

Call for Evidence – Strategic Planning Policy for ‘Development in the Countryside’

Emerging Issues Paper

Background

1. On 7th March 2016, the Department announced ‘Calls for Evidence’ to help inform the scope of a proposed focused review of the Strategic Planning Policy Statement (SPPS) in relation to strategic planning policy for Development in the Countryside (and strategic planning policy for Renewable Energy development). The closing date for submissions to the Calls for Evidence was 6th May 2016.
2. This exercise was intended to improve the Department’s understanding of the operation and impact of existing policy and provide up-to-date evidence on the social, environmental and economic impacts.
3. Whilst the Department welcomed comments on all aspects of strategic planning policy for development in the countryside (and any other information and advice to assist the review) it was particularly keen to hear views in response to the following key question:

“How should strategic planning policy assist with striking the balance between managing growth and achieving sustainable development to support a vibrant rural community, whilst conserving the landscape of the rural area?”

4. The ‘Calls for Evidence’ were made available to view or download at: www.planningni.gov.uk/callforevidence

Purpose of this paper

5. This paper provides a summary of the comments and evidence received and seeks to highlight the emerging key themes and issues. It is not however intended to be a comprehensive report on every comment received. Rather its aim is to provide a broad indication of the level and diversity of representations made. A paper on the outcome of the Call for Evidence in relation to Renewable Energy has been prepared separately.

Overview of Consultation

How many responses were received?

6. The Department received a total of 49 responses to the Call for Evidence - Strategic Planning Policy for Development in the Countryside. All responses have been taken into account in preparing this paper.

Who responded?

7. The call for evidence attracted responses from a wide range of interests. This included responses from 8 of the 11 District Councils and the Northern Ireland Local Government Association (NILGA); Environmental interests such as Northern Ireland Environmental Link (NIEL), the National Trust, the Royal Society for the Protection of Birds (RSPB), Ulster Angling Federation, Council for Nature Conservation and the Countryside (CNCC), Ministerial Advisory Group for Architecture & Built Environment NI (MAG), and Dr Maurice Macartney – Strangford Greens; and Business/Industry interests including Lightsource Renewable Energy Limited, Quarry Products Association NI (QPANI), One2one Planning, and TC Town Planning.
8. Submissions have also been made by respondents with Community interests such as Community Places and Cauldron Community; Residents Groups such as Concerned Ringhaddy Area Residents and Belfast Metropolitan Residents Group; as well as Academic interests and Professional Bodies including the Chartered Institute of Architectural Technologists (CIAT), Landscape Institute NI (LINI), Environmental and Planning Law Association NI (EPLANI), Dr. Catherine Turner (Durham Law School) and the Royal Town Planning Institute NI (RTPI). A total of 20 responses have been received from private individuals, 15 of which reflect the content of the Concerned Ringhaddy Area Residents submission.
9. Further detail is provided at **Annex A**.

Emerging Key themes

General comments

10. From a consideration of all the responses received it is evident that opinion is mixed.
11. Some respondents consider that the current policy objectives are relevant and appropriate. There is support from a range of respondents for the current policy approach to 'cluster, consolidate, and group new development with existing buildings and promote the reuse of buildings'

(e.g. RTPI, Mid-Ulster District Council, One2One Planning). However, several respondents consider that in general, the policy is **too flexible** and will not achieve sustainable development. This opinion is most prevalent from those representing environmental and community interests including RSPB, CNCC, the National Trust, Concerned Ringhaddy Area Residents, and Belfast Metropolitan Residents Group who also provided supporting evidence in the form of an academic paper. This paper sets out observations on rural housing policy in the Irish Republic, such as how rural housing has contributed to undermining the National Spatial Strategy; the proliferation of private waste treatment systems (septic tanks); and the negative impacts and costs rural housing policy has on key energy and roads infrastructure projects in the South of Ireland.

12. By contrast many respondents consider that existing strategic planning policy is generally **too restrictive**. Newry, Mourne & Down District Council and Derry City & Strabane District Council are of the opinion that the regional strategic policy approach to cluster, consolidate and group new development around existing established buildings is not appropriate. Additional and revised policy provisions are sought to increase the opportunities and flexibilities for development in the countryside. 7 respondents highlight their concerns that the SPPS does not make adequate provision for rural dwellers not engaged in farming and for allowing farmers to cater for their children's desire to live in the countryside. Others from the Local Government sector, namely Mid-Ulster District Council, Fermanagh & Omagh District Council and NILGA seek the reintroduction of strategic policy for Dispersed Rural Communities.
13. The Landscape Institute believe that there is a general lack of guidance on how to implement regional policy. This is supported by others, mainly from the Local Government Sector who consider that more guidance is needed on issues such as clustering, ribbon development, farm diversification, agriculture and forestry development, and conversions. Many additional comments have been received with respect to terminology, definitions and use of language with clarification being requested on specific matters.
14. With regards to Local Development Plans, some respondents from the Local Government sector as well as the RTPI and EPLANI take the view that further guidance is required around how to define local need and Special Countryside Areas. In addition the National Trust considers that more guidance is needed as to how developers should integrate development in the countryside, as well as justify need and the community benefits of proposals. The Department's existing supplementary planning guidance document 'Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside' is referred to in submissions from the Ulster Anglers Federation, Belfast City Council, CNCC, NIEL and LINI, suggesting that this document should be given greater emphasis and expanded upon.

