPS directs that these documents will remain material considerations and are to be retained.

Consideration and Recommendation

2.20 It is considered that the **broad thrust and policy principles** established by PPSs 12 and 21, in relation to housing, generally reflect what is set out in the SPPS.

2.21 The broad thrust and policy principles are summarised as:-

- To provide for identified housing need
- To ensure a mix of housing types, tenures and size in settlements
- To facilitate appropriate housing in the countryside
- To protect Listed dwellings in the countryside
- To facilitate temporary permission to be granted for a caravan or mobile home in appropriate circumstances
- To facilitate the replacement of dwellings and conversion of an appropriate building to a dwelling in the countryside
- To allow single dwellings and clusters of dwellings in appropriate rural locations in specific circumstances
- To protect rural character and the setting of settlements
- To protect the countryside from ribbon development and urban sprawl

2.22 It is further considered by planning officers that the broad thrust and policy principles are acceptable in terms of operational planning policy and work effectively.

¹ Available to download at <http://www.planningni.gov.uk/index/policy.htm>

2.23 Therefore it is recommended that the policy principles for housing are taken forward in the development of new policy for our Local Development Plan.

Annex A – Current Operational Planning Policy***Planning Policy Statement 12 ‘Housing in Settlements’**

PPS 12: Planning Control Principle (PCP)	Relevant Planning Policy Statement
<p>PCP 1: Increased Housing Density without Town Cramming</p> <p>An increase in the density of housing development should be promoted in town and city centres and other locations which benefit from high accessibility to public transport facilities. It should also form an integral part of major housing or mixed-use development proposals.</p> <p>When considering an increase in housing density in established residential areas, great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing and safeguard the privacy of existing residents.</p> <p>In residential areas of distinctive townscape character an increase in density should only be allowed in exceptional circumstances.</p>	<ul style="list-style-type: none"> ▪ PPS 7 ▪ PPS 13
<p>PCP 2: Good Design</p> <p>Good design should be the aim of all those involved in housing development and will be encouraged everywhere.</p> <p>All new housing developments should demonstrate a high quality of design, layout and landscaping.</p>	<ul style="list-style-type: none"> ▪ PPS1 (now superseded by SPPS) ▪ PPS 7
<p>3: Sustainable Forms of Development</p> <p>The use of greenfield land for housing should be reduced and more urban housing accommodated through the recycling of land and buildings. More housing should also be promoted in city and town centres and mixed-use development encouraged.</p> <p>Major housing development should be concentrated in sustainable locations facilitating a high degree of integration with centres of employment, community services and public transport and taking advantage of existing infrastructure.</p> <p>Local facilities, services and adequate infrastructure should be integrated into new housing development to meet the needs of the community.</p>	<ul style="list-style-type: none"> ▪ PPS 1 (now superseded by SPPS) ▪ PPS7 ▪ PPS 13 ▪ Supplemented by Policy HS 1

A clear design concept should be established for all housing schemes or mixed-use development.	
<p>PCP 4: Balanced Communities</p> <p>Social housing should be provided by developers as an integral element of larger housing developments where a need is identified.</p> <p>Where a need is identified for Travellers specific accommodation this should be facilitated at suitable sites.</p> <p>A mix of house types and sizes should be provided to promote choice and assist in meeting community needs.</p>	<p>▪ PPS 7</p> <p>▪ Supplemented by Policies HS 2 & HS 4</p>

<p>Policy HS 1</p> <p>Living Over the Shop</p>
<p>Planning permission will be granted for residential use above shops and other business premises subject to the provision of:</p> <ul style="list-style-type: none"> • a suitable living environment; and • adequate refuse storage space (large enough to allow for the separation of recyclable waste). <p>A flexible approach will be applied to car parking provision having regard to the circumstances of each case.</p> <p>Where external alterations are proposed to facilitate the conversion of existing premises to residential use these will only be permitted where they are in keeping with the host building and the character of the surrounding area in terms of design, scale and use of materials.</p>

<p>Policy HS 2</p> <p>Social Housing</p>
<p>In locations where a demonstrable housing need is identified by the Northern Ireland Housing Executive, planning permission for housing proposals will only be granted where provision is made for a suitable mix of housing types and tenures to meet the range of market and social housing needs identified.</p> <p>The proportion of land or units to be set aside for social housing will be determined as part of the development control process.</p>

Policy HS 3

Travellers Accommodation (Amended)

Where a local housing needs assessment identifies that there is a demonstrable need for Travellers specific accommodation, planning permission will be granted for a suitable facility which meets this need. This may be provided through either a grouped housing scheme, a serviced site or a transit site where the following criteria are met:

- adequate landscaping is provided;
- the development is compatible with existing and proposed buildings and structures in the area paying particular regard to environmental amenity; and
- where appropriate, the provision of workspace, play space and visitor parking is provided.

Where a need is identified for a transit site or a serviced site, which cannot readily be met within an existing settlement in the locality, applications will be required to meet the policy requirements of Policy CTY 5 – 'Social and Affordable Housing' as set out in PPS 21.

Exceptionally, and without a requirement to demonstrate need, a single family traveller transit site or serviced site may be permitted in the countryside. Such proposals will be assessed on their merits.

In all cases planning authorities will take full account of planning, environmental and other material considerations – for example the availability of suitable infrastructure and services.

Policy HS 4

House Types and Size

Planning permission will only be granted for new residential development of 25 or more units, or on sites of one hectare or more, where a mix of house types and sizes is provided. In smaller schemes the need to provide greater variety in type and size will be considered on its individual merits.

The required mix of house types and sizes will be negotiated with developers, taking account of the specific characteristics of the development, the site and its context.

In locations where apartment development of 25 or more units is considered acceptable, variety in the size of units will be required.

Planning Policy Statement 21 'Development in the Countryside'

Policy CTY 1

Development in the Countryside (Relating to Housing)

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Details of these are set out below.

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

Housing Development

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;
- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10.

Planning permission will also be granted in the countryside for:

- a small group of houses in a designated Dispersed Rural Community in accordance with Policy CTY 2;
- the conversion of a non-residential building to a dwelling(s) in accordance with Policy CTY 4;
- the provision of social and affordable housing in accordance with Policy CTY 5;
- a residential caravan or mobile home in accordance with Policy CTY 9;
- the conversion of a listed building to residential accommodation in accordance with the policies of PPS 6;

- an extension to a dwelling house where this is in accordance with the Addendum to PPS 7; or
- Travellers Accommodation where this is in accordance with Policy HS 3 of PPS 12.

Non-Residential Development

Planning permission will be granted for non-residential development in the countryside in the following cases:

- farm diversification proposals in accordance with Policy CTY 11;
- agricultural and forestry development in accordance with Policy CTY 12;
- the reuse of an existing building in accordance with Policy CTY 4;
- tourism development in accordance with the TOU Policies of PSRNI;
- industry and business uses in accordance with PPS 4 (currently under review);
- minerals development in accordance with the MIN Policies of PSRNI;
- outdoor sport and recreational uses in accordance with PPS 8;
- renewable energy projects in accordance with PPS 18; or
- a necessary community facility to serve the local rural population.

There are a range of other types of non-residential development that may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development. Proposals for such development will continue to be considered in accordance with existing published planning policies.

Policy CTY 2

Development in Dispersed Rural Communities

Within a Dispersed Rural Community (DRC) designated in a development plan planning permission will be granted to suitable proposals for a small cluster or 'clachan' style development of up to 6 houses at an identified focal point. Permission will generally be limited to one cluster per focal point.

Appropriate economic development enterprises, including schemes for tourist development, and new social or community facilities may also be accommodated.

The design of all proposals should be of a high quality appropriate to their rural setting and have regard to local distinctiveness.

Proposals for individual dwellings or social / affordable housing schemes in DRCs will be assessed against the other policy provisions of this PPS.

Policy CTY 2a New Dwellings in Existing Clusters

Planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- the cluster appears as a visual entity in the local landscape;
- the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,
- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- development would not adversely impact on residential amenity.

Policy CTY 3 Replacement Dwellings

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings.

Buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not however be eligible for replacement under this policy.

Favourable consideration will however be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.

In cases where a dwelling has recently been destroyed, for example, through an accident or a fire, planning permission may be granted for a replacement dwelling. Evidence about the status and previous condition of the building and the cause and extent of the damage must be provided.

Non-listed Vernacular Dwellings

The retention and sympathetic refurbishment, with adaptation if necessary, of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement. Proposals involving the replacement of such dwellings will be assessed as follows:

- if the dwelling makes an important contribution to the heritage, appearance or character of the locality planning permission will only be granted where it is

demonstrated that it is not reasonably capable of being made structurally sound or otherwise improved.

- if the dwelling does not make an important contribution to the heritage, appearance or character of the locality, planning permission will be granted for a new dwelling. In such cases the retention of the existing structure will be accepted where it is sympathetically incorporated into the layout of the overall development scheme, for example as ancillary accommodation or a store, to form an integrated building group.

In cases where the original building is retained, it will not be eligible for replacement again. Equally, this policy will not apply to buildings where planning permission has previously been granted for a replacement dwelling and a condition has been imposed restricting the future use of the original building, or where the building is immune from enforcement action as a result of non-compliance with a condition to demolish.

All Replacement Cases

In addition to the above, proposals for a replacement dwelling will only be permitted where all the following criteria are met:

- the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;
- the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building;
- the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness;
- all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and
- access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

For the purposes of this policy 'curtilage' will mean the immediate, usually defined and enclosed area surrounding an existing or former dwelling house.

Listed Dwellings

The policy provisions of PPS 6 state that there is a presumption in favour of the retention of buildings listed as being of special architectural or historic interest. Planning permission will not therefore be granted for the replacement of a listed dwelling unless there are exceptional circumstances.

Policy CTY 5**Social and Affordable Housing**

Planning permission may be granted for a group of no more than 14 dwellings adjacent to or near a small settlement to provide social and affordable housing to meet the needs of the rural community

Planning permission will only be granted where the application is made by a registered Housing Association and where a demonstrable need has been identified by the Northern Ireland Housing Executive which cannot readily be met within an existing settlement in the locality.

In assessing the acceptability of sites outside a small settlement, the following sequential test in terms of location will be applied:

- (a) land adjacent to the existing settlement limit, subject to amenity and environmental considerations;
- (b) a site close to the settlement limits which currently contains buildings or where the site is already in a degraded or derelict state and there is an opportunity to improve the environment;
- (c) an undeveloped site in close proximity to the settlement where the development could be visually integrated into the landscape.

All proposals will need to be sited and designed to integrate sympathetically with their surroundings and meet other planning criteria and policy requirements.

Generally, only one group will be permitted in close proximity to any particular rural settlement or within any particular Dispersed Rural Community.

Policy CTY 6**Personal and Domestic Circumstances**

Planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicant's personal or domestic circumstances and provided the following criteria are met:

- a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and
- b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

All permissions granted under this policy will be subject to a condition restricting the occupation of the dwelling to a named individual and their dependents.

Policy CTY 7**Dwellings For Non-Agricultural Business Enterprises**

Planning permission will be granted for a dwelling house in connection with an established non-agricultural business enterprise where a site specific need can be clearly demonstrated that makes it essential for one of the firm's employees to live at the site of their work.

Where such a need is accepted the dwelling house will need to be located beside, or within, the boundaries of the business enterprise and integrate with the buildings on the site.

Planning permission granted under this policy will be subject to a condition restricting occupation of the dwelling for the use of the business

Policy CTY 8**Ribbon Development**

Planning permission will be refused for a building which creates or adds to a ribbon of development.

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

In certain circumstances it may also be acceptable to consider the infilling of such a small gap site with an appropriate economic development proposal including light industry where this is of a scale in keeping with adjoining development, is of a high standard of design, would not impact adversely on the amenities of neighbouring residents and meets other planning and environmental requirements.

Policy CTY 9 Residential Caravans and Mobile Homes

Planning permission may be granted for a residential caravan or mobile home, for a temporary period only, in exceptional circumstances.

These exceptional circumstances include:

- the provision of temporary residential accommodation pending the development of a permanent dwelling; or
- where there are compelling and site-specific reasons related to personal or domestic circumstances (see Policy CTY 6).

All permissions will normally be subject to a three-year time limit. However, this may be extended having regard to the particular circumstances of the case.

The siting of a residential caravan or mobile home will be subject to the same planning and environmental considerations as a permanent dwelling. Permission will depend on the ability to integrate the unit within an existing building group and screen the unit from public view. Residential caravans or mobile homes on farms will be required to be visually linked or sited to cluster with an established group of buildings on the farm.

Policy CTY 10 Dwellings on Farms

Planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) the farm business is currently active and has been established for at least 6 years;
- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - demonstrable health and safety reasons; or
 - verifiable plans to expand the farm business at the existing building group(s)

In such circumstances the proposed site must also meet the requirements of CTY 13(a-f), CTY 14 and CTY 16.

Planning permission granted under this policy will only be forthcoming once every 10 years.

A proposal for a dwelling by those involved in the keeping and breeding of horses for commercial purposes will also be assessed under the criteria set out in this policy.

Policy CTY 13

Integration and Design of Buildings in the Countryside

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where:

- a) it is a prominent feature in the landscape; or
- b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- c) it relies primarily on the use of new landscaping for integration; or
- d) ancillary works do not integrate with their surroundings; or
- e) the design of the building is inappropriate for the site and its locality; or
- f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
- g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

Policy CTY 15

The Setting of Settlements

Planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl.

***Supplementary text is available for the policy via the following links**

- [Planning Policy Statement 12 'Housing in Settlements' \(DRD, 2005\)](#)
- [PPS 12: Policy HS3 \(Amended\) 'Travellers Accommodation'](#)
- [Planning Policy Statement 21 'Sustainable Development in the Countryside' \(DOE, 2010\)](#)

3. Community Facilities

Introduction

- 3.1 This section of the paper provides an interim policy review of the planning policy principles in current policy relating to Community Facilities. The purpose of this review is to seek agreement on strategic policy direction for our new Local Development Plan. The detail of the current operational policy will be reviewed in further detail once agreement is reached on the overall principle of the policy.
- 3.2 Current operational policy is set out at the strategic level in the Strategic Planning Policy Statement (SPPS) and also in the remaining operational Planning Policy Statements (PPSs) and other guidance. The remaining operational policies will no longer apply once the first part of the new Local Development Plan, the Plan Strategy, is adopted.
- 3.3 This paper sets out the current policy that applies and reviews the requirements of both the SPPS and remaining PPSs. The paper finally assesses the future of the thrust of the remaining operational policy and makes a recommendation on whether or not the policy should be retained as part of our new Local Development Plan.
- 3.4 Details of the policies are set out in Annex A.

Current Planning Policy

- 3.5 Relevant policies in relation to Community Facilities are set out in:
 - Strategic Planning Policy Statement (DOE, 2015)
 - A Planning Strategy for Rural Northern Ireland (DOE, 1993)
 - Planning Policy Statement 7 'Quality Residential Environments' (DOE, 2001)
 - Planning Policy Statement 21 'Sustainable Development in the Countryside' (DOE, 2010)

Strategic Planning Policy Statement

- 3.6 Community facilities can be defined as those undertakings which provide necessary services for the wellbeing of society which include educational facilities, libraries, health and social services, cultural facilities and arts infrastructure.
- 3.7 The SPPS recognises the importance of allocating sufficient land to meet the anticipated needs of the community, in terms of health, education, community facilities and other public services. It enables Councils, where appropriate, to bring forward local policies that contribute to health and well-being, to include the provision of health, community and cultural infrastructure.
- 3.8 The SPPS highlights that local facilities of a high standard which are incorporated into the overall design and layout of new residential developments are fundamental for increasing vitality, community cohesion and socio-economic sustainability. It advises that major housing should be located in sustainable locations that facilitate a high degree of integration with employment centres, community services and public transport and promotes the integration of adequate infrastructure into new housing development to meet the needs of the community.

- 3.9 The SPPS also seeks to protect and enhance diversity in the range of town centre uses such as leisure, community and cultural facilities.

Summary of Relevant Planning Policy Statements

A Planning Strategy for Rural Northern Ireland (PSRNI)

- 3.10 Whilst the majority of policies contained in the Strategy have been superseded the strategic policy objectives of PSRNI prevail. The policy (in so far as it applies to community facilities) is summarised as:
- Policy PSU 1 Community Needs – this policy sets out the requirement to allocate sufficient land to meet the anticipated needs of the community, in terms of health, education and other public facilities.

Planning Policy Statement 7 ‘Quality Residential Developments’ (PPS 7)

- 3.11 PPS 7 outlines the policy direction for achieving high quality new residential developments with focus on providing an appropriate level of facilities to meet the needs of new communities. The policy (in so far as it applies to community facilities) is summarised as:
- Policy QD 1 Quality in New Residential Development – this policy focuses on the design and layout of new residential developments, ensuring that adequate provision is made for necessary local neighbourhood facilities.

Planning Policy Statement 21 ‘Sustainable Development in the Countryside’ (PPS 21)

- 3.12 PPS 21 sets out a range of policies which seek to manage development in a manner which strikes a balance between the need to protect the countryside from unnecessary or inappropriate development, while supporting rural communities. The policies (in so far as they apply to community facilities) are summarised as:
- Policy CTY 1 Development in the Countryside- This policy provides for necessary community facilities to serve rural populations.
 - Policy CTY 2 Development in Dispersed Rural Communities – This policy enables new social or community facilities to be accommodated within Dispersed Rural Communities where design, the appropriateness of the development to the rural setting and local distinctiveness are key considerations.

Assessment of existing PPS’s against the provisions of the SPPS

- 3.13 The policies contained within the PSRNI, PPS 7 and PPS 21 in relation to Community Facilities generally reflect those contained within the SPPS, except for Policy CTY 2 of PPS 21 (Dispersed Rural Communities) which is not referred to in the SPPS.

Other Relevant Guidance

- 3.14 In addition to the above operational planning policy there are a number of published guidance documents and Development Control Advice Notices (DCANs) that relate to the provision of community facilities. DCANs represent non-statutory planning

guidance which is intended to supplement, elucidate and exemplify policy documents including PPSs and development plans².

3.15 Supplementary guidance on community facilities are outlined in:

- [DCAN 9: Residential and Nursing Homes \(DOE, 1987\)](#)
- [DCAN13: Crèches, Day Nurseries and Pre-School Playgroups \(DOE, 1993\)](#)
- [Living Places: An Urban Stewardship and Design Guide for Northern Ireland \(DOE, 2014\)](#)
- [Creating Places: Achieving Quality in Residential Developments \(DOE, DRD, 2000\)](#)

3.16 The SPPS directs that these documents will remain material considerations and are to be retained.

Consideration and Recommendation

3.17 It is considered that the broad thrust and policy principles established by the PSRNI, PPS 7 and PPS 21, in relation to community facilities, generally reflect what is set out in the SPPS.

3.18 The broad thrust and policy principles are summarised as:-

- Support rural communities through the provision of community facilities
- Ensure adequate land is allocated for community facilities
- Ensure adequate provisions for community facilities are incorporated into new residential developments

3.19 It is further considered by planning officers that the broad thrust and policy principles are acceptable in terms of operational planning policy and work effectively.

3.20 Therefore it is recommended that the policy principles for community facilities are taken forward in the development of new policy for our local development plan.

² Available to download at <http://www.planningni.gov.uk/index/policy.htm>

Annex A – Current Operational Planning Policy***Planning Strategy for Rural Northern Ireland (DOE, 1993)**

Policy PSU 1
Community Needs

To allocate sufficient land to meet the anticipated needs of the community, in terms of health, education and other public facilities.

Planning Policy Statement 7 'Quality Residential Environments' (DOE, 2001)**Policy QD 1****Quality in New Residential Development**

Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

In Conservation Areas and Areas of Townscape Character housing proposals will be required to maintain or enhance their distinctive character and appearance. In the primarily residential parts of these designated areas proposals involving intensification of site usage or site coverage will only be permitted in exceptional circumstances.

All proposals for residential development will be expected to conform to all of the following criteria:

- a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;
- b) (b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;
- c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;
- e) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;
- f) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way,

- provides adequate and convenient access to public transport and incorporates traffic calming measures;
- g) adequate and appropriate provision is made for parking;
 - h) the design of the development draws upon the best local traditions of form, materials and detailing;
 - (h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and
 - (i) The development is designed to deter crime and promote personal safety.

Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.

Planning Policy Statement 21 'Sustainable Development in the Countryside' (DOE, 2010)

Policy CTY 1

Development in the Countryside

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Details of these are set out below.

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

Housing Development

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;
- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;

- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10.

Planning permission will also be granted in the countryside for:

- a small group of houses in a designated Dispersed Rural Community in accordance with Policy CTY 2;
- the conversion of a non-residential building to a dwelling(s) in accordance with Policy CTY 4;
- the provision of social and affordable housing in accordance with Policy CTY 5;
- a residential caravan or mobile home in accordance with Policy CTY 9;
- the conversion of a listed building to residential accommodation in accordance with the policies of PPS 6;
- an extension to a dwelling house where this is in accordance with the Addendum to PPS 7; or
- Travellers Accommodation where this is in accordance with Policy HS 3 of PPS 12.

Non-Residential Development

Planning permission will be granted for non-residential development in the countryside in the following cases:

- farm diversification proposals in accordance with Policy CTY 11;
- agricultural and forestry development in accordance with Policy CTY 12;
- the reuse of an existing building in accordance with Policy CTY 4;
- tourism development in accordance with the TOU Policies of PSRNI;
- industry and business uses in accordance with PPS 4 (currently under review);
- minerals development in accordance with the MIN Policies of PSRNI;
- outdoor sport and recreational uses in accordance with PPS 8;
- renewable energy projects in accordance with PPS 18; or
- A necessary community facility to serve the local rural population.

There are a range of other types of non-residential development that may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development. Proposals for such development will continue to be considered in accordance with existing published planning policies.

Policy CTY 2**Development in Dispersed Rural Communities**

Within a Dispersed Rural Community (DRC) designated in a development plan planning permission will be granted to suitable proposals for a small cluster or 'clachan' style development of up to 6 houses at an identified focal point. Permission will generally be limited to one cluster per focal point.

Appropriate economic development enterprises, including schemes for tourist development, and new social or community facilities may also be accommodated.

The design of all proposals should be of a high quality appropriate to their rural setting and have regard to local distinctiveness.

Proposals for individual dwellings or social / affordable housing schemes in DRCs will be assessed against the other policy provisions of this PPS.

***Supplementary text is available for the policy via the following links**

- [Planning Strategy for Rural Northern Ireland \(DOE, 1993\)](#)
- [Planning Policy Statement 7 'Quality Residential Environments' \(DOE, 2001\)](#)
- [Planning Policy Statement 21 'Sustainable Development in the Countryside' \(DOE, 2010\)](#)

4. Open space, Sport and Recreation

Introduction

- 4.1 This section of the paper provides an interim policy review of the planning policy principles in current policy relating to Open Space, Sport and Outdoor Recreation. The purpose of this review is to seek agreement on strategic policy direction for our new Local Development Plan. The detail of the current operational policy will be reviewed in further detail once agreement is reached on the overall principle of the policy. The definition of open space is set out in Annex A.
- 4.2 Current operational policy is set out at the strategic level in the Strategic Planning Policy Statement (SPPS) and also in the remaining operational planning policy statements (PPSs) and other guidance. The remaining operational policies will no longer apply once the first part of the new Local Development Plan, the Plan Strategy, is adopted.
- 4.3 This paper sets out the current policy that applies and reviews the requirements of both the SPPS and remaining PPSs. The paper finally assesses the future of the thrust of the remaining operational policy and makes a recommendation on whether or not the policy should be retained as part of our new Local Development Plan.
- 4.4 Details of the policies are set out in Annex B.

Current Planning Policy Context

- 4.5 Relevant policies in relation to 'Open Space, Sport and Outdoor Recreation' are set out in:
 - Strategic Planning Policy Statement, (DOE, 2015)
 - Planning Policy Statement 8 'Open Space, Sport and Outdoor Recreation' (DOE, 2004)
 - Planning Policy Statement 7 'Quality Residential Development' (DOE, 2001)
 - Planning Policy Statement 21 'Sustainable Development in the Countryside' (DOE, 2010)

Strategic Planning Policy Statement

- 4.6 The SPPS contains a section on Open Space, Sport and Outdoor Recreation. It recognises the importance of open space and consequently there is a presumption against the loss of existing open space and sites for future provision of open space, subject to a number of exceptions.
- 4.7 The SPPS states that councils should bring forward a policy for new residential developments (generally over 25 units) to provide adequate open space as an integral part of development. This should also include provision for the future maintenance of such areas.
- 4.8 The SPPS includes policy provisions for intensive sports facilities, to be located within settlement limits and the provision for stadia to be located outside of settlement limits.
- 4.9 The SPPS also states that the impact of noise generating uses, where there is the potential to create nuisance and disturbance, should be considered and only allowed where there is no unacceptable level of disturbance.

- 4.10 The SPPS identifies that LDPs should contain policy for the development of outdoor recreation in the countryside, taking into account issues like visual and residential amenity; public and road safety; impact on natural and built heritage; and accessibility.
- 4.11 The SPPS also identifies that LDPs should carefully consider proposals for ALL types of sport and outdoor recreation facilities, including facilities ancillary to watersports use, taking into account a range of planning considerations. This includes any provision of floodlighting.

Summary of Relevant Planning Policy Statements

Planning Policy 8 'Open Space, Sport and Recreation'

- 4.12 PPS 8 contains the following objectives:
- To safeguard existing open space and sites identified for future such provision;
 - To ensure 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;
 - To facilitate appropriate outdoor recreational activities in the countryside;
 - To ensure that new open space areas and sporting facilities are convenient and accessible for all sections of society, particularly children, the elderly and those with disabilities;
 - To achieve high standards of siting, design and landscaping for all new open space areas and sporting facilities; and
 - To ensure that the provision of new open space areas and sporting facilities is in keeping with the principles of environmental conservation and helps sustain and enhance biodiversity.
- 4.13 The relevant policies are summarised as:
- Policy OS 1 Protection of Open Space - This policy provides for the protection of existing open space and land zoned for the provision of open space, subject to limited exceptions.
 - Policy OS 2 Public Open Space in New Residential Development - This policy secures the inclusion of open space as part of residential development and identifies the amount, type and provisions for the ongoing management of open space.
 - Policy OS 3 Outdoor Recreation in the Countryside - Proposals for outdoor recreation use in the countryside are permitted subject to a list of protectionist criteria.
 - Policy OS 4 Intensive Sport Facilities -This policy provides for the development of intensive sports facilities only within settlements, or a stadium elsewhere, subject to a list of exceptions. The policy identifies a list of criteria that all intensive sports facilities must meet.
 - Policy OS 5 Noise Generating Sport and Outdoor Recreation Activities - This policy identifies that these will only be allowed in circumstances where there is no unacceptable level of disturbance.

- Policy OS 6 Development of Facilities ancillary to Water Sports - This policy allows for the development of water sports facilities adjacent to inland lakes, reservoirs and waterways, subject to a number of protectionist criteria.
- Policy OS 7 The Floodlighting of Sports and Outdoor Recreation Facilities - These will only be allowed where there is no adverse or unacceptable impact on amenity or safety.

Planning Policy Statement 7 'Quality residential Developments'

4.14 PPS 7 sets out a range of policies in relation to residential development. The policy (in so far as it applies to open space) is summarised as:

- Policy QD 1 Quality in New Residential Development - This policy states that permission will only be granted for new residential development, where a quality and sustainable residential environment is created. The list of criteria includes provision for adequate provision for public and private open space and landscape features.

Planning Policy Statement 21 'Sustainable Development in the Countryside'

4.15 PPS 21 sets out a range of policies in relation to development in the countryside. The policy (in so far as it applies to Open Space) is summarised as:

- Policy CTY 1 – Development in the Countryside - The policy allows for the development of outdoor sport and recreation facilities in line with PPS 8, as well as the general PPS 21 policies relating to siting and design.

Assessment of Existing PPS's against the provisions of SPPS

4.16 The policies contained within PPS 8, PPS 7 and PPS 21 in relation to Open Space, Sport and Outdoor Recreation generally reflect those contained within the SPPS.

Other Relevant Guidance

4.17 In addition to the above operational policy there are a number of published guidance documents and Development Control Advice Notices (DCANs) that relate to the provision of Open Space, Sport and Outdoor Recreation. DCANs represent non-statutory planning guidance which is intended to supplement, elucidate and exemplify policy documents including PPSs and development plans³.

4.18 Supplementary guidance on open space, sport and outdoor recreation are outlined in:

- [Living Places - An Urban Stewardship and Design Guide for Northern Ireland \(DOE, 2014\)](#)
- [Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside \(DOE, 2012\)](#)
- [Creating Places: Achieving quality in residential environments \(DOE, 2002\)](#)
- [DCAN 8: Housing in Existing Urban Areas \(DOE, 2002\)](#)

³ Available to download at <http://www.planningni.gov.uk/index/policy.htm>

- 4.19 The SPPS directs that these documents will remain material considerations and are to be retained.

Consideration and Recommendation

- 4.20 It is considered that the broad thrust and policy principles established by PPS's 8, 7 and 21, in relation to Open Space, Sport and Outdoor Recreation, broadly reflect what is set out in the SPPS.
- 4.21 The broad thrust and policy principles are summarised as:-
- Protection of existing open space
 - Provision for new public/private open space in residential developments
 - Encourage outdoor recreational development in the countryside
 - Encourage intensive sports facilities within settlements
 - Ensure no adverse amenity from noise generating sports and outdoor recreation and from floodlighting
 - Encourage ancillary facilities to water sports
- 4.22 It is further considered by planning officers that the broad thrust and policy principles are acceptable in terms of operational planning policy and work effectively.
- 4.23 Therefore it is recommended that the policy principles for open space, sport and outdoor recreation are taken forward in the development of new policy for our Local Development Plan.

Annex A – Definition of Open Space

The definition of Open Space is as set out in Planning Policy Statement 8 Annex A:-

For the purposes of this Planning Policy Statement, open space is taken to mean all open space of public value, including not just land, but also inland bodies of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and outdoor recreation and can also act as a visual amenity.

The following typology illustrates the broad range of open spaces that are of public value:

- (i) Parks and gardens – including urban parks, country parks, forest parks and formal gardens;
- (ii) Outdoor sports facilities (with natural or artificial surfaces and either publicly or privately owned) – including tennis courts, bowling greens, sport pitches, golf courses, athletic tracks, school and other institutional playing fields, and other outdoor sports areas;
- (iii) Amenity green space (most commonly, but not exclusively in housing areas) – including informal recreation spaces, communal green spaces in and around housing, and village greens;
- (iv) Provision for children and teenagers – including play areas, kickabout areas, skateboard parks and outdoor basketball hoops;
- (v) Green corridors – including river and canal banks, amenity footpaths and cycleways;
- (vi) Natural and semi-natural urban green spaces – including woodlands, urban forestry, grasslands (eg. meadows), wetlands, open and running water, and rock areas (eg. cliffs);
- (vii) Allotments and community gardens;
- (viii) Cemeteries and churchyards; and
- (ix) Civic spaces, including civic and market squares and other hard surface areas designed for pedestrians."

Annex B – Current Operational Planning Policy*

Planning Policy Statement 8 ‘Open Space Sport and Outdoor Recreation’

Policy OS 1 Protection of Open Space

The Department will not permit development that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance.

An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.

An exception will also be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area and where either of the following circumstances occur:

(i) in the case of an area of open space of 2 hectares or less, alternative provision is made by the developer which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality; or

(ii) in the case of playing fields and sports pitches within settlement limits, it is demonstrated by the developer that the retention and enhancement of the facility can only be achieved by the development of a small part of the existing space - limited to a maximum of 10% of the overall area - and this will have no adverse effect on the sporting potential of the facility. This exception will be exercised only once.

Policy OS 2 Public Open Space in New Residential Development

The Department will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. In smaller residential schemes the need to provide public open space will be considered on its individual merits.

An exception to the requirement of providing public open space will be permitted in the case of apartment developments or specialised housing where a reasonable level of private communal open space is being provided.

An exception will also be considered in cases where residential development is designed to integrate with and make use of adjoining public open space. Where the provision of public open space is required under this policy, the precise amount, location, type and design of such provision will be negotiated with applicants taking account of the specific characteristics of the development, the site and its context and having regard to the following:

- (i) A normal expectation will be at least 10% of the total site area;
- (ii) For residential development of 300 units or more, or for development sites of 15 hectares or more, a normal expectation will be around 15% of the total site area; and
- (iii) Provision at a rate less than 10% of the total site area may be acceptable where the residential development:
 - is located within a town or city centre; or
 - is close to and would benefit from ease of access to areas of existing public open space; or
 - provides accommodation for special groups, such as the elderly or people with
 - disabilities; or
 - incorporates the 'Home Zone' concept.

For residential development of 100 units or more, or for development sites of 5 hectares or more, an equipped children's play area will be required as an integral part of the development. The Department will consider an exception to this requirement where an equipped children's play area exists within reasonable walking distance (generally around 400 metres) of the majority of the units within the development scheme.

Public open space required by this policy will be expected to conform to all the following criteria:

- it is designed in a comprehensive and linked way as an integral part of the development;
- it is of demonstrable recreational or amenity value;
- it is designed, wherever possible, to be multi-functional;
- it provides easy and safe access for the residents of the dwellings that it is designed to serve;
- its design, location and appearance takes into account the amenity of nearby residents and the needs of people with disabilities; and
- it retains important landscape and heritage features and incorporates and protects these in an appropriate fashion.

Planning permission will not be granted until the developer has satisfied the Department that suitable arrangements will be put in place for the future

management and maintenance in perpetuity of areas of public open space required under this policy.

Arrangements acceptable to the Department include:

- (a) a legal agreement transferring ownership of and responsibility for the open space to the local district council; or
- (b) a legal agreement transferring ownership of and responsibility for the open space to a charitable trust registered by the Charity Commission or a management company supported by such a trust; or
- (c) a legal agreement transferring ownership of and responsibility for the open space to a properly constituted residents' association with associated management arrangements.

In all cases developers will be responsible for the laying out and landscaping of public open space required under this policy.

Policy OS 3

Outdoor Recreation in the Countryside

The Department will permit the development of proposals for outdoor recreational use in the countryside where all the following criteria are met:

- (i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;
- (ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;
- (iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;
- (iv) there is no unacceptable impact on the amenities of people living nearby;
- (v) public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;
- (vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;
- (vii) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and
- (viii) the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal

Policy OS 4 **Intensive Sports Facilities**

The Department will only permit the development of intensive sports facilities where these are located within settlements.

An exception may be permitted in the case of the development of a sports stadium where all the following criteria are met:

- (i) there is no alternative site within the settlement which can accommodate the development;
- (ii) the proposed development site is located close to the edge of the settlement and can be clearly identified as being visually associated with the settlement;
- (iii) there is no adverse impact on the setting of the settlement; and
- (iv) The scale of the development is in keeping with the size of the settlement.

In all cases the development of intensive sports facilities will be required to meet all the following criteria:

- there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated;
- there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;
- buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;
- the proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport; and
- the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.

Policy OS 5 **Noise Generating Sports and Outdoor Recreation Facilities**

The Department will only permit the development of sport or outdoor recreational activities that generate high levels of noise where all the following criteria are met:

- (i) there is no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses;
- (ii) there is no unacceptable level of disturbance to farm livestock and wildlife; and
- (iii) There is no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude.

In locations where apartment development of 25 or more units is considered acceptable, variety in the size of units will be required.

Policy OS 6

Development of Facilities ancillary to Water Sports

The Department will permit the development of facilities ancillary to water sports adjacent to inland lakes, reservoirs and waterways where all the following criteria are met:

- (i) it is compatible with any existing use of the water, including non-recreational uses;
- (ii) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;
- (iii) there is no adverse impact on visual amenity or the character of the local landscape;
- (iv) it will not result in water pollution or an unacceptable level of noise or disturbance;
- (v) buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;
- (vi) the proposed facility takes into account the needs of people with disabilities; and
- (vii) There is no conflict with the provisions of any local management plan.

