

Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses

Planning Advice Note

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Department of the
Environment

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Introduction

1. The planning system has a key role to play in achieving a vibrant economy. It seeks to promote sustainable economic development through supportive planning policies, zoning land for development, identifying and protecting development opportunities and integrating employment generation with essential supporting provision such as housing and infrastructure.
2. The purpose of this advice note is to ensure an effective and consistent approach to implementing regional planning policy when determining planning applications, and to assist with local development plan preparation, in relation to:
 - a) sites zoned for economic development use in a local development plan; and,
 - b) planning applications on unzoned land that is currently used (or was last used) for economic development purposes
3. This advice note is an amplification of existing planning policy and supplementary planning guidance. It does not add to or change existing policy or guidance that is considered appropriate for assessing applications for economic development proposals and preparing local development plans.
4. For the purposes of this advice note economic development uses comprise industrial, business, and storage and distribution uses, as currently defined in Part B 'Industrial and Business Uses' of the Planning (Use Classes) Order (Northern Ireland) 2015.

Strategic Context

5. The wider context for the assessment of planning applications on land zoned for economic development use in a local development plan, and applications on unzoned land that is currently used (or was last used) for economic development purposes includes:
 - **The NI Executive's Programme for Government (PfG):** The PfG sets out the strategic context for the Executive's plans and priorities.
 - **The Regional Development Strategy 2035 (RDS) which is the spatial strategy of the Executive:** The RDS provides a strategic spatial planning framework for Northern Ireland and guides physical development in the Region up to 2035. It seeks to promote a balanced spread of opportunities across Northern Ireland through a Spatial Framework that enables strategic choices to be made in relation to development and infrastructural investment. In particular, RDS regional guidance (RG1) highlights the need to protect zoned land, and states that land zoned for economic development use in development plans should be protected as it provides a valuable resource for local and external investment, thereby contributing to the aims of the PfG. Protection of such zonings should ensure that a variety of suitable sites exist across Northern Ireland to facilitate economic growth.

- **The Regional Transport Strategy for Northern Ireland (RTS):** The RTS is committed to greater integration of transport with land use planning in order to support more sustainable transport choices and reduce the need to travel. Decisions on the location of economic development should take account of access to services and the overall need to reduce travel.
- **The Executive's Sustainable Development Strategy - 'Everyone's Involved' (SDS):** The SDS recognises the aim to bring viability, stability and opportunity to Northern Ireland's economic activities and programmes.
- **The Anti-Poverty and Social Inclusion Strategy for Northern Ireland - 'Lifetime Opportunities':** This strategy highlights the importance of ensuring that disadvantaged groups and communities are able to benefit from better access to employment opportunities.

Planning Policy

6. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) was published on the 28th September 2015. The SPPS applies to the whole of Northern Ireland and its provisions must be taken into account in the preparation of local development plans, and it is material to all decisions on individual planning applications and appeals.
7. The SPPS provides the core planning principles which underpin the two-tier planning system with the aim of furthering sustainable development. It sets the strategic direction for councils to bring forward detailed operational policies tailored to their individual areas within local development plans. It also sets out subject planning policies on a range of land use planning matters.
8. A transitional period will operate from 1 April 2015 until such times as a Plan Strategy for the whole of a council area has been adopted. During this period planning authorities will apply existing policies contained within extant planning policy statements together with the SPPS.
9. Planning Policy Statement 4 (PPS 4) 'Planning and Economic Development': Policy PED 7 'Retention of Zoned Land and Economic Development Uses' is of particular relevance when considering planning applications on land zoned for economic development use in a local development plan, and applications on unzoned land that is currently used (or was last used) for economic development purposes.
10. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy.
11. In relation to economic development the aim of the SPPS 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. This aim is supported by 6 regional strategic objectives and a number of policy provisions.