15. The need to take into account landscape character is also highlighted within many responses, including the importance of monitoring development in the countryside. NIEL, CNCC, RSPB and the Ulster Anglers Federation welcome the current recognition of ecosystem services in strategic policy.
16. It should also be noted that a range of matters have been raised that extend beyond the remit of preparing strategic planning policy. Such matters include a call for third party rights of appeal, the development of a land strategy for the North, and calls for greater transparency and accountability in decision making.

Specific issues

17. The wide and varied range of specific comments made in relation to elements of the current strategic policy provisions are summarised under a number of key headings as follows:

(a) Dwellings on farms

18. There was much comment made in relation to current provisions for dwellings on farms with 29 of the 49 responses referring to this aspect of policy. The Concerned Ringhaddy Area Residents and 15 other private individuals consider that there has been a misuse of this policy and suggest that individuals are creating farm businesses and gaining planning approval for farm dwellings for commercial gain.
19. On the other hand, Mid-Ulster District Council, Fermanagh & Omagh District Council and Derry City & Strabane District Council, consider that the policy is too restrictive. A number of suggestions are made as to how this can be achieved. For example, Mid-Ulster District Council has suggested reducing the 10 years requirement between farm dwelling applications to help farmers accommodate their children's desire to live in the countryside; and, relaxing the requirement to visually link and site new dwellings beside an established group of farm buildings to allow for a retiring farmer or the disposal of a farm.
20. Causeway Coast & Glens Borough Council is of the opinion that this particular policy is too detailed and prescriptive and that strategic policy should be more flexible to allow councils greater scope to develop local policy approaches. Several Local Government interests raise issues surrounding lack of clarity concerning what constitutes an active and established farm. One individual respondent considers that the review presents an opportunity to rectify a perceived policy gap around situations where a farm business does not have an established group of buildings on the holding, whilst Lisburn & Castlereagh City Council has requested clarification on these situations.

(b) New dwellings in existing clusters of development

21. This policy area attracted comments from 7 respondents, two of whom have asked for more guidance and direction whilst others consider the policy needs to be amended. Mid-Ulster District Council is in general agreement with the strategic policy approach, however it suggests that this type of development opportunity should not be restricted to sites outside farms and that this provision should also extend to existing clusters of development within farms. One individual respondent believes there should be no need for a focal point whilst others asked for a clearer definition of what a focal point is and how/when it applies. Lisburn & Castlereagh City Council has an opposing view to the other respondents suggesting this policy is too subjective and the lack of prescription does not protect the countryside.

(c) Ribbon development

22. Of the 7 respondents who commented on this policy area Lisburn & Castlereagh City Council consider it to be weak, unsustainable, and that it promotes a sprawl of development. Ards & North Down Borough Council is concerned that the policy can result in creating ribbon development where the settlement pattern is dispersed. The council also considers that the circumstances where a ribbon can be created should be better defined. Other Local Government respondents as well as the RTPI and EPLANI recommend that strategic policy should define the size of a gap site and the number of dwellings it should accommodate. EPLANI and Lisburn & Castlereagh City Council also suggest that a definition of a 'substantial and continuously built up frontage' should be provided. Taking an opposing view Derry City & Strabane District Council thinks strategic policy should be relaxed and allow local development plan policies to make provision for gap sites.

(d) Conversion and re-use of existing buildings for residential use

23. This policy area attracted comments from 6 respondents. Mid-Ulster District Council believes that current strategic policy is too prescriptive. It states that the term 'locally important buildings' should be re-visited as it can mean different things in different areas, and that the policy should state what buildings cannot be converted and re-used. Three other respondents also refer to 'locally important buildings' and think this test is unnecessary as refurbishing existing buildings is a more sustainable form of development than new build. The same respondents also consider that provision should be made for the replacement of existing non-residential buildings which have been fire damaged or destroyed with new dwellings. Conversely, Lisburn & Castlereagh City Council takes the view that 'locally important buildings' should be expanded to include buildings with architectural and historic merit.