Policy OS 7

The Floodlighting of Sports and Outdoor Recreational Facilities

The Department will only permit the development of floodlighting associated with sports and outdoor recreational facilities where all the following criteria are met:

- i. there is no unacceptable impact on the amenities of people living nearby;
- ii. there is no adverse impact on the visual amenity or character of the locality; and
- iii. public safety is not prejudiced.

Planning Policy Statement 7 'Quality Residential Environments'

PPS 7 Policy QD 1

Quality in New Residential Development

Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

In Conservation Areas and Areas of Townscape Character housing proposals will be required to maintain or enhance their distinctive character and appearance. In the

primarily residential parts of these designated areas proposals involving intensification of site usage or site coverage will only be permitted in exceptional circumstances.

All proposals for residential development will be expected to conform to all of the following criteria:

- (a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;
- (b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;
- (c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;
- (d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;
- (e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;
- (f) adequate and appropriate provision is made for parking;
- (g) the design of the development draws upon the best local traditions of form, materials and detailing;
- (h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and
- (i) the development is designed to deter crime and promote personal safety.

Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.

Planning Policy Statement 21 'Sustainable Development in the Countryside'

Policy CTY 1

Development in the Countryside

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Details of these are set out below.

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

Housing Development

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;
- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10.
- Planning permission will also be granted in the countryside for:
 - a small group of houses in a designated Dispersed Rural Community in accordance with Policy CTY 2;
 - the conversion of a non-residential building to a dwelling(s) in accordance with Policy CTY 4;
 - the provision of social and affordable housing in accordance with Policy CTY 5;
 - a residential caravan or mobile home in accordance with Policy CTY 9;
 - the conversion of a listed building to residential accommodation in accordance with the policies of PPS 6;
 - an extension to a dwelling house where this is in accordance with the Addendum to PPS 7; or
 - Travellers Accommodation where this is in accordance with Policy HS 3 of PPS 12.

Non-Residential Development

Planning permission will be granted for non-residential development in the countryside in the following cases:

- farm diversification proposals in accordance with Policy CTY 11;
- agricultural and forestry development in accordance with Policy CTY 12;
- the reuse of an existing building in accordance with Policy CTY 4;
- tourism development in accordance with the TOU Policies of PSRNI;
- industry and business uses in accordance with PPS 4 (currently under review);
- minerals development in accordance with the MIN Policies of PSRNI;
- outdoor sport and recreational uses in accordance with PPS 8;
- renewable energy projects in accordance with PPS 18; or
- a necessary community facility to serve the local rural population.

There are a range of other types of non-residential development that may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development. Proposals for such development will continue to be considered in accordance with existing published planning policies.

***Supplementary text is available for the policy via the following links**

- [Planning Policy Statement 8 'Open Space Sport and Outdoor Recreation' \(DOE, 2004\)](#)
- [Planning Policy Statement 7 'Quality Residential Environments' \(DOE, 2001\)](#)
- [Planning Policy Statement 21 'Sustainable Development in the Countryside' \(DOE, 2010\)](#)

5. Public Utilities

Introduction

- 5.1 This section of the paper provides an interim policy review of the planning policy principles in current policy relating to public utilities. The purpose of this review is to seek agreement on strategic policy direction for our new Local Development Plan. The detail of the current operational policy will be reviewed in further detail once agreement is reached on the overall principle of the policy.
- 5.2 Current operational policy is set out at the strategic level in the Strategic Planning Policy Statement (SPPS) and also in the remaining operational planning policy statements (PPSs) and other guidance. The remaining operational policies will no longer apply once the first part of the new Local Development Plan, the Plan Strategy, is adopted.
- 5.3 This paper sets out the current policy that applies and reviews the requirements of both the SPPS and remaining PPSs. The paper finally assesses the future of the thrust of the remaining operational policy and makes a recommendation on whether or not the policy should be retained as part of our new Local Development Plan.
- 5.4 Details of the policies are set out in Annex A.

Current Planning Policy Context

- 5.5 Relevant policies in relation to 'Public Utilities' are set out in:
 - Strategic Planning Policy Statement (DOE, 2015)
 - A Planning Strategy for Rural Northern Ireland (DOE, 1993)
 - Planning Policy Statement 10 'Telecommunications' (DOE, 2002)
 - Planning Policy Statement 11 'Planning and Waste Management' (DOE, 2002)

Strategic Planning Policy Statement

- 5.6 Public Utilities are those undertakings which provide necessary services to society, which include electricity, gas, telecommunications, clean water and waste water infrastructure.
- 5.7 The aim of the SPPS in relation to public utilities is to facilitate the development of such infrastructure in an efficient and effective manner whilst keeping the environmental impact to a minimum.
- 5.8 The SPPS states that development for new powerlines must be considered having regard to the potential impacts on amenity and should avoid areas of landscape sensitivity including Areas of Outstanding Natural Beauty (AONBs).
- 5.9 The SPPS in addition requires that proposals for new power lines should comply with the 1998 International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines which is not a requirement of Policy PSU 11.
- 5.10 The SPPS states that telecommunication development must keep visual and environmental impact to a minimum and where appropriate new developments are to be accommodated by mast and site sharing.
- 5.11 The SPPS highlights the importance of considering telecommunication development upon human health and public exposure to electromagnetic fields.

- 5.12 The SPPS identifies that the need for Waste Water Treatment Works (WWTWs) must be demonstrated to the departments satisfaction and where development has been proposed, it will not prejudice the operation and not give rise to unacceptable impact on people, transport, or the environment.

Summary of Relevant Planning Policy Statements

A Planning Strategy for Northern Ireland (PSRNI)

- 5.13 Whilst the majority of policies contained in the Strategy have been superseded the strategic policy objectives of PSRNI prevail. The policy (in so far as it applies to public utilities) is summarised as:
- Policy PSU 11 Overhead Cables - This policy gives direction for the siting of overhead cables, of which are to be controlled in terms of their visual impact upon the environment. Where overhead cables are present in urban areas the Policy aims to keep these to a minimum with preference being given to underground services where appropriate.

Planning Policy Statement 10 'Telecommunications' (PPS 10)

- 5.14 PPS 10 sets out a range of policies in relation to telecommunications. The policy (in so far as it applies to public utilities) is summarised as;
- Policy TEL 1 Control of Telecommunications Development – This policy provides for telecommunication development given that there is no unacceptable damage to visual amenity or harm to environmentally sensitive features or locations. It further states that regard must be made to the technical and operational constraints and that siting and design has been considered to minimise visual environmental impact.
 - Policy TEL 2 Development and Interference with Television Broadcasting Services – This policy outlines the refusal for telecommunication development that would result in undue interference with terrestrial television broadcasting services.

Planning Policy Statement 11 'Planning and Waste Management' (PPS 11)

- 5.15 PPS 11 sets out a range of policies for the development of waste management facilities. The policy (in so far as it applies to public utilities) is summarised as:
- Policy WM 2 Waste Collection and Treatment Facilities – this policy outlines that the need for waste collection and treatment facilities must be demonstrated to the Department's satisfaction.
 - Policy WM5 - Development in the Vicinity of Waste Management Facilities – This policy provides direction for the development of land in the vicinity of existing or approved waste management facilities and waste water treatment works (WWTWs).

Assessment of Existing PPS's against the provisions of the SPPS

- 5.16 The policies contained within PSRNI, PPS 10 and PPS 11 in relation to Public Utilities generally reflect those contained within the SPPS, except for PPS 10 Policy TEL2 where the SPPS focuses on undue interference caused to radio spectrum users by new telecommunications development rather than terrestrial television broadcasting services, as these have been replaced by technologies of broadcast television.

Other Relevant Guidance

- 5.17 In addition to the above operational policy there are a number of published guidance documents and Development Control Advice Notices (DCANs) that relate to the provision of Public Utilities. DCANs represent non-statutory planning guidance which is intended to supplement, elucidate and exemplify policy documents including PPSs and development plans⁴.
- 5.18 Supplementary guidance on public utilities are outlined in;
- [DCAN 14: Siting and Design of Radio Telecommunication Equipment \(DOE, 2008\)](#)
 - [Creating Places: Achieving Quality in Residential Developments \(DOE, DRD, 2000\)](#)
- 5.19 The SPPS directs that these documents will remain material considerations and are to be retained.

Consideration and Recommendation

- 5.20 It is considered that the broad thrust and policy principles established by PSRNI, PPS 10 and PPS 11, in relation to public utilities, generally reflect what is set out in the SPPS.
- 5.21 The broad thrust and policy principles are summarised as:-
- Protect visual amenity
 - Ensure no adverse impact on environmentally sensitive features or locations
 - Minimise interference to radio spectrum users
 - Ensure consideration is given to siting and design
 - Encourage underground utility provision where possible
 - Enable development of waste collection or treatment facilities to meet an identified need
 - Development within the vicinity of waste management facilities and WWTWs must not prejudice or unduly restrict activities or give rise to unacceptable adverse impacts on people, transport or the environment
- 5.22 It is further considered by planning officers that the broad thrust and policy principles are acceptable in terms of operational planning policy and work effectively.
- 5.23 Therefore it is recommended that the policy principles for public utilities are taken forward in the development of new policy for our local development plan.

⁴ Available to download at <http://www.planningni.gov.uk/index/policy.htm>

Annex A – Current Operational Planning Policy*

Planning Strategy for Rural Northern Ireland (DOE, 1993)

Policy PSU 11 Overhead Cables

The siting of electricity power lines and other overhead cables will be controlled in terms of the visual impact on the environment with particular reference being given to designated areas of landscape or townscape value.

One aspect of modern life is the presence of pylons and poles carrying overhead wires for telephone or electricity supply. This "wirescape" can be visually obtrusive particularly where the wires and poles figure above the skyline or where they dominate the streetscape in a built-up area.

Proposals for the development of new power lines or alterations to existing power lines may require to be accompanied by an Environmental Statement.

When considering a development proposal for the siting of electricity power lines and other overhead cables, the lines should be planned to:

- avoid areas of landscape sensitivity;
- avoid sites and areas of nature conservation or archaeological interest;
- minimise their visual intrusion;
- make sure that they follow the natural features of the environment; and
- ensure that wirescape in urban areas is kept to a minimum with preference being given to undergrounding services where appropriate.

In designated areas of landscape or townscape value, for example Conservation Areas or AONBs Planning Service will seek to enhance the visual amenity of the area by encouraging the removal of all unnecessary overhead wires and wires on building elevations. When new paving and footpaths are being laid, as part of an Environment Improvement Scheme, consideration will be given to putting services underground. The main emphasis will be placed on integration into the existing landscape/ townscape.

Planning Policy Statement 10 'Telecommunications' (DOE, 2002)

Policy TEL 1 Control of Telecommunications Development

The Department will permit proposals for telecommunications development where such proposals, together with any necessary enabling works, will not result in unacceptable damage to visual amenity or harm to environmentally sensitive features or locations.

Developers will therefore be required to demonstrate that proposals for telecommunications development, having regard to technical and operational constraints, have been sited and designed to minimise visual and environmental impact.

Proposals for the development of a new telecommunications mast will only be considered acceptable by the Department where the above requirements are met and it is reasonably demonstrated that:

- a) the sharing of an existing mast or other structure has been investigated and is not feasible; or
- b) a new mast represents a better environmental solution than other options.

Applications for telecommunications development by Code System Operators or broadcasters will need to include:

- (1) information about the purpose and need for the particular development including a description of how it fits into the operator's or broadcaster's wider network;
- (2) details of the consideration given to measures to mitigate the visual and environmental impact of the proposal; and
- (3) where proposals relate to the development of a mobile telecommunications base station, a statement:
- (4)
 - indicating its location, the height of the antenna, the frequency and modulation characteristics, details of power output; and
 - declaring that the base station when operational will meet the ICNIRP guidelines for public exposure to electromagnetic fields.

Where information on the above matters is not made available or is considered inadequate the Department will refuse planning permission

Policy TEL 2

Development and Interference with Television Broadcasting Services

The Department may refuse planning permission for development proposals which would result in undue interference with terrestrial television broadcasting services.

Planning Policy Statement 11 'Planning and Waste Management' (DOE, 2002)

Policy WM 2

Waste Collection and Treatment Facilities

Proposals for the development of a waste collection or treatment facility will be permitted where:

- (a) there is a need for the facility as established through the WMS and the relevant WMP, except in the case of Waste Water Treatment Works (WWTWs) where the need must be demonstrated to the Department's satisfaction; and
- (b) the proposed facility is the BPEO; and
- (c) the proposed facility complies with one or more of the following locational criteria:
 - it is located within an industrial or port area of a character appropriate to the development; or
 - it is suitably located within an active or worked out hard rock quarry or on the site of an existing or former waste management facility including a landfill site; or
 - it brings previously developed, derelict or contaminated land back into productive use or makes use of existing or redundant buildings; or

- in the case of a civic amenity and similar neighbourhood facilities the site is conveniently located in terms of access to service a neighbourhood or settlement whilst avoiding unacceptable adverse impact on the character, environmental quality and amenities of the local area; or
- where the proposal is in the countryside, it involves the reuse of existing buildings or is on land within or adjacent to existing building groups. Alternatively where it is demonstrated that new buildings/plant are needed these must have an acceptable visual and environmental impact; and

(d) the following criteria are also met:

- in the case of a regional scale waste collection or treatment facility, its location relates closely to and benefits from easy access to key transport corridors and, where practicable makes use of the alternative transport modes of rail and water;
- proposals involving the sorting and processing of waste, are carried out within a purpose built or appropriately modified existing building, unless it can be demonstrated that part or all of the proposed operation can only be carried out in the open;
- the built development associated with the proposed methods of handling, storage, treatment and processing of waste is appropriate to the nature and hazards of the waste(s) concerned;
- proposals for the incineration of waste and other thermal processes, shall incorporate measures to maximise energy recovery both in the form of heat and electricity, taking account of prevailing technology, economics and characteristics of the waste stream involved; and
- it will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures (see Policy WM 1).

Policy WM 5

Development in the Vicinity of Waste Management Facilities

Proposals involving the development of land in the vicinity of existing or approved waste management facilities and waste water treatment works (WWTWs), will only be permitted where all the following criteria are met:

- it will not prejudice or unduly restrict activities permitted to be carried out within the waste management facility; and
- it will not give rise to unacceptable adverse impacts in terms of people, transportation systems or the environment.

***Supplementary text is available for the policy via the following links**

- [Planning Strategy for Rural Northern Ireland \(DOE, 1993\)](#)
- [Planning Policy Statement 10 'Telecommunications' \(DOE, 2002\)](#)
- [Planning Policy Statement 11 'Planning and Waste Management' \(DOE, 2002\)](#)

6. Transportation

Introduction

- 6.1 This section of the paper provides an interim policy review of the planning policy principles in current policy relating to Transportation. The purpose of this review is to seek agreement on strategic policy direction for our new Local Development Plan. The detail of the current operational policy will be reviewed in further detail once agreement is reached on the overall principle of the policy.
- 6.2 Current operational policy is set out at the strategic level in the Strategic Planning Policy Statement (SPPS) and also in the remaining operational planning policy statements (PPSs) and other guidance. The remaining operational policies will no longer apply once the first part of the new Local Development Plan, the Plan Strategy, is adopted.
- 6.3 This paper sets out the current policy that applies and reviews the requirements of both the SPPS and remaining PPSs. The paper finally assesses the future of the thrust of the remaining operational policy and makes a recommendation on whether or not the policy should be retained as part of our new Local Development Plan.
- 6.4 Details of the policies are set out in Annex A.

Current Planning Policy Context

- 6.5 Relevant policies with regard to transportation are set out in:
 - Strategic Planning Policy Statement (DOE, 2015)
 - Planning Policy Statement 3 'Access, Movement and Parking' (DOE, 2005)
 - Planning Policy Statement 21 'Sustainable Development in the Countryside' (DOE, 2010)
 - Planning Policy Statement 13 'Transportation and Land Use' (DRD, 2005)
- 6.6 Planning Policy Statement 13 was prepared to assist in the implementation of the Regional Development Strategy. It is intended to guide the integration of transportation and land use through the application of twelve General Principles.
- 6.7 The Statement contains strategic planning policy rather than operational planning policy, and it has, to a degree, been superseded by the Regional Development Strategy 2035 and the Strategic Planning Policy Statement (SPPS). Whilst Planning Policy Statement 13 does not contain operational planning policy, the individual General Principles are presented within Annex B for information purposes.

Strategic Planning Policy Statement

- 6.8 The SPPS recognises that our transportation networks are important in achieving the Executive's goal of rebuilding and rebalancing the economy.
- 6.9 The SPPS seeks to encourage greater use of sustainable transport to meet the Executive's target of reducing greenhouse gas emissions by at least 35% by 2025, based on 1990 levels.

- 6.10 The SPPS acknowledges that the successful integration of transport and land use is fundamental to furthering sustainable development. Within this, planning has a vital contributing role for improving connectivity and promoting more sustainable patterns of transport and travel.
- 6.11 The SPPS seeks to ensure that land required to facilitate new transport schemes are afforded protection from development likely to jeopardise its implementation, and that disused transport routes are safeguarded where there is a reasonable prospect of re-use for future transport purposes. The potential reuse of these routes for recreation, nature conservation or tourism purpose should also be considered.
- 6.12 Regarding access arrangements the SPPS clarifies that these must be in accordance with the Department's published guidance ('Development Control Advice Note 15: Vehicular Access Standards' [DCAN 15], Department of the Environment, August 1999).

Summary of the Relevant Planning Policy Statements

Planning Policy Statement 3 'Access, Movement and Parking' (PPS 3)

- 6.13 PPS 3 contains the following objectives:
- Promote road safety, in particular, for pedestrians, cyclists and other vulnerable road users;
 - Restrict the number of new access and control the level of use of existing accesses onto Protected Routes;
 - Make efficient use of road space within the context of promoting modal shift to more sustainable forms of transport;
 - Ensure that new development offers a realistic choice of access by walking, cycling and public transport, recognising that this may be less achievable in some rural areas;
 - Ensure the needs of people with disabilities and others whose mobility is impaired, are taken into account in relation to accessibility to buildings and parking provision;
 - Promote the provision of adequate facilities for cyclists in new development;
 - Promote parking policies that will assist in reducing reliance on the private car and help tackle growing congestion; and
 - Protect routes required for new transport schemes including disused transport routes with potential for future reuse.
- 6.14 The relevant policies are summarised as:
- Policy AMP 1 Creating an Accessible Environment - This policy facilitates the creation of an accessible environment for everyone, particularly the specific needs of people with disabilities and others whose mobility is impaired.
 - Policy AMP 2 Access to Public Roads - This policy relates to new and existing accesses onto public roads, and seeks to minimise impacts upon road safety and traffic flows.

- Clarification of Policy AMP 3 Access to Protected Routes - This policy relates to new and existing accesses onto Protected Routes, and seeks to restrict or control levels of access as appropriate.
- Policy AMP 4 Protection for New Transport Schemes - This policy seeks to afford protection to lands that have been identified for a new transport scheme (including road scheme, improvements to pedestrian or cycle networks, or a public transport scheme and associated facilities).
- Policy AMP 5 Disused Transport Routes - This policy relates to the protection from development of former transport routes to ensure that they can be used for transport or recreation purposes in the future.
- Policy AMP 6 Transport Assessment - This policy relates to the requirement for developers to submit a Transport Assessment (where appropriate) in order to consider the transport implications of a development proposal.
- Policy AMP 7 Car Parking and Servicing Arrangements - This policy relates to the adequate provision of car parking and servicing arrangements within development proposals.
- Policy AMP 8 Cycle Provision - This policy ensures that the needs of cyclists are taken into account, particularly with regard to development proposals which provide employment, shopping, leisure and services including education and community uses.
- Policy AMP 9 Design of Car Parking - This policy seeks to ensure that there is a high standard of design, layout and landscaping with regard to all proposals for car parking facilities.
- Policy AMP 10 Provision of Public and Private Car Parks - This policy relates to the development or extension of public or private car parks, including park and ride and park and share facilities.
- Policy AMP 11 Temporary Car Parks - This policy relates to the provision of temporary car parking facilities.

Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21)

6.15 PPS 21 sets out a range of policies in relation to development in the countryside. The policy (in so far as it relates to transportation) is summarised as:

- Policy CTY 1 – Development in the Countryside - This policy relates to the principle of development in the countryside. It does not provide specific operational planning policy with regard to transport, however, in respect of access arrangements, PPS 21 requires that these must be in accordance with the Department's published guidance – i.e. PPS 3 and relevant Supplementary Planning Guidance.

Assessment of Existing PPS's against the provisions of the SPPS

6.16 The policies contained within the PPS 3 and PPS 21 in relation to transportation, broadly reflect those contained within the SPPS.

Other Relevant Guidance

- 6.17 In addition to the above operational policy there are a number of published guidance documents and Development Control Advice Notices (DCANs) that relate to the Transportation. DCANs represent non-statutory planning guidance which is intended to supplement, elucidate and exemplify policy documents including PPSs and development plans⁵.
- 6.18 Supplementary Planning Guidance with regard to transport is outlined in:
- Development Control Advice Note 11: Access for People with Disabilities (DOE, 1991)
 - Development Control Advice Note 15: Vehicular Access Standards (DOE, 1999)
 - Parking Standards (DOE, DRD, 2005)
 - Creating Places: Achieving Quality in Residential Developments (DOE, DRD, 2000)
 - Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside (DOE, 2012)
 - Living Places: An Urban Stewardship and Design Guide for Northern Ireland (DOE, 2014)
 - Transport Assessment: Guideline for Development Proposals in Northern Ireland (DOE, 2006)
- 6.19 The SPPS directs that these documents will remain material considerations and are to be retained.

Consideration and Recommendation

- 6.20 It is considered that the broad thrust and policy principles established by PPS 3 and PPS 21, in relation to transportation, generally reflect what is set out in the SPPS.
- 6.21 The broad thrust and policy principles are summarised as:-
- Ensure accessibility for all
 - Encourage the promotion of road safety
 - Encourage modal shift
 - Reduce reliance on the private car by encouraging more sustainable means of transport
 - Encourage active travel by facilitating access by walking, cycling and public transport
 - Restrict vehicular access onto Protected Routes
 - Ensure the protection of routes required for new transport schemes (including disused transport routes with potential for future reuse)
 - Ensure acceptable transport implications for new developments
 - Ensure adequate car parking provision
- 6.22 It is further considered by planning officers that the broad thrust and policy principles are acceptable in terms of operational planning policy and work effectively.

⁵ Available to download at <http://www.planningni.gov.uk/index/policy.htm>

6.23 Therefore it is recommended that the policy principles for transportation are taken forward in the development of new policy for our Local Development Plan.

Annex A- Current Operational Planning Policy*

Planning Policy Statement 3 'Access, Movement and Parking' (DOE, 2005)

Policy AMP 1

Creating an Accessible Environment

The Department's aim is to create a more accessible environment for everyone. Accordingly developers should take account of the specific needs of people with disabilities and others whose mobility is impaired in the design of new development.

Where appropriate, the external layout of development will be required to incorporate all or some of the following:

- facilities to aid accessibility e.g. provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions;
- convenient movement along pathways and an unhindered approach to buildings;
- pedestrian priority to facilitate pedestrian movement within and between land uses; and
- ease of access to reserved car parking, public transport facilities and taxi ranks.

The development of a new building open to the public, or to be used for employment or education purposes, will only be permitted where it is designed to provide suitable access for all, whether as customers, visitors or employees. In such cases the Department will operate a presumption in favour of a level approach from the boundary of the site to the building entrance and the use of steps, ramps or mechanical aids will only be permitted where it is demonstrated that these are necessary.

The Department will also seek to ensure that access to existing buildings and their surroundings is improved as opportunities arise through alterations, extensions and changes of use.

The Department may require the submission of an Access Statement to accompany development proposals.

Policy AMP 2

Access to Public Roads

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance. Consideration will also be given to the following factors:

- the nature and scale of the development;
- the character of existing development;
- the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement;
- the location and number of existing accesses; and
- the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

Clarification of Policy AMP 3

Access to Protected Routes

The Department will restrict the number of new accesses and control the level of use of existing access onto Protected Routes as follows:

Motorways and High Standard Dual Carriageways – All locations

Planning permission will not be granted for development proposals involving direct access. An exception may be considered in the case of motorway service areas.

Other Dual Carriageways, Ring Roads, Through-Passes and By-Passes – All locations

Planning permission will only be granted for a development proposal involving direct access or the intensification of the use of an existing access in exceptional circumstances or where the proposal is of regional significance.

Other Protected Routes – Outside Settlement Limits

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access in the following cases:

- a) A Replacement Dwelling – where a building to be replaced would meet the criteria for development within a Green Belt or Countryside Policy Area and there is an existing vehicular access onto the Protected Route.
- b) A Farm Dwelling – where a farm dwelling, including a farm retirement dwelling would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road.
- c) A Dwelling Serving an Established Commercial or Industrial Enterprise – where a dwelling would meet the criteria for development within a Green Belt or Countryside Policy Area and cannot reasonably be obtained from an adjacent minor road.
- d) Other Categories of Development – approval may be justified in particular cases for other developments which would meet the criteria for development within a Green Belt or Countryside Policy Area where access cannot reasonably be obtained from an adjacent minor road.

Other Protected Routes – Within Settlement Limits

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access:

- a) Where access cannot reasonably be taken from an adjacent minor road; or
- b) In the case of proposals involving residential development, it is demonstrated to the Department's satisfaction that the nature and level of access onto the Protected Route will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.

The distinction between the various categories of Protected Routes is illustrated on the Protected Routes map.

Policy AMP 4

Protection for New Transport Schemes

Planning permission will not be granted for development that would prejudice the implementation of a transport scheme identified in a development plan.

Policy AMP 5**Disused Transport Routes**

Planning permission will not be granted for development that would prejudice the future re-use of a disused transport route identified in a Development Plan for transport or recreational purposes.

Policy AMP 6**Transport Assessment**

In order to evaluate the transport implications of a development proposal the Department will, where appropriate, require developers to submit a Transport Assessment.

Policy AMP 7**Car Parking and Servicing Arrangements**

Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined

Policy AMP 8**Cycle Provision**

Planning permission will only be granted for development providing jobs, shopping, leisure and services, including educational and community uses where the needs of cyclists are taken into account. Where appropriate provision of the following may be required:

- a) safe and convenient cycle access;
- b) safe, convenient and secure cycle parking having regard to the Department's published standards; and
- c) safe and convenient cycle links to existing or programmed cycle networks where they adjoin the development site.

In addition major employment generating development will be required to make appropriate provision for shower and changing facilities.

Policy AMP 9

Design of Car Parking

The Department will expect a high standard of design, layout and landscaping to accompany all proposals for car parking. Planning permission will only be granted for a proposal where all the following criteria are met:

- a) it respects the character of the local townscape/landscape;
- b) it will not adversely affect visual amenity; and
- c) provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site.

Planning Policy Statement 21: Sustainable Development in the Countryside (DOE, 2010)

Policy CTY 1

Development in the Countryside

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Details of these are set out below.

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

Housing Development

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;
- a replacement dwelling in accordance Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or

- a dwelling on a farm in accordance with Policy CTY 10.
- Planning permission will also be granted in the countryside for:
- a small group of houses in a designated Dispersed Rural Community in accordance with Policy CTY 2;
 - the conversion of a non-residential building to a dwelling(s) in accordance with Policy CTY 4;
 - the provision of social and affordable housing in accordance with Policy CTY 5;
 - a residential caravan or mobile home in accordance with Policy CTY 9;
 - the conversion of a listed building to residential accommodation in accordance with the policies of PPS 6;
 - an extension to a dwelling house where this is in accordance with the Addendum to PPS 7; or
 - Travellers Accommodation where this is in accordance with Policy HS 3 of PPS 12.

Non-Residential Development

Planning permission will be granted for non-residential development in the countryside in the following cases:

- farm diversification proposals in accordance with Policy CTY 11;
- agricultural and forestry development in accordance with Policy CTY 12;
- the reuse of an existing building in accordance with Policy CTY 4;
- tourism development in accordance with the TOU Policies of PSRNI;
- industry and business uses in accordance with PPS4 (currently under review);
- minerals development in accordance with the MIN policies of PSRNI;
- outdoor sport and recreational uses in accordance with PPS 8;
- renewable energy projects in accordance with PPS 18; or
- a necessary community facility to serve the local population.

There are a range of other types of non-residential development that may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development. Proposals for such development will continue to be considered in accordance with existing published planning policies.

***Supplementary text is available for the policy via the following links**

- [Planning Policy Statement 3 'Access, Movement and Parking' \(DOE, 2005\)](#)
- [Planning Policy Statement 21 'Sustainable Development in the Countryside' \(DOE, 2010\)](#)

Annex B – PPS 13 Strategic Planning Policy***Planning Policy Statement 13: Transportation and Land Use (DOE, 2005)****General Principle 1**

The integration of transportation policy and land use planning should be taken forward through the preparation of development plans and transport plans informed by transport studies.

General Principle 2

Accessibility by modes of transport other than the private car should be a key consideration in the location and design of development.

General Principle 3

The process of Transport Assessment (TA) should be employed to review the potential transport impacts of a development proposal.

General Principle 4

Travel Plans should be developed for all significant travel generating uses.

General Principle 5

Developers should bear the costs of transport infrastructure necessitated by their development.

General Principle 6

Controls on parking should be employed to encourage more responsible use of the private car and to bring about a change travel behaviour.

General Principle 7

Park and ride and park and share sites should be developed in appropriate locations to reduce the need to travel by car and encourage use of public transport.

General Principle 8

Land required to facilitate improvements in the transport network should be afforded protection.

General Principle 9

Reliance on the private car should be reduced through a modal shift to walking, cycling and public transport.

General Principle 10

Rural public transport schemes should be developed to link rural dwellers to essential facilities and larger settlements.

General Principle 11

Innovative measures should be developed for the safe and effective management of traffic.

General Principle 12

The integration of transport and land use planning should seek to create a more accessible environment for all.

***Supplementary text is available for the policy via the following link**

- [Planning Policy Statement 13 'Transportation and Land Use' \(DRD, 2005\)](#)

7. Employment and Industry

Introduction

- 7.1 This section of the paper provides an interim policy review of the planning policy principles in current policy relating to Employment and Industry. The purpose of this review is to seek agreement on strategic policy direction for our new Local Development Plan. The detail of the current operational policy will be review in further detail once agreement is reach on the overall principle of the policy.
- 7.2 Current policy is set out at the strategic level in the Strategic Planning Policy Statement (SPPS) and also in the remaining operations planning policy statements (PPSs) and other guidance. The remaining operation policies will no longer apply once the first part of the new Local Development Plan, the Plan Strategy is adopted
- 7.3 This paper sets out the current policy that applies and reviews the requirements of both the SPPS and remaining PPSs. The paper finally assesses the future of the thrust of the remaining operational policies and makes a recommendation as to whether or not the policy should be retained as part of our new Local Development Plan.
- 7.4 Details of the polices are set out in Annex A.

Current Planning Policy Context

- 7.5 Relevant planning policies with regard to employment and industry are set out in:
 - Planning Policy Statement 4: Planning and Economic Development (DOE, 2010)
 - Planning Policy Statement 21: Sustainable Development in the Countryside (DOE, 2010)
 - A Planning Strategy for Rural Northern Ireland (DOE, 1993)

Strategic Planning Policy Statement

- 7.6 The SPPS sets out policy in its section on Economic Development, Industry and Commercial.
- 7.7 The SPPS acknowledges that long term economic growth will be achieved by improving competitiveness and building a larger and more export driven private sector. Planning has a key role in facilitating the creation of employment opportunities, and rebalancing the economy to meet the challenges of a highly competitive global environment, which will improve the wealth and living standard of everyone.
- 7.8 The aim of the SPPS with regard to economic development, and therein employment and industry, is to facilitate the economic development needs of Northern Ireland in ways consistent with the protection of the environment and the principles of sustainable development.
- 7.9 The SPPS seeks to locate economic development uses, particularly those associated with Class B1 (e.g. office and call centres), within settlements, particularly in city, town, district and local centres. Elsewhere, proposals are to be determined on their individual merits taking account of the potential impacts and the likely economic benefits, both local and regional.

- 7.10 The SPPS advises that the plan will not normally zone land for economic development purposes within villages and small settlements. However favourable consideration should be given to an economic development proposal where it is of a scale, nature and design appropriate to the character of the particular settlement and subject to meeting normal planning criteria such as compatibility with nearby residential use.
- 7.11 The SPPS recognises that there should be opportunities for economic development in the countryside where proposals will benefit the rural economy and support rural communities, and where the rural character and environment is protected and enhanced. In addition, the SPPS stresses the importance of the sympathetic conversion and re-use of existing buildings in the countryside where this would secure its retention, and where the nature and scale of the proposal would be appropriate to its location.
- 7.12 The SPPS states that the level of new building for economic development purposes outside settlements must be restricted except in certain circumstances e.g. a small scale new build economic development project may be permissible outside a village or small settlement, or a regionally significant economic development may be permissible. For both an edge of settlement location is preferable.
- 7.13 The SPPS sets out policy direction for the retention of land and buildings which are well located and suited to economic development purposes. Accordingly, it directs that planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development. The SPPS allows for flexibility in unzoned land in settlements in current economic development use (or land last used for these purposes) and it states that alternative proposals that offer community, environmental or other benefits that are considered to outweigh the loss of land for economic development use may be acceptable.
- 7.14 The SPPS sets out policy for developments that may be incompatible with nearby economic development enterprises, either already operating, or approved. Where it is clearly demonstrated that a proposal for new or expanded development would prejudice the future operation of an established or approved economic development use, then it will normally be appropriate to refuse the application.
- 7.15 All applications for economic development must be assessed in accordance with normal planning criteria, relating to such considerations as access arrangements, design, environmental and amenity impacts, so as to ensure safe, high quality and otherwise satisfactory forms of development.

Summary of Relevant Planning Policy Statements

Planning Policy Statement (PPS) 4: Planning and Economic Development

- 7.16 PPS 4 outlines the policy direction for economic development. The policy objectives for PPS 4 are to:
- Promote sustainable economic development in an environmentally sensitive manner;

- Tackle disadvantage and facilitate job creation by ensuring the provision of a generous supply of land suitable for economic development and a choice and range in terms of quality, size and location;
- Sustain a vibrant rural community by supporting rural economic development of an appropriate nature and scale;
- Support the re-use of previously developed economic development sites and buildings where they meet the needs of particular economic sectors;
- Promote mixed-use development and improve integration between transport, economic development and other land uses, including housing; and
- Ensure a high standard of quality of design for new economic development

7.17 The policies are summarised as:

- Policy PED 1 Economic Development in Settlements. This policy sets out the different types of economic development which are considered to be acceptable in settlements (i.e. cities, towns, villages and smaller rural settlements), subject to certain criteria.
- Policy PED 2 Economic Development in the Countryside. This policy sets out how proposals for economic development in the countryside will be assessed.
- Policy PED 3 Expansion of an Established Economic Development Use in the Countryside. This policy relates to proposals for the expansion of existing economic development uses in the countryside. It outlines the circumstances where such proposals are likely to be permitted.
- Policy PED 4 Redevelopment of an Established Economic Development Use in the Countryside. This policy sets out the circumstances under which redevelopment of established economic development uses in the countryside for industrial or business purposes will be acceptable. Whilst the policy acknowledges that alternative uses for economic development sites may be acceptable, it states that proposals involving retail will not be permitted.
- Policy PED 5 Major Industrial Development in the Countryside. This policy relates to proposals for major industrial development in the countryside. It advises that proposals will only be permitted where they make a significant contribution to the regional economy and where the proposal requires a countryside location due to its size or site specific requirements.
- Policy PED 6 Small Rural Projects. This policy relates to the development of small community enterprise parks/centres or small rural industrial enterprises outside villages or smaller rural settlements. It outlines criteria which must be met in order for a proposal to be considered favourably. The policy also outlines a sequential approach to assessing the acceptability of sites.
- Policy PED 7 Retention of Zoned Land and Economic Development Uses. This policy promotes the retention of lands zoned for economic development use. It provides clarification with regard to proposals which may result in the loss of land or buildings zoned for economic development use. The policy also refers to lands which are unzoned but where the existing or previous use on the site and provides criteria that must be met in order for a proposal to be considered favourably. (The Department published clarification on this policy to ensure consistency in the approach taken to unzoned land – if a site is cleared of an

economic development, even if it is on unzoned land, it must still be used for economic purposes.)