12. The SPPS makes clear the importance that economic development land and buildings which are well-located and suited to such purposes are retained in order to ensure a sufficient and ongoing supply.
13. The Department is keen to support the diversity of the local economy and encourage employment generation. It is therefore necessary to retain existing sites for economic development and safeguard the supply of future economic development land to achieve this aim.
14. Only in exceptional circumstances will the loss of land zoned for economic development use in a local development plan to other uses be considered. Planning permission should therefore not normally be granted for proposals that would result in the loss of such land and buildings to other uses.
15. The retention of economic development land can not only make a substantial contribution to the renewal and revitalisation of towns and beyond but it can also provide employment opportunities accessible to large sections of the urban population and the rural hinterland. The existence of redundant business premises and derelict industrial land can be an important resource for the creation of new job opportunities in areas of high unemployment and social deprivation.
16. In the case of planning applications involving a departure from a development plan zoning, for example from light industrial use to a mixed use development, planning officers should be fully satisfied that it has been clearly demonstrated how the special circumstances of a particular case outweigh the preferred option of retaining the land for economic development use.
17. A development proposal on land or buildings not zoned in a development plan but currently in economic development use (or last used for that purpose), which will result in the loss of such land or buildings to other uses, will not normally be granted planning permission. Planning authorities may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits that are considered to outweigh the loss of land for economic development use. Planning officers should be fully satisfied that it has been clearly demonstrated how the special circumstances of a particular case outweigh the preferred option of retaining the land or buildings for economic development use.

Local Development Plans

18. Under the two-tier planning system councils have the responsibility to prepare local development plans for their individual areas. The SPPS allows councils the flexibility to bring forward detailed operational policies through the plan process and enables them to produce their own specific policies and proposals on subjects such as economic development, which are tailored to local circumstances and reflect the needs within an area to retain zoned land for economic development use.

19. Where a decision by a council to reallocate land zoned for economic development use to another use is considered necessary, this should be carried out through the development plan process.
20. In preparing local development plans councils must take account of the SPPS, as well as the RDS 2035, the Sustainable Development Strategy, and any other policies or guidance issued by the Department such as landscape character assessments and conservation area design guides.

Other Planning Considerations

21. When making balanced judgements on the merits of a particular case or the potential loss of economic development land, planning officers should consider matters such as:
 - The views expressed by all other interested parties during the public consultation process including those of local enterprise and business representatives;
 - Accessibility to the regional transportation network and a variety of transport modes;
 - The potential to regenerate existing urban areas through economic development or as part of a mixed use development;
 - Accessibility to every member of the community, especially those in socially disadvantaged areas;
 - Why a site is no longer required or considered suitable for continued economic development use;
 - Evidence of the availability (or not) of alternative sites for economic development use (or the proposed alternative use) in the locality;
 - Compatibility with neighbouring land uses;
 - The views of relevant statutory and non-statutory consultees; and
 - The availability of adequate services and infrastructure such as water and sewerage.

Planning officers should also consider the regional and strategic framework provisions of the RDS 2035 such as RG1 'Ensure adequate supply of land to facilitate sustainable economic growth'.

22. The above list is not exhaustive. All applications for economic development must also be assessed against other general planning criteria relating to matters such as access arrangements, design, environmental and amenity impacts. Planning officers will also have regard to published supplementary planning guidance as well as any other material considerations which are relevant to the particular case.
23. The Department would stress that the flexibility allowed under current planning policy relates only to firm proposals for acceptable alternative uses which outweigh the preferred option of retaining land zoned for economic development use in a local development plan, and unzoned land that is currently used (or was last used) for economic development purposes.

Consultation with Statutory and Non-Statutory Consultees

24. Article 13(1) and Schedule 3 of The Planning (General Development Procedure) Order (NI) 2015 set out the range of statutory consultees that should be consulted where an application is to be determined by a council or as the case may be the Department. In addition to the required statutory consultees, and depending on the scale and complexity of the proposal, planning authorities may wish to consider consulting non-statutory bodies and organisations with expertise relevant to the particular case, such as The Department of Enterprise, Trade and Investment, and/or Invest NI.

Decision Taking

25. The guiding principle for planning authorities in determining planning applications, as laid down in Section 45 of the Planning Act (Northern Ireland) 2011, is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the development will cause demonstrable harm to interests of acknowledged importance.
26. The Department's planning policies are broad guidance documents intended to assist planning authorities and planning officers in the exercise of their discretion and to encourage consistency of approach to planning applications. Deciding on the relevance of and weight to be attached to the various social, economic and environmental factors influencing a planning decision, as well as any other relevant material consideration, is a matter of planning judgement and may vary on a case by case basis.

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