

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning for Sustainable
Development

SEPTEMBER 2015



Department of the
Environment
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I am very pleased to publish the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS), which has been agreed by my Executive colleagues.

The overall objective of the planning system is to further sustainable development and improve well-being for the people of the North. I believe that planning is fundamentally about creating places where communities flourish and enjoy a shared sense of belonging, both now and into the future.

I recognise that the planning system can, and should, do more to unlock development potential, support job creation and aid economic recovery, but not at the expense of compromising on environmental standards. Sustainable development is therefore at the heart of the SPPS and our planning system.

My vision is simple. I want to create a better environment and a stronger economy. The publication of this important document furthers my aim to create an improved planning system that works to achieve this. A system that is fast, fair and fit for purpose. One that delivers for business - with timely decisions that bring investment and jobs, but not at the expense of our environment, or our people. A system that realises that the environment and the economy should not, and cannot be, at loggerheads. A system, that fully recognises that a vibrant and sustainable environment can be a driver of prosperity and job creation. Similarly a strong economy and a prosperous society can be good for the environment.

In planning I believe there is a need for greater certainty. I want certainty in terms of timescales for processing applications and importantly, certainty in terms of the planning policy context within which applications are submitted, so that stakeholders will know what is likely to be acceptable or not.

The SPPS consolidates some twenty separate policy publications into one document, and sets out strategic subject planning policy for a wide range of planning matters. It also provides the core planning principles to underpin delivery of the two-tier planning system with the aim of furthering sustainable development. It sets the strategic direction for the new councils to bring forward detailed operational policies within future local development plans.

I want everyone involved in the planning system, including developers, planners, councils, communities, environmental groups and professional bodies, to work together to shape and influence the development and use of land across the region. This is vital to ensure we achieve an efficient and fit for purpose planning system which delivers for all now and for future generations.

A handwritten signature in black ink that reads "Mark Durkan". The signature is fluid and cursive.

MARK H DURKAN MLA
Minister of the Environment

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Introduction

- 1.1** The planning system has been reformed and restructured from a unitary system where all planning powers rested with the Department, to a new two-tier model of delivery whereby councils have primary responsibility for the implementation of the following key planning functions:
- local plan-making;
 - development management (excluding regionally significant applications); and
 - planning enforcement.
- 1.2** The Department retains responsibility for regional planning policy, the determination of regionally significant and called-in applications, and planning legislation. It also provides oversight, guidance for councils, governance and performance management functions.
- 1.3** The SPPS is a statement of the Department's policy on important planning matters that should be addressed across Northern Ireland. It reflects the Environment Minister's expectations for delivery of the planning system. It has been agreed by the Northern Ireland Executive and it is judged to be in general conformity with the Regional Development Strategy 2035.
- 1.4** It has a statutory basis under Part 1 of the Planning Act (Northern Ireland) 2011 which requires the Department to formulate and co-ordinate policy for securing the orderly and consistent development of land and the planning of that development.
- 1.5** The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals. The Department intends to undertake a review of the SPPS within 5 years.
- 1.6** The SPPS should not be read as a full explanation of the variety of complex social, economic and environmental, and other factors (including those which have implications beyond the confines of the land-use planning system) that should be addressed in implementing the planning system. Neither does it seek to restate policy or guidance that is expressed elsewhere within other relevant government strategies or policies. Furthermore, the SPPS does not seek to identify all of the statutory obligations that have to be met in delivering the entire range of planning functions.
- 1.7** The SPPS has been subjected to a Strategic Environmental Assessment (SEA) in accordance with European Directive 2001/42 and the Environmental Assessment of Plans and Programmes Regulations (NI) 2004. This process has been undertaken by specialist SEA consultants acting on the Department's behalf. The SEA process has assessed the impact of the draft SPPS on Northern Ireland's Environment, and has been integrated into the preparation of this

document. No significant adverse environmental effects were identified. It found that the SPPS as a whole is strongly positive for the environment and overall sustainability. Furthermore, the SEA process has not identified any adverse transboundary environmental impacts on the Republic of Ireland.

- 1.8** It is also supported by assessments on Regulatory and Equality impacts.
- 1.9** The existing suite of Planning Policy Statements and the remaining provisions of 'A Planning Strategy for Rural Northern Ireland' will be cancelled when all eleven councils have adopted a new Plan Strategy for the whole of their council area. However, to ensure that there is continuity in planning policy for taking planning decisions whilst councils bring forward operational policies tailored to local circumstances within new LDPs, the following transitional arrangements shall apply.