- Policy PED 8 Development incompatible with Economic Development Uses. This policy provides protection to existing or approved economic development uses from proposals that may be considered to be incompatible or would prejudice future operation. (The Department published Supplementary Planning Guidance to PED8 to reinforce the policy message and ensure that operations of established industrial enterprises requiring a contaminant free environment are protected, thereby ensuring their valuable contribution to the economy.)
- Policy PED 9 General Criteria for Economic Development. This policy establishes criteria which all applications for economic development in the countryside must meet.

Planning Policy Statement (PPS) 21: Sustainable Development in the Countryside

7.18 The objectives of PPS 21 are:

- to manage growth in the countryside to achieve appropriate and sustainable patterns of development that meet the essential needs of a vibrant rural community;
- to conserve the landscape and natural resources of the rural area and to protect it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution;
- to facilitate development necessary to achieve a sustainable rural economy; including appropriate farm diversification and other economic activity; and
- to promote high standards in the design, siting and landscaping of development in the countryside

7.19 PPS 21 sets out a range of policies in relation to development in the countryside. The policy (in so far as it applies to employment and industry) is summarised as:

- Policy CTY 1 – Development in the Countryside. This policy relates to the principle of development in the countryside. With specific reference to employment and industry, it advises that proposals for industry and business uses will be granted provided that they are in accordance with PPS 4 and where they are sited and designed to integrate sympathetically with their surroundings and meet other planning and environmental considerations.
- Policy CTY 2 – Development in Dispersed Rural Communities. This policy advises that appropriate proposals for economic development enterprises may be permitted within Dispersed Rural Communities (as designated within Local Development Plans).
- Policy CTY 4 – The Conversion and Reuse of Existing Buildings. This policy acknowledges that many older buildings in the countryside, including those that have been listed, are no longer required for their original purpose. In order to deliver a sustainable approach to development in the countryside it aims to limit new-build, and to ensure the preservation of existing buildings. This policy promotes the re-use and conversion of existing buildings, primarily for residential use; however, there is scope for the re-use and adaptation to a variety of non-residential uses including economic, tourism and recreational purposes or as

local community facilities. Design is a key consideration in the conversion of existing buildings in the countryside.

- Policy CTY 8 – Ribbon Development. This policy advises that, where a proposal creates or adds to a ribbon of development, it will be refused. However, infilling of small gaps sites with an appropriate economic development proposal such as light industry of a scale which is in keeping with adjoining development is permissible subject to certain criteria.
- Policy CTY 11 – Farm Diversification. This policy enables permission to be granted for the re-use or adaptation of existing buildings for farm or forestry diversification where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm.
- Policy CTY 13 – Integration and Design of Buildings in the Countryside. This is a design based policy, and outlines the criteria whereby proposals may be considered favourably in terms of visual integration with the surrounding landscape.
- Policy CTY 14 – Rural Character. Another design based policy, this seeks to ensure that proposed developments in the countryside do not cause a detrimental change to, or further erode the rural character. The policy outlines the criteria whereby buildings will be unacceptable with regard to their design.
- Policy CTY 15 – The Setting of Settlements. This is a design based policy with particular regard to the siting of proposals, which seeks to maintain a clear distinction between built-up areas and the surrounding countryside. It advises that where a proposal blemishes the distinction between a settlement and the surrounding countryside, or results in urban sprawl, it will be refused.
- Policy CTY 16 – Development Relying on Non-Mains Sewerage. This policy seeks to ensure the protection of waterbodies (rivers, lakes, estuaries and coastal waters, ground waters and reservoirs) from pollution. New development relying on non-mains sewerage may, either individually or cumulatively, increase the risk of groundwater pollution. The policy advises that connection to mains sewerage services is desirable, but acknowledged that this may be neither possible nor feasible due to the location of a development proposal. It outlines the information that is required to be submitted to accompany a proposal to ensure its proper assessment. Where information is requested, but not provided, planning permission will normally be refused.

A Planning Strategy for Rural Northern Ireland

7.20 This document applies to all of the towns, villages and countryside of Northern Ireland. Largely superseded by more recent policies, the following remains in relation to employment and industry:

- Policy IC 16 – Office Development. This policy applies to office uses falling within Use Class A2 (of the Planning (Use Classes) Order (Northern Ireland) 2015) which provide financial professional and other services which are appropriate in a shopping area where the services are provided principally to visiting members of the public. Its aim is to facilitate office development in established town

centres in order to retain the vitality and viability of existing urban centres, and resist out of centre office development nodes. Car parking will be required in all cases.

- Policy IC 17 – Small Office and Business Development. This policy applies to the same type of development as IC 16. Its aim is to facilitate the development of office and business uses in appropriate locations such as in or adjacent to existing or proposed commercial areas or neighbourhood centres subject to certain criteria

Assessment of Existing PPS's against the provisions of the SPPS

- 7.21 The policies contained within PPS 4, PPS 21 and A Planning Strategy for Rural Northern Ireland in relation to employment and industry, generally reflect those contained within the SPPS.

Other Relevant Guidance

- 7.22 In addition to the above operational policy there are a number of published guidance documents that relate to Employment and Industry. Such non-statutory planning guidance is intended to supplement, elucidate and exemplify policy documents including PPSs and development plans⁶.
- 7.23 Supplementary guidance on employment and industry are outlined in:
- [Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside \(DOE, 2012\)](#)
 - [Living Places: An Urban Stewardship and Design Guide for Northern Ireland \(DOE, 2014\)](#)
 - [Supplementary Planning Guidance to Planning Policy Statement 4 – Policy PED 8: Development Incompatible with Economic Development Uses \(DOE, 2012\)](#)
 - [Advice Note – Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses \(DOE, 2015\)](#)
- 7.24 The SPPS directs that these documents will remain material considerations and are to be retained.

Consideration and Recommendation

- 7.25 It is considered that the **broad thrust and policy principles** established by PPS 4, PPS 21, and A Planning Strategy for Rural Northern Ireland in relation to employment and industry, generally reflect what is set out in the SPPS.
- 7.26 The broad thrust and policy principles are summarised as:
- Promote sustainable economic development;
- Tackle disadvantage through job creation;
 - Safeguard generous supply of land suitable for economic development;
 - Promote mixed-use development;

⁶ Available to download at <http://www.planningni.gov.uk/index/policy.htm>

- Encourage better integration between economic development, transportation and other uses;
- Safeguard existing or approved economic development from incompatible development;
- Encourage the re-use of previously developed economic development land and the conversion/re-use of existing buildings;
- Ensure to sustain a vibrant rural economy by supporting economic development that is appropriate with regard to its nature, scale and quality of design

7.27 It is further considered by planning officers that the broad thrust and policy principles are acceptable in terms of operational planning policy and work effectively. Therefore it is recommended that the policy principles for employment and industry are taken forward in the development of new policy for our Local Development Plan.

Annex A- Current Operational Planning Policy*

Planning Policy Statement 4: Planning and Economic Development (PPS 4)

Policy PED 1

Economic Development in Settlements

Cities and Towns

Class B1 Business Use

A development proposal for a Class B1 business use will be permitted in a city or town centre (having regard to any specified provisions of a development plan) and in other locations that may be specified for such use in a development plan, such as a district or local centre.

In addition, a development proposal for a Class B1(b) use as a call centre or B1(c) use for research and development proposals will be permitted within an existing or proposed industrial/employment area. Class B1(a) office use will only be permitted in an industrial/employment area when specified in a development plan.

Elsewhere in cities and towns a development proposal for a Class B1 business use will only be permitted where all the following criteria are met:

- a) there is no suitable site within the city or town centre or other location specified for such use in the development plan;
- b) it is a firm rather than a speculative development proposal for business use; and
- c) the proposal would make a substantial contribution to the economy of the urban area.

Where a development proposal for Class B1 business use satisfies the above criteria, applicants will be expected to demonstrate that an edge of town centre location is not available before a location elsewhere in the urban area is considered.

Class B2 Light Industrial Use and Class B3 General Industrial Use

A development proposal for a Class B2 light industrial use or Class B3 general industrial use will be permitted in an area specifically allocated for such purposes in a development plan or in an existing industrial / employment area provided it is of a scale, nature and form appropriate to the location. Elsewhere in cities and towns such proposals will be determined on their individual merits.

Class B4 Storage or Distribution Use

A development proposal for a Class B4 storage or distribution use will be permitted in an area specifically allocated for such purposes in a development plan.

In addition a Class B4 development will also be permitted in an existing or proposed industrial/employment area where it can be demonstrated: that the proposal is

compatible with the predominant industrial/employment use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution in the industrial/employment resource both in the locality and the plan area generally. Elsewhere in cities and towns such proposals will be determined on their individual merits.

Villages and Smaller Rural Settlements:

Class B1 Business Use

A development proposal for small-scale Class B1 business use will be permitted where it can be demonstrated that: the nature and design of the proposal are appropriate to the character of the settlement and it is centrally located. In addition, for small settlements (with a population less than 2,250) the floorspace for any individual proposal is limited to a maximum of 200 sqm gross.

Class B2 Light Industrial Use and Class B3 General Industrial Use

A development proposal for a Class B2 light industrial use or Class B3 general industrial use will be permitted where it can be demonstrated that the scale, nature and design of the proposal are appropriate to the character of the settlement and it is not incompatible with any nearby residential use.

Class B4 Storage or Distribution Use

A development proposal for a Class B4 storage or distribution use will be permitted where it can be demonstrated that the scale, nature and design of the proposal are appropriate to the character of the settlement and it is not incompatible with any nearby residential use.

Extensions

A development proposal to extend an existing economic development use or premises within settlements will be determined on its individual merits having regard to Policy PED9.

Policy PED 2

Economic Development in the Countryside

Proposals for economic development uses in the countryside will be permitted in accordance with the provisions of the following policies:

- The Expansion of an Established Economic Development Use – Policy PED 3
- The Redevelopment of an Established Economic Development Use – Policy PED 4
- Major Industrial Development – Policy PED 5

- **Small Rural Projects – Policy PED 6**

Economic development associated with farm diversification schemes and proposals involving the re-use of rural buildings will be assessed under the provisions of Planning Policy Statement 21 'Sustainable Development in the Countryside'.

All other proposals for economic development in the countryside will only be permitted in exceptional circumstances.

Policy PED 3

Expansion of an Established Economic Development Use in the Countryside

The expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise.

Proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. Where it is demonstrated that this is not possible, new buildings may be approved provided they are in proportion to the existing building(s) and will integrate as part of the overall development.

Any extension or new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest the original property may have.

A proposal for the major expansion of an existing industrial enterprise that would not meet the above policy provisions will only be permitted in exceptional circumstances where it is demonstrated that:

- relocation of the enterprise is not possible for particular operational or employment reasons;
- the proposal would make a significant contribution to the local economy; and
- the development would not undermine rural character.

In all cases, measures to aid integration into the landscape will be required for both the extension and the existing site.

Policy PED 4

Redevelopment of an Established Economic Development Use in the Countryside

A proposal for the redevelopment of an established economic development use in the countryside for industrial or business purposes (or a sui generis employment use) will be permitted where it is demonstrated that all the following criteria can be met:

- a) the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is only a proportionate increase in the site area;
- b) there would be environmental benefits as a result of the redevelopment;
- c) the redevelopment scheme deals comprehensively with the full extent of the existing site or in the case of partial redevelopment addresses the implications for the remainder of the site; and
- d) the overall visual impact of the replacement buildings is not significantly greater than that of the buildings to be replaced.

The redevelopment of an established storage or distribution site for continuing storage or distribution use will also be permitted subject to the above criteria. However, the redevelopment of an established industrial or business site for storage or distribution purposes will only be permitted in exceptional circumstances.

On occasion, proposals may come forward for the alternative use of economic development sites in the countryside. Proposals for the redevelopment of sites for tourism, outdoor sport and recreation or local community facilities will be viewed sympathetically where all the above criteria can be met and where the proposal does not involve land forming all or part of an existing industrial estate.

Policy PED 5

Major Industrial Development in the Countryside

A major industrial proposal which makes a significant contribution to the regional economy will be permitted in the countryside where it is demonstrated that the proposal due to its size or site specific requirements needs a countryside location.

Such proposals will be assessed taking account of:

- a) the long-term sustainable economic benefits;
- b) the availability of alternative sites; and
- c) the environmental or transport impacts.

Where an industrial development proposal is judged acceptable in principle in the countryside under the above, an edge of town location will be favoured over a location elsewhere in the rural area.

Policy PED 6

Small Rural Projects

A firm proposal to develop a small community enterprise park/centre or a small rural industrial enterprise on land outside a village or smaller rural settlement will be permitted where it is demonstrated that all the following criteria are met:

- a) there is no suitable site within the settlement;
- b) the proposal would benefit the local economy or contribute to community regeneration; and
- c) the development is clearly associated with the settlement, but will not dominate it, adversely affect landscape setting or otherwise contribute to urban sprawl.

In assessing the acceptability of sites, preference will be given to sites in the following order:

- 1) land adjacent to the existing settlement limit, subject to amenity and environmental considerations;
- 2) a site close to the settlement limit which currently contains buildings or where the site is already in a degraded or derelict state and there is an opportunity to improve the environment; and
- 3) an undeveloped site in close proximity to the settlement where the development could be visually integrated into the landscape.

Where an economic development proposal is permitted under this policy, any subsequent proposal should preferably be sited to cluster or visually link to this, subject to amenity and environmental considerations.

Storage or distribution uses will only be permitted where these are clearly ancillary to a proposal for a community enterprise park/centre or an industrial use.

Policy PED 7

Retention of Zoned Land and Economic Development Uses

Zoned Land in all Locations

Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.

An exception will be permitted for the development of a sui generis employment use within an existing or proposed industrial/employment area where it can be demonstrated that: the proposal is compatible with the predominant industrial use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution of the industrial/employment land resource in

the locality and the plan area generally. Retailing or commercial leisure development will not be permitted except where justified as acceptable ancillary development.

Unzoned Land in Settlements

On unzoned land a development proposal that would result in the loss of an existing Class B2, B3 or B4 use, or land last used for these purposes, to other uses will only be permitted where it is demonstrated that:

- a) redevelopment for a Class B1 business use or other suitable employment use would make a significant contribution to the local economy; or
- b) the proposal is a specific mixed-use regeneration initiative which contains a significant element of economic development use and may also include residential or community use, and which will bring substantial community benefits that outweigh the loss of land for economic development use; or
- c) the proposal is for the development of a compatible sui generis employment use of a scale, nature and form appropriate to the location; or
- d) the present use has a significant adverse impact on the character or amenities of the surrounding area; or
- e) the site is unsuitable for modern industrial, storage or distribution purposes; or
- f) an alternative use would secure the long-term future of a building or buildings of architectural or historical interest or importance, whether statutorily listed or not; or
- g) there is a firm proposal to replicate existing economic benefits on an alternative site in the vicinity.

A development proposal for the re- use or redevelopment of an existing Class B1 business use on unzoned land will be determined on its merits.

Unzoned Land in the Countryside

A development proposal for the re- use or redevelopment of an economic development use or site on unzoned land in the countryside will be assessed under Policy PED 4.

Policy PED 8

Development incompatible with Economic Development Uses

A proposal for development in the vicinity of an existing or approved economic development use that would be incompatible with this use or that would prejudice its future operation will be refused.

Policy PED 9

General Criteria for Economic Development

A proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:

- a) it is compatible with surrounding land uses;
- b) it does not harm the amenities of nearby residents;
- c) it does not adversely affect features of the natural or built heritage;
- d) it is not located in an area at flood risk and will not cause or exacerbate flooding;
- e) it does not create a noise nuisance;
- f) it is capable of dealing satisfactorily with any emission or effluent;
- g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;
- h) adequate access arrangements, parking and manoeuvring areas are provided;
- i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;
- j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;
- k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;
- l) is designed to deter crime and promote personal safety; and
- m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

Planning Policy Statement 21: Sustainable Development in the Countryside

Policy CTY 1

Development in the Countryside

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Details of these are set out below.

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

Housing Development

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;
- a replacement dwelling in accordance Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10.

Planning permission will also be granted in the countryside for:

- a small group of houses in a designated Dispersed Rural Community in accordance with Policy CTY 2;
- the conversion of a non-residential building to a dwelling(s) in accordance with Policy CTY 4;
- the provision of social and affordable housing in accordance with Policy CTY 5;
- a residential caravan or mobile home in accordance with Policy CTY 9;
- the conversion of a listed building to residential accommodation in accordance with the policies of PPS 6;
- an extension to a dwelling house where this is in accordance with the Addendum to PPS 7; or
- Travellers Accommodation where this is in accordance with Policy HS 3 of PPS 12.

Non-Residential Development

Planning permission will be granted for non-residential development in the countryside in the following cases:

- farm diversification proposals in accordance with Policy CTY 11;
- agricultural and forestry development in accordance with Policy CTY 12;
- the reuse of an existing building in accordance with Policy CTY 4;

- tourism development in accordance with the TOU Policies of PSRNI;
- industry and business uses in accordance with PPS4 (currently under review);
- minerals development in accordance with the MIN policies of PSRNI;
- outdoor sport and recreational uses in accordance with PPS 8;
- renewable energy projects in accordance with PPS 18; or
- a necessary community facility to serve the local population.

There are a range of other types of non-residential development that may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development. Proposals for such development will continue to be considered in accordance with existing published planning policies.

Policy CTY 2

Development in Dispersed Rural Communities

Within a Dispersed Rural Community (DRC) designated in a development plan planning permission will be granted to suitable proposals for a small cluster or 'clachan' style development of up to 6 houses at an identified focal point. Permission will generally be limited to one cluster per focal point.

Appropriate economic development enterprises, including schemes for tourist development, and new social or community facilities may also be accommodated.

The design of all proposals should be of a high quality appropriate to their rural setting and have regard to local distinctiveness.

Proposals for individual dwellings or social/affordable housing schemes in DRCs will be assessed against the other policy provisions of this PPS.

Policy CTY 4

The Conversion and Reuse of Existing Buildings

Planning permission will be granted to proposals for the sympathetic conversion, with adaptation if necessary, of a suitable building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention. Such proposals will be required to be of a high design quality and to meet all of the following criteria:

- a) the building is of permanent construction;
- b) the reuse or conversion would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality;

- c) any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building;
- d) the reuse or conversion would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings;
- e) the nature and scale of any proposed non-residential use is appropriate to a countryside location;
- f) all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and
- g) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

Buildings of a temporary construction such as those designed and used for agricultural purposes, including sheds or stores will not however be eligible for conversion or re-use under this policy.

Exceptionally, consideration may be given to the sympathetic conversion of a traditional non-residential building to provide more than one dwelling where the building is of sufficient size; the scheme of conversion involves minimal intervention; and the overall scale of the proposal and intensity of use is considered appropriate to the locality.

Listed Buildings

All proposals for the conversion or refurbishment of a building listed as being of special architectural or historic interest for residential purposes will be assessed against the policy provisions of PPS 6.

Policy CTY 8

Ribbon Development

Planning permission will be refused for a building which creates or adds to a ribbon of development.

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

In certain circumstances it may also be acceptable to consider the infilling of such a small gap site with an appropriate economic development proposal including light industry where this is of a scale in keeping with adjoining development, is of a high

standard of design, would not impact adversely on the amenities of neighbouring residents and meets other planning and environmental requirements.

Policy CTY 11

Farm Diversification

Planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. The following criteria will apply:

- a) the farm or forestry business is currently active and established;
- b) in terms of character and scale it is appropriate to its location;
- c) it will not have an adverse impact on the natural or built heritage; and
- d) it will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.

Proposals will only be acceptable where they involve the re-use or adaptation of existing farm buildings.

Exceptionally, a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for adaptation and re-use or cannot be adapted to meeting the requirements of other statutory agencies.

Where a new building is justified it should be satisfactorily integrated with an existing group of buildings.

Policy CTY 13

Integration and Design of Buildings in the Countryside

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where:

- a) it is a prominent feature in the landscape; or
- b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- c) it relies primarily on the use of new landscaping for integration; or
- d) ancillary works do not integrate with their surroundings; or
- e) the design of the building is inappropriate for the site and its locality; or
- f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or

- g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

Policy CTY 14

Rural Character

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

A new building will be unacceptable where:

- a) it is unduly prominent in the landscape; or
- b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
- c) it does not respect the traditional pattern of settlement exhibited in that area; or
- d) it creates or adds to a ribbon of development (see Policy CTY 8); or
- e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

Policy CTY 15

The Setting of Settlements

Planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl.

Policy CTY 16

Development Relying on Non-Mains Sewerage

Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.

Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made.

In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.

A Planning Strategy for Rural Northern Ireland

Policy IC 16

Office Development

This policy has been superseded by: [PPS 4-Planning and Economic Development](#) insofar as it applies to Class B1 of the 2015 Use Classes Order:

To facilitate the development of small office and business uses in appropriate locations.

There is often a need for small offices within urban areas but outside town centres. Examples include, estate agents, insurance brokers, building societies, solicitor banks and local offices of essential public services. These offices which provide essential local services will normally only be permitted in or adjacent to existing or proposed commercial areas and neighbourhood centres. Office development will only be permitted in local shopping centres where the scale does not detract from the retailing function of the centre. An appropriate level of office development which provides local services may be permitted in villages and other smaller rural settlements.

Proposals for such uses will normally only be acceptable where:

- the use is clearly designed to serve a local need;
- the floorspace is limited to a maximum of 200 sq metres;
- there is no loss of good housing stock;
- the proposal is not located in a predominantly residential area;
- the development meets parking standards and environmental considerations.

Many small businesses begin with people working from their own homes. Advances in technology now allow a wider range of business activity to be carried out from individual residences. In many cases the level of activity is of such a limited scale that planning permission would not be required. Favourable consideration may be given to applications for home working, where deemed necessary, in residential areas or rural dwellings provided:

- work is carried out primarily by persons living in the residential unit;
- the business use is clearly secondary to the main use of the property as a dwelling house;
- the use is carried out totally within the existing building;
- there will be no loss of amenity for neighbouring residents - for example from noise, vibration, advertising, visual amenity or traffic generation; and
- the use is not one which by its nature would attract more than occasional visitors.

Where approval is granted the permission will be strictly controlled by conditions.

This policy will not apply to industrial uses such as car vehicle repairs at residential properties see instead policies [IC 1](#) and [IC 2](#).

Telecottages - small scale centres designed to provide a centralised information and communication service using modern technology - may be approved in villages or smaller settlements where the objective is to reduce remoteness and stimulate local rural development. Approval will however be subject to the normal environmental and other policy considerations.

Policy IC 17

Small Office and Business Development

This policy has been superseded by: [PPS 4-Planning and Economic Development](#) insofar as it applies to Class B1 of the 2015 Use Classes Order:

To facilitate the development of small office and business uses in appropriate locations.

There is often a need for small offices within urban areas but outside town centres. Examples include, estate agents, insurance brokers, building societies, solicitor banks and local offices of essential public services. These offices which provide essential local services will normally only be permitted in or adjacent to existing or proposed commercial areas and neighbourhood centres. Office development will only be permitted in local shopping centres where the scale does not detract from the retailing function of the centre. An appropriate level of office development which provides local services may be permitted in villages and other smaller rural settlements.

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Where approval is granted the permission will be strictly controlled by conditions.

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Telecottages - small scale centres designed to provide a centralised information and communication service using modern technology - may be approved in villages or smaller settlements where the objective is to reduce remoteness and stimulate local rural development. Approval will however be subject to the normal environmental and other policy considerations.

***Supplementary text is available for the policy via the following links**

- [Planning Policy Statement 4 'Planning and Economic Development'](#)
- [Planning Policy Statement 21 'Sustainable Development in the Countryside' \(DOE, 2010\)](#)
- [A Planning Strategy for Rural Northern Ireland Policy IC16 \(DOE, 1993\)](#)
- [A Planning Strategy for Rural Northern Ireland Policy IC 17 \(DOE, 1993\)](#)

8. Retail

Introduction

- 8.1 This section of the paper provides an interim policy review of the planning policy principles in current policy relating to Retail. The purpose of this review is to seek agreement on strategic policy direction for our new Local Development Plan. The detail of the current operational policy will be reviewed in further detail once agreement is reached on the overall principle of the policy.
- 8.2 Current operational policy is set out at the strategic level in the Strategic Planning Policy Statement (SPPS) and also in the remaining operational planning policy statements (PPSs) and other guidance. The remaining operational policies will no longer apply once the first part of the new Local Development Plan, the Plan Strategy, is adopted.
- 8.3 This paper sets out the current policy that applies and reviews the requirements of both the SPPS and remaining PPSs etc. The paper finally assesses the future of the thrust of the remaining operational policy and makes a recommendation on whether or not the policy should be retained as part of our new Local Development Plan.

Current Planning Policy Context

- 8.4 At present there are no PPSs relating to Retail. Following the publication of the Strategic Planning Policy Statement (SPPS) in September 2015 the operational planning policy set out in Planning Policy Statement 5 'Retailing and Town Centres' was cancelled.
- 8.5 Until such operational policy will be devised through the Local Development Plan preparation. Retail proposals will fall under the policy provisions of 'Town Centres and Retailing' outlined in the SPPS.
- 8.6 Policy IC15 contained within A Planning Strategy for Rural Northern Ireland sets out the policy applicable to Roadside Service Facilities.

Strategic Planning Policy Statement

- 8.7 The aim of the SPPS in relation to Retail is *"to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS."* (p.101)
- 8.8 The SPPS recognises the importance of town centres for bringing people together through the establishment of a variety of retailing and related facilities, including employment, leisure and cultural uses and seeks to encourage development at an appropriate scale to enhance the attractiveness of town centres and helping to reduce travel demand.
- 8.9 The SPPS establishes several strategic objectives for retailing in town centres. These are to:

- Secure a town centres first approach for the location of future retailing and other main town centre uses (including cultural and community facilities, retail, leisure, entertainment and businesses);
 - Adopt a sequential approach to the identification of retail and other main town centre uses in Local Development Plans (LDPs) and when decision-taking;
 - Ensure LDPs and decisions are informed by robust and up-to-date evidence in relation to need and capacity;
 - Protect and enhance diversity in the range of town centre uses appropriate to their role and function, such as leisure, cultural and community facilities, housing and business;
 - Promote high quality design in order to ensure that town centres provide sustainable, attractive, accessible and safe environments; and
 - Maintain and improve accessibility to and within the town centre.
- 8.10 The SPPS states that planning authorities must adopt a town centre first approach and requires need and sequential assessments for certain planning applications.
- 8.11 The SPPS outlines that the LDP should:
- Define a network and hierarchy of centres i.e. town, district and local centres, acknowledging the role and function of rural centres;
 - Define the spatial extent of town centres and the primary retail core
 - Set out appropriate policies that make clear which uses will be permitted in the hierarchy of centres and other locations, and the factors that will be taken into account for decision taking
 - Provide for a diverse offer and mix of uses, which reflect local circumstances
 - Allocate a range of suitable sites to meet the scale and form of retail and other town centre uses
- 8.12 Through the LDP preparation opportunity exists to address the needs, challenges and opportunities facing retail and town centres in the plan area. Council must conduct a number of assessments relating to retail to help form an evidence base for the LDP. The SPPS provides guidance and a range of indicators that need to be addressed through the assessments.
- 8.13 The assessments for retail include:
- Assessment of the need or capacity for retail and other town centre uses across the plan area,
 - Town centre health checks
 - Retail Impact Assessments
- 8.14 It is important that Council regularly monitors and reviews assessments, ideally at least once every five years, in order to maintain an up to date and robust evidence base concerning retail and town centre developments and trends.
- 8.15 In the absence of a current and up-to-date LDP, Council will require applicants to prepare an assessment of need which is proportionate to support their application. This may incorporate a quantitative and qualitative assessment of need taking account of the sustainably and objectively assessed needs of the local town, committed development proposals and allocated sites.

- 8.16 The SPPS concludes those policies and proposals for retail development and other town centre uses must promote town centres as first preference and ensure that no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment, and meet the requirements of policy elsewhere in the SPSS. Normal planning will also apply for assessing applications i.e. transportation and access arrangement, design, environmental and amenity impacts.
- 8.17 To conclude, several paragraphs relating to retail and town centres are seen as ambiguous and it is unclear to officers how the SPPS will affect retail proposals, but nonetheless the policy direction set out in the SPPS regarding retail is considered to be acceptable by officers.

Summary of Relevant Planning Policy

A Planning Strategy for Rural Northern Ireland

- 8.18 Policy IC15 relates to the provision of roadside service facilities on the trunk roads network and requires a need to be demonstrated, satisfactory access arrangements and acceptable location, siting and design.

Other Relevant Guidance

- 8.19 In addition to the above Policy there are a number of published guidance documents that relate to the provision of Retail.
- 8.20 Supplementary guidance on Retail are set out in:
- [Parking Standards \(DOE, 2005\)](#)
 - [Living Places: An Urban Stewardship and Design Guide for Northern Ireland \(DOE, 2014\)](#)
- 8.21 The SPPS directs that these documents will remain material considerations and are to be retained.

Consideration and Recommendation

- 8.22 It is considered that **the broad thrust and policy principles** established by the SPPS relating to retail and the principles of Policy IC15 are acceptable.
- 8.23 The broad thrust and policy principles are summarised as:-
- Secure a town centres first approach for the location of future retailing and other main town centre uses;
 - Protect and enhance diversity in the range of town centre uses;
 - Promote high quality design
 - Maintain and improve accessibility to and within the town centre.
- 8.24 Therefore it is recommended that the policy principles for retail are taken forward in the development of new policy for our Local Development Plan.

A Planning Strategy for Rural Northern Ireland

Policy IC15

Roadside Service Facilities

The provision of roadside service facilities on the trunk roads network in the open countryside may be considered acceptable where there is a clear indication of need.

It is important to secure the adequate provision of roadside services for long distance travellers using the trunk roads network. As part of the continual upgrading of the network, many settlements have been bypassed. It is not always appropriate for travellers to divert off major routes for services. On the other hand there has been pressure for new development, particularly petrol filling stations in the open countryside. This pressure if left unchecked could result in a proliferation of development resulting in a loss of environmental quality along major routes.

Proposals for roadside service facilities may be considered along the trunk roads network. New facilities will not be permitted unless:

- there is a clear indication of need. In normal circumstances it is considered reasonable to expect a driver to travel at least 12 miles along the main traffic route network before reaching a petrol filling station or service centre (on either side of single carriageway roads). Proposals for new facilities within 12 miles of existing services will therefore not normally be acceptable;
- the access arrangements are satisfactory. Proposals which would lead to traffic hazards will not be permitted. Stations should be designed for one-way working and should be accessible without dangerous right-turning movements across traffic flows. The pairing of stations/ services on either side of the road is always preferable - on both single and dual carriageways. In general, sites adjacent to the main routes but which have access to a minor route may be preferable to sites with direct access, provided the facility is clearly indicated to on-coming traffic. Where direct access is permitted the applicant will normally be required to provide any necessary improvements to the road layout, such as deceleration lanes; and
- the proposal is satisfactory in terms of location, siting and design as set out in [Policy DES 5](#). Adequate screening by landscaping will normally be required.

In normal circumstances, proposals for petrol filling stations, and roadside services are unlikely to be acceptable in Green Belts, Areas of Outstanding Natural Beauty and Countryside Policy Areas

Along the trunk road network the Department considers there is a need not only for fuel provision but also for a wider range of services including toilet and catering services and picnic sites together with adequate parking. Favourable consideration will be given to applications for such service centres which meet the criteria outlined

above. Where a route is already adequately served by existing petrol filling stations the creation of entirely new service centres will not normally be acceptable but proposals for the extension of facilities at existing filling stations may be considered. Such facilities will not be acceptable adjacent to every filling station - again a spacing of 12 miles between services is considered appropriate. Proposals for a grouping of services, by nature of their scale, can have a significantly greater impact on the rural environment. Proposals will therefore be carefully considered to ensure that they can be satisfactorily integrated into the local landscape. Design should be of a high standard and landscaping used to screen the development, particularly any large areas of car parking.

It is considered that on routes not forming part of the trunk roads network there will normally be no necessity to locate petrol filling stations or roadside services in the open countryside. Such facilities will normally be directed to existing settlements unless local circumstances indicate that such a policy would lead to undue hardship for the residents.

The upgrading of existing filling stations will normally be acceptable unless increased trade would create or exacerbate a road traffic hazard. Where a petrol filling station has been abandoned, the policy as set out above will be applied.

Most petrol filling stations now provide a wide range of retail goods in the associated shop. Many now function as the local shop or small supermarket serving the surrounding population. The important role of such retail provision is recognised. Such shops should however clearly remain secondary to the use as a petrol filling station. Proposals for larger units providing general retailing are not considered appropriate. Secondary uses such as vehicle sales or vehicle repairs will normally be unacceptable in countryside locations.

Where a new petrol filling station or roadside service centre is approved in a rural area conditions will normally be imposed to secure adequate parking and landscaping and to restrict the type of goods to be sold. The accumulation of signs will be resisted.

9. Commercial Leisure

Introduction

- 9.1 This section of the paper provides an interim policy review of the planning policy principles in current policy relating to Commercial Leisure. The purpose of this review is to seek agreement on strategic policy direction for our new Local Development Plan. The detail of the current operational policy will be reviewed in further detail once agreement is reached on the overall principle of the policy.
- 9.2 Current operational policy is set out at the strategic level in the Strategic Planning Policy Statement (SPPS) and also in the remaining operational planning policy statements (PPSs) and other guidance. The remaining operational policies will no longer apply once the first part of the new Local Development Plan, the Plan Strategy, is adopted.
- 9.3 This paper sets out the current policy that applies and reviews the requirements of both the SPPS and remaining PPSs etc. The paper finally assesses the future of the thrust of the remaining operational policy and makes a recommendation on whether or not the policy should be retained as part of our new Local Development Plan.

Current Planning Policy Context

- 9.4 At present there are no PPSs relating to commercial leisure. Until local policy is devised, commercial leisure proposals will fall under the policy provisions of 'Town Centres and Retailing' in the SPPS.

Strategic Planning Policy Statement

- 9.5 The aim of the SPPS relating to Commercial leisure is to support and sustain vibrant town centres across Northern Ireland. The SPPS recognises the importance of town centres for bringing people together through the establishment of a variety of land uses, activities and social connections.
- 9.6 The SPPS establishes several strategic objectives for town centres and retailing including commercial leisure services. These are to:
- Secure a town centres first approach for the location of future retailing and other main town centre uses (including cultural and community facilities, retail, leisure, entertainment and businesses);
 - Adopt a sequential approach to the identification of retail and other main town centre uses in Local Development Plans (LDPs) and when decision-taking;
 - Ensure LDPs and decisions are informed by robust and up-to-date evidence in relation to need and capacity;
 - Protect and enhance diversity in the range of town centre uses appropriate to their role and function, such as leisure, cultural and community facilities, housing and business;
 - Promote high quality design in order to ensure that town centres provide sustainable, attractive, accessible and safe environments; and
 - Maintain and improve accessibility to and within the town centre.