(e) Replacement dwellings

24. Of the 49 responses to the Call for Evidence, 6 refer to replacement dwellings. Three respondents from the Local Government sector commented that the policy is too strict and should be relaxed to allow greater scope, whilst an individual respondent deems the policy criteria to be too broad and open to abuse. Derry City & Strabane District Council considers that the significantly greater visual impact test should take account of modern building standards. On a more general note one private individual suggests that due to the inconsistencies in the interpretation of this policy, conversion of these buildings should be given priority. Mid-Ulster District Council suggests that the policy should be relaxed to allow greater scope for replacement dwellings where there is evidence that the site was previously occupied by a dwelling.

(f) Farm diversification

25. 4 respondents commented on strategic policy for farm diversification. Mid-Ulster District Council is content with the current policy provisions for farm diversification. Belfast City Council believes that farm diversification should be embraced, that the approach should be refined and more guidance should be provided. Derry City & Strabane District Council considers the current policy requirements that a farm business is currently active and established for a minimum 6 years, and that proposals must involve the re-use of existing buildings to be unduly restrictive, as they hinder entrepreneurs who do not have a farming background or access to existing farm buildings. Lightsource Renewable Energy Limited suggests that the policy is too restrictive in terms of modern farm diversification and the definition should be reworded to include large scale solar farms.

(g) Social and affordable housing

26. This strategic policy area received comments from 3 respondents. Two of these respondents are from the Local Government sector. One (Mid-Ulster District Council) refers to there being no definition of a small settlement and asks if a 'need' had been demonstrated as to why there is a distinction between settlement size. Another respondent (Lisburn & Castlereagh City Council) questions why key policy tests are not included, such as sequential tests and a number threshold. The third respondent, the CIAT, asks how such development will be facilitated with amenities such as sewerage infrastructure.

(h) Agriculture and forestry development

27. Mid-Ulster District Council considers extant policy provisions in this regard to be overly restrictive and that the current policy provision does not allow for start up businesses. The council specifically seeks a

relaxation of the current 6 year rule in relation to active and established farm businesses.

(i) Personal and domestic circumstances

28. 4 respondents commented on this policy provision. Lisburn & Castlereagh City Council comment that the genuine hardship test should be included in any policy review and that the definition of alternative solutions should also be included. This council also seeks a requirement to provide an occupancy condition restricting the occupation of a dwelling approved to a named individual and their dependents. However, Community Places considers that such conditions give rise to difficulties getting mortgages. Whilst Mid-Ulster District Council is generally content with the current policy it argues that the policy possibly does not go far enough to accommodate those who provide or avail of care. Mid-Ulster suggests that there could be increased flexibility for extension to existing dwellings or attached dwellings for carers or someone availing of care. Belfast Metropolitan Residents Group consider that allowing stand alone dwellings for personal and domestic circumstances is the wrong approach, and contrary to good practice in supported living, which advocates integrated, on site care.

(j) Other Issues

29. Other views which have been raised in submissions to the Call for Evidence include relaxing strategic policy in relation to dwellings for non-agricultural businesses; concern over the absence of a precautionary principle; strategic policy should incorporate sustainable/ecological living through low impact housing; strategic policy should encourage development towards established settlements; concerns regarding over-development; AONBs should not be treated in the same way as unclassified areas; regional policy contains no consideration in relation to residential amenity; and concerns regarding the impact of development close to watercourses/rivers.

What are the Next Steps?

30. The Minister is currently considering the outcome of the Calls for Evidence consultation and the appropriate next steps he wishes to take in relation to strategic planning policy for Development in the Countryside.

List of Respondents by Interest group

Local Government interests:

Northern Ireland Local Government Association (NILGA); Belfast City Council; Mid-Ulster District Council; Newry, Mourne & Down District Council; Lisburn & Castlereagh City Council; Derry City & Strabane District Council; Causeway Coast & Glens Borough Council; Fermanagh & Omagh District Council; and Ards & North Down Borough Council

Environmental interests (The Built and Natural Environment):

The National Trust; Northern Ireland Environment Link (NIEL); Council for Nature Conservation and the Countryside (CNCC); Ministerial Advisory Group for Architecture & Built Environment NI (MAG); Royal Society for the Protection of Birds (RSPB); Dr Maurice Macartney - Strangford Greens; and the Ulster Angling Federation (UAF)

Business/Industry interests:

Lightsource Renewable Energy Limited; Quarry Products Association NI (QPANI); One2one Planning (Planning Consultants); and TC Town Planning (Planning Consultants)

Community interests (Residents' Groups):

Concerned Ringhaddy Area Residents; Belfast Metropolitan Residents Group; Cauldron Community; and Community Places

Academic interests (Professional Bodies):

Chartered Institute of Architectural Technologists (CIAT); Landscape Institute Northern Ireland (LINI); Environmental and Planning Law Association of Northern Ireland (EPLANI); Dr. Catherine Turner (Durham Law School); and the Royal Town Planning Institute NI (RTPI)

Individuals:

20 responses were received from individual respondents.