- 9.7 The SPPS states that in the absence of a current and up-to-date LDP, Councils should require applicants to prepare an assessment of need which is proportionate to support their application. This may incorporate a quantitative and qualitative assessment of need taking account of the sustainably and objectively assessed needs of the local town and take account of committed development proposals and allocated sites.

Other Relevant Guidance

- 9.8 In addition to the SPPS there are a number of published guidance documents and Development Control Advice Notices (DCANs) that relate to the provision of commercial leisure. DCANs represent non-statutory planning guidance which is intended to supplement, elucidate and exemplify policy documents including PPSs and development plans.
- 9.9 Supplementary guidance on community facilities are outlined in:
- [DCAN 1: Amusement Centres 1983](#)
 - [DCAN 3: Bookmaking Offices 1983](#)
 - [DCAN 4: Restaurants, Cafes and Fast Food Outlets 2002](#)
 - [DCAN 7: Public Houses 1983](#)
- 9.10 The SPPS directs that these documents will remain material considerations and are to be retained.

Consideration and Recommendation

- 9.11 Due to the absence of current operational planning policy, retail policy provision falls under the SPPS. It is considered that the broad thrust and policy principles established by the SPPS relating to Commercial Leisure are acceptable.
- 9.12 Therefore it is recommended that the policy principles for Commercial Leisure are taken forward in the development of new policy for our Local Development Plan.

10. Tourism

Introduction

- 10.1 This section of the paper provides an interim policy review of the planning policy principles in current policy relating to Tourism. The purpose of this review is to seek agreement on strategic policy direction for our new Local Development Plan. The detail of the current operational policy will be reviewed in further detail once agreement is reached on the overall principle of the policy.
- 10.2 Current operational policy is set out at the strategic level in the Strategic Planning Policy Statement (SPPS) and also in the remaining operational planning policy statements (PPSs) and other guidance. The remaining operational policies will no longer apply once the first part of the new Local Development Plan, the Plan Strategy, is adopted.
- 10.3 This paper sets out the current policy that applies and reviews the requirements of both the SPPS and remaining PPSs. The paper finally assesses the future of the thrust of the remaining operational policy and makes a recommendation on whether or not the policy should be retained as part of our new Local Development Plan.
- 10.4 Details of the policies are set out in Annex A.

Current Planning Policy Context

- 10.5 Relevant policies in relation to tourism are set out in:
- A Planning Strategy for Rural Northern Ireland (DOE, 1993)
 - Planning Policy Statement 16 'Tourism' (DOE, 2013)
 - Planning Policy Statement 4 'Planning for Economic Development' (DOE, 2009)
 - Planning Policy Statement 21 'Sustainable Development in the Countryside' (DOE, 2010)

Strategic Planning Policy Context

- 10.6 The SPPS states that there will be a general presumption in favour of tourism development within settlements and that tourism development should be tailored to the needs and assets of the local area and informed by early engagement with relevant stakeholders.
- 10.7 The SPPS provides direction for new proposals and existing tourism facilities. In the countryside planning authorities must carefully manage tourism development. In the interests of rural amenity, wider sustainability objectives and the long term health of the tourism industry the guiding principle should be to ensure policies and proposals facilitate appropriate tourism development in the countryside. This is explained as farm diversification schemes, the re-use of rural buildings and appropriate redevelopment and expansion proposals for tourism purposes) where this supports rural communities and promotes a healthy rural economy and tourism sector.
- 10.8 The SPPS states that where there is no suitable site within a settlement; a new build hotel, guest house, or tourist hostel may be appropriate on the periphery of a settlement subject to meeting normal planning requirements.

- 10.9 The SPPS states that proposals for major tourism development in the countryside may be provided for exceptional circumstances, these are dependent on a number of criteria, proposals must demonstrate exceptional benefit to the tourism industry; and sustainable benefit to the locality, and where a countryside location is required by reason of its size or site specific reasons.
- 10.10 The SPPS does not detail the criteria under tourism for holiday parks or developments of a large scale but does so, generally, under 'economic development in the countryside' criteria. It states that development such as those under 'Signature Projects', or a new or extended holiday park can be supported but that they must be a high quality and sustainable form of tourism development.
- 10.11 The SPPS considers applications for tourism development will be assessed in accordance with normal planning criteria such as access arrangements, design, environmental and amenity impacts so as to ensure high quality, safe and otherwise satisfactory forms of development.
- 10.12 On protecting the tourism asset, the SPPS presumes refusal for those proposals which undermine the value of the tourism asset. Paragraph 6.262 of the SPPS details a diverse range of features of the built and natural heritage of Northern Ireland that can be regarded as tourism assets. These assets are to be safeguarded from unnecessary, inappropriate or excessive development as they are important in attracting tourists and sustaining the tourism industry generally.

Summary of Relevant Planning Policy Statements

Planning Strategy for Rural Northern Ireland (PSRNI)

- 10.13 Whilst the majority of policies contained in the Strategy have been superseded the strategic policy objectives of PSRNI prevail. The policies (in so far as it applies to tourism) is summarised as:
- Policy PSU 1 Community Needs – this policy sets out the requirement to allocate sufficient land to meet the anticipated needs of the community, in terms of health, education and other public facilities.
 - Policy TOU5 on tourism signage is also retained.

Planning Policy Statement 16 'Tourism'

- 10.14 PPS 16 establishes the basis of planning policy for tourism development, including the main forms of tourist accommodation and tourist amenities.
- 10.15 PPS 16 contains the following objectives:
- Contribute to the growth of the regional economy by facilitating tourism growth;
 - Safeguard tourism assets from inappropriate development;
 - Utilise and develop the tourism potential of settlements by facilitating tourism development of an appropriate nature, location and scale;
 - Sustain a vibrant rural community by supporting tourism development of an appropriate nature, location and scale in rural areas;
 - Ensure a high standard of quality and design for all tourism development.

- 10.16 Upon adoption, the policies of PPS16 superseded Tourism Policies SP10 and TOU 1 to TOU 4 of the Planning Strategy for Rural Northern Ireland (PSRNI) and also policy CTY 1 of PPS 21 as it relates to the tourism policies of PSRNI.
- 10.17 The policies of PPS16 also supersede Coastal Policies CO5, CO6 and CO7 of PSRNI and also those elements of the remaining coastal policies where they relate to tourism development or the protection of tourism assets from inappropriate development. Where the above policies are referred to elsewhere in PSRNI, the policies of PPS16 take precedence.
- 10.18 The policies of PPS 16 are summarised as follows:
- Policy TSM1 covers tourism development in settlements provided proposals are of a nature appropriate to the settlement, respects the site context in terms of scale, size and design, and has regard to the specified provisions of a development plan they are acceptable.
 - Policy TSM 2 acknowledges that not all tourism amenities, due to their nature, scale and function, will be suited to an urban location. This policy outlines instances whereby proposals for new amenities or extensions to existing amenities at locations in the countryside will be considered favourably by a Planning Authority.
 - Policy TSM 3 relates to proposals for tourist accommodation in countryside locations. With regard to new tourist accommodation, TSM 3 advises that planning permission will only be granted where it involves the replacement of an existing rural building or, in the case of a new build proposal, it is located on the periphery of a settlement. Under each circumstance, extensive criteria is identified, in accordance with which, proposals will be assessed.
 - Policy TSM 4 relates to applications for major tourism development in the countryside, and advises that such proposals will only be permitted in exceptional circumstances.
 - Policy TSM 5 addresses self-catering in the countryside and provides three circumstances under which such development will be deemed acceptable.
 - Policy in TSM6 for 'new and extended holiday parks in the countryside' provides seven criteria where development for such proposals may be permitted and in view of sustainability.
 - Policy TSM7 provides consideration of 'all proposals for a tourism use' and prescribes a both design criteria and a general criteria which must be met.
 - Policy TSM8 provides for safeguarding of the tourism asset which advises that planning permission will not be granted for development proposals that would in itself, or in combination with other development, be of a detrimental impact on an existing tourism asset.

Planning Policy Statement 4 'Planning and Economic Development'

- 10.19 PPS 4 sets out planning policies for economic development and indicates how growth associated with such uses can be accommodated and promoted in development plans. It seeks to facilitate and accommodate economic growth in

ways compatible with social and environmental objectives and sustainable development.

10.20 The policy (in so far as it applies to tourism) is summarised as:

- Policy PED 4 'Redevelopment of an Established Economic Development Use in the Countryside' considers proposals for the redevelopment of an established economic development use in the countryside for industrial or business purposes.

Planning Policy Statement 21 'Sustainable Development in the Countryside'

10.21 PPS 21 sets out a range of policies in relation to development in the countryside. The policies (in so far as it applies to tourism) are summarised as:

- Policy CTY1 Development in the Countryside – This policy applies to tourism development in all rural locations.
- Policy CTY2 Development in Dispersed Rural Communities – This policy concerns itself with economic development enterprises, including schemes for tourist development, and new social or community facilities.
- Policy CTY11 Farm Diversification – This policy aims to promote forms of diversification that are sustainable in the countryside, including suitable tourism or agri-tourism schemes.

Assessment of Existing PPS's against the provisions of the SPPS

10.22 The policies contained within PSRNI, PPS 16, 4 and 21 in relation to tourism, generally reflect those contained within the SPPS.

Other Relevant Guidance

10.23 In addition to the above operational planning policy there are no other relevant guidance document relating to tourism, however there is supplementary guidance on open space, sport and outdoor recreation which are outlined in:

- [Living Places - An Urban Stewardship and Design Guide for Northern Ireland \(DOE, 2014\)](#)
- [Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside \(DOE, 2012\)](#)

Consideration and Recommendation

10.24 It is considered that the **broad thrust and policy principles** established by the PSRNI and PPSs 16, 4 and 21, in relation to tourism, broadly reflect what is set out in the SPPS.

10.25 The broad thrust and policy principles are summarised as:-

- Protection of tourism assets
- Provision of new tourism facilities to accord with a criteria based approach
- Encourage tourism in rural areas but with a need to integrate tourism facilities and services into landscape and benefit the economy of rural areas
- Encourage major tourism facilities within settlements

- Ensure tourism facilities can grow and evolve with changing markets but appropriate to local context
- Provide an adequate range of accommodation types appropriate to local context and respectful of protected landscapes and/built environments.

10.26 It is further considered by planning officers that the broad thrust and policy principles are acceptable in terms of operational planning policy and work effectively.

10.27 Therefore it is recommended that the policy principles for tourism are taken forward in the development of new policy for our Local Development Plan.

Annex A- Current Operational Planning Policy*

Planning Strategy for Rural Northern Ireland 1993

Policy TOU5

Advance Direction Signs

Signs directing visitors to tourist attractions will generally be permitted, subject to amenity and safety criteria.

The tourist industry, being so dependent on visitors, has a recognised need for advance signs directing people to the facilities available. Signs may be provided for permanent places or facilities to which the people make excursions for sightseeing, entertainment or for historical or cultural purposes. Signing may also be available for tourist information points, leisure drives, camping, caravan and picnic sites, youth hostels and certain other facilities. Where considered appropriate such signs will be erected by the Department will be of a standard format and will be at the developer's expense. The erection of signs other than those provided by the Department will not normally be acceptable. The main criteria for the use of tourist signs are as follows:

- the attraction must be recognised by the Northern Ireland Tourist Board and deemed to merit signing;
- the distance at which attractions may be signed and the standard of road on which signs may be provided will be determined generally by reference to visitor numbers;
- traffic will be directed only on to a route considered suitable;
- minimum signage will be provided particularly where clear guidance is given by existing direction signs. Exceptionally more extensive signing may be permitted on traffic management or safety grounds;
- signs will conform with the current design rules for traffic signs; and signs shall be sited with due regard to the amenity of the locality

Further detailed guidance is available from Divisional Offices of Transport NI.

Planning Policy Statement 16 'Tourism' 2013

Policy TSM1

Tourism Development in Settlements

Planning permission will be granted for a proposal for tourism development (including a tourist amenity or tourist accommodation) within a settlement; provided it is of a nature appropriate to the settlement, respects the site context in terms of scale, size and design, and has regard to the specified provisions of a development plan.

Policy TSM2

Tourist Amenities in the Countryside

New Proposals

Planning permission will be granted for a tourist amenity in the countryside where it is demonstrated that:

- a) it is in association with and requires a site at or close to a particular tourism attraction located in the countryside,
- Or;
- b) the type of tourist activity in itself requires a countryside location.

All proposals that include buildings must make provision in existing or replacement buildings, where possible.

Where a proposed tourist amenity is of regional importance or is otherwise significant in terms of the extent of new build or the scale of engineering operations it must demonstrate substantial benefit to regional tourism as well as sustainable benefits to the locality. Such applications must be supported by a tourism benefit statement and a sustainable benefit statement.

Extension of an Existing Tourist Amenity

A proposal for the extension of an existing tourist amenity will be permitted where the scale and nature of the proposal does not harm the rural character, landscape quality or environmental integrity of the local area.

Where possible, such proposals will be expected to be accommodated through the conversion, reuse or extension of existing buildings on site, unless it can be demonstrated that this is not a feasible option. In circumstances where the planning authority accepts a new or replacement building it should be sited and designed so as to integrate with the overall development.

Any conversion, extension or new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest they may have.

Policy TSM3

Hotels, Guest Houses and Tourist Hostels in the Countryside

New / Replacement Buildings

Planning permission will be granted for a new hotel / guest house / tourist hostel in the countryside in the following circumstances and will be assessed under the specified criteria:

Circumstances

- (a) The replacement of an existing rural building ;
- (b) A new build proposal on the periphery of a settlement.

Replacement of an Existing Rural Building

- A proposal to replace an existing building in the countryside with a hotel, guest house or tourist hostel will be permitted subject to the following specific criteria:
- the building is of permanent construction;
- the existing building and its replacement are both of sufficient size to facilitate the proposed use in accordance with the accommodation requirements set out in Tourism (NI) Order 1992
- the existing building is not a listed building;
- where the existing building is a vernacular building and is considered to make an important contribution to local heritage or character, replacement will only be approved where it is demonstrated that the building is not reasonably capable of being made structurally sound or otherwise improved;
- the redevelopment proposed will result in significant environmental benefit;
- the overall size and scale of the new development, including car parking and ancillary facilities, will allow it to integrate into the surrounding landscape and will not have a visual impact significantly greater than the existing building;
- the design is of high quality, appropriate to the rural setting and has regard to local distinctiveness;
- access, car parking and other necessary services are available or can be provided without significant adverse impact on the environment, the appearance and character of the locality and road safety.

New Build Hotel, Guest House or Tourist Hostel on the periphery of a Settlement

A firm proposal to develop a hotel, guest house or tourist hostel on land at the edge of a settlement will be permitted subject to the following specific criteria:

- there is no suitable site within the settlement or other nearby settlement;
- there are no suitable opportunities in the locality to provide a hotel, guest house or tourist hostel either through
 - (a) the conversion and re-use of a suitable building(s) or
 - (b) the replacement of a suitable building(s);
- the development is close to the settlement, but will not dominate it, adversely affect landscape setting, or otherwise contribute to urban sprawl.

Where the principle of a new building on the periphery of a settlement is established through meeting the above criteria, the planning authority will apply a sequential locational test, with preference being attributed to sites in the following order:

- land adjacent to the existing settlement limit, subject to amenity and environmental considerations;
- a site on the periphery of the settlement limit which currently contains buildings or;
- where the site is already in a degraded or derelict state and there is an opportunity to improve the environment;
- an undeveloped site close to the settlement where the development could be visually integrated into the landscape.

Any proposed change of use or replacement of a hotel, guest house or tourist hostel approved under this policy to a non-tourism use will be resisted, unless it is demonstrated that:

(a) the facility is not viable in the long term, and

(b) there is sufficient alternative provision in the locality to offset the loss of tourism benefit.

Expansion of Existing Hotels, Guest Houses and Tourist Hostels

A proposal for the expansion of an existing hotel, guest house or tourist hostel will be permitted subject to the following specific criteria:

- (a) new or replacement building(s) are subsidiary in terms of scale to the existing building(s) and will integrate as part of the overall development;
- (b) any extension or new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest the original property may have.

Policy TSM4**Major Tourism Development in the Countryside – Exceptional Circumstances**

A proposal for a major tourism development in the countryside will be permitted if it meets all of the following exceptional circumstances:

- (a) demonstration of exceptional benefit to the tourism industry ;
- (b) demonstration that the proposal requires a countryside location by reason of its size or site specific or functional requirements;
- (c) demonstration of sustainable benefit to the locality.

All proposals brought forward under exceptional circumstances must be accompanied by a statement demonstrating how the proposal meets the 3 criteria.

Policy TSM5**Self Catering Accommodation in the Countryside**

Planning approval will be granted for self-catering units of tourist accommodation in any of the following circumstances:

- (a) one or more new units all located within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park;
- (b) a cluster of 3 or more new units are to be provided at or close to an existing or approved tourist amenity that is / will be a significant visitor attraction in its own right;
- (c) the restoration of an existing clachan or close, through conversion and / or replacement of existing buildings, subject to the retention of the original scale and proportions of the buildings and sympathetic treatment of boundaries. Where practicable original materials and finishes should be included.

In either circumstance (a) or (b) above, self-catering development is required to be subsidiary in scale and ancillary to the primary tourism use of the site.

Where a cluster of self-catering units is proposed in conjunction with a proposed or approved hotel, self-catering complex, guest house or holiday park and / or tourist amenity, a condition will be attached to the permission preventing occupation of the units before the primary tourism use is provided and fully operational.

All permissions for self-catering accommodation will include a condition requiring the units to be used for holiday letting accommodation only and not for permanent residential accommodation.

The overall design of the self-catering scheme, including layout, the provision of amenity open space and the size and detailed design of individual units, must deter permanent residential use. To this end, permitted development rights in respect of plot boundaries will also be removed.

Policy TSM6

New and Extended Holiday Parks in the Countryside

Planning permission will be granted for a new holiday park or an extension to an existing facility where it is demonstrated that the proposal will create a high quality and sustainable form of tourism development.

The location, siting, size, design, layout and landscaping of the holiday park proposal must be based on an overall design concept that respects the surrounding landscape, rural character and site context.

Proposals for holiday park development must be accompanied by a layout and landscaping plan (see guidance at Appendix 4) and will be subject to the following specific criteria:

- (a) The site is located in an area that has the capacity to absorb the holiday park development, without adverse impact on visual amenity and rural character;
- (b) Effective integration into the landscape must be secured primarily through the utilisation of existing natural or built features. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist its integration with the surrounding area;
- (c) Adequate provision (normally around 15% of the site area) is made for communal open space (including play and recreation areas and landscaped areas), as an integral part of the development;
- (d) the layout of caravan pitches / motor homes is informal and characterised by discrete groupings or clusters of units separated through the use of appropriate soft landscaping;
- (e) The design of the development, including the design and scale of ancillary buildings and the design of other elements including internal roads, paths, car parking areas, walls and fences, is appropriate for the site and the locality, respecting the best local traditions of form, materials and detailing;
- (f) Environmental assets including features of the archaeological and built heritage, natural habitats, trees and landscape features are identified and, where appropriate, retained and integrated in a suitable manner into the overall design and layout;
- (g) Mains water supply and sewerage services must be utilised where available and practicable.

Policy TSM7

Criteria for Tourism Development

A proposal for a tourism use, in addition to the other policy provisions of this Statement, will be subject to the following design criteria:

Design Criteria

- (a) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;
- (b) the site layout, building design, associated infrastructure and landscaping arrangements (including flood lighting) are of high quality in accordance with the Department's published guidance and assist the promotion of sustainability and biodiversity;
- (c) appropriate boundary treatment and means of enclosure are provided and any
- (d) areas of outside storage proposed are screened from public view;
- (e) utilisation of sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way;
- (f) is designed to deter crime and promote personal safety;
- (g) development involving public art, where it is linked to a tourism development, needs to be of high quality, to complement the design of associated buildings and to respect the surrounding site context.

In addition to the above design criteria, a proposal will also be subject to the following general criteria (g – o).

General Criteria

- (g) it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area;
- (h) it does not harm the amenities of nearby residents;
- (i) it does not adversely affect features of the natural or built heritage;
- (j) it is capable of dealing with any emission or effluent in accordance with legislative requirements. The safeguarding of water quality through adequate means of sewage disposal is of particular importance and accordingly mains sewerage and water supply services must be utilised where available and practicable;
- (k) access arrangements must be in accordance with the Department's published guidance;
- (l) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic;

- (m) the existing road network can safely handle any extra vehicular traffic the proposal will generate;
- (n) access onto a protected route for a tourism development in the countryside is in accordance with the amendment to Policy AMP 3 of PPS 3, as set out in Annex 1 of PPS
- (o) it does not extinguish or significantly constrain an existing or planned public access to the coastline or a tourism asset, unless a suitable alternative is provided;

Policy TSM8

Safeguarding of Tourism Assets

Planning permission will not be granted for development that would in itself or in combination with existing and approved development in the locality have an adverse impact on a tourism asset (as defined in paragraph 7.39 of the J&A and in Appendix 1 Glossary of Terms) such as to significantly compromise its tourism value.

This policy provides for the safeguarding of all tourism assets, including those which are subject to protection for other reasons under various legislative or policy instruments and those which are not subject to such protection.

Planning Policy Statement 4 'Economic Development' 2013

Policy PED4

Redevelopment of an established Economic use in the Countryside

A proposal for the redevelopment of an established economic development use in the countryside for industrial or business purposes (or a sui generis employment use) will be permitted where it is demonstrated that all the following criteria can be met:

- (a) the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is only a proportionate increase in the site area;
- (b) there would be environmental benefits as a result of the redevelopment
- (c) the redevelopment scheme deals comprehensively with the full extent of the existing site or in the case of partial redevelopment addresses the implications for the remainder of the site; and
- (d) the overall visual impact of replacement buildings is not significantly greater than that of the buildings to be replaced.

The redevelopment of an established storage or distribution site for continuing storage or distribution use will also be permitted subject to the above criteria. However, the redevelopment of an established industrial or business site for storage or distribution purposes will only be permitted in exceptional circumstances.

On occasion, proposals may come forward for the alternative use of economic development sites in the countryside. Proposals for the redevelopment of sites for tourism, outdoor sport and recreation or local community facilities will be viewed sympathetically where all the above criteria can be met and where the proposal does not involve land forming all or part of an existing industrial estate.

Redevelopment proposals involving retailing will, however, not be permitted. Exceptionally, proposals for social and affordable housing may be permitted on former industrial sites that cannot realistically be redeveloped for industry, provided they meet the policy provisions of PPS 21.

Planning Policy Statement 21 'Sustainable Development in the Countryside' 2010

Policy CTY 1

Development in the Countryside

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Details of these are set out below.

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

Housing Development

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a;
- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;

- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10.

Planning permission will also be granted in the countryside for:

- a small group of houses in a designated Dispersed Rural Community in accordance with Policy CTY 2;
- the conversion of a non-residential building to a dwelling(s) in accordance with Policy CTY 4;
- the provision of social and affordable housing in accordance with Policy CTY 5;
- a residential caravan or mobile home in accordance with Policy CTY 9;
- the conversion of a listed building to residential accommodation in accordance with the policies of PPS 6;
- an extension to a dwelling house where this is in accordance with the Addendum to PPS 7; or
- Travellers Accommodation where this is in accordance with Policy HS 3 of PPS 12.

Non-Residential Development

Planning permission will be granted for non-residential development in the countryside in the following cases:

- farm diversification proposals in accordance with Policy CTY 11;
- agricultural and forestry development in accordance with Policy CTY12;
- the reuse of an existing building in accordance with Policy CTY 4;
- tourism development in accordance with the TOU Policies of PSRNI;
- industry and business uses in accordance with PPS 4 (currently under review);
- minerals development in accordance with the MIN Policies of PSRNI;
- outdoor sport and recreational uses in accordance with PPS 8;
- renewable energy projects in accordance with PPS 18; or
- A necessary community facility to serve the local rural population.

There are a range of other types of non-residential development that may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development. Proposals for such development will continue to be considered in accordance with existing published planning policies.

Policy CTY 2**Development in Dispersed Rural Communities**

Within a Dispersed Rural Community (DRC) designated in a development plan planning permission will be granted to suitable proposals for a small cluster or 'clachan' style development of up to 6 houses at an identified focal point. Permission will generally be limited to one cluster per focal point.

Appropriate economic development enterprises, including schemes for tourist development, and new social or community facilities may also be accommodated.

The design of all proposals should be of a high quality appropriate to their rural setting and have regard to local distinctiveness.

Proposals for individual dwellings or social / affordable housing schemes in DRCs will be assessed against the other policy provisions of this PPS.

Policy CTY 11**Farm Diversification**

Planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. The following criteria will apply:

- (a) the farm or forestry business is currently active and established;
- (b) in terms of character and scale it is appropriate to its location;
- (c) it will not have an adverse impact on the natural or built heritage; and
- (d) it will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.

Proposals will only be acceptable where they involve the re-use or adaptation of existing farm buildings.

Exceptionally, a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for adaptation and re-use or cannot be adapted to meeting the requirements of other statutory agencies.

Where a new building is justified it should be satisfactorily integrated with an existing group of buildings.

***Supplementary text is available for the policy via the following links**

- [A Planning Strategy for Rural Northern Ireland \(DOE, 1993\)](#)
- [Planning Policy Statement 16 'Tourism' \(DOE, 2013\)](#)

- [Planning Policy Statement 4 'Planning for Economic Development' \(DOE, 2009\)](#)
- [Planning Policy Statement 21 'Sustainable Development in the Countryside' \(DOE, 2010\)](#)

11. Agriculture Fishing and Forestry

Introduction

- 11.1 This section of the paper provides an interim policy review of the planning policy principles in current policy relating to Agriculture, Fishing and Forestry. The purpose of this review is to seek agreement on strategic policy direction for our new Local Development Plan. The detail of the current operational policy will be reviewed in further detail once agreement is reached on the overall principle of the policy.
- 11.2 Current operational policy is set out at the strategic level in the Strategic Planning Policy Statement (SPPS) and also in the remaining operational planning policy statements (PPSs) and other guidance. The remaining operational policies will no longer apply once the first part of the new Local Development Plan, the Plan Strategy, is adopted.
- 11.3 This paper sets out the current policy that applies and reviews the requirements of both the SPPS and remaining PPSs etc. The paper finally assesses the future of the thrust of the remaining operational policy and makes a recommendation on whether or not the policy should be retained as part of our new Local Development Plan.
- 11.4 Details of the policies are set out in Annex A.

Current Planning Policy Context

- 11.5 Whilst there is no direct operational policy relating specifically to Agriculture Fishing and Forestry relevant policies in relation to this topic are set out in:
- Planning Policy Statement 21 'Sustainable Development in the Countryside' (DOE, 2010)
 - Planning Policy Statement 4 'Planning and Economic Development' (DOE, 2010)

Strategic Planning Policy Statement

- 11.6 With regards to Agriculture, Fishing and Forestry the SPPS is supportive of rural economic development that will contribute towards facilitating a vibrant rural economy and community.
- 11.7 The SPPS advises that in relation to agriculture and forestry development, provision should be made for development on an active and established agricultural holding or forestry enterprise where the proposal is necessary for the efficient operation of the holding or enterprise.
- 11.8

Summary of Relevant Planning Policy Statements

Planning Policy Statement 21 'Sustainable Development in the Countryside'

- 11.9 PPS 21 is the current operational planning policy overseeing the regulation of agriculture, fishing and forestry developments. PPS 21 contains the following objectives:

- To manage growth in the countryside to achieve appropriate and sustainable patterns of development that meet the essential needs of a vibrant rural community;
- To conserve the landscape and natural resources of the rural area and to protect it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution;
- To facilitate development necessary to achieve a sustainable rural economy; including appropriate farm diversification and other economic activity; and
- To promote high standards in the design, siting and landscaping of development in the countryside.

11.10 The policies (in so far as it applies to agriculture, fishing and forestry) is summarised as:-

- Policy CTY 1 Development in the Countryside - This details the range of types of development which in principle are considered acceptable in the countryside and that will contribute to the aims of sustainable development.
- Policy CTY 10 Dwellings on Farms - This policy sets out the required criteria for obtaining planning permission for a dwelling house on a farm. Permission granted under this policy will only be forthcoming once every 10 years.
- Policy CTY 11 Farm Diversification - This policy aims to promote forms of farm or forestry diversification that are sustainable in the countryside. Criteria for the granting of planning permission are set out within the policy. In summary diversification proposals should be of a scale and nature appropriate for the location and integration into the rural landscape.
- Policy CTY 12 Agricultural and Forestry Development - This policy sets out the planning criteria for development on an active and established agricultural or forestry holding. New build proposals under this policy must satisfactorily demonstrate that renovation, alteration or redevelopment opportunities do not exist. Similarly, proposals located away from existing agricultural or forestry buildings will only be acceptable where it is shown to be essential for the efficient functioning of the holding.
- Policy CTY 13 Integration and Design of Buildings in the Countryside - This policy concerns itself with the visual integration of new buildings in the countryside landscape.
- Policy CTY 14 Rural Character - This policy focuses on new buildings in the countryside and their potential impact upon rural character. New proposed buildings must not result in detrimental change to, or further erode the rural character of an area. Instead proposals should seek to maintain and protect the special qualities and unique character of the countryside as required by the policy criteria.
- Policy CTY 15 The Setting of Settlements - This policy concerns itself with the setting of settlements. Attention must be paid to the siting options available and to mitigate any adverse impact on the setting of settlements.
- Policy CTY 16 Development Relying on Non-Mains Sewerage - This policy concerns itself with developments relying on non-mains sewerage and the potential pollution impacts that may arise.

Planning Policy Statement 4 'Planning and Economic Development'

- 11.11 PPS 4 aims to facilitate the economic development needs of the region in ways consistent with protection of the environment and the principles of sustainable development.
- 11.12 The relevant policies (in so far as they relate to agriculture, fishing and forestry) is summarised as:-
- Policy PED 2 Economic Development in the Countryside - This policy sets out the criteria for economic development proposals in the countryside.
 - Policy PED 3 Expansion of an Established Economic Development Use in the Countryside - This policy sets out the criteria for the extension of an already established economic development use in the countryside.
 - Policy PED 4 Redevelopment of an Established Economic Development Use in the Countryside - This policy sets out the criteria for the redevelopment of an established economic development use for industrial, business purpose and/or sui generis employment use in the countryside.
 - Policy PED 5 Major Industrial Development in the Countryside - This policy concerns itself with major industrial proposals which would contribute significantly to the region.
 - Policy PED 9 General Criteria for Economic Development - The general criteria for economic development use and other policy provisions are set out in this policy.

Assessment of existing PPS's against the provisions of the SPPS

- 11.13 The policies contained within PPS 4 and PPS 21 in relation to agriculture, fishing and forestry, generally reflect those contained within the SPPS.

Other Relevant Guidance

- 11.14 In addition to the above operational policy there are a number of published guidance documents which is intended to supplement, elucidate and exemplify policy documents including PPSs and development plans⁷.
- 11.15 Supplementary guidance on agriculture, fishing and forestry are outlined in:
- [Building on Tradition 'A Sustainable Design Guide for the Northern Ireland Countryside' \(DOE, 2012\)](#)
- 11.16 The SPPS directs that this document will remain material considerations and is to be retained.

Consideration and Recommendation

- 11.17 It is considered that the **broad thrust and policy principles** established by PPS 4 and PPS 21, in relation to agriculture, fishing and forestry broadly reflect what is set out in the SPPS.

⁷ Available to download at <http://www.planningni.gov.uk/index/policy.htm>

- 11.18 Opportunity exists to develop specific policies relating to agriculture, fishing and forestry albeit for commercial or recreational uses.
- 11.19 The broad thrust and policy principles are summarised as:-
- Facilitate development which contributes to a sustainable economy
 - Ensure farm/ forestry businesses are currently active and established
 - Encourage sympathetic design, character and scale of development so as it integrates appropriately to its location
 - Promote the re-use of previous used buildings
 - Ensure no adverse impacts upon residential dwellings, the natural and built environment.
- 11.20 It is further considered by planning officers that the broad thrust and policy principles are acceptable in terms of operational planning policy and work effectively.
- 11.21 Therefore it is recommended that the policy principles for agriculture, fishing and forestry are taken forward in the development of new policy for our Local Development Plan.

Annex A – Current Operational Planning Policy*

Planning Policy Statement 21 ‘Sustainable Development in the Countryside’

Policy CTY 1

Development in the Countryside

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Details of these are set out below.

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

Housing Development

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;
- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10.

Planning permission will also be granted in the countryside for:

- a small group of houses in a designated Dispersed Rural Community in accordance with Policy CTY 2;

- the conversion of a non-residential building to a dwelling(s) in accordance with Policy CTY 4;
- the provision of social and affordable housing in accordance with Policy CTY 5;
- a residential caravan or mobile home in accordance with Policy CTY 9;
- the conversion of a listed building to residential accommodation in accordance with the policies of PPS 6;
- an extension to a dwelling house where this is in accordance with the Addendum to PPS 7; or
- Travellers Accommodation where this is in accordance with Policy HS 3 of PPS 12.

Non-Residential Development

Planning permission will be granted for non-residential development in the countryside in the following cases:

- farm diversification proposals in accordance with Policy CTY 11;
- agricultural and forestry development in accordance with Policy CTY 12;
- the reuse of an existing building in accordance with Policy CTY 4;
- tourism development in accordance with the TOU Policies of PSRNI;
- industry and business uses in accordance with PPS 4 (currently under review);
- minerals development in accordance with the MIN Policies of PSRNI;
- outdoor sport and recreational uses in accordance with PPS 8;
- renewable energy projects in accordance with PPS 18; or
- a necessary community facility to serve the local rural population.

There are a range of other types of non-residential development that may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development. Proposals for such development will continue to be considered in accordance with existing published planning policies.

Policy CTY 10

Dwellings on Farms

Planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- a) the farm business is currently active and has been established for at least 6 years;
- b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - demonstrable health and safety reasons; or
 - Verifiable plans to expand the farm business at the existing building group(s).

In such circumstances the proposed site must also meet the requirements of CTY 13(a-f), CTY 14 and CTY 16.

Planning permission granted under this policy will only be forthcoming once every 10 years.

A proposal for a dwelling by those involved in the keeping and breeding of horses for commercial purposes will also be assessed under the criteria set out in this policy.

Policy CTY 11

Farm Diversification

Planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. The following criteria will apply:

- a) the farm or forestry business is currently active and established;
- b) in terms of character and scale it is appropriate to its location;
- c) it will not have an adverse impact on the natural or built heritage; and
- d) it will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.

Proposals will only be acceptable where they involve the re-use or adaptation of existing farm buildings.

Exceptionally, a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for

adaptation and re-use or cannot be adapted to meeting the requirements of other statutory agencies.

Where a new building is justified it should be satisfactorily integrated with an existing group of buildings.

Policy CTY 12

Agricultural and Forestry Development

Planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

- a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;
- b) in terms of character and scale it is appropriate to its location;
- c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
- d) it will not have an adverse impact on the natural or built heritage; and
- e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- there are no suitable existing buildings on the holding or enterprise that can be used;
- the design and materials to be used are sympathetic to the locality and adjacent buildings; and
- the proposal is sited beside existing farm or forestry buildings.

Exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- it is essential for the efficient functioning of the business; or
- there are demonstrable health and safety reasons.

Policy CTY 13**Integration and Design of Buildings in the Countryside**

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (c) it relies primarily on the use of new landscaping for integration; or
- (d) ancillary works do not integrate with their surroundings; or
- (e) the design of the building is inappropriate for the site and its locality; or
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
- (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

Policy CTY 15**The Setting of Settlements**

Planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl.

Policy CTY 16**Development Relying on Non-Mains Sewerage**

Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.

Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made.

In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.

Planning Policy Statement 4 'Planning and Economic Development'**Policy PED 2****Economic Development in the Countryside**

Proposals for economic development uses in the countryside will be permitted in accordance with the provisions of the following policies:

- The Expansion of an Established Economic Development Use – Policy PED 3
- The Redevelopment of an Established Economic Development Use – Policy PED 4
- Major Industrial Development – Policy PED 5
- Small Rural Projects – Policy PED 6

Economic development associated with farm diversification schemes and proposals involving the re-use of rural buildings will be assessed under the provisions of Planning Policy Statement 21 'Sustainable Development in the Countryside'. All other proposals for economic development in the countryside will only be permitted in exceptional circumstances.

Policy PED 3**Expansion of an Established Economic Development Use in the Countryside**

The expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise.

Proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. Where it is demonstrated that this is not possible, new buildings may be approved provided they are in proportion to the existing building(s) and will integrate as part of the overall development.

Any extension or new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest the original property may have.

A proposal for the major expansion of an existing industrial enterprise that would not meet the above policy provisions will only be permitted in exceptional circumstances where it is demonstrated that:

- relocation of the enterprise is not possible for particular operational or employment reasons;
- the proposal would make a significant contribution to the local economy; and
- the development would not undermine rural character.

In all cases, measures to aid integration into the landscape will be required for both the extension and the existing site.

Policy PED 4**Redevelopment of an Established Economic Development Use in the Countryside**

A proposal for the redevelopment of an established economic development use in the countryside for industrial or business purposes (or a sui generis employment use) will be permitted where it is demonstrated that all the following criteria can be met:

the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is only a proportionate increase in the site area;

- a) there would be environmental benefits as a result of the redevelopment;
- b) the redevelopment scheme deals comprehensively with the full extent of the existing site or in the case of partial redevelopment addresses the implications for the remainder of the site; and
- c) the overall visual impact of replacement buildings is not significantly greater than that of the buildings to be replaced.

The redevelopment of an established storage or distribution site for continuing storage or distribution use will also be permitted subject to the above criteria. However, the redevelopment of an established industrial or business site for storage or distribution purposes will only be permitted in exceptional circumstances.

On occasion, proposals may come forward for the alternative use of economic development sites in the countryside. Proposals for the redevelopment of sites for tourism, outdoor sport and recreation or local community facilities will be viewed sympathetically where all the above criteria can be met and where the proposal does not involve land forming all or part of an existing industrial estate.

Redevelopment proposals involving retailing will, however, not be permitted.

Exceptionally, proposals for social and affordable housing may be permitted on former industrial sites that cannot realistically be redeveloped for industry, provided they meet the policy provisions of PPS 21.

Policy PED 5**Major Industrial Development in the Countryside**

A major industrial proposal which makes a significant contribution to the regional economy will be permitted in the countryside where it is demonstrated that the proposal due to its size or site specific requirements needs a countryside location.

Such proposals will be assessed taking account of:

- a) the long-term sustainable economic benefits;
- b) the availability of alternative sites; and
- c) the environmental or transport impacts.

Where an industrial development proposal is judged acceptable in principle in the countryside under the above, an edge of town location will be favoured over a location elsewhere in the rural area.

Policy PED 9

General Criteria for Economic Development

A proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:

- a) it is compatible with surrounding land uses;
- b) it does not harm the amenities of nearby residents;
- c) it does not adversely affect features of the natural or built heritage;
- d) it is not located in an area at flood risk and will not cause or exacerbate flooding;
- e) it does not create a noise nuisance;
- f) it is capable of dealing satisfactorily with any emission or effluent;
- g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;
- h) adequate access arrangements, parking and manoeuvring areas are provided;
- i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;
- j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;
- k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;
- l) is designed to deter crime and promote personal safety; and
- m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

***Supplementary text is available for the policy via the following links**

- [Planning Policy Statement 4 'Planning and Economic Development'](#)
- [Planning Policy Statement 21 'Sustainable Development in the Countryside' \(DOE, 2010\)](#)

12. Minerals

Introduction

- 12.1 This section of the paper provides an interim policy review of the planning policy principles in current policy relating to Minerals. The purpose of this review is to seek agreement on strategic policy direction for our new Local Development Plan. The detail of the current operational policy will be reviewed in further detail once clarity is reached on the overall principle of the policy.
- 12.2 Current operational policy is set out at the strategic level in the Strategic Planning Policy Statement (SPPS) and also in the remaining operational planning policy statements (PPSs) and other guidance. The remaining operational policies will no longer apply once the first part of the new Local Development Plan, the Plan Strategy, is adopted.
- 12.3 This paper sets out the current policy that applies and reviews the requirements of both the SPPS and remaining PPSs. The paper finally assesses the future of the thrust of the remaining operational policy and makes a recommendation on whether or not the policy should be retained as part of our new Local Development Plan.
- 12.4 Details of the policies are set out in Annex A.

Current Planning Policy Context

- 12.5 Relevant policies in relation to Minerals are set out in:
- Strategic Planning Policy Statement (DOE, 2015)
 - A Planning Strategy for Rural Northern Ireland (DOE, 1993)
 - Planning Policy Statement 2: 'Natural Heritage' (DOE, 2013)
 - Planning Policy Statement 3: 'Access Movement & Parking' (DOE, 2005)
 - Planning Policy Statement 6: 'Planning, Archaeology and The Built Heritage' (DOE, 1999)
 - Planning Policy Statement 15 (Revised) 'Planning and Flood Risk' (DOE, 2014)
 - Planning Policy Statement 21 'Sustainable Development in the Countryside' (DOE, 2010)

Strategic Planning Policy Statement

Assessment against the provision of the SPPS

- 12.6 The SPPS recognises the essential contribution that the minerals industry makes to the economy and to the quality of life, providing primary minerals for construction and other uses and providing jobs and employment, particularly in rural areas.
- 12.7 The SPPS regional strategic objectives for minerals development are to:

- facilitate sustainable minerals development through balancing the need for specific minerals development proposals against the need to safeguard the environment;
 - minimise the impacts of minerals development on local communities, landscape quality, built and natural heritage, and the water environment; and
 - secure the sustainable and safe restoration, including the appropriate re-use of mineral sites, at the earliest opportunity
- 12.8 The SPPS recognises that the planning authority has a key role to play in facilitating a sustainable approach to minerals development and also ensuring the appropriate restoration of sites after work has ceased.
- 12.9 The SPPS states that there will be a presumption against unconventional extraction of hydrocarbons (i.e. fracking).
- 12.10 The SPPS states that where a proposal for mineral development is within or in close proximity to an area that has been designated (or proposed for designation) to protect its landscape, scientific or natural heritage significance, permission will not normally be granted where this would prejudice the essential character of the area and undermine the rationale for its designation.
- 12.11 The SPPS requires that in assessing proposals, consideration will be given to the Landscape Character Assessments and any other relevant guidance including AONB Management Plans and local design guides.
- 12.12 The rate of consumption of finite minerals should be reduced by encouraging the use of renewable and recycled alternatives where ever this is practical and economically viable.

Summary of Relevant Planning Policy Statements

Planning Strategy for Rural Northern Ireland

- 12.13 Whilst the majority of policies contained in the Strategy have been superseded, all of the strategic planning policies relating to mineral development prevail.
- 12.14 The PSRNI recognises the economic and social importance of mineral extraction can have upon rural areas in terms of providing employment and the extraction of products to sustain construction and agriculture industries.
- 12.15 The policy (in so far as it applies to minerals) is summarised as:
- Policy MIN 1 Environmental Protection – This policy assess the need for the mineral resource against the need to protect and conserve the environment.
 - Policy MIN 2 Visual Implications– This policy assess the visual implications of mineral extraction.
 - Policy MIN 3 Areas of Constraint – This policy helps to identify areas of mineral development constraints.
 - Policy MIN 4 Valuable Minerals- Applications to exploit minerals, limited in occurrence or with some uncommon or valuable property, will be considered on their merits.
 - Policy MIN 5 Mineral Reserves - Surface development, which would prejudice future exploitation of valuable mineral reserves, will not be permitted.

- Policy MIN 6 Safety and Amenity – This policy pays regard to the safety and amenity of occupied developments in close proximity to mineral workings.
- Policy MIN 7 Traffic – This policy gives direction to the safety and convenience of road users and the amenity of persons living on roads close to the site of proposed operations.
- Policy MIN 8 Restoration – This policy requires mineral workings to be restored at the earliest opportunity.

Planning Policy Statement 2 'Natural Heritage'

12.16 PPS 2 sets out the policy direction for enhancing and conserving our natural heritage and replaces PPS 2 'Planning and Nature Conservation'. The policies (in so far as they apply to minerals) are summarised as:

- Policy NH1 European and Ramsar Sites – This policy gives direction for International Development proposals where they are likely to impact upon the integrity of European or Ramsar sites.
- Policy NH 2 Species Protected by Law – This policy ensures that development proposals are sensitive to all protected species so as to prevent deterioration and destruction to their breeding sites or resting places.
- Policy NH 3 Sites of Nature Conservation Importance (National)– This policy outlines that National Development proposals must not have adverse effects on the integrity and the value of such sites and the habitat network.
- Policy NH 4 Sites of Nature Conservation Importance (Local) – This policy gives direction to developments within sites of local nature importance (Local Nature Reserve, Wildlife Refuge).
- Policy NH 5 Habitats, Species or Features of Natural Heritage Importance - Development will only be granted under this policy where they are not likely to result in the unacceptable adverse impact on or damage to, habitats, species or features of natural heritage.
- Policy NH 6 Areas of Outstanding Natural Beauty (ANOB) - This policy requires development proposals in ANOBs to be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife.

Planning Policy Statement 6 'Planning, Archaeology and Built Heritage'

12.17 PPS 6 sets out a range of policies for the protection and conservation of archaeological remains and features of the built heritage. Mineral developments must regard areas of the built environment which are archaeologically and historically important therefore the policies (in so far as it applies to minerals) are summarised as:

- Policy BH1 The Preservation of Archaeological Remains of Regional Importance and their settings - This policy provides for a presumption in favour of the physical preservation in situ of physical remains of regional importance and their settings.

- Policy BH2 The Protection of Archaeological Remains of Local Importance and their Settings – This policy gives direction to developments in areas known to have archaeological local importance.
- Policy BH 3 Archaeological Assessment and Evaluation – This policy requires an archaeological assessment to accompany a proposal where the locations of archaeological remains are unclear.
- Policy BH 4 Archaeological Mitigation – Where planning permission has been granted conditions can be imposed on developers for the identification and mitigation of the archaeological impacts of the development.
- Policy BH 5 The Protection of World Heritage Sites - This policy protects World Heritage sites, in that development which would adversely affect them will not be permitted, except in exceptional circumstances.
- Policy BH 6 The Protection of Parks, Gardens, and Demesnes of Special Historic Interest - Development which adversely affects such sites would not normally be permitted. Where permission is granted this will normally be conditional on the recording of any features which would be lost before development commences.
- Policy BH 10 Demolition of a Listed Building - This policy provides for a presumption in favour of retaining a listed building. Such buildings can only be demolished in exceptional circumstances. If demolition consent is granted, this will be conditional on prior agreement for the redevelopment of the site and arrangements for recording the building before its demolition.
- Policy BH 11 Development affecting the Setting of a Listed Building- Development which adversely affects the setting of a listed building would not normally be permitted. Development proposals will normally only be permitted where they meet a range of criteria.

Planning Policy Statement 15 (Revised) 'Planning and Flood Risk'

12.18 PPS 15 sets out operational planning policies to minimise and manage flood risk to people, property and the environment. The policies (in so far as it applies to minerals) are summarised as:

- Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains - Mineral development under this policy constitutes as an Undefended Area which is an area within the floodplain that is not protected by flood defences, and is subject to a much higher flood risk. The policy criteria states that a Flood Risk Assessment for all proposals must be submitted.
- Policy FLD 2 Protection of Flood Defence and Drainage Infrastructure - This policy states that the planning authority will not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.
- Policy FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains - This Policy requires that a Drainage Assessment is to be submitted for all development proposals that exceed certain thresholds as listed within the policy. Policy FLD 1 will take precedence where the proposed development is also located within a fluvial or coastal flood plain.

Planning Policy Statement 21 'Sustainable Development in the Countryside'

- 12.19 PPS 21 sets out a range of policies for the management of developments in the countryside. The policies (in so far as it applies to minerals) are summarised as:
- Policy CTY 1 Development in the Countryside – This policy sets out a range of development types which in principal are considered to be acceptable in the countryside. In terms of mineral development (non-residential development) planning permission will be granted where proposals are in accordance with the MIN Policies of PSRNI.

Assessment of Existing PPSs against the provisions of the SPPS

- 12.20 The policies contained within PSRNI and relevant PPSs in relation to mineral development, generally reflect those contained within the SPPS.

Other Relevant Guidance

- 12.21 In addition to the above operational planning policy there is currently no other guidance relating to the provision of Minerals.

Consideration and Recommendation

- 12.22 It is considered that the **broad thrust and policy principles** established by PSRNI, and the relevant PPSs, in relation to mineral development, generally reflect what is set out in the SPPS.
- 12.23 The broad thrust and policy principles are summarised as:-
- Identify and protect areas of constraint from mineral developments
 - Encourage sustainable mineral developments
 - Ensure no adverse impacts upon local communities, landscape quality, water environment, built and natural heritage
 - Take account of the safety and amenity of neighbouring residential areas and road users
 - Ensure appropriate restoration of sites
- 12.24 There may be further scope to develop additional mineral policy relating to unconventional methods of mineral extraction and the provision of mineral reserves in preparing the Local Development Plan. Such scope must be in accordance with the regional policy.
- 12.25 It is recommended that attention is paid to the mineral extraction processes currently active within Lough Neagh when preparing the LDP. Collaborative engagement with the councils adjoining Lough Neagh should help to establish a policy direction overseeing the protection of Lough Neagh's Natural heritage.
- 12.26 It is recommended that we identify the main built and archaeological heritage features within our district as part of preparing the Local Development Plan to bring forward appropriate policies and/or proposals for their protection, conservation and enhancement.

- 12.27 It is generally considered by planning officers that the broad thrust and policy principles are acceptable in terms of operational planning policy and work effectively.
- 12.28 Therefore it is recommended that the policy principles for minerals are taken forward in the development of new policy for our Local Development Plan.

Annex A – Current Operational Planning Policy***A Planning Strategy for Rural Northern Ireland 1993****Policy MIN 1****Environmental Protection**

To assess the need for the mineral resource against the need to protect and conserve the environment.

Mineral exploration and working may damage or destroy nature conservation sites and structures and remains of historic and archaeological interest that are of importance. The early identification of the presence and importance of such sites, structures and remains liable to be affected by proposed mineral developments is important. The minerals industry should seek to ensure the physical preservation of important nature conservation sites, historic buildings and ancient monuments along with their settings.

Mineral developments within or in close proximity to areas such as Areas of Special Scientific Interest or National Nature Reserves which have been declared or proposed for declaration on the basis of their scientific value in regard to flora and fauna, etc., will not normally be given permission where they would prejudice the essential character of such areas. The same will apply to areas which have been or are to be designated, scheduled or listed because they contain features of archaeological or historic interest.

The Department will balance the case for a particular mineral working proposal against the need to protect and conserve the environment, taking account of all relevant environmental, economic and other considerations. In all areas, decisions on mineral applications will be made with regard to the preservation of good quality agricultural land, tree and vegetation cover, wildlife habitats, natural features of interest in the landscape and sites of archaeological and historic interest.

Extensions to existing mineral workings which minimise environmental disturbance in the countryside will normally be preferred to new workings on green field sites.

Permission for the extraction of peat for sale will only be granted where the proposals are consistent with the protection of boglands valuable to nature conservation interests, and with the protection of landscape quality particularly in Areas of Outstanding Natural Beauty.

Where applicable, measures designed to prevent pollution of rivers, watercourses and ground water should be included in applications for mineral extraction and processing plant, including settlement ponds. The provision of reliable protective measures will be an important factor in assessing the acceptability of the extraction proposal.

Policy MIN 2

Visual Implications

To have regard to the visual implications of minerals extraction.

Visual intrusion is often the most significant environmental impact associated with mineral workings. Where permission is granted landscape quality will be protected by attaching conditions designed to avoid or mitigate visual disturbance. To minimise their visual impact in the landscape workings should, where possible, be located to take advantage of existing landforms and features. Particular regard will be paid to the preservation of skylines and to the proposed location of plant, stockpiles and overburden/waste within the working.

It is a fact of geology that some of the more beautiful parts of the countryside such as Areas of Outstanding Natural Beauty and areas of high scenic value contain easily workable reserves of rock and sand and gravel. It would be unrealistic to dispense with essential sources of supply. Nevertheless applications for new mineral workings and extensions to existing workings in these areas will be subject to rigorous examination with particular attention being given to the landscape implications of the proposals.

Policy MIN 3

Areas of Constraint

To identify Areas of Constraint on Mineral Developments.

If for visual, conservation or other reasons, areas require to be protected from mineral developments they will be identified as Areas of Constraint on Mineral Developments in development plans.

Areas of Constraint may form all or part of an Area of Outstanding Natural Beauty (AONB) or be outside an AONB altogether. They may include or be part of areas designated, listed or otherwise protected for their scientific value or archaeological or historic interest. Within these Areas of Constraint there will be a presumption against the granting of planning permission for the extraction and/or processing of minerals. Exceptions to this policy may be made where the proposed operations are short-term and the environmental implications are not significant. In such cases, on-site processing of the excavated material is unlikely to be permitted.

Policy MIN 4

Valuable Minerals

Applications to exploit minerals, limited in occurrence and with some uncommon or valuable property, will be considered on their merits.

From time to time minerals may be discovered which are particularly valuable to the economy. Oil, gas and lignite are examples. Exploitation may create environmental effects which are particular to the methods of extraction or treatment of that mineral. There will not be a presumption against their exploitation in any area. In considering

a proposal where the site is within a statutory policy area due weight will be given to the reason for the statutory zoning.

Policy MIN 5

Mineral Reserves

Surface development which would prejudice future exploitation of valuable mineral reserves will not be permitted.

Where there are mineral reserves, e.g., lignite (brown coal) which are considered to be of particular value to the economy and those reserves have been proven to acceptable standards, surface development which would prejudice their exploitation will not be permitted. Policy Areas in respect of such minerals will, where appropriate, be defined in development plans.

Policy MIN 6

Safety and Amenity

To have particular regard to the safety and amenity of the occupants of developments in close proximity to mineral workings.

The continuous and disruptive nature of mineral operations makes them "bad neighbours" particularly of housing. The potential for conflict will be reduced by requiring a degree of separation to be kept between mineral workings and other developments particularly where mineral operations involve blasting. The distance required will vary according to the nature of the mineral operations and neighbouring developments.

Permission will not normally be granted for mineral workings and other developments to be in close proximity where potential sources of nuisance are judged to be incompatible with standards of amenity acceptable to the Department and other relevant authorities. Where permission is granted for a mineral working in close proximity to other developments, conditions designed to mitigate disturbance from the working will, where appropriate, be attached to the permission.

In relation to proposals to extract minerals by underground methods, careful consideration will be paid to the effect such developments are likely to have on the stability of the surface lands directly above and surrounding the mine areas. Where there are existing buildings, in particular housing, on these surface lands planning permission for mining will not normally be permitted.

Conversely, proposals to develop the surface lands directly above or surrounding areas from which minerals have been or are being extracted by underground methods will be carefully considered in relation to the attendant risks. Developments which involve the erection of buildings will not normally be permitted in the interests of public safety.

Policy MIN 7**Traffic**

To take account of the safety and convenience of road users and the amenity of persons living on roads close to the site of proposed operations.

Mineral resources can occur where the public road network is unsuitable for the volume of heavy traffic which mineral developments can generate. Where traffic from such a development would prejudice the safety and convenience of road users planning permission will normally be refused unless the roads can be satisfactorily improved. If the traffic using an access from a proposed mineral development would prejudice the safety and convenience of road users planning permission will normally be refused, unless a satisfactory access can be provided.

When considering applications for new mineral developments with access onto the main traffic route network, particular attention will be paid to the importance of the mineral to the economy of the area, alternative sources of the mineral, the availability of an alternative access and the suitability of the access having regard to the standards of sightlines, radii, gradients, etc.

Vehicles transporting materials from a mineral site may be directed to use particular routes in order to avoid environmental disturbance to people living adjacent to other roads in the locality.

Where appropriate, conditions will be applied to prevent dirt on the wheels of vehicles being deposited on the public road.

Policy MIN 8**Restoration**

To require mineral workings to be restored at the earliest opportunity.

Restoration is required to make mineral workings fit for beneficial use and environmentally acceptable following extraction. The standard of restoration has generally improved in recent years and there are a number of uses to which sites can be restored. The preferred types of reclamation and after use depend on the characteristics of the deposits, nature of excavation, availability of fill materials, the surrounding landscape, the needs of the local community and the potential for nature conservation on the site.

Applications for the extraction of minerals must include satisfactory restoration proposals. Where practicable such proposals should provide for progressive restoration of sites

Planning Policy Statement 2 'Natural Heritage' 2013

Policy NH 1

European and Ramsar Sites - International

Planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on:

- a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or
- a listed or proposed Ramsar Site

Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the Department shall make an appropriate assessment of the implications for the site in view of the site's conservation objectives. Appropriate mitigation measures in the form of planning conditions may be imposed. In light of the conclusions of the assessment, the Department shall agree to the development only after having ascertained that it will not adversely affect the integrity of the site.

In exceptional circumstances, a development proposal which could adversely affect the integrity of a European or Ramsar Site may only be permitted where:

- there are no alternative solutions; and
- the proposed development is required for imperative reasons of overriding public interest; and
- compensatory measures are agreed and fully secured.

As part of the consideration of exceptional circumstances, where a European or Ramsar site hosts a priority habitat or priority species listed in Annex I or II of the Habitats Directive, a development proposal will only be permitted when:

- it is necessary for reasons of human health or public safety or there is a beneficial consequence of primary importance to the environment; or
- agreed in advance with the European Commission.

Policy NH 2

Species Protected by Law

European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:-

- there are no alternative solutions; and
- it is required for imperative reasons of overriding public interest; and
- there is no detriment to the maintenance of the population of the species at a

- favourable conservation status; and
- compensatory measures are agreed and fully secured.

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

Policy NH 3

Sites of Nature Conservation Importance - National

Planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of:

- an Area of Special Scientific Interest;
- a Nature Reserve;
- a National Nature Reserve; or
- a Marine Nature Reserve.

A development proposal which could adversely affect a site of national importance may only be permitted where the benefits of the proposed development clearly outweigh the value of the site.

In such cases, appropriate mitigation and/or compensatory measures will be required.

Policy NH 5

Habitats, Species or Features of Natural Heritage Importance

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- priority habitats;
- priority species;
- active peatland;
- ancient and long-established woodland;
- features of earth science conservation importance;
- features of the landscape which are of major importance for wild flora and fauna;
- rare or threatened native species;
- wetlands (includes river corridors); or

- other natural heritage features worthy of protection.

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.

Policy NH 6

Areas of Outstanding Natural Beauty

Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
- c) the proposal respects:
 - local architectural styles and patterns;
 - traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
 - local materials, design and colour.

Planning Policy Statement 6 'Planning, Archaeology and the Built Heritage'

Policy BH 1

The Preservation of Archaeological Remains of Regional Importance and their Settings

The Department will operate a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. These comprise monuments in State Care, scheduled monuments and other important sites and monuments which would merit scheduling. Development which would adversely affect such sites of regional importance or the integrity of their settings will not be permitted unless there are exceptional circumstances.

Policy BH 2**The Protection of Archaeological Remains of Local Importance and their Settings**

Development proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings will only be permitted where the Department considers the importance of the proposed development or other material considerations outweigh the value of the remains in question.

Policy BH 3**Archaeological Assessment and Evaluation**

Where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, the Department will normally require developers to provide further information in the form of an archaeological assessment or an archaeological evaluation. Where such information is requested but not made available the Department will normally refuse planning permission.

Policy BH 4**Archaeological Mitigation**

Where it is decided to grant planning permission for development which will affect sites known to contain archaeological remains, the Department will impose conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate the completion of a licensed excavation and recording of remains before development commences.

Policy BH 5**The Protection of World Heritage Sites**

The Department will operate a presumption in favour of the preservation of World Heritage Sites. Development which would adversely affect such sites or the integrity of their settings will not be permitted unless there are exceptional circumstances.

Policy BH 6**The Protection of Parks, Gardens and Demesnes of Special Historic Interest**

The Department will not normally permit development which would lead to the loss of, or cause harm to, the character, principal components or setting of parks, gardens and demesnes of special historic interest. Where planning permission is granted this will normally be conditional on the recording of any features of interest which will be lost before development commences.

Policy BH 10**Demolition of a Listed Building**

There will be a presumption in favour of retaining listed buildings. The Department will not permit the demolition of a listed building unless there are exceptional reasons why the building cannot be retained in its original or a reasonably modified form. Where, exceptionally, listed building consent is granted for demolition this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition.

Policy BH 11**Development affecting the Setting of a Listed Building**

The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

- a) the detailed design respects the listed building in terms of scale, height, massing and alignment;
- b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and
- (c) the nature of the use proposed respects the character of the setting of the building.

Policy BH 15**The Re-use of Non-listed Vernacular Buildings**

The Department will normally permit the sympathetic conversion of non-listed vernacular buildings to other appropriate uses where this would secure their upkeep and retention. In the countryside conversion to residential use will normally only be considered appropriate where the building to be converted is an important element

in the landscape and of local architectural merit or historic interest. All proposals for conversion will normally be required to meet all of the following criteria:

- a) the building is structurally sound and capable of conversion;
- b) the scheme of conversion will not have an adverse effect on the character or appearance of the locality and safeguards the form, character and architectural features, design and setting of the existing building. This will involve retention of existing door and window openings and minimising the number of new openings. Details such as door and window design, external surfaces, rainwater goods and means of enclosure should be of traditional or sympathetic design and materials;
- c) the new use would not cause unacceptable adverse effects on the amenities of nearby residents or other land uses;
- d) normally no new extensions are involved; and
- e) access and other necessary services are provided without adverse impact on the character of the locality.

Planning Policy Statement 15 (Revised) 'Planning and Flood Risk'

Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains

Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

Where the principle of development is accepted by the planning authority through meeting the 'Exceptions Test', as set out below under the **Exceptions** heading, the applicant is required to submit a Flood Risk Assessment for all proposals. Planning permission will only be granted if the Flood Risk Assessment demonstrates that:

- a) All sources of flood risk to and from the proposed development have been identified; and
- b) There are adequate measures to manage and mitigate any increase in flood risk arising from the development.

Exceptions

Defended Areas

- a) Development of previously developed land protected by flood defences that are confirmed by DARD, as the competent authority, as structurally adequate and provide a minimum standard of 1 in 100 year fluvial or 1 in 200 year coastal flood protection.
 - Due to the residual flood risk there will be a presumption against development where proposals include essential infrastructure, storage of hazardous substances, bespoke accommodation for vulnerable groups or development located close to flood defences.

- Proposals involving significant intensification of use will be considered on their individual merits and will be informed by the Flood Risk Assessment.

Undefended Areas

- b) New development within settlements in the coastal floodplain where the land is raised (through infilling), to an acceptable level above the flood plain and subject to meeting all of the following criteria:
- The proposal is not dependent on the provision of new coastal flood defences or likely to require such protection as a result 7 Refer to Glossary 28 of anticipated climate change;
 - The site is not in an area likely to be at risk from coastal erosion or land instability and the proposed development will not significantly increase such risks in the locality;
 - The elevation of development above the flood plain will not unduly disrupt the provision and ongoing delivery of essential services, including access, power, water and sewerage.
- c) Replacement of an existing building.
- Proposals that include essential infrastructure or bespoke accommodation for vulnerable groups or that involve significant intensification of use will not be acceptable.
- d) Development for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located within the flood plain.
- e) Water compatible development such as for boat mooring, navigation and water based recreational use, which for operational reasons has to be located within the flood plain.
- f) The use of land for sport and outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings. This exception does not include playgrounds for children.
- g) The extraction of mineral deposits and necessary ancillary development.

Development Proposals of Overriding Regional or Sub-Regional Economic Importance

A development proposal within the floodplain that does not constitute an exception to the policy may be permitted where it is deemed to be of overriding regional or sub regional economic importance and meets both of the following criteria:

- Demonstration of exceptional benefit to the regional or sub-regional economy;
- Demonstration that the proposal requires a location within the flood plain and
- justification of why possible alternative sites outside the flood plain are unsuitable.

Where the principle of development is established through meeting the above criteria, the planning authority will steer the development to those sites at lowest flood risk. The applicant is required to submit a Flood Risk Assessment for all proposals

Minor Development

Minor development will be acceptable within defended and undefended flood plains subject to a satisfactory flood risk assessment.

Flood Protection / Management Measures

The following flood protection and management measures proposed as part of the planning application, in order to facilitate development within flood plains, will not be acceptable:

- new hard engineered or earthen bank flood defences;
- flood compensation storage works;
- land raising (infilling) to elevate a site above the flood level within the undefended fluvial flood plain.

Policy FLD 2

Protection of Flood Defence and Drainage Infrastructure

The planning authority will not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.

Policy FLD 3

Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains

A Drainage Assessment will be required for all development proposals that exceed any of the following thresholds:

- A residential development comprising of 10 or more dwelling units
- A development site in excess of 1 hectare
- A change of use involving new buildings and / or hardsurfacing exceeding 1000 square metres in area.
- A Drainage Assessment will also be required for any development proposal, except for minor development¹¹, where:
- The proposed development is located in an area where there is evidence of a history of surface water flooding.
- Surface water run-off from the development may adversely impact upon other development or features of importance to nature conservation, archaeology or the built heritage.

Such development will be permitted where it is demonstrated through the Drainage Assessment that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere.

Where a Drainage Assessment is not required but there is potential for surface water flooding as indicated by the surface water layer of the Strategic Flood Map, it is the

developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

Where the proposed development is also located within a fluvial or coastal flood plain, then Policy FLD 1 will take precedence.

Planning Policy Statement 21 'Development in the Countryside'

Policy CTY 1

Development in the Countryside

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Details of these are set out below.

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

Housing Development

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;
- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10.

Planning permission will also be granted in the countryside for:

- a small group of houses in a designated Dispersed Rural Community in accordance with Policy CTY 2;
- the conversion of a non-residential building to a dwelling(s) in accordance with Policy CTY 4;
- the provision of social and affordable housing in accordance with Policy CTY 5;
- a residential caravan or mobile home in accordance with Policy CTY 9;

- the conversion of a listed building to residential accommodation in accordance with the policies of PPS 6;
- an extension to a dwelling house where this is in accordance with the Addendum to PPS 7; or
- Travellers Accommodation where this is in accordance with Policy HS 3 of PPS 12.

Non-Residential Development

Planning permission will be granted for non-residential development in the countryside in the following cases:

- farm diversification proposals in accordance with Policy CTY 11;
- agricultural and forestry development in accordance with Policy CTY 12;
- the reuse of an existing building in accordance with Policy CTY 4;
- tourism development in accordance with the TOU Policies of PSRNI;
- industry and business uses in accordance with PPS 4 (currently under review);
- minerals development in accordance with the MIN Policies of PSRNI;
- outdoor sport and recreational uses in accordance with PPS 8;
- renewable energy projects in accordance with PPS 18; or
- a necessary community facility to serve the local rural population.

There are a range of other types of non-residential development that may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development. Proposals for such development will continue to be considered in accordance with existing published planning policies.

***Supplementary text is available for the policy via the following links**

- [Planning Strategy for Rural Northern Ireland \(DOE, 1993\)](#)
- [Planning Policy Statement 2: 'Natural Heritage' \(DOE, 2013\)](#)
- [Planning Policy Statement 3: 'Access Movement and Parking' \(DOE, 2005\)](#)
- [Planning Policy Statement 6: 'Planning, Archaeology and The Built Heritage' \(DOE, 1999\)](#)
- [Planning Policy Statement 15 \(Revised\) 'Planning and Flood Risk' \(DOE, 2014\)](#)
- [Planning Policy Statement 21 'Sustainable Development in the Countryside' \(DOE, 2010\)](#)

13. Waste Management

Introduction

- 13.1 This section of the paper provides an interim policy review of the planning policy principles in current policy relating to Waste Management. The purpose of this review is to seek agreement on strategic policy direction for our new Local Development Plan. The detail of the current operational policy will be reviewed in further detail once agreement is reached on the overall principle of the policy.
- 13.2 Current operational policy is set out at the strategic level in the Strategic Planning Policy Statement (SPPS) and also in the remaining operational planning policy statements (PPSs) and other guidance. The remaining operational policies will no longer apply once the first part of the new Local Development Plan, the Plan Strategy, is adopted.
- 13.3 This paper sets out the current policy that applies and reviews the requirements of both the SPPS and remaining PPSs. The paper finally assesses the future of the thrust of the remaining operational policy and makes a recommendation on whether or not the policy should be retained as part of our new Local Development Plan.
- 13.4 Details of the policies are set out in Annex A.

Current Planning Policy Context

- 13.5 Relevant planning policies in relation to Waste Management are set out in:
- Planning Policy Statement 11 'Waste Management' (DOE, 2002)
 - Planning Policy Statement 15 (Revised) 'Planning and Flood Risk' (DOE, 2014)
 - Planning Policy Statement 21 'Sustainable Development in the Countryside' (DOE, 2010)
- 13.6 There is an overlap with Waste Management and Planning Policy Statement 18 'Renewable Energy' in terms of waste being utilised as an energy source.

Strategic Planning Policy Statement

- 13.7 The aim of the SPPS in regards to Waste Management is to support wider government policy focused on the sustainable management of waste with a move towards resource efficiency.
- 13.8 The SPPS places emphasis on the five step waste management hierarchy to encourage the management and prevention of waste materials, and the reuse and refurbishment of goods.
- 13.9 The application of the 'Proximity Principle' is also highlighted emphasising the need to treat and/or dispose of wastes in reasonable proximity to their point of generation.
- 13.10 Waste management facilities have the potential to cause significant damage to the environment in terms of visual intrusion, habitat and heritage destruction and pollution; therefore the SPPS outlines a number of locational criteria in which developments must adhere to.

Summary of Relevant Planning Policy Statements

Planning Policy Statement 11 'Waste Management'

- 13.11 The aim of PPS 11 is to promote the highest environmental standards in development proposals for waste management facilities. PPS 11 contains the following objectives:
- Promote the development, in appropriate locations, of waste management facilities that offer the BPEO in meeting need as identified by the relevant WMP, or as demonstrated to the Department's satisfaction in the case of waste water treatment works (WWTWs);
 - Ensure that detrimental effects on people, the environment, and local amenity associated with waste management facilities are avoided or minimised;
 - Secure appropriate restoration of proposed waste management sites for agreed after-uses.
- 13.12 It is important to note that as off the 25th November 2013 the Planning Authority will no longer treat the Best Practicable Environmental Option (BPEO) as a material consideration.
- 13.13 The relevant policies are summarised as:
- Policy WM 1 Environmental Impact of a Waste Management Facility - This policy outlines a variety of criteria in which proposals for the development of a waste management facility will be subject to. The policy ensures that such facilities are of the highest standard so that waste can be dealt with in a way, which minimises environmental impact.
 - Policy WM 2 Waste Collection and Treatment Facilities - This policy concerns itself with proposals for the development of waste collection and treatment facilities in accordance with the Waste Management Strategy and relevant Waste Management Plans. The policy also outlines a variety of criteria namely locational criteria in which proposals must comply.
 - Policy WM 3 Waste Disposal - This policy sets out the policy direction for proposals for landfill and/or land raising facilities for the disposal of waste. This policy applies to all proposals for the disposal of household, industrial and commercial waste with the exception of the deposition of inert waste which is suitable for the purposes of land improvement.
 - Policy WM 4 Land Improvement - This policy sets out the direction for the disposal of inert waste where it can be demonstrated that it will result in land improvement.
 - Policy WM 5 Development in the vicinity of Waste Management Facilities- This policy outlines the required criteria for which development proposals in the vicinity of an existing or approved waste management must be adhere to.

Planning Policy Statement 15 (Revised) 'Planning and Flood Risk'

- 13.14 Revised PPS 15 sets out operational planning policies to minimise and manage flood risk to people, property and the environment. The policy (in so far as it applies to waste management) is summarised as:

- Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains - The policy criteria states that planning permission will only be granted where the submission of a Flood Risk Assessment demonstrates that the source of flood risk has been identified and that there are adequate measures to manage and mitigate any increase flood risk.

Planning Policy Statement 21 'Sustainable Development in the Countryside'

13.15 PPS 21 sets out the planning policies for sustainable development in the countryside. Policy WM 2 of PPS 11 outlines the locational criteria for waste management facilities. Therefore PPS 21 is of relevance to waste management. The policy (in so far as it relates to waste management) is summarised as:

- Policy CTY 4 The Conversion and Reuse of Existing Buildings -This policy concerns itself with the conversion and reuse of existing buildings in the countryside. The policy places importance of good design, character, nature, scale and siting of proposals.
- Policy CTY 16 Development Relying on Non-Mains Sewerage- This policy concerns itself with developments relying on non-mains sewerage and the potential pollution impacts that may arise.

Assessment of existing PPSs against the provisions of the SPPS

- 13.16 The policies contained within PPS 11, 15 and 21 in relation to Waste Management, generally reflect those contained within the SPPS.
- 13.17 However in regards to the disposal of inert waste by its deposition on land the SPPS falls silent in terms of providing criteria for such developments.
- 13.18 Furthermore the SPPS fails to draw upon hazardous waste as an element of waste management.
- 13.19 Therefore potential scope remains to clarify policies concerning the disposal/management of inert/hazardous waste.

Other Relevant Guidance

- 13.20 In addition to the above Planning Policy Statements there are a number of published guidance documents and Development Control Advice Notices (DCANs) that relate to the provision of Waste Management. DCANs represent non-statutory planning guidance which is intended to supplement, elucidate and exemplify policy documents including PPSs and development plans⁸.
- 13.21 Supplementary guidance on Waste Management are outlined in:
- [DCAN 12: Planning Control for Hazardous Substances](#)
 - [Northern Ireland Waste Management Strategy 'Delivering resource efficiency'](#)
 - [Building On Tradition – 'A Sustainable Design Guide for the Northern Ireland Countryside'](#)

⁸ Available to download at <http://www.planningni.gov.uk/index/policy.htm>

- 13.22 The SPPS directs that these documents will remain material considerations and are to be retained.

Consideration and Recommendation

- 13.23 It is considered that the **broad thrust and policy principles** established by PPSs 11, 15 and 21, in relation to waste management, broadly reflect what is set out in the SPPS.
- 13.24 The broad thrust and policy principles are summarised as:-
- Prevention of unacceptable adverse impact on the natural/built environment and human health
 - Ensure visual impact is kept to minimum
 - Ensure adequate access provision to the site is available, taking account of the public road network
 - Adhere to relevant locational criteria
 - Ensure suitable and practical restoration and aftercare measure are in place
- 13.25 It is further considered by planning officers that the broad thrust and policy principles are acceptable in terms of operational planning policy and work effectively.
- 13.26 Therefore it is recommended that the policy principles for waste management are taken forward in the development of new policy for our Local Development Plan.

Annex A – Current Operational Planning Policy***Planning Policy Statement 11 'Planning and Waste Management'****Policy WM 1****Environmental Impact of a Waste Management Facility**

Proposals for the development of a waste management facility will be subject to a thorough examination of environmental effects and will only be permitted where it can be demonstrated that all of the following criteria are met:

- the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment;
- the proposal is designed to be compatible with the character of the surrounding area and adjacent land uses;
- the visual impact of the waste management facility, including the final landform of landfilling or land raising operations, is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality;
- the access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users or constitute a nuisance to neighbouring residents by virtue of noise, dirt and dust;
- the public road network can satisfactorily accommodate, or can be upgraded to accommodate, the traffic generated;
- adequate arrangements shall be provided within the site for the parking, servicing and circulation of vehicles;
- wherever practicable the use of alternative transport modes, in particular, rail and water, has been considered;
- the development will not have an unacceptable adverse impact on nature conservation or archaeological/built heritage interests.
- the types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures;
- the proposed site is not at risk from flooding and the proposal will not cause or exacerbate flooding elsewhere;
- the proposal avoids (as far as is practicable) the permanent loss of the best and most versatile agricultural land;
- In the case of landfilling the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site.

Policy WM 2

Waste Collection and Treatment Facilities

Proposals for the development of a waste collection or treatment facility will be permitted where:

- a) there is a need for the facility as established through the WMS and the relevant WMP, except in the case of Waste Water Treatment Works (WWTWs) where the need must be demonstrated to the Department's satisfaction; and
- b) the proposed facility is the BPEO; and
- c) the proposed facility complies with one or more of the following locational criteria:
 - it is located within an industrial or port area of a character appropriate to the development; or
 - it is suitably located within an active or worked out hard rock quarry or on the site of an existing or former waste management facility including a landfill site; or
 - it brings previously developed, derelict or contaminated land back into productive use or makes use of existing or redundant buildings; or
 - in the case of a civic amenity and similar neighbourhood facilities the site is conveniently located in terms of access to service a neighbourhood or settlement whilst avoiding unacceptable adverse impact on the character, environmental quality and amenities of the local area; or
 - where the proposal is in the countryside, it involves the reuse of existing buildings or is on land within or adjacent to existing building groups. Alternatively where it is demonstrated that new buildings/plant are needed these must have an acceptable visual and environmental impact; and
 - in the case of a regional scale waste collection or treatment facility, its location relates closely to and benefits from easy access to key transport corridors and, where practicable makes use of the alternative transport modes of rail and water;
- (d) the following criteria are also met:
 - proposals involving the sorting and processing of waste, are carried out within a purpose built or appropriately modified existing building, unless it can be demonstrated that part or all of the proposed operation can only be carried out in the open;
 - the built development associated with the proposed methods of handling, storage, treatment and processing of waste is appropriate to the nature and hazards of the waste(s) concerned;
 - proposals for the incineration of waste and other thermal processes, shall incorporate measures to maximise energy recovery both in the form of heat and electricity, taking account of prevailing technology, economics and characteristics of the waste stream involved; and
 - it will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures (see Policy WM 1).

Policy WM 3 Waste Disposal

Proposals for the development of landfill or land raising facilities for the disposal of waste will only be permitted where:

- (a) there is a need for the facility as established through the WMS and the relevant WMP; and
- (b) the proposed facility is the BPEO; and
- (c) the proposed facility complies with all of the following criteria:
 - it will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures (see Policy WM 1); and
 - significant mineral reserves are not sterilised; and
 - it is suitably located within an active or worked out hard rock quarry or it brings land that is despoiled, derelict or contaminated back into productive use; and
 - in the case of a regional scale landfill or land raising site, its location closely relates to and allows for easy access to key transport corridors and, where practicable make use of the alternative transport modes of rail and water; and
 - detailed measures are included for the appropriate restoration and aftercare of sites that will help to enhance bio-diversity.

In line with the WMS, prior to the establishment of an integrated network of waste management facilities, the development of interim landfill or land raising facilities for the disposal of waste will be permitted where the criteria under (c) are met and the proposed facility:

- (a) provides essential interim capacity;
- (b) is likely to form part of a co-ordinated regional or sub-regional network; and
- (c) as far as possible does not lead to an increase in the number of active landfill sites.

Policy WM 4 Land Improvement

The disposal of inert waste by its deposition on land will only be permitted where it is demonstrated that it will result in land improvement and all of the following criteria are met:

- it will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures (see Policy WM 1); and
- there is a local need for the development and it can be demonstrated that it is the BPEO;
- only the minimum quantity of fill necessary to achieve the proposed improvement shall be deposited;
- Detailed measures are included for the appropriate restoration and aftercare of sites that will help to enhance bio-diversity.

Policy WM 5 **Development in the vicinity of Waste Management Facilities**

Proposals involving the development of land in the vicinity of existing or approved waste management facilities and waste water treatment works (WWTWs), will only be permitted where all the following criteria are met:

- it will not prejudice or unduly restrict activities permitted to be carried out within
- the waste management facility; and
- it will not give rise to unacceptable adverse impacts in terms of people,
- transportation systems or the environment.

Planning Policy Statement 15 'Planning and Flood Risk'

Policy FLD 1 **Development in Fluvial (River) and Coastal Flood Plains**

Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

Where the principle of development is accepted by the planning authority through meeting the 'Exceptions Test', as set out below under the Exceptions heading, the applicant is required to submit a Flood Risk Assessment for all proposals. Planning permission will only be granted if the Flood Risk Assessment demonstrates that:

- (a) All sources of flood risk to and from the proposed development have been identified; and
- (b) There are adequate measures to manage and mitigate any increase in flood risk arising from the development.

Exceptions

Defended Areas

- (a) Development of previously developed land protected by flood defences that are confirmed by DARD, as the competent authority, as structurally adequate and provide a minimum standard of 1 in 100 year fluvial or 1 in 200 year coastal flood protection.
 - Due to the residual flood risk there will be a presumption against development where proposals include essential infrastructure, storage of hazardous substances, bespoke accommodation for vulnerable groups or development located close to flood defences.
 - Proposals involving significant intensification of use will be considered on their individual merits and will be informed by the Flood Risk Assessment.

Undefended Areas

- (b) New development within settlements in the coastal floodplain where the land is raised (through infilling), to an acceptable level above the flood plain and subject to meeting all of the following criteria:
 - The proposal is not dependent on the provision of new coastal flood defences or likely to require such protection as a result 7 Refer to Glossary 28 of anticipated climate change;

- The site is not in an area likely to be at risk from coastal erosion or land instability and the proposed development will not significantly increase such risks in the locality;
 - The elevation of development above the flood plain will not unduly disrupt the provision and ongoing delivery of essential services, including access, power, water and sewerage.
- (c) Replacement of an existing building. Proposals that include essential infrastructure or bespoke accommodation for vulnerable groups or that involve significant intensification of use will not be acceptable.
- D) Development for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located within the flood plain.
- E) Water compatible development such as for boat mooring, navigation and water based recreational use, which for operational reasons has to be located within the flood plain.
- F) The use of land for sport and outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings. This exception does not include playgrounds for children.
- G) The extraction of mineral deposits and necessary ancillary development.

Development Proposals of Overriding Regional or Sub-Regional Economic Importance

A development proposal within the floodplain that does not constitute an exception to the policy may be permitted where it is deemed to be of overriding regional or sub regional economic importance and meets both of the following criteria:

- Demonstration of exceptional benefit to the regional or sub-regional economy;
- Demonstration that the proposal requires a location within the flood plain and justification of why possible alternative sites outside the flood plain are unsuitable.

Where the principle of development is established through meeting the above criteria, the planning authority will steer the development to those sites at lowest flood risk. The applicant is required to submit a Flood Risk Assessment for all proposals

Minor Development

Minor development will be acceptable within defended and undefended flood plains subject to a satisfactory flood risk assessment.

Flood Protection / Management Measures

The following flood protection and management measures proposed as part of the planning application, in order to facilitate development within flood plains, will not be acceptable:

- new hard engineered or earthen bank flood defences;
- flood compensation storage works;
- land raising (infilling) to elevate a site above the flood level within the undefended fluvial flood plain.

Planning Policy Statement 21 'Sustainable Development in the Countryside'**Policy CTY 4****The Conversion and Reuse of Existing Buildings**

Planning permission will be granted to proposals for the sympathetic conversion, with adaptation if necessary, of a suitable building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention. Such proposals will be required to be of a high design quality and to meet all of the following criteria:

- a) the building is of permanent construction;
- b) the reuse or conversion would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality;
- c) any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building;
- d) the reuse or conversion would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings;
- e) the nature and scale of any proposed non-residential use is appropriate to a countryside location;
- f) all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and
- g) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

Buildings of a temporary construction such as those designed and used for agricultural purposes, including sheds or stores will not however be eligible for conversion or re-use under this policy.

Exceptionally, consideration may be given to the sympathetic conversion of a traditional non-residential building to provide more than one dwelling where the building is of sufficient size; the scheme of conversion involves minimal intervention; and the overall scale of the proposal and intensity of use is considered appropriate to the locality.

Listed Buildings

All proposals for the conversion or refurbishment of a building listed as being of special architectural or historic interest for residential purposes will be assessed against the policy provisions of PPS 6.

Policy CTY 16**Development Relying on Non-Mains Sewerage**

Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.

Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made.

In those areas identified as having a pollution risk development relying on non-

mains sewerage will only be permitted in exceptional circumstances.

***Supplementary text is available for the policy via the following links**

- [Planning Policy Statement 11 'Planning and Waste Management'](#)
- [Planning Policy Statement 15 'Planning and Flood Risk'](#)
- [Planning Policy Statement 21 'Sustainable Development in the Countryside'](#)

14. Energy

Introduction

- 14.1 This section of the paper provides an interim policy review of the planning policy principles in current policy relating to Energy. The purpose of this review is to seek agreement on strategic policy direction for our new Local Development Plan. The detail of the current operational policy will be reviewed in further detail once agreement is reached on the overall principle of the policy.
- 14.2 Current operational policy is set out at the strategic level in the Strategic Planning Policy Statement (SPPS) and also in the remaining operational planning policy statements (PPSs) and other guidance. The remaining operational policies will no longer apply once the first part of the new Local Development Plan, the Plan Strategy, is adopted.
- 14.3 This paper sets out the current policy that applies and reviews the requirements of both the SPPS and remaining PPSs. The paper finally assesses the future of the thrust of the remaining operational policy and makes a recommendation on whether or not the policy should be retained as part of our new Local Development Plan.
- 14.4 Details of the policies are set out in Annex A.

Current Planning Policy Context

- 14.5 Relevant policies relating to Energy are set out in:
- Planning Policy Statement 18 'Renewable Energy' (DOE, 2009)
 - Planning Policy Statement 21 'Sustainable Development in the Countryside' (DOE, 2010)

Strategic Planning Policy Statement

- 14.6 The SPPS with regards to Renewable Energy aims to:

"Facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and to realise the benefits of renewable energy without compromising other environmental assets of acknowledged importance."

- 14.7 The regional strategic objectives for renewable energy in the SPPS are to:
- Ensure that the environmental, landscape, visual and amenity impacts associated with or arising from renewable energy development are adequately addressed;
 - Ensure adequate protection of the region's built, natural and cultural heritage features; and
 - Facilitate the integration of renewable energy technology into the design, siting and layout of new development and promote greater application of the principles of Passive Solar Design.

Summary of Relevant Planning Policy Statements**Planning Policy Statement 18 'Renewable Energy'**

14.8 PPS 18 sets out the policy direction for development that generates energy from renewable resources. It supersedes Policy PSU 12 'Renewable Energy' of the PSRNI.

14.9 The policy objectives of PPS 18 are:

- To ensure that the environmental, landscape, visual and amenity impacts associated with or arising from renewable energy development are adequately addressed;
- To ensure adequate protection of the Region's built and natural, and cultural heritage features; and
- To facilitate the integration of renewable energy technology into the design, siting and layout of new development and promote greater application of the principles of Passive Solar Design.

14.10 The relevant policies are summarised as:

- Policy RE1 Renewable Energy Development – this policy sets out the planning criteria for renewable energy development with specific regard to wind energy development.
- Policy RE 2 Integrated Renewable Energy and Passive Solar Design - This policy sets out to facilitate and encourage greater integration of renewable energy technologies both in the design of new buildings and through the appropriate retrofitting of such technologies to existing buildings.

Planning Policy Statement 21 'Sustainable Development in the Countryside'

14.11 PPS 21 sets out the planning policies for sustainable development in the countryside. The policies (in so far as it applies to energy) is summarised as:

- Policy CTY 1 Development in the Countryside - This sets out a range of types of development which in principal are considered to be acceptable in the countryside. In terms of Energy development (non-residential development) planning permission will be granted where proposals are in accordance with the policies contained within PPS 18.

Assessment of existing PPSs against the provisions of the SPPS

14.12 The policies contained within PPSs 18 and 21 in relation to energy, generally reflect those contained within the SPPS.

14.13 It must be noted that PPS 18 falls silent on policies relating to marine energy, however the SPPS states that renewable energy proposals in the marine environment fall under a separate consenting regime within the framework of the UK Marine Policy Statement.

14.14 Within the SPPS there are no specific outlined criteria regarding wind energy development as outlined in Policy RE1. The SPPS does however outline that proposals will be assessed in accordance with normal planning criteria including considerations to noise; shadow flicker; separation distance; cumulative impact; communications interference; and, the inter-relationship between these considerations.

Other Relevant Guidance

- 14.15 In addition to the above operational policy there are a number of published guidance documents and Development Control Advice Notices (DCANs) that relate to the provision of energy. DCANs represent non-statutory planning guidance which is intended to supplement, elucidate and exemplify policy documents including PPSs and development plans⁹.
- 14.16 Supplementary guidance on energy are outlined in:
- [Building On Tradition 'A Sustainable Design Guide for the Northern Ireland Countryside' 2012](#)
 - [Best Practice Guidance to Planning Policy Statement 18 'Renewable Energy' 2009](#)
 - ['Wind Energy Development in Northern Ireland's Landscapes' 2010](#)

Consideration and Recommendation

- 14.17 It is considered that the broad thrust and policy principles established by PPSs 18 and 21 in relation to energy, generally reflect what is set out in the SPPS.
- 14.18 The broad thrust and policy principles are summarised as:-
- Ensure siting and design of developments integrate sympathetically with their surroundings
 - Ensure developments have no adverse impact on the character of the area or amenity including visual amenity
 - Encourage developments which integrate renewable energy technologies
 - Ensure measures are in place to minimise and mitigate development's that are likely to result in avoidable damage during its installation, operation or decommissioning.
- 14.19 It is further considered by planning officers that the broad thrust and policy principles are acceptable in terms of operational planning policy and work effectively.
- 14.20 There is potential scope to liaise with appropriate consultees to develop a policy direction for Marine energy opportunities within our district.
- 14.21 It is recommended that the policy principles for energy are taken forward in the development of new policy for our Local Development Plan.

⁹ Available to download at <http://www.planningni.gov.uk/index/policy.htm>

Annex A – Current Operational Planning Policy*

Planning Policy Statement 18 ‘Renewable Energy’

Policy RE 1

Renewable Energy Development

Development that generates energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:

- a) public safety, human health, or residential amenity;
- b) visual amenity and landscape character;
- c) biodiversity, nature conservation or built heritage interests; (d) local natural resources, such as air quality or water quality; and
- d) public access to the countryside.

Proposals will be expected to be located at, or as close as possible to, the source of the resource needed for that particular technology, unless, in the case of a Combined Heat and Power scheme or a biomass heating scheme, it can be demonstrated that the benefits of the scheme outweigh the need for transportation and an end user is identified.

Where any project is likely to result in unavoidable damage during its installation, operation or decommissioning, the application will need to indicate how this will be minimised and mitigated, including details of any proposed compensatory measures, such as a habitat management plan or the creation of a new habitat. This matter will need to be agreed before planning permission is granted.

The wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given significant weight in determining whether planning permission should be granted.

The publication Best Practice Guidance to Planning Policy Statement 18 ‘Renewable Energy’ will be taken into account in assessing proposals.

Wind Energy Development

Applications for wind energy development will also be required to demonstrate all of the following:

- (i) that the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines;
- (ii) that the development has taken into consideration the cumulative impact of existing wind turbines, those which have permissions and those that are currently the subject of valid but undetermined applications;
- (iii) that the development will not create a significant risk of landslide or bog burst;

- (iv) that no part of the development will give rise to unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunication systems;
- (v) that no part of the development will have an unacceptable impact on roads, rail or aviation safety;
- (vi) that the development will not cause significant harm to the safety or amenity of any sensitive receptors¹ (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light; and
- (vii) that above-ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location.

Any development on active peatland will not be permitted unless there are imperative reasons of overriding public interest.

For wind farm development a separation distance of 10 times rotor diameter to occupied property, with a minimum distance not less than 500m, will generally apply.

The supplementary planning guidance 'Wind Energy Development in Northern Ireland's Landscapes' will be taken into account in assessing all wind turbine proposals.

Policy RE 2

Integrated Renewable Energy and Passive Solar Design

Planning permission will be granted for a development proposal which integrates renewable energy technology including micro-generation, and Passive Solar Design (PSD) in its layout, siting and design, where it meets the provisions of Policy RE1 and provided the technology is appropriate to the location in terms of any visual or amenity impact it may have.

The following types of new development provide the greatest opportunity for maximising the benefits that can be derived from integrated renewable technology and/or PSD:

- large-scale urban development (generally defined for the purposes of this policy as a site of 1ha or greater or a building of 5,000m² or greater);
- public sector development; and
- development in the countryside including individual dwellings.

Planning Policy Statement 21 'Sustainable Development in the Countryside'

Policy CTY 1

Development in the Countryside

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Details of these are set out below.

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

Housing Development

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;
- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10.

Planning permission will also be granted in the countryside for:

- a small group of houses in a designated Dispersed Rural Community in accordance with Policy CTY 2;
- the conversion of a non-residential building to a dwelling(s) in accordance with Policy CTY 4;
- the provision of social and affordable housing in accordance with Policy CTY 5;
- a residential caravan or mobile home in accordance with Policy CTY 9;

- the conversion of a listed building to residential accommodation in accordance with the policies of PPS 6;
- an extension to a dwelling house where this is in accordance with the Addendum to PPS 7; or
- Travellers Accommodation where this is in accordance with Policy HS 3 of PPS 12.

Non-Residential Development

Planning permission will be granted for non-residential development in the countryside in the following cases:

- farm diversification proposals in accordance with Policy CTY 11;
- agricultural and forestry development in accordance with Policy CTY 12;
- the reuse of an existing building in accordance with Policy CTY 4;
- tourism development in accordance with the TOU Policies of PSRNI;
- industry and business uses in accordance with PPS 4 (currently under review);
- minerals development in accordance with the MIN Policies of PSRNI;
- outdoor sport and recreational uses in accordance with PPS 8;
- renewable energy projects in accordance with PPS 18; or
- a necessary community facility to serve the local rural population.

There are a range of other types of non-residential development that may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development. Proposals for such development will continue to be considered in accordance with existing published planning policies.

***Supplementary text is available for the policy via the following links**

- [Planning Policy Statement 18 'Renewable Energy'](#)
- [Planning Policy Statement 21 'Sustainable Development in the Countryside' \(DOE, 2010\)](#)

15. Design of the Built Environment

Introduction

- 15.1 This section of the paper provides an interim policy review of the planning policy principles in current policy relating to Design of the Built Environment. The purpose of this review is to seek agreement on strategic policy direction for our new Local Development Plan. The detail of the current operational policy will be reviewed in further detail once agreement is reached on the overall principle of the policy.
- 15.2 Current operational policy is set out at the strategic level in the Strategic Planning Policy Statement (SPPS) and also in the remaining operational planning policy statements (PPSs) and other guidance. The remaining operational policies will no longer apply once the first part of the new Local Development Plan, the Plan Strategy, is adopted.
- 15.3 This paper sets out the current policy that applies and reviews the requirements of both the SPPS and remaining PPSs. The paper finally assesses the future of the thrust of the remaining operational policy and makes a recommendation on whether or not the policy should be retained as part of our new Local Development Plan.
- 15.4 Details of the policies are set out in Annex A.

Current Planning Policy Context

- 15.5 At present there are two types of policy direction relating to the Design of the Built Environment. The first gives direction to the general design criteria for proposed developments and the second concerns itself with specific design criteria for certain built environments, for example, Areas of Townscape Character, and Conservation Areas.
- 15.6 The relevant strategic and operational policies relating to the Design of the Built Environment are set out in:
- Planning Strategy for Rural Northern Ireland (DOE, 1993)
 - Planning Policy Statement 3: Access, Movement and Parking (DOE, 2005)
 - Planning Policy Statement 4: Planning and Economic Development (DOE, 2010)
 - Planning Policy Statement 6: Planning, Archaeology and The Built Heritage (DOE, 1999)
 - Planning Policy Statement 6 (Addendum): Areas of Townscape Character (DOE, 2005)
 - Planning Policy Statement 7: Quality Residential Environments (DOE, 2001)
 - Planning Policy Statement 7 (Addendum): Residential Extensions and Alterations (DOE, 2008)
 - Planning Policy Statement 7 (Addendum): Safeguarding the Character of Established Residential Areas (DOE, 2010)
 - Planning Policy Statement 8: [Open Space, Sport and Outdoor Recreation](#) (DOE, 2004)
 - Planning Policy Statement 10: Telecommunications (DOE, 2002)
 - Planning Policy Statement 11: Planning and Waste Management (DOE, 2002)
 - Planning Policy Statement 12: Housing in Settlements (DRD, 2005)

- Planning Policy Statement 13: Transportation and Land Use (DRD, 2005)
- Planning Policy Statement 16: Tourism (DOE, 2013)
- Planning Policy Statement 17: Control of Outdoor Advertisements (DOE, 2006)
- Planning Policy Statement 18: Renewable Energy (DOE, 2009)
- Planning Policy Statement 21: Sustainable Development in the Countryside (DOE, 2010)

Strategic Planning Policy Statement

- 15.7 The SPPS identifies as a core planning principle the importance of supporting good design and positive place-making. Good design can impact upon individuals, communities and neighbourhoods for the better by creating places, in which people wish to live, work and socialise. Good design within the built environment can further sustainable development, promote accessibility and inclusivity and contribute towards the safeness of places.
- 15.8 Design is not limited to the appearance of buildings or places but rather it involves shaping how all elements of the built and natural environment relate to each other and how buildings and places function in use and over time.
- 15.9 The SPPS outlines that the design of the built environment must be:
- Appropriate to its context
 - Of an appropriate scale
 - Compatible with existing surroundings
 - Promote/enhance local distinctiveness
 - In accordance with local design guidance and supplementary guidance
 - Supportive of appropriate and adequate supply of amenity space in residential developments
- 15.10 The SPPS identifies that the design of the built environment in the countryside must be sited and designed to integrate sympathetically with their surroundings including the natural topography.
- 15.11 The introduction of Design and Access statements (D&As) are a statutory requirement for the majority of full and outline planning applications under the legislative requirements of the 2011 Act.
- 15.12 Article 6 (3) of The Planning (General Development Procedure) Order (Northern Ireland) 2015 outlines the form and content of the D&As. In terms of design the D&As must explain the design thinking behind the proposal including;
- how the proposal relates to the site context and how the existing context has influenced the scheme
 - explaining the design principles and concepts and how they are applied to the proposals, including taking into account environmental sustainability
 - address how issues relating to access are dealt with, including specific issues which may affect disabled people
 - set out the consultation undertaken and explain the changes made to reflect the feedback throughout the process.

- 15.13 The SPPS recognises that the siting, design and layouts of all new developments are to be of high quality, promoting good design and landscape standards which integrate sympathetically with existing surroundings and local character. In assessing planning applications for proposed developments, design will be regarded as a planning consideration.

Summary of Relevant Planning Policy Statements

- 15.14 Given there is a vast amount of operational planning policy relating to the Design of the Built Environment, the general policy direction has been summarised as follows:

- 15.15 The proposal is of a scale, nature, form and of a high quality design, which is:

- Appropriate to:
 - the location
 - the character of the settlement
 - context character and topography of the site
 - Rural setting
 - the appearance of local area
 - adjacent land uses/buildings
- Does not harm:
 - the rural character
 - appearance of the local area
 - privacy or amenity
 - local traditions of form, materials and detailing
- Respects/regards:
 - local distinctiveness
 - scale, design and materials of existing building(s)
 - surrounding landscape/ amenity
 - traditional form, materials and detailing
 - access arrangements

- 15.16 In addition, and specifically in relation to housing, the PPSs require:

- a design concept statement for all applications for residential development
- a Concept Master Plan for applications involving 300+ units, sites over 15ha or for the development of all or part of zoned housing sites of 15ha or more
- the provision appropriate open space and landscaping
- the provision of neighbourhood facilities
- that the development is designed to deter crime and promote personal safety
- the provision of adequate and appropriate parking
- the protection and integration of archaeological, built heritage and landscape features
- proposals to respect the density of an established residential area
- the pattern of development to respect the character and environmental quality of an established residential area
- dwelling and apartment units to meet minimum space standards
- sufficient private amenity space to be provided/ retained

- existing properties to be protected from loss of light

Assessment of existing PPSs against the provisions of the SPPS

- 15.17 The policies contained in the PPSs in relation to design of the built environment, generally reflect those contained within the SPPS.

Other Relevant Guidance

- 15.18 In addition to the above operational planning policy there are a number of published guidance documents and Development Control Advice Notices (DCANs) that relate to the provision of Design in the Built Environment. DCANs represent non-statutory planning guidance which is intended to supplement, elucidate and exemplify policy documents including PPSs and development plans¹⁰.
- 15.19 Supplementary guidance on Design of the Built Environment are outlined in:
- [Building on Tradition A Sustainable Design Guide for the Northern Ireland Countryside \(DOE, 2012\)](#)
 - [Creating Places Achieving quality in Residential Environments \(DOE, DRD, 2000\)](#)
 - [Living Places An Urban Stewardship and Design Guide for Northern Ireland \(DOE, 2014\)](#)
 - [DCAN 8 Housing in Existing Urban Areas \(DOE, 2002\)](#)
 - [DCAN 14 Siting and Design of Radio Telecommunication Equipment \(DOE, 2008\)](#)
- 15.20 The SPPS directs that these documents will remain material considerations and are to be retained.

Consideration and Recommendation

- 15.21 It is considered that the **broad thrust and policy principles** established by the above operational planning policies, in relation to the design of the built environment, mirror what is set out in the SPPS.
- 15.22 It is recommended that the design specific policies contained within the operational policies should be extracted and compiled into one separate policy, so as distinction can be easily made between the general design direction and the specific design direction for specific types of built environment.
- 15.23 It is further considered by planning officers that the **broad thrust and policy principles** are acceptable in terms of operational planning policy and work effectively.
- 15.24 Therefore it is recommended that the policy principles for design are taken forward in the development of new policy for our Local Development Plan.

¹⁰ Available to download at <http://www.planningni.gov.uk/index/policy.htm>

Annex A – Current Operational Planning Policy

Set out below are the links to the relevant strategic and operational policy.

Supplementary text complementing the policy is also contained within each policy.

- [Planning Strategy for Rural Northern Ireland \(DOE, 1993\)](#)
- [Planning Policy Statement 3: Access, Movement and Parking \(DOE, 2005\)](#)
- [Planning Policy Statement 4: Planning and Economic Development \(DOE, 2010\)](#)
- [Planning Policy Statement 6: Planning, Archaeology and The Built Heritage \(DOE, 1999\)](#)
- [Planning Policy Statement 6 \(Addendum\): Areas of Townscape Character \(DOE, 2005\)](#)
- [Planning Policy Statement 7: Quality Residential Environments \(DOE, 2001\)](#)
- [Planning Policy Statement 7 \(Addendum\): Residential Extensions and Alterations \(DOE, 2008\)](#)
- [Planning Policy Statement 7 \(Addendum\): Safeguarding the Character of Established Residential Areas \(DOE, 2010\)](#)
- [Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation \(DOE, 2004\)](#)
- [Planning Policy Statement 10: Telecommunications \(DOE, 2002\)](#)
- [Planning Policy Statement 11: Planning and Waste Management \(DOE, 2002\)](#)
- [Planning Policy Statement 12: Housing in Settlements \(DRD, 2005\)](#)
- [Planning Policy Statement 13: Transportation and Land Use \(DRD, 2005\)](#)
- [Planning Policy Statement 16: Tourism \(DOE, 2013\)](#)
- [Planning Policy Statement 17: Control of Outdoor Advertisements \(DOE, 2006\)](#)
- [Planning Policy Statement 18: Renewable Energy \(DOE, 2009\)](#)
- [Planning Policy Statement 21: Sustainable Development in the Countryside \(DOE, 2010\)](#)

16. Protecting Our Natural Heritage

Introduction

- 16.1 This section of the paper provides an interim policy review of the planning policy principles in current policy relating to the Protection of Our Natural Heritage. The purpose of this review is to seek agreement on strategic policy direction for our new local development plan. The detail of the current operational policy will be reviewed in further detail once agreement is reached on the overall principle of the policy.
- 16.2 Current operational policy is set out at the strategic level in the Strategic Planning Policy Statement (SPPS) and also in the remaining operational planning policy statements (PPSs) and other guidance. The remaining operational policies will no longer apply once the first part of the new local development plan, the Plan Strategy, is adopted.
- 16.3 This paper sets out the current policy that applies and reviews the requirements of both the SPPS and remaining PPSs. The paper finally assesses the future of the thrust of the remaining operational policy and makes a recommendation on whether or not the policy should be retained as part of our new Local Development Plan.
- 16.4 Details of the policies are set out in Annex A.

Current Planning Policy Context

- 16.5 Relevant policies in relation to Natural Heritage are set out in:
- Planning Policy Statement 2: Natural Heritage (DOE, 2013)
 - Planning Policy Statement 3: Access, Movement and Parking (DOE, 2005)
 - Planning Policy Statement 4: Planning and Economic Development (DOE, 2010)
 - Planning Policy Statement 7: Quality Residential Development (DOE, 2001)
 - Planning Policy Statement 8: Open Space Sport and Recreation (DOE, 2004)
 - Planning Policy Statement 10: Telecommunications (DOE, 2002)
 - Planning Policy Statement 11: Planning and Waste Management (DOE, 2002)
 - Planning Policy Statement 15 (Revised): Planning and Flood Risk (DOE, 2014)
 - Planning Policy Statement 16: Tourism (DOE, 2013)
 - Planning Policy Statement 18: Renewable Energy (DOE, 2009)
 - Planning Policy Statement 21: Sustainable Development in the Countryside (DOE, 2010)

Strategic Planning Policy Statement

- 16.6 Northern Ireland has a rich and varied Natural Heritage and the benefits of its protection are well known and understood.
- 16.7 The SPPS places 'Preserving and Improving the Built and Natural Environment' as a core planning principle, where the environment is managed in a sustainable manner.
- 16.8 The main thrust of the SPPS is that the planning system plays a role in conserving, protecting and enhancing the environment whilst ensuring it remains responsive and adaptive to the everyday needs of society.

16.9 The regional strategic policy objectives of the SPPS concerning the natural environment are:

- protect, conserve, enhance and restore the abundance, quality, diversity and distinctiveness of the region's natural heritage;
- further sustainable development by ensuring that natural heritage and associated diversity is conserved and enhanced as an integral part of social, economic and environmental development;
- assist in meeting international (including European), national and local responsibilities and obligations in the protection and enhancement of the natural heritage;
- contribute to rural renewal and urban regeneration by ensuring developments take account of the role and value of natural heritage in supporting economic diversification and contributing to a high quality environment; and
- take actions to reduce our carbon footprint and facilitate adaptation to climate change.

Summary of Relevant Planning Policy Statements

Planning Policy Statement 2: Natural Heritage

16.10 PPS 2 contains the following objectives:

- to seek to further the conservation, enhancement and restoration of the abundance, quality, diversity and distinctiveness of the region's natural heritage;
- to further sustainable development by ensuring that biological and geological diversity are conserved and enhanced as an integral part of social, economic and environmental development;
- to assist in meeting international (including European), national and local responsibilities and obligations in the protection and enhancement of the natural heritage;
- to contribute to rural renewal and urban regeneration by ensuring developments take account of the role and value of biodiversity in supporting economic diversification and contributing to a high quality environment;
- to protect and enhance biodiversity, geodiversity and the environment; and
- to take actions to reduce our carbon footprint and facilitate adaptation to climate change.

16.11 The relevant policies are summarised as:

- Policy NH 1 European and Ramsar Sites (International) - This policy gives direction for International Development proposals where they are likely to impact upon the integrity of European or Ramsar sites.
- Policy NH 2 Species Protected by Law - This policy ensures that development proposals are sensitive to all protected species so as to prevent deterioration and destruction to their breeding sites or resting places.

- Policy NH 3 Sites of Nature Conservation Importance (National) - This policy outlines that National Development proposals must not have adverse effects on the integrity and the value of such sites and the habitat network.
- Policy NH 4 Sites of Nature Conservation Importance (Local) — This policy gives direction to developments within sites of local nature importance (e.g. Local Nature Reserve, Wildlife Refuge).
- Policy NH 5 Habitats, Species or Features of Natural Heritage Importance - Development will only be granted under this policy where they are not likely to result in the unacceptable adverse impact on or damage to, habitats, species or features of natural heritage.
- Policy NH 6 Areas of Outstanding Natural Beauty - This policy requires development proposals in ANOBs to be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife.

16.12 Given the vast amount of operational planning policy relating to the natural environment, the main policy direction contained within the PPSs involves the protection of existing natural heritage assets from the adverse effects of development. Examples include European/International sites importance for example RAMSARs, to more locally significant designations, for example local nature reserves.

Assessment of existing PPSs against the provisions of the SPPS

16.13 The policies in relation to the protection of our natural heritage, broadly reflect those contained within the SPPS.

16.14

Other Relevant Guidance

16.15 In addition to the above operational planning policy there are a number of published guidance documents and Development Control Advice Notices (DCANs) that relate to the provision of Design in the Built Environment. DCANs represent non-statutory planning guidance which is intended to supplement, elucidate and exemplify policy documents including PPSs and development plans¹¹.

16.16 Supplementary guidance on the protection of natural heritage is outlined in:

- [Living Places - An Urban Stewardship and Design Guide for Northern Ireland \(DOE, 2014\)](#)
- [Building On Tradition - A Sustainable Design Guide for the Northern Ireland Countryside \(DOE, 2012\)](#)
- [Creating Places: Achieving quality in residential environments \(DOE, 2002\)](#)
- [DCAN 8: Housing in Existing Urban Areas \(DOE, 2002\)](#)

16.17 The SPPS directs that these documents will remain material considerations and are to be retained.

¹¹ Available to download at <http://www.planningni.gov.uk/index/policy.htm>

Consideration and Recommendations

- 16.18 It is considered that the **broad thrust and policy direction** established by the above operational planning policies, in relation to the protection of the natural heritage, broadly reflect what is set out in the SPPS.
- 16.19 The broad thrust and policy principles are summarised as;
- protect, conserve, enhance and restore the abundance, quality, diversity and distinctiveness of the region's natural heritage;
 - encourage sustainable development;
 - assist in meeting international (including European), national and local responsibilities;
 - contribute to rural renewal and urban regeneration;
 - take actions to reduce our carbon footprint and facilitate adaptation to climate change.
- 16.20 It is further considered by planning officers that the broad thrust and policy principles are acceptable in terms of operational planning policy and work effectively.
- 16.21 Therefore it is recommended that the policy principles for the protection of our natural heritage are taken forward in the development of new policy for our Local Development Plan.

Annex A – Current Operational Planning Policy***Planning Policy Statement 2 Natural Heritage****Policy NH 1****European and RAMSAR Sites - International**

Planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on:

- a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or
- a listed or proposed Ramsar Site

Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the Department shall make an appropriate assessment of the implications for the site in view of the site's conservation objectives. Appropriate mitigation measures in the form of planning conditions may be imposed. In light of the conclusions of the assessment, the Department shall agree to the development only after having ascertained that it will not adversely affect the integrity of the site.

In exceptional circumstances, a development proposal which could adversely affect the integrity of a European or Ramsar Site may only be permitted where:

- there are no alternative solutions; and
- the proposed development is required for imperative reasons of overriding public interest; and
- compensatory measures are agreed and fully secured.

As part of the consideration of exceptional circumstances, where a European or Ramsar site hosts a priority habitat or priority species listed in Annex I or II of the Habitats Directive, a development proposal will only be permitted when:

- it is necessary for reasons of human health or public safety or there is a beneficial consequence of primary importance to the environment; or
- agreed in advance with the European Commission.

Policy NH 2**Species Protected by Law****European Protected Species**

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:-

- there are no alternative solutions; and

- it is required for imperative reasons of overriding public interest; and
- there is no detriment to the maintenance of the population of the species at a favourable conservation status; and
- compensatory measures are agreed and fully secured.

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

Policy NH 3

Sites of Nature Conservation Importance - National

Planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of:

- an Area of Special Scientific Interest;
- a Nature Reserve;
- a National Nature Reserve; or
- a Marine Nature Reserve.

A development proposal which could adversely affect a site of national importance may only be permitted where the benefits of the proposed development clearly outweigh the value of the site.

In such cases, appropriate mitigation and/or compensatory measures will be required.

Policy NH 4

Sites of Nature Conservation Importance - Local

Planning permission will only be granted for a development proposal that is not likely to have a significant adverse impact on:

- a Local Nature Reserve; or
- a Wildlife Refuge.

A development proposal which could have a significant adverse impact on a site of local importance may only be permitted where the benefits of the proposed development outweigh the value of the site.

In such cases, appropriate mitigation and/or compensatory measures will be required.

Policy NH 5

Habitats, Species or Features of Natural Heritage Importance

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- priority habitats;
- priority species;
- active peatland;
- ancient and long-established woodland;
- features of earth science conservation importance;
- features of the landscape which are of major importance for wild flora and fauna;
- rare or threatened native species;
- wetlands (includes river corridors); or
- other natural heritage features worthy of protection.

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

In such cases, appropriate mitigation and/or compensatory measures will be required.

Policy NH 6

Area of Outstanding Natural Beauty

Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
- c) the proposal respects:

- local architectural styles and patterns;
- traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
- local materials, design and colour.

Policy NH 7

Sites of Nature Conservation Importance - National

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- priority habitats;
- priority species;
- active peatland;
- ancient and long-established woodland;
- features of earth science conservation importance;
- features of the landscape which are of major importance for wild flora and fauna;
- rare or threatened native species;
- wetlands (includes river corridors); or
- other natural heritage features worthy of protection.

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

In such cases, appropriate mitigation and/or compensatory measures will be required.

Planning Policy Statement 3: Access, Movement and Parking

Policy AMP 7

Car Parking and Service Arrangements

Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards⁹ or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

Beyond areas of parking restraint identified in a development plan, a reduced level of car parking provision may be acceptable in the following circumstances:

- where, through a Transport Assessment, it forms part of a package of measures to promote alternative transport modes; or
- where the development is in a highly accessible location well served by public transport; or
- where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking; or
- where shared car parking is a viable option; or
- where the exercise of flexibility would assist in the conservation of the built or natural heritage, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.

Proposals involving car parking in excess of the Department's published standards or which exceed a reduction provided for in a development plan will only be permitted in exceptional circumstances.

In assessing car parking provision the Department will require that a proportion of the spaces to be provided are reserved for people with disabilities in accordance with best practice. Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.

Planning Policy Statement 4: Planning and Economic Development

Policy PED 9

General Criteria for Economic Development

A proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:

- (a) it is compatible with surrounding land uses;
- (b) it does not harm the amenities of nearby residents;
- (c) it does not adversely affect features of the natural or built heritage;
- (d) it is not located in an area at flood risk and will not cause or exacerbate flooding;
- (e) it does not create a noise nuisance;
- (f) it is capable of dealing satisfactorily with any emission or effluent;
- (g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;
- (h) adequate access arrangements, parking and manoeuvring areas are provided;

- (i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;
- (j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;
- (k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;
- (l) is designed to deter crime and promote personal safety; and
- (m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

Planning Policy Statement 7: Quality Residential Development

Policy QD 1

Quality in New Residential Development

Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

In Conservation Areas and Areas of Townscape Character housing proposals will be required to maintain or enhance their distinctive character and appearance. In the primarily residential parts of these designated areas proposals involving intensification of site usage or site coverage will only be permitted in exceptional circumstances.

All proposals for residential development will be expected to conform to all of the following criteria:

- (a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;
- (b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

- (c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;
- (d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;
- (e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;
- (f) adequate and appropriate provision is made for parking;
- (g) the design of the development draws upon the best local traditions of form, materials and detailing;
- (h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and
- (i) the development is designed to deter crime and promote personal safety.

Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.

Planning Policy Statement 8: Open Space Sport and Recreation

Policy OS 3

Outdoor Recreation in the Countryside

The Department will permit the development of proposals for outdoor recreational use in the countryside where all the following criteria are met:

- i. there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;
- ii. (there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;
- iii. there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;
- iv. there is no unacceptable impact on the amenities of people living nearby;
- v. public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;

- vi. any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;
- vii. the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and
- viii. the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.

Policy OS 4

Intensive Sports Facilities

The Department will only permit the development of intensive sports facilities where these are located within settlements.

An exception may be permitted in the case of the development of a sports stadium where all the following criteria are met:

- (i) there is no alternative site within the settlement which can accommodate the development;
- (ii) the proposed development site is located close to the edge of the settlement and can be clearly identified as being visually associated with the settlement;
- (iii) there is no adverse impact on the setting of the settlement; and
- (iv) the scale of the development is in keeping with the size of the settlement.

In all cases the development of intensive sports facilities will be required to meet all the following criteria:

there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated;

- there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;
- buildings or structures are designed to a high standard, are of a scale appropriate
- to the local area or townscape and are sympathetic to the surrounding environment
- in terms of their siting, layout and landscape treatment;

- the proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport; and
- the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.

Policy OS 6

Development of Facilities ancillary to Water Sports

The Department will permit the development of facilities ancillary to water sports adjacent to inland lakes, reservoirs and waterways where all the following criteria are met:

it is compatible with any existing use of the water, including non-recreational uses;

there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;

there is no adverse impact on visual amenity or the character of the local landscape;

- (i) it will not result in water pollution or an unacceptable level of noise or disturbance;
- (ii) buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;
- (iii) the proposed facility takes into account the needs of people with disabilities; and
- (iv)** there is no conflict with the provisions of any local management plan.

Planning Policy Statement 10: Telecommunications

Policy TEL 1

Telecommunications Development

The Department will permit proposals for telecommunications development where such proposals, together with any necessary enabling works, will not result in unacceptable damage to visual amenity or harm to environmentally sensitive features or locations.

Developers will therefore be required to demonstrate that proposals for telecommunications development, having regard to technical and operational constraints, have been sited and designed to minimise visual and environmental impact.

Proposals for the development of a new telecommunications mast will only be considered acceptable by the Department where the above requirements are met and it is reasonably demonstrated that:

- (a) the sharing of an existing mast or other structure has been investigated and is not feasible; or
- (b) a new mast represents a better environmental solution than other options.

Applications for telecommunications development by Code System Operators or broadcasters will need to include:

- (1) information about the purpose and need for the particular development including a description of how it fits into the operator's or broadcaster's wider network;
- (2) details of the consideration given to measures to mitigate the visual and environmental impact of the proposal; and
- (3) where proposals relate to the development of a mobile telecommunications base station, a statement:
 - indicating its location, the height of the antenna, the frequency and modulation characteristics, details of power output; and
 - declaring that the base station when operational will meet the ICNIRP guidelines for public exposure to electromagnetic fields.

Where information on the above matters is not made available or is considered inadequate the Department will refuse planning permission.

Planning Policy Statement 11: Planning and Waste Management

Policy WM 1

Environmental Impact of a Waste Management Facility

Proposals for the development of a waste management facility will be subject to a thorough examination of environmental effects and will only be permitted where it can be demonstrated that all of the following criteria are met:

- the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment;
- the proposal is designed to be compatible with the character of the surrounding area and adjacent land uses;

- the visual impact of the waste management facility, including the final landform of landfilling or land raising operations, is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality;
- the access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users or constitute a nuisance to neighbouring residents by virtue of noise, dirt and dust;
- the public road network can satisfactorily accommodate, or can be upgraded to accommodate, the traffic generated;
- adequate arrangements shall be provided within the site for the parking, servicing and circulation of vehicles;
- wherever practicable the use of alternative transport modes, in particular, rail and water, has been considered;
- the development will not have an unacceptable adverse impact on nature conservation or archaeological/built heritage interests.
- the types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures;
- the proposed site is not at risk from flooding and the proposal will not cause or exacerbate flooding elsewhere;
- the proposal avoids (as far as is practicable) the permanent loss of the best and most versatile agricultural land;
- In the case of landfilling the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site.

Planning Policy Statement 15 Planning and Flood Risk

Policy FLD 3

Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains

A Drainage Assessment will be required for all development proposals that exceed any of the following thresholds:

- A residential development comprising of 10 or more dwelling units
- A development site in excess of 1 hectare
- A change of use involving new buildings and / or hardsurfacing exceeding 1000 square metres in area.

A Drainage Assessment will also be required for any development proposal, except for minor development¹¹, where:

- The proposed development is located in an area where there is evidence of a history of surface water flooding.
- Surface water run-off from the development may adversely impact upon other development or features of importance to nature conservation, archaeology or the built heritage.

Such development will be permitted where it is demonstrated through the Drainage Assessment that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere.

Where a Drainage Assessment is not required but there is potential for surface water flooding as indicated by the surface water layer of the Strategic Flood Map, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

Where the proposed development is also located within a fluvial or coastal flood plain, then Policy FLD 1 will take precedence.

Planning Policy Statement 16: Tourism

Policy TSM 1

Tourism Developments in Settlements

Planning permission will be granted for a proposal for tourism development (including a tourist amenity or tourist accommodation) within a settlement; provided it is of a nature appropriate to the settlement, respects the site context in terms of scale, size and design, and has regard to the specified provisions of a development plan.

Policy TSM 2

Tourism Amenities in the Countryside

New Proposals

Planning permission will be granted for a tourist amenity in the countryside where it is demonstrated that:

- it is in association with and requires a site at or close to a particular tourism attraction located in the countryside,
- or
- the type of tourist activity in itself requires a countryside location.

All proposals that include buildings must make provision in existing or replacement buildings, where possible.

Where a proposed tourist amenity is of regional importance or is otherwise significant in terms of the extent of new build or the scale of engineering operations it must demonstrate substantial benefit to regional tourism as well as sustainable benefits to the locality. Such applications must be supported by a tourism benefit statement and a sustainable benefit statement.

Extension of an Existing Tourist Amenity

A proposal for the extension of an existing tourist amenity will be permitted where the scale and nature of the proposal does not harm the rural character, landscape quality or environmental integrity of the local area.

Where possible, such proposals will be expected to be accommodated through the conversion, reuse or extension of existing buildings on site, unless it can be demonstrated that this is not a feasible option. In circumstances where the planning authority accepts a new or replacement building it should be sited and designed so as to integrate with the overall development.

Any conversion, extension or new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest they may have.

Policy TSM 6**New and Extended Holiday Parks in the Countryside**

Planning permission will be granted for a new holiday park or an extension to an existing facility where it is demonstrated that the proposal will create a high quality and sustainable form of tourism development.

The location, siting, size, design, layout and landscaping of the holiday park proposal must be based on an overall design concept that respects the surrounding landscape, rural character and site context.

Proposals for holiday park development must be accompanied by a layout and landscaping plan (see guidance at Appendix 4) and will be subject to the following specific criteria:

- (a) The site is located in an area that has the capacity to absorb the holiday park development, without adverse impact on visual amenity and rural character;
- (b) Effective integration into the landscape must be secured primarily through the utilisation of existing natural or built features. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist its integration with the surrounding area;
- (c) Adequate provision (normally around 15% of the site area) is made for communal open space (including play and recreation areas and landscaped areas), as an integral part of the development;
- (d) The layout of caravan pitches / motor homes is informal and characterised by discrete groupings or clusters of units separated through the use of appropriate soft landscaping;
- (e) The design of the development, including the design and scale of ancillary buildings and the design of other elements including internal roads, paths, car parking areas, walls and fences, is appropriate for the site and the locality, respecting the best local traditions of form, materials and detailing;
- (f) Environmental assets including features of the archaeological and built heritage, natural habitats, trees and landscape features are identified and, where appropriate, retained and integrated in a suitable manner into the overall design and layout;
- (g) Mains water supply and sewerage services must be utilised where available and practicable.

Policy TSM 7**Criteria for Tourism Development**

A proposal for a tourism use, in addition to the other policy provisions of this Statement, will be subject to the following design criteria:

Design Criteria

a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;

- (a) the site layout, building design, associated infrastructure and landscaping arrangements (including flood lighting) are of high quality in accordance with the Department's published guidance and assist the promotion of sustainability and biodiversity;
- (b) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are screened from public view;
- (c) utilisation of sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way;
- (d) is designed to deter crime and promote personal safety;
- (e) development involving public art, where it is linked to a tourism development, needs to be of high quality, to complement the design of associated buildings and to respect the surrounding site context.

In addition to the above design criteria, a proposal will also be subject to the following general criteria (g – o).

General Criteria

- (g) it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area;
- (h) it does not harm the amenities of nearby residents;
- (i) it does not adversely affect features of the natural or built heritage;
- (j) it is capable of dealing with any emission or effluent in accordance with legislative requirements. The safeguarding of water quality through adequate means of sewage disposal is of particular importance and accordingly mains sewerage and water supply services must be utilised where available and practicable;
- (k) access arrangements must be in accordance with the Department's published guidance;

(l) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic;

(m) the existing road network can safely handle any extra vehicular traffic the proposal will generate;

n) access onto a protected route for a tourism development in the countryside is in accordance with the amendment to Policy AMP 3 of PPS 3, as set out in Annex 1 of PPS 21.

(o) it does not extinguish or significantly constrain an existing or planned public access to the coastline or a tourism asset, unless a suitable alternative is provided.

Policy TSM 8

Safeguarding of Tourism Assets

Planning permission will not be granted for development that would in itself or in combination with existing and approved development in the locality have an adverse impact on a tourism asset (For the purposes of this statement, a tourism asset is defined as any feature associated with the built or natural environment which is of intrinsic interest to tourists) such as to significantly compromise its tourism value.

This policy provides for the safeguarding of all tourism assets, including those which are subject to protection for other reasons under various legislative or policy instruments and those which are not subject to such protection.

Planning Policy Statement 18: Renewable Energy

Policy RE 1

Renewable Energy Development

Development that generates energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:

- (a) public safety, human health, or residential amenity;
- (b) visual amenity and landscape character;
- (c) biodiversity, nature conservation or built heritage interests;
- (d) local natural resources, such as air quality or water quality; and
- (e) public access to the countryside.

Proposals will be expected to be located at, or as close as possible to, the source of the resource needed for that particular technology, unless, in the case of a Combined Heat and Power scheme or a biomass heating scheme, it can be

demonstrated that the benefits of the scheme outweigh the need for transportation and an end user is identified.

Where any project is likely to result in unavoidable damage during its installation, operation or decommissioning, the application will need to indicate how this will be minimised and mitigated, including details of any proposed compensatory measures, such as a habitat management plan or the creation of a new habitat. This matter will need to be agreed before planning permission is granted.

The wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given significant weight in determining whether planning permission should be granted.

The publication Best Practice Guidance to Planning Policy Statement 18 'Renewable Energy' will be taken into account in assessing proposals.

Wind Energy Development

Applications for wind energy development will also be required to demonstrate all of the following:

that the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines;

- (i) that the development has taken into consideration the cumulative impact of existing wind turbines, those which have permissions and those that are currently the subject of valid but undetermined applications;
- (ii) that the development will not create a significant risk of landslide or bog burst;
- (iii) that no part of the development will give rise to unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunication systems;
- (iv) that no part of the development will have an unacceptable impact on roads, rail or aviation safety;
- (v) that the development will not cause significant harm to the safety or amenity of any sensitive receptors¹ (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light; and
- (vi) that above-ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location.

Any development on active peatland will not be permitted unless there are imperative reasons of overriding public interest.

For wind farm development a separation distance of 10 times rotor diameter to occupied property, with a minimum distance not less than 500m, will generally apply.

The supplementary planning guidance 'Wind Energy Development in Northern Ireland's Landscapes' will be taken into account in assessing all wind turbine proposals.

Planning Policy Statement 2: Development in the Countryside

Policy CTY 11

Farm Diversification

Planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that: Planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. The following criteria will apply:

- (a) the farm or forestry business is currently active and established;
- (b) in terms of character and scale it is appropriate to its location;
- (c) it will not have an adverse impact on the natural or built heritage; and
- (d) it will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.

Proposals will only be acceptable where they involve the re-use or adaptation of existing farm buildings.

Exceptionally, a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for adaptation and re-use or cannot be adapted to meeting the requirements of other statutory agencies.

Where a new building is justified it should be satisfactorily integrated with an existing group of buildings.

Policy CTY 12

Agricultural and Forestry Development

Planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

- (a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;
- (b) in terms of character and scale it is appropriate to its location;
- (c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
- (d) it will not have an adverse impact on the natural or built heritage; and
- (e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- there are no suitable existing buildings on the holding or enterprise that can be used;
- the design and materials to be used are sympathetic to the locality and adjacent buildings; and
- the proposal is sited beside existing farm or forestry buildings.

Exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- it is essential for the efficient functioning of the business; or
- there are demonstrable health and safety reasons.

***Supplementary text is available for the policy via the following links**

- [Planning Policy Statement 2: Natural Heritage](#)
- [Planning Policy Statement 3: Access, Movement and Parking \(DOE, 2005\)](#)
- [Planning Policy Statement 4: Planning and Economic Development \(DOE, 2010\)](#)
- [Planning Policy Statement 7: Quality Residential Environments \(DOE, 2001\)](#)
- [Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation \(DOE, 2004\)](#)
- [Planning Policy Statement 10: Telecommunications \(DOE, 2002\)](#)
- [Planning Policy Statement 11: Planning and Waste Management \(DOE, 2002\)](#)
- [Planning Policy Statement 15 \(Revised\): Planning and Flood Risk \(DOE, 2014\)](#)
- [Planning Policy Statement 16: Tourism \(DOE, 2013\)](#)
- [Planning Policy Statement 18: Renewable Energy \(DOE, 2009\)](#)
- [Planning Policy Statement 21: Sustainable Development in the Countryside \(DOE, 2010\)](#)

17. Protecting Our Built Heritage

Introduction

- 17.1 This section of the paper provides an interim policy review of the planning policy principles in current policy relating to The Protection of Our Built Heritage. The purpose of this review is to seek agreement on strategic policy direction for our new Local Development Plan. The detail of the current operational policy will be reviewed in further detail once agreement is reached on the overall principle of the policy.
- 17.2 Current operational policy is set out at the strategic level in the Strategic Planning Policy Statement (SPPS) and also in the remaining operational planning policy statements (PPSs) and other guidance. The remaining operational policies will no longer apply once the first part of the new Local Development Plan, the Plan Strategy, is adopted.
- 17.3 This paper sets out the current policy that applies and reviews the requirements of both the SPPS and remaining PPSs etc. The paper finally assesses the future of the thrust of the remaining operational policy and makes a recommendation on whether or not the policy should be retained as part of our new Local Development Plan.
- 17.4 Details of the policies are set out in Annex A.

Current Planning Policy Context

- 17.5 The relevant operational policies relating to the Protection of Our Built Heritage are set out in:
- Planning Policy Statement 3: Access, Movement and Parking (DOE, 2005)
 - Planning Policy Statement 4: Planning and Economic Development (DOE, 2010)
 - Planning Policy Statement 6: Planning, Archaeology and the Built Heritage (DOE, 1999)
 - Planning Policy Statement 6 (Addendum): Areas of Townscape Character (DOE, 2005)
 - Planning Policy Statement 7: Quality Residential Development (DOE, 2001)
 - Planning Policy Statement 8: Open Space Sport and Recreation (DOE, 2004)
 - Planning Policy Statement 10: Telecommunications (DOE, 2002)
 - Planning Policy Statement 11: Planning and Waste Management (DOE, 2002)
 - Planning Policy Statement 15 (Revised): Planning and Flood Risk (DOE, 2014)
 - Planning Policy Statement 16: Tourism (DOE, 2013)
 - Planning Policy Statement 18: Renewable Energy (DOE, 2009)
 - Planning Policy Statement 21: Sustainable Development in the Countryside (DOE, 2010)
 - Planning Policy Statement 23: Enabling Development for the Conservation of Significant Places (DOE, 2014)

Strategic Planning Policy Statement

- 17.6 The SPPS places 'Preserving and Improving the Built and Natural Environment' as a core planning principle, where the environment is managed in a sustainable manner.

- 17.7 The main thrust of the SPPS is that the planning system plays a role in conserving, protecting and enhancing the environment whilst ensuring it remains responsive and adaptive to the everyday needs of society.
- 17.8 This policy direction is supported by a range of policies which generally reflect the operational planning policy, aimed at meeting the regional strategic objectives:
- Secure the protection, conservation and, where possible, the enhancement of our built and archaeological heritage;
 - Promote sustainable development and environmental stewardship with regard to our built and archaeological heritage; and
 - Deliver economic and community benefit through conservation that facilitates productive use of built heritage assets and opportunities for investment, whilst safeguarding their historic or architectural integrity.

Summary of Relevant Planning Policy Statements

- 17.9 Built Heritage policies are mainly contained within PPS 6: Planning, Archaeology and the Built Heritage, with other policies containing elements of built heritage within 12 other PPSs, as outlined in paragraph 2.1 above.
- 17.10 Given the vast amount of operational planning policy, the main policy direction contained within the PPSs involve the protection of existing built heritage assets like archaeological sites, Conservation Areas, Areas of Townscape Character and Listed Buildings.
- 17.11 These protectionist policies relate to development associated directly with built heritage assets, as well as other indirect development that potentially has an adverse impact on built heritage assets.

Assessment of existing PPSs against the provisions of the SPPS

- 17.12 The policies in relation to the protection of our built heritage generally reflect those contained within the SPPS. The policies are contained within Annex A.

Other Relevant Guidance

- 17.13 In addition to the above operational planning policy there are a number of published guidance documents and Development Control Advice Notices (DCANs) that are relevant. DCANs represent non-statutory planning guidance which is intended to supplement, elucidate and exemplify policy documents including PPSs and development plans¹².
- 17.14 Supplementary guidance on the protection of the built heritage are outlined in:
- [Building on Tradition A Sustainable Design Guide for the Northern Ireland Countryside \(DOE, 2012\)](#)
 - [Creating Places Achieving quality in Residential Environments \(DOE, DRD, 2000\)](#)
 - [Living Places An Urban Stewardship and Design Guide for Northern Ireland \(DOE, 2014\)](#)
 - [DCAN 8 Housing in Existing Urban Areas \(DOE, 2002\)](#)
 - Conservation Area Design Guides for :

¹² Available to download at <http://www.planningni.gov.uk/index/policy.htm>

- [Antrim Town Centre](#)
- [Merville Garden Village](#)
- [Randalstown](#)

17.15 The SPPS directs that these documents will remain material considerations and are to be retained.

Consideration and Recommendation

17.16 It is considered that the **broad thrust and policy principles** established by the above operational planning policies, in relation to the protection of out built heritage, broadly reflect what is set out in the SPPS.

17.17 The broad thrust and policy principles are summarised as:

- Safeguard the historic or architectural integrity of built environment assets
- Protect, conserve and, where possible, enhance our built and archaeological heritage
- Promote sustainable development and environmental stewardship

17.18 It is further considered by planning officers that the broad thrust and policy principles are acceptable in terms of operational planning policy and work effectively.

17.19 Therefore it is recommended that the policy principles for the protection of our built heritage are taken forward in the development of new policy for our Local Development Plan

Annex A – Current Operational Planning Policy*

Planning Policy Statement 3: Access, Movement and Parking

Policy AMP 7

Car Parking and Service Arrangements

Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

Beyond areas of parking restraint identified in a development plan, a reduced level of car parking provision may be acceptable in the following circumstances:

- where, through a Transport Assessment, it forms part of a package of measures to promote alternative transport modes; or
- where the development is in a highly accessible location well served by public transport; or
- where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking; or
- where shared car parking is a viable option; or
- where the exercise of flexibility would assist in the conservation of the built or natural heritage, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.

Proposals involving car parking in excess of the Department's published standards or which exceed a reduction provided for in a development plan will only be permitted in exceptional circumstances.

In assessing car parking provision the Department will require that a proportion of the spaces to be provided are reserved for people with disabilities in accordance with best practice. Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.

Planning Policy Statement 4: Planning and Economic Development**Policy PED 9****General Criteria for Economic Development**

A proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:

- a) it is compatible with surrounding land uses;
- b) it does not harm the amenities of nearby residents;
- c) it does not adversely affect features of the natural or built heritage;
- d) it is not located in an area at flood risk and will not cause or exacerbate flooding;
- e) it does not create a noise nuisance;
- f) it is capable of dealing satisfactorily with any emission or effluent;
- g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;
- h) adequate access arrangements, parking and manoeuvring areas are provided;
- i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;
- j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;
- k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;
- l) is designed to deter crime and promote personal safety; and
- m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

Planning Policy Statement 6: Planning, Archaeology and The Built Heritage**Policy BH 1****The Preservation of Archaeological Remains of Regional Importance and their Settings**

The Department will operate a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. These comprise monuments in State Care, scheduled monuments and other important sites and monuments which would merit scheduling. Development which would adversely affect such sites of regional importance or the integrity of their settings will not be permitted unless there are exceptional circumstances.

Policy BH 2**The Protection of Archaeological Remains of Local Importance and their Settings**

Development proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings will only be permitted where the Department considers the importance of the proposed development or other material considerations outweigh the value of the remains in question.

Policy BH 3**Archaeological Assessment and Evaluation**

Where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, the Department will normally require developers to provide further information in the form of an archaeological assessment or an archaeological evaluation. Where such information is requested but not made available the Department will normally refuse planning permission.

Policy BH 4**Archaeological Mitigation**

Where it is decided to grant planning permission for development which will affect sites known to contain archaeological remains, the Department will impose conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate the completion of a licensed excavation and recording of remains before development commences.

Policy BH 5**The Protection of World Heritage Sites**

The Department will operate a presumption in favour of the preservation of World Heritage Sites. Development which would adversely affect such sites or the integrity of their settings will not be permitted unless there are exceptional circumstances.

Policy BH 6**The Protection of Parks, Gardens and Demesnes of Special Historic Interest**

The Department will not normally permit development which would lead to the loss of, or cause harm to, the character, principal components or setting of parks, gardens and demesnes of special historic interest. Where planning permission is granted this will normally be conditional on the recording of any features of interest which will be lost before development commences.

Policy BH 7**Change of Use of a Listed Building**

The Department will normally permit the change of use of a listed building where this secures its upkeep and survival and the character and architectural or historic interest of the building would be preserved or enhanced. Proposals for a change of use should incorporate details of all intended alterations to the building and its curtilage to demonstrate their effect on its appearance, character and setting.

Policy BH 8**Extension or Alteration of a Listed Building**

The Department will normally only grant consent to proposals for the extension or alteration of a listed building where all the following criteria are met:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

Policy BH 9**The Control of Advertisements on a Listed Building**

The Department will normally only grant consent for advertisements or signs on a listed building where these are carefully designed and located to respect the architectural form and detailing of the building.

Policy BH 10**Demolition of a Listed Building**

There will be a presumption in favour of retaining listed buildings. The Department will not permit the demolition of a listed building unless there are exceptional reasons why the building cannot be retained in its original or a reasonably modified form. Where, exceptionally, listed building consent is granted for demolition this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition. Department will normally only grant consent for advertisements or signs on a listed building where these are carefully designed and located to respect the architectural form and detailing of the building.

Policy BH 11**Development affecting the Setting of a Listed Building**

The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and
- (c) the nature of the use proposed respects the character of the setting of the building.

Policy BH 12**New Development in a Conservation Area**

The Department will normally only permit development proposals for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, a conservation area where all the following criteria are met:

- (a) the development preserves or enhances the character and appearance of the area;
- (b) the development is in sympathy with the characteristic built form of the area;
- (c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;
- (d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area;
- (e) important views within, into and out of the area are protected;
- (f) trees and other landscape features contributing to the character or appearance of the area are protected; and
- (g) the development conforms with the guidance set out in conservation area documents.

Policy BH 13

The Control of Advertisements in a Conservation Area

The Department will not normally grant consent for the display of advertisements in or close to a conservation area which would adversely affect the character, appearance or setting of the area or which would be detrimental to public safety.

Policy BH 14

Demolition in a Conservation Area

The Department will normally only permit the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character or appearance of the area. Where conservation area consent for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition.

Policy BH 15

The Re-Use of Non-Listed Vernacular Buildings

The Department will normally permit the sympathetic conversion of non-listed vernacular buildings to other appropriate uses where this would secure their upkeep and retention. In the countryside conversion to residential use will normally only be considered appropriate where the building to be converted is an important element

in the landscape and of local architectural merit or historic interest. All proposals for conversion will normally be required to meet all of the following criteria:

- (a) the building is structurally sound and capable of conversion;
- (b) the scheme of conversion will not have an adverse effect on the character or appearance of the locality and safeguards the form, character and architectural features, design and setting of the existing building. This will involve retention of existing door and window openings and minimising the number of new openings. Details such as door and window design, external surfaces, rainwater goods and means of enclosure should be of traditional or sympathetic design and materials;
- (c) the new use would not cause unacceptable adverse effects on the amenities of nearby residents or other land uses;
- (d) normally no new extensions are involved; and
- (e) access and other necessary services are provided without adverse impact on the character of the locality.

Planning Policy Statement 6: (Addendum) Areas of Townscape Character

Policy ATC 1

Demolition Control in an Area of Townscape Character

There will be a presumption in favour of retaining any building which makes a positive contribution to the character of an Area of Townscape Character. The Department will normally only permit the demolition of an unlisted building in an Area of Townscape Character where the building makes no material contribution to the distinctive character of the area.

Where permission for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site.

Policy ATC 2

New Development in an Area of Townscape Character

The Department will only permit development proposals in an Area of Townscape Character where the development maintains or enhances its overall character and respects the built form of the area.

The Department will also require that any trees, archaeological or other landscape features which contribute to the distinctive character of the area are protected and integrated in a suitable manner into the design and layout of the development.

Policy ATC 3**The Control of Advertisements in an Area of Townscape Character**

The Department will only grant consent for the display of an advertisement in an Area of Townscape Character where:

- (a) it maintains the overall character and appearance of the area; and
- (b) it does not prejudice public safety.

Planning Policy Statement 7: Quality Residential Development**Policy QD 1****Quality in New Residential Development**

Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

In Conservation Areas and Areas of Townscape Character housing proposals will be required to maintain or enhance their distinctive character and appearance. In the primarily residential parts of these designated areas proposals involving intensification of site usage or site coverage will only be permitted in exceptional circumstances.

All proposals for residential development will be expected to conform to all of the following criteria:

- (a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;
- (b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;
- (c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

(d)adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

(e)a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

(f)adequate and appropriate provision is made for parking;

(g)the design of the development draws upon the best local traditions of form, materials and detailing;

(h)the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and

(i)the development is designed to deter crime and promote personal safety.

Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.

Planning Policy Statement 8: Open Space Sport and Recreation

Policy OS 3

Outdoor Recreation in the Countryside

The Department will permit the development of proposals for outdoor recreational use in the countryside where all the following criteria are met:

(i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;

(ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;

(iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;

(iv) there is no unacceptable impact on the amenities of people living nearby;

(v) public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;

(vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;

(vii) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and

(viii) the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.

Policy OS 4

Intensive Sports Facilities

The Department will only permit the development of intensive sports facilities where these are located within settlements.

An exception may be permitted in the case of the development of a sports stadium where all the following criteria are met:

(i) there is no alternative site within the settlement which can accommodate the development;

(ii) the proposed development site is located close to the edge of the settlement and can be clearly identified as being visually associated with the settlement;

(iii) there is no adverse impact on the setting of the settlement; and

(iv) the scale of the development is in keeping with the size of the settlement.

In all cases the development of intensive sports facilities will be required to meet all the following criteria:

- there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated;
- there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;
- buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;
- the proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport; and

- the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.

Policy OS 6**Development of Facilities ancillary to Water Sports**

The Department will permit the development of facilities ancillary to water sports adjacent to inland lakes, reservoirs and waterways where all the following criteria are met:

- (i) it is compatible with any existing use of the water, including non-recreational uses;
- (ii) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;
- (iii) there is no adverse impact on visual amenity or the character of the local landscape;
- (iv) it will not result in water pollution or an unacceptable level of noise or disturbance;
- (v) buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;
- (vi) the proposed facility takes into account the needs of people with disabilities; and
- (vii) there is no conflict with the provisions of any local management plan.

Planning Policy Statement 10: Telecommunications**Policy TEL 1****Telecommunications Development**

The Department will permit proposals for telecommunications development where such proposals, together with any necessary enabling works, will not result in unacceptable damage to visual amenity or harm to environmentally sensitive features or locations.

Developers will therefore be required to demonstrate that proposals for telecommunications development, having regard to technical and operational constraints, have been sited and designed to minimise visual and environmental impact.

Proposals for the development of a new telecommunications mast will only be considered acceptable by the Department where the above requirements are met and it is reasonably demonstrated that:

- (a) the sharing of an existing mast or other structure has been investigated and is

not feasible; or

(b) a new mast represents a better environmental solution than other options.

Applications for telecommunications development by Code System Operators or broadcasters will need to include:

(1) information about the purpose and need for the particular development including a description of how it fits into the operator's or broadcaster's wider network;

(2) details of the consideration given to measures to mitigate the visual and environmental impact of the proposal; and

(3) where proposals relate to the development of a mobile telecommunications base station, a statement:

- indicating its location, the height of the antenna, the frequency and modulation characteristics, details of power output; and
- declaring that the base station when operational will meet the ICNIRP guidelines for public exposure to electromagnetic fields.

Where information on the above matters is not made available or is considered inadequate the Department will refuse planning permission.

Planning Policy Statement 11: Planning and Waste Management

Policy WM 1

Environmental Impact of a Waste Management Facility

Proposals for the development of a waste management facility will be subject to a thorough examination of environmental effects and will only be permitted where it can be demonstrated that all of the following criteria are met:

- the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment;
- the proposal is designed to be compatible with the character of the surrounding area and adjacent land uses;
- the visual impact of the waste management facility, including the final landform of landfilling or land raising operations, is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality;

- the access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users or constitute a nuisance to neighbouring residents by virtue of noise, dirt and dust;
- the public road network can satisfactorily accommodate, or can be upgraded to accommodate, the traffic generated;
- adequate arrangements shall be provided within the site for the parking, servicing and circulation of vehicles;
- wherever practicable the use of alternative transport modes, in particular, rail and water, has been considered;
- the development will not have an unacceptable adverse impact on nature conservation or archaeological/built heritage interests.
- the types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures;
- the proposed site is not at risk from flooding and the proposal will not cause or exacerbate flooding elsewhere;
- the proposal avoids (as far as is practicable) the permanent loss of the best and most versatile agricultural land;
- In the case of landfilling the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site.

Planning Policy Statement 15: Planning and Flood Risk

Policy FLD 3

Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains

A Drainage Assessment will be required for all development proposals that exceed any of the following thresholds:

- A residential development comprising of 10 or more dwelling units
- A development site in excess of 1 hectare
- A change of use involving new buildings and / or hardsurfacing exceeding 1000 square metres in area.

A Drainage Assessment will also be required for any development proposal, except for minor development¹¹, where:

- The proposed development is located in an area where there is evidence of a history of surface water flooding.

- Surface water run-off from the development may adversely impact upon other development or features of importance to nature conservation, archaeology or the built heritage.

Such development will be permitted where it is demonstrated through the Drainage Assessment that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere.

Where a Drainage Assessment is not required but there is potential for surface water flooding as indicated by the surface water layer of the Strategic Flood Map, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

Where the proposed development is also located within a fluvial or coastal flood plain, then Policy FLD 1 will take precedence.

Planning Policy Statement 16: Tourism

Policy TSM 1

Tourism Developments in Settlements

Planning permission will be granted for a proposal for tourism development (including a tourist amenity or tourist accommodation) within a settlement; provided it is of a nature appropriate to the settlement, respects the site context in terms of scale, size and design, and has regard to the specified provisions of a development plan.

Policy TSM 2

Tourism Amenities in the Countryside

New Proposals

Planning permission will be granted for a tourist amenity in the countryside where it is demonstrated that:

- (a) it is in association with and requires a site at or close to a particular tourism attraction located in the countryside,
- Or
- (b) the type of tourist activity in itself requires a countryside location.

All proposals that include buildings must make provision in existing or replacement buildings, where possible.

Where a proposed tourist amenity is of regional importance or is otherwise significant in terms of the extent of new build or the scale of engineering operations it must demonstrate substantial benefit to regional tourism as well as sustainable benefits to

the locality. Such applications must be supported by a tourism benefit statement and a sustainable benefit statement.

Extension of an Existing Tourist Amenity

A proposal for the extension of an existing tourist amenity will be permitted where the scale and nature of the proposal does not harm the rural character, landscape quality or environmental integrity of the local area.

Where possible, such proposals will be expected to be accommodated through the conversion, reuse or extension of existing buildings on site, unless it can be demonstrated that this is not a feasible option. In circumstances where the planning authority accepts a new or replacement building it should be sited and designed so as to integrate with the overall development.

Any conversion, extension or new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest they may have.

Policy TSM 6

New and Extended Holiday Parks in the Countryside

Planning permission will be granted for a new holiday park or an extension to an existing facility where it is demonstrated that the proposal will create a high quality and sustainable form of tourism development.

The location, siting, size, design, layout and landscaping of the holiday park proposal must be based on an overall design concept that respects the surrounding landscape, rural character and site context.

Proposals for holiday park development must be accompanied by a layout and landscaping plan (see guidance at Appendix 4) and will be subject to the following specific criteria:

The site is located in an area that has the capacity to absorb the holiday park development, without adverse impact on visual amenity and rural character;

- (a) Effective integration into the landscape must be secured primarily through the utilisation of existing natural or built features. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist its integration with the surrounding area;
- (b) Adequate provision (normally around 15% of the site area) is made for communal open space (including play and recreation areas and landscaped areas), as an integral part of the development;

- (c) The layout of caravan pitches / motor homes is informal and characterised by discrete groupings or clusters of units separated through the use of appropriate soft landscaping;
- (d) The design of the development, including the design and scale of ancillary buildings and the design of other elements including internal roads, paths, car parking areas, walls and fences, is appropriate for the site and the locality, respecting the best local traditions of form, materials and detailing;
- (e) Environmental assets including features of the archaeological and built heritage, natural habitats, trees and landscape features are identified and, where appropriate, retained and integrated in a suitable manner into the overall design and layout;
- (f) Mains water supply and sewerage services must be utilised where available and practicable.

Policy TSM 7

Criteria for Tourism Development

A proposal for a tourism use, in addition to the other policy provisions of this Statement, will be subject to the following design criteria:

Design Criteria

a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;

- (a) the site layout, building design, associated infrastructure and landscaping arrangements (including flood lighting) are of high quality in accordance with the Department's published guidance and assist the promotion of sustainability and biodiversity;
- (b) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are screened from public view;
- (c) utilisation of sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way;
- (d) is designed to deter crime and promote personal safety;
- (e) development involving public art, where it is linked to a tourism development, needs to be of high quality, to complement the design of associated buildings and to respect the surrounding site context.

In addition to the above design criteria, a proposal will also be subject to the following general criteria (g – o).

General Criteria

- (g) it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area;
- (h) it does not harm the amenities of nearby residents;
- (i) it does not adversely affect features of the natural or built heritage;
- (j) it is capable of dealing with any emission or effluent in accordance with legislative requirements. The safeguarding of water quality through adequate means of sewage disposal is of particular importance and accordingly mains sewerage and water supply services must be utilised where available and practicable;
- (k) access arrangements must be in accordance with the Department's published guidance;
- (l) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic;
- (m) the existing road network can safely handle any extra vehicular traffic the proposal will generate;
- (n) access onto a protected route for a tourism development in the countryside is in accordance with the amendment to Policy AMP 3 of PPS 3, as set out in Annex 1 of PPS 21.
- (o) it does not extinguish or significantly constrain an existing or planned public access to the coastline or a tourism asset, unless a suitable alternative is provided.

Policy TSM 8

Safeguarding of Tourism Assets

Planning permission will not be granted for development that would in itself or in combination with existing and approved development in the locality have an adverse impact on a tourism asset (For the purposes of this statement, a tourism asset is defined as any feature associated with the built or natural environment which is of intrinsic interest to tourists) such as to significantly compromise its tourism value.

This policy provides for the safeguarding of all tourism assets, including those which are subject to protection for other reasons under various legislative or policy instruments and those which are not subject to such protection.

Planning Policy Statement 18: Renewable Energy

Policy RE 1

Renewable Energy Development

Development that generates energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:

- (a) public safety, human health, or residential amenity;
- (b) visual amenity and landscape character;
- (c) biodiversity, nature conservation or built heritage interests;
- (d) local natural resources, such as air quality or water quality; and
- (e) public access to the countryside.

Proposals will be expected to be located at, or as close as possible to, the source of the resource needed for that particular technology, unless, in the case of a Combined Heat and Power scheme or a biomass heating scheme, it can be demonstrated that the benefits of the scheme outweigh the need for transportation and an end user is identified.

Where any project is likely to result in unavoidable damage during its installation, operation or decommissioning, the application will need to indicate how this will be minimised and mitigated, including details of any proposed compensatory measures, such as a habitat management plan or the creation of a new habitat. This matter will need to be agreed before planning permission is granted.

The wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given significant weight in determining whether planning permission should be granted.

The publication Best Practice Guidance to Planning Policy Statement 18 'Renewable Energy' will be taken into account in assessing proposals.

Wind Energy Development

Applications for wind energy development will also be required to demonstrate all of the following:

that the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines;

- (i) that the development has taken into consideration the cumulative impact of
- (ii) existing wind turbines, those which have permissions and those that are currently the subject of valid but undetermined applications;
- (iii) that the development will not create a significant risk of landslide or bog burst;
- (iv) that no part of the development will give rise to unacceptable electromagnetic interference to communications installations; radar or air

- traffic control systems; emergency services communications; or other telecommunication systems;
- (v) that no part of the development will have an unacceptable impact on roads, rail or aviation safety;
 - (vi) that the development will not cause significant harm to the safety or amenity of any sensitive receptors¹ (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light; and
 - (vii) that above-ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location.

Any development on active peatland will not be permitted unless there are imperative reasons of overriding public interest.

For wind farm development a separation distance of 10 times rotor diameter to occupied property, with a minimum distance not less than 500m, will generally apply.

The supplementary planning guidance 'Wind Energy Development in Northern Ireland's Landscapes' will be taken into account in assessing all wind turbine proposals.

Planning Policy Statement 2: Development in the Countryside

Policy CTY 3

Replacement Dwellings

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings.

Buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not however be eligible for replacement under this policy.

Favourable consideration will however be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.

In cases where a dwelling has recently been destroyed, for example, through an accident or a fire, planning permission may be granted for a replacement dwelling. Evidence about the status and previous condition of the building and the cause and extent of the damage must be provided.

Non-listed Vernacular Dwellings

The retention and sympathetic refurbishment, with adaptation if necessary, of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement. Proposals involving the replacement of such dwellings will be assessed as follows:

- if the dwelling makes an important contribution to the heritage, appearance or character of the locality planning permission will only be granted where it is demonstrated that it is not reasonably capable of being made structurally sound or otherwise improved.
- if the dwelling does not make an important contribution to the heritage, appearance or character of the locality, planning permission will be granted for a new dwelling. In such cases the retention of the existing structure will be accepted where it is sympathetically incorporated into the layout of the overall development scheme, for example as ancillary accommodation or a store, to form an integrated building group.

In cases where the original building is retained, it will not be eligible for replacement again. Equally, this policy will not apply to buildings where planning permission has previously been granted for a replacement dwelling and a condition has been imposed restricting the future use of the original building, or where the building is

immune from enforcement action as a result of non-compliance with a condition to demolish.

All Replacement Cases

In addition to the above, proposals for a replacement dwelling will only be permitted where all the following criteria are met:

the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;

- the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building;
- the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness;
- all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and
- access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

For the purposes of this policy 'curtilage' will mean the immediate, usually defined and enclosed area surrounding an existing or former dwelling house.

Listed Dwellings

The policy provisions of PPS 6 state that there is a presumption in favour of the retention of buildings listed as being of special architectural or historic interest. Planning permission will not therefore be granted for the replacement of a listed dwelling unless there are exceptional circumstances.

Policy CTY 4

The Conversion and Reuse of Existing Building

Planning permission will be granted to proposals for the sympathetic conversion, with adaptation if necessary, of a suitable building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention. Such proposals will be required to be of a high design quality and to meet all of the following criteria:

the building is of permanent construction;

the reuse or conversion would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality;

- (a) any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building;
- (b) the reuse or conversion would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings;
- (c) the nature and scale of any proposed non-residential use is appropriate to a countryside location;
- (d) all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and
- (e) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

Buildings of a temporary construction such as those designed and used for agricultural purposes, including sheds or stores will not however be eligible for conversion or re-use under this policy.

Exceptionally, consideration may be given to the sympathetic conversion of a traditional non-residential building to provide more than one dwelling where the building is of sufficient size; the scheme of conversion involves minimal intervention; and the overall scale of the proposal and intensity of use is considered appropriate to the locality.

Listed Buildings

All proposals for the conversion or refurbishment of a building listed as being of special architectural or historic interest for residential purposes will be assessed against the policy provisions of PPS 6.

Policy CTY 11

Farm Diversification

Planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. The following criteria will apply:

- (a) the farm or forestry business is currently active and established;
- (b) in terms of character and scale it is appropriate to its location;
- (c) it will not have an adverse impact on the natural or built heritage; and

- (d) it will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.

Proposals will only be acceptable where they involve the re-use or adaptation of existing farm buildings.

Exceptionally, a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for adaptation and re-use or cannot be adapted to meeting the requirements of other statutory agencies.

Where a new building is justified it should be satisfactorily integrated with an existing group of buildings.

Policy CTY 12

Agricultural and Forestry Development

Planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

- (a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;
- (b) in terms of character and scale it is appropriate to its location;
- (c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
- (d) it will not have an adverse impact on the natural or built heritage; and
- (e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- there are no suitable existing buildings on the holding or enterprise that can be used;
- the design and materials to be used are sympathetic to the locality and adjacent buildings; and
- the proposal is sited beside existing farm or forestry buildings.

Exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- it is essential for the efficient functioning of the business; or
- there are demonstrable health and safety reasons.

Planning Policy Statement 23: Enabling Development for the Conservation of Significant Places

Policy ED 1

Enabling Development

Proposals involving enabling development relating to the re-use, restoration or refurbishment of significant places will only be permitted where it can be demonstrated by the applicant in the submission of a Statement of Justification to accompany an application for planning permission that all of the following criteria are met. :

the significant place to be subsidised by the proposed enabling development will bring significant long-term benefits according to its scale and location;

- (a) the conservation of the significant place would otherwise be either operationally or financially unviable;
- (b) the impact of the enabling development is precisely defined at the outset;
- (c) the scale of the proposed enabling development does not exceed what is necessary to support the conservation of the significant place;
- (d) sufficient subsidy is not available from any other source;
- (e) the public benefit decisively outweighs the dis-benefits of departing from other planning policies;
- (f) it will not materially harm the heritage values of the significant place or its setting;
- (g) it avoids detrimental fragmentation of the management of the significant place;
- (h) it will secure the long term future of the significant place and, where applicable, its continued use for a sympathetic purpose; and
- (i) it is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than circumstances of the present owner, or the purchase price paid.

The Best Practice Guidance 'Assessing Enabling Development' accompanying this PPS will be taken into account in considering proposals. In considering enabling development proposals developers are encouraged to enter into pre-application discussions with the planning authority. In all cases proposals must not prejudice road safety. The benefits to be derived from the conservation of the significant place will be secured either by conditional grant of planning permission or conditional grant accompanied by a planning agreement.

***Supplementary text is available for the policy via the following links**

- [Planning Policy Statement 3: Access, Movement and Parking \(DOE, 2005\)](#)
- [Planning Policy Statement 4: Planning and Economic Development \(DOE, 2010\)](#)

- [Planning Policy Statement 6: Planning, Archaeology and The Built Heritage \(DOE, 1999\)](#)
- [Planning Policy Statement 6 \(Addendum\): Areas of Townscape Character \(DOE, 2005\)](#)
- [Planning Policy Statement 7: Quality Residential Environments \(DOE, 2001\)](#)
- [Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation \(DOE, 2004\)](#)
- [Planning Policy Statement 10: Telecommunications \(DOE, 2002\)](#)
- [Planning Policy Statement 11: Planning and Waste Management \(DOE, 2002\)](#)
- [Planning Policy Statement 15 \(Revised\): Planning and Flood Risk \(DOE, 2014\)](#)
- [Planning Policy Statement 16: Tourism \(DOE, 2013\)](#)
- [Planning Policy Statement 18: Renewable Energy \(DOE, 2009\)](#)
- [Planning Policy Statement 21: Sustainable Development in the Countryside \(DOE, 2010\)](#)
- [Planning Policy Statement 23: Enabling Development for the Conservation of Significant Places \(DOE, 2014\)](#)

18. Protecting our Landscape Heritage

Introduction

- 18.1 This section of the paper provides an interim policy review of the planning policy principles in current policy relating to the protection of Our Landscape Heritage. The purpose of this review is to seek agreement on strategic policy direction for our new Local Development Plan. The detail of the current operational policy will be reviewed in further detail once agreement is reached on the overall principle of the policy.
- 18.2 Current operational policy is set out at the strategic level in the Strategic Planning Policy Statement (SPPS) and also in the remaining operational planning policy statements (PPSs) and other guidance. The remaining operational policies will no longer apply once the first part of the new Local Development Plan, the Plan Strategy, is adopted.
- 18.3 This paper sets out the current policy that applies and reviews the requirements of both the SPPS and remaining PPSs. The paper finally assesses the future of the thrust of the remaining operational policy and makes a recommendation on whether or not the policy should be retained as part of our new Local Development Plan.
- 18.4 Details of the policies are set out in Annex A.

Current Planning Policy Context

- 18.5 The relevant operational policies relating to the Protection of Our Landscape Heritage are set out in:
 - Planning Strategy for Rural Northern Ireland (DOE, 1993)
 - Planning Policy Statement 2: Natural Heritage (DOE, 2013)
 - Planning Policy Statement 3: Access, Movement and Parking (DOE, 2005)
 - Planning Policy Statement 4: Planning and Economic Development (DOE, 2010)
 - Planning Policy Statement 6: Planning, Archaeology and The Built Heritage (DOE, 1999)
 - Planning Policy Statement 6 (Addendum): Areas of Townscape Character (DOE, 2005)
 - Planning Policy Statement 7: Quality Residential Environments (DOE, 2001)
 - Planning Policy Statement 7 (Addendum): Residential Extensions and Alterations (DOE, 2008)
 - Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation (DOE, 2004)
 - Planning Policy Statement 10: Telecommunications (DOE, 2002)
 - Planning Policy Statement 11: Planning and Waste Management (DOE, 2002)
 - Planning Policy Statement 12: Housing in Settlements (DRD, 2005)
 - Planning Policy Statement 16: Tourism (DOE, 2013)
 - Planning Policy Statement 18: Renewable Energy (DOE, 2009)
 - Planning Policy Statement 21: Sustainable Development in the Countryside (DOE, 2010)

Strategic Planning Policy Statement

18.6 Landscapes are known to be:

- **Areas of Outstanding Natural Beauty (AONB)** - Areas designated as a result of their high landscape quality, wildlife importance and rich cultural and architectural heritage to ensure that their character and qualities are protected for all to enjoy.
- **Areas of High Scenic Value (AOHSV)** - Areas designated in order to protect their high quality landscape.
- **Local Landscape Policy Areas**- Areas designated within or adjoining settlements on lands considered as being of greatest nature conservation or heritage interest, amenity value, landscape quality or local significance.
- **Landscape Wedges** - Consist of buffer landscapes and open areas which distinguish and maintain the separate identities of the component parts of the Metropolitan Area; prevent the merging of the component parts of the Metropolitan Area; provide an important element in defining and protecting the setting of settlements; and maintain the rural character of the countryside.

18.7 The SPPS places great importance on protecting and enhancing Northern Ireland's landscapes. Landscape as defined by the SPPS is an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors.

18.8 The policy direction of the SPPS in relation to landscape, emphasis that their protection is paramount from undesirable and/or damaging development.

18.9 The SPPS identifies a number of ways of ensuring their protection through the preparation of the LDP namely :

- Identify Local Landscape Policy Areas (LLPAs)
- Identify where appropriate Special Countryside Areas (SCA)
- Identify Areas of High Scenic Value (AOHSV)
- Identify Areas of Outstanding Natural Beauty (ANOB)
- Bring forward local policies to maintain landscape quality
- Conduct and take account of Landscape Character Assessments when assessing proposals and preparing the LDP

18.10 The SPPS sets out the regional strategic objectives for natural heritage as being to:

- protect, conserve, enhance and restore the abundance, quality, diversity and distinctiveness of the region's natural heritage;
- further sustainable development by ensuring that natural heritage and associated diversity is conserved and enhanced as an integral part of social, economic and environmental development;
- assist in meeting international (including European), national and local responsibilities and obligations in the protection and enhancement of the natural heritage;
- contribute to rural renewal and urban regeneration by ensuring developments take account of the role and value of natural heritage in supporting economic diversification and contributing to a high quality environment; and take actions to reduce our carbon footprint and facilitate adaptation to climate change.

Summary of Relevant Planning Policy Statements

- 18.11 Given there is a vast amount of strategic and operational planning policy relating to the Design of the Built Environment, the general policy direction from the operational planning policies seeks to ensure that proposed development conserve, protect and, where possible enhance areas recognised for their landscape quality.

Assessment of existing PPSs against the provisions of the SPPS

- 18.12 The policies contained within the above operational planning policies in relation to the protection of our landscape heritage, generally reflect those contained within the SPPS.

Other Relevant Guidance

- 18.13 In addition to the above operational policy there are a number of published guidance documents and Development Control Advice Notices (DCANs) that are relevant. DCANs represent non-statutory planning guidance which is intended to supplement, elucidate and exemplify policy documents including PPSs and development plans.
- 18.14 Supplementary guidance on the protection of our landscape heritage are outlined in:
- [Building on Tradition A Sustainable Design Guide for the Northern Ireland Countryside \(DOE, 2012\)](#)
 - [Creating Places Achieving quality in Residential Environments \(DOE, DRD, 2000\)](#)
 - [Living Places An Urban Stewardship and Design Guide for Northern Ireland \(DOE, 2014\)](#)
- 18.15 The SPPS directs that these documents will remain material considerations and are to be retained.

Consideration and Recommendation

- 18.16 It is considered that the **broad thrust and policy principles** established by the operational planning policies, in relation to the protection of our landscape heritage, broadly reflect what is set out in the SPPS.
- 18.17 The broad thrust and policy principles are summarised as:-
- To conserve, protect and, where possible enhance areas recognised for their landscape quality.
- 18.18 It is further considered by planning officers that the **broad thrust and policy principles** are acceptable in terms of operational planning policy and work effectively.
- 18.19 Therefore it is recommended that the policy principles for the protection of our landscape heritage are taken forward in the development of new policy for our Local Development Plan.

Annex A – Current Operational Planning Policy

Set out below are the links to the relevant strategic and operational policy. Supplementary text complementing the policy is also contained within each policy.

- [Planning Strategy for Rural Northern Ireland \(DOE, 1993\)](#)
- [Planning Policy Statement 3: Access, Movement and Parking \(DOE, 2005\)](#)
- [Planning Policy Statement 4: Planning and Economic Development \(DOE, 2010\)](#)
- [Planning Policy Statement 6: Planning, Archaeology and The Built Heritage \(DOE, 1999\)](#)
- [Planning Policy Statement 6 \(Addendum\): Areas of Townscape Character \(DOE, 2005\)](#)
- [Planning Policy Statement 7: Quality Residential Environments \(DOE, 2001\)](#)
- [Planning Policy Statement 7 \(Addendum\): Residential Extensions and Alterations \(DOE, 2008\)](#)
- [Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation \(DOE, 2004\)](#)
- [Planning Policy Statement 10: Telecommunications \(DOE, 2002\)](#)
- [Planning Policy Statement 11: Planning and Waste Management \(DOE, 2002\)](#)
- [Planning Policy Statement 12: Housing in Settlements \(DRD, 2005\)](#)
- [Planning Policy Statement 16: Tourism \(DOE, 2013\)](#)
- [Planning Policy Statement 18: Renewable Energy \(DOE, 2009\)](#)
- [Planning Policy Statement 21: Sustainable Development in the Countryside \(DOE, 2010\)](#)

19. Planning and Flood Risk

Introduction

- 19.1 This section of the paper provides an interim policy review of the planning policy principles in current policy relating to flood risk, which is being reviewed as a separate topic due to its cross cutting nature. The purpose of this review is to seek agreement on strategic policy direction for our new Local Development Plan. The detail of the current operational policy will be reviewed in further detail once agreement is reached on the overall principle of the policy.
- 19.2 Current operational policy is set out at the strategic level in the Strategic Planning Policy Statement (SPPS) and also in the remaining operational Planning Policy Statement 15. The remaining operational policies will no longer apply once the first part of the new Local Development Plan, the Plan Strategy, is adopted.
- 19.3 This paper sets out the current policy that applies and reviews the requirements of both the SPPS and remaining PPSs. The paper finally assesses the future of the thrust of the remaining operational policy and makes a recommendation on whether or not the policy should be retained as part of our new Local Development Plan.
- 19.4 Details of the policies are set out in Annex A.

Current Planning Policy Context

- 19.5 The relevant operational policies relating to flooding are set out in:
- The Strategic Planning Policy Statement (SPPS) (DOE, 2015)
 - Planning Policy Statement 15: Planning and Flood Risk (Revised) (DOE, 2014)

Strategic Planning Policy Statement

- 19.6 The SPPS gives policy direction relating to flood risk and potential developments on the following topics;
- River and Coastal Flood Plains
 - Surface water flood risk outside flood plains
 - Development in Proximity to Reservoirs
 - Protection of Flood Defence and Drainage Infrastructure
 - Artificial Modification of Watercourses
- 19.7 The SPPS recognises the adverse impacts associated with flooding and how the planning system has an important role to play in terms of regulating new developments in existing built up areas as to afford greater protection to people and property from flood risk.
- 19.8 The SPPS recognises the adverse impacts associated with flooding and how the planning system has an important role to play in terms of regulating new developments in existing built up areas as to afford greater protection to people and property from flood risk.
- 19.9 Where development is considered acceptable the SPPS places a great need for planning authorities to ensure a Flood Risk Assessment (FRA) and/or a Drainage Assessment (DA) has been submitted to show that sources of flood risk have been identified and that there are adequate measures to manage and mitigate any increase flood risk arising from the development.

- 19.10 The SPPS identifies an opportunity for engagement when preparing the LDP with the relevant government departments and agencies who are responsible for various aspects of flood risk management. This joined up approach should extend across the neighbouring councils in circumstances where flooding and flood risk crosses administrative boundaries.
- 19.11 Overall, the SPPS in relation to flooding seeks to prevent future inappropriate development that may be at a risk from flooding or increase the risk of flooding elsewhere.

Summary of revised Planning Policy Statement 15

- 19.12 The policies of the revised PPS 15 have superseded the existing PPS 15, published in June 2006 and will inform the SPPS which in turn will provide a strategic planning framework for bringing forward the Local Development Plan.
- 19.13 The Revised PPS 15 sets out the policy direction to minimise and manage flood risk to people, property and the environment. It embodies the government's commitment to sustainable development and the conservation of biodiversity. It is also supportive to the safety and wellbeing of people.
- 19.14 It adopts a precautionary approach to development and the use of land that takes account of climate change and emerging information relating to flood risk through the implementation of the EU Floods Directive
- 19.15 The main objectives of revised PPS 15 are to:-
- Seek to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere;
 - Ensure that the most up to date information on flood risk is taken into account when determining planning applications and zoning /designating land for development in development plans;
 - Adopt a precautionary approach to the identification of land for development through the development plan process and the determination of development proposals, in those areas susceptible to flooding where there is a lack of precise information on present day flood risk or future uncertainties associated with flood estimation, climate change predictions and scientific evidence;
 - Manage development in ways that are proportionate and appropriate to the 4 main sources of flood risk present in Northern Ireland, i.e. fluvial, coastal, surface water and water impoundment (reservoir) breach or failure;
 - Seek to protect development that is permitted within flood risk areas by ensuring that adequate and appropriate measures are employed to mitigate and manage the flood risks to the development and elsewhere;
 - Support the retention and restoration of natural flood plains and natural watercourses as a form of flood alleviation and an important environmental and social resource, and ensure that this is recognised in the decision making process;
 - Promote sustainable development through encouraging the use of sustainable drainage for new developments and redevelopment/ regeneration schemes;

- Promote public awareness of flood risk and the flood risk information that is available and of relevance to undertaking development;
- promote an integrated and sustainable approach, both locally and at catchment scale, to the management of development and flood risk which contributes to:
 - the safety and wellbeing of everyone;
 - the prudent and efficient use of economic resources; and
 - the conservation and enhancement of the natural environment and biodiversity;
 - the conservation of archaeology and the built heritage

19.16 The policies contained in the revised PPS 15 are summarised as:-

- Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains – This Policy gives direction to developments that have met the 'Exceptions Tests' and requires all proposals to be accompanied by a Flood Risk Assessment.
- Policy FLD 2 Protection of Flood Defence and Drainage Infrastructure – This policy outlines that planning permission will not be granted where a development would impede the operational effectiveness of a flood defence and drainage infrastructure or hinder access to enable maintenance.
- Policy FLD 3 Development and Surface Water (Pluvial) Flood Risk outside Flood Plains – This policy requires a Drainage Assessment to be submitted for all development proposals that exceed the outlined thresholds and criteria listed in the policy.

Assessment of revised PPS 15 against the provisions of the SPPS

19.17 The policies contained within revised PPS 15 in relation to Flooding generally reflect those contained within the SPPS.

Other Relevant Guidance

19.18 There is no relevant guidance in relation to flooding.

Consideration and Recommendation

19.19 It is considered that the **broad thrust and policy principles** established by the revised PPS 15, broadly reflect what is set out in the SPPS.

19.20 The broad thrust and policy principles are summarised as:-

- Prevent inappropriate development in areas at risk of flooding
- Ensure adequate measures are in place to manage and mitigate any increase in flood risk arising from developments.
- Encourage the use of sustainable drainage systems (SuDs).
- Ensure submission of Flood Risk Assessments (FRA) and Drainage Assessments (DA) complement all development proposals.

19.21 It is further considered by planning officers that the **broad thrust and policy principles** are acceptable in terms of operational planning policy and work effectively.

- 19.22 Therefore it is recommended that the policy principles for planning and flood risk are taken forward in the development of new policy for our Local Development Plan.

Annex A – Current Operational Planning Policy*

Revised Planning Policy Statement 15 Planning and Flood Risk (DOE, 2014)

Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains

Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

Where the principle of development is accepted by the planning authority through meeting the 'Exceptions Test', as set out below under the Exceptions heading, the applicant is required to submit a Flood Risk Assessment for all proposals. Planning permission will only be granted if the Flood Risk Assessment demonstrates that:

- a) All sources of flood risk to and from the proposed development have been identified; and
- b) There are adequate measures to manage and mitigate any increase in flood risk arising from the development.

Exceptions

Defended Areas

- a) Development of previously developed land protected by flood defences that are confirmed by DARD, as the competent authority, as structurally adequate and provide a minimum standard of 1 in 100 year fluvial or 1 in 200 year coastal flood protection.
 - Due to the residual flood risk there will be a presumption against development where proposals include essential infrastructure, storage of hazardous substances, bespoke accommodation for vulnerable groups or development located close to flood defences.
 - Proposals involving significant intensification of use will be considered on their individual merits and will be informed by the Flood Risk Assessment.

Undefended Areas

- b) New development within settlements in the coastal floodplain where the land is raised (through infilling), to an acceptable level above the flood plain and subject to meeting all of the following criteria:
 - The proposal is not dependent on the provision of new coastal flood defences or likely to require such protection as a result of anticipated climate change;
 - The site is not in an area likely to be at risk from coastal erosion or land instability and the proposed development will not significantly increase such risks in the locality;

- The elevation of development above the flood plain will not unduly disrupt the provision and ongoing delivery of essential services, including access, power, water and sewerage.
- c) Replacement of an existing building.
- Proposals that include essential infrastructure or bespoke accommodation for vulnerable groups or that involve significant intensification of use will not be acceptable.
- d) Development for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located within the flood plain.
- e) Water compatible development such as for boat mooring, navigation and water based recreational use, which for operational reasons has to be located within the flood plain.
- f) The use of land for sport and outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings. This exception does not include playgrounds for children.
- g) The extraction of mineral deposits and necessary ancillary development.

Development Proposals of Overriding Regional or Sub-Regional Economic Importance

A development proposal within the floodplain that does not constitute an exception to the policy may be permitted where it is deemed to be of overriding regional or sub regional economic importance and meets both of the following criteria:

- Demonstration of exceptional benefit to the regional or sub-regional economy;
- Demonstration that the proposal requires a location within the flood plain and justification of why possible alternative sites outside the flood plain are unsuitable.

Where the principle of development is established through meeting the above criteria, the planning authority will steer the development to those sites at lowest flood risk. The applicant is required to submit a Flood Risk Assessment for all proposals

Minor Development

Minor development will be acceptable within defended and undefended flood plains subject to a satisfactory flood risk assessment.

Flood Protection / Management Measures

The following flood protection and management measures proposed as part of the planning application, in order to facilitate development within flood plains, will not be acceptable:

- new hard engineered or earthen bank flood defences;
- flood compensation storage works;
- land raising (infilling) to elevate a site above the flood level within the undefended fluvial flood plain.

Policy FLD 2

Protection of Flood Defence and Drainage Infrastructure

The planning authority will not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.

Policy FLD 3

Development beyond Flood Plains

A Drainage Assessment will be required for all development proposals that exceed any of the following thresholds:

- A residential development comprising of 10 or more dwelling units
- A development site in excess of 1 hectare
- A change of use involving new buildings and / or hard surfacing exceeding 1000 square metres in area.

A Drainage Assessment will also be required for any development proposal, except for minor development, where:

- The proposed development is located in an area where there is evidence of a history of surface water flooding.
- Surface water run-off from the development may adversely impact upon other development or features of importance to nature conservation, archaeology or the built heritage.

Such development will be permitted where it is demonstrated through the Drainage Assessment that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere.

Where a Drainage Assessment is not required but there is potential for surface water flooding as indicated by the surface water layer of the Strategic Flood Map, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site. Where the proposed development is also located within a fluvial or coastal flood plain, then Policy FLD 1 will take precedence.

***Supplementary text is available for the policy via the following links**

- [Revised Planning Policy Statement 15 Planning and Flood Risk](#)

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