Transitional Arrangements

- 1.10** A transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents identified below together with the SPPS. Any relevant supplementary and best practice guidance will also continue to apply.
- 1.11** Where a council adopts its Plan Strategy, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date.
- 1.12** Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. For example, where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. 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.
- 1.13** The policy provisions of the following documents are retained:
- 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'

1.14 All 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'

1.15 For the purpose of preserving the materiality of the above-mentioned Departmental documents and those listed on the Department's website, references to 'the Department' within such documents should now be read as 'the council, or as the case may be the Department or the Planning Appeals Commission'.

1.16 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

Nothing in this document should be read as a commitment that public resources will be provided for any specific project. All proposals for expenditure by the Department are subject to economic appraisal and will also have to be considered having regard to the overall availability of resources.

The Purpose of Planning

- 2.1** The objective of the planning system, consistent with Part 1, Section 1 of the Planning Act (Northern Ireland) 2011 (hereafter referred to as the 2011 Act), is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. This means the planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable Northern Ireland. Planning authorities should therefore simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society.
- 2.2** Creating places where communities flourish and enjoy a shared sense of belonging, both now and into the future, is fundamentally what planning is about. In order to make positive change on the ground planning authorities should prioritise timely and predictable decision-making to support positive place-making and effective stewardship that contributes to shaping high quality sustainable places to live, invest, work and spend leisure time in. A key dimension of sustainable development for Northern Ireland is economic growth. This requires the planning system to continue to provide protection to the things we cherish most about our built and natural environment, including our heritage assets while unlocking development potential, supporting job creation and aiding economic recovery for the benefit of all our people.
- 2.3** The planning system operates in the public interest of local communities and the region as a whole, and encompasses the present as well as future needs of society. It does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. It can be difficult to distinguish between public and private interests, but this may be necessary on occasion. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. Good neighbourliness and fairness are among the yardsticks against which development proposals will be measured.
- 2.4** In furthering sustainable development and improving well-being it is crucial that our planning system supports the Executive's Programme for Government commitments and priorities as well as the aims and objectives of the Regional Development Strategy 2035 (RDS) which is its overarching spatial strategy for Northern Ireland. All planning policy and guidance prepared by central government must be in general conformity with the RDS.

Furthering Sustainable Development

- 3.1** Sustainable development is at the heart of the SPPS and the planning system. Whilst there are a variety of expressions of the term sustainable development one of the more widely accepted definitions is to be found under Resolution 42/187 of the United Nations Assembly which defines sustainable development as *'meeting the needs of the present without compromising the ability of future generations to meet their own needs.'* This definition is currently reflected in the RDS 2035, and is supported by the SPPS.
- 3.2** The Department also supports the six guiding principles set out in the Northern Ireland Executive's Sustainable Development Strategy – Everyone's Involved, namely:
- living within environmental limits;
 - ensuring a strong, healthy, just and equal society;
 - achieving a sustainable economy;
 - using sound science responsibly;
 - promoting opportunity and innovation; and
 - promoting good governance.
- 3.3** For the planning system furthering sustainable development in the long term public interest requires the integration and balancing of complex social, economic and environmental factors when plan-making and decision-taking. Planning authorities should deliver on all three pillars of sustainable development in formulating policies and plans and in determining planning applications and appeals. This means:
- **On the needs and aspirations of our society** – facilitating sustainable housing growth in response to changing housing need (including delivery of social and affordable homes), supporting urban and rural regeneration (including proposals to address dereliction and promoting investment in the physical regeneration of deprived areas); progressing policies, plans and proposals that can improve the health and well-being of local communities; and helping build a strong and shared society.
 - **On the economy** – contributing to the Executive's key commitments and priorities for promoting economic recovery and balanced growth; tackling disadvantage by ensuring economic considerations are accorded appropriate weight in plan preparation and the taking of planning decisions; and ensuring the speedy progression of Local Development Plans (LDPs) and decisions through the planning process.
 - **On the environment** – protecting and enhancing the built and natural environment (including our heritage assets, landscape and seascape character); seeking to ensure the planning system contributes to a reduction in energy and water usage, helping to reduce greenhouse gas emissions by continuing to support growth in renewable energy sources; promoting

development where it reduces the need for private motorised travel; promoting high quality development and good design; working towards the restoration of and halting the loss of biodiversity; the conservation of soil and bog lands; and, managing development to safeguard against water pollution, flooding and securing improvements in water quality.

- 3.4** The SPPS does not seek to promote any one of the three pillars of sustainable development over the other. In practice, the relevance of, and weight to be given to social, economic and environmental considerations is a matter of planning judgement in any given case. Therefore, in summary, furthering sustainable development means balancing social, economic and environmental objectives, all of which are considerations in the planning for and management of development.
- 3.5** Housing, by way of example, is recognised as a key driver of physical, economic and social change in both urban and rural areas. In furthering sustainable development it is important to manage housing growth in a sustainable way, placing particular emphasis on the importance of the inter-relationship between the location of local housing, jobs, facilities and services, and infrastructure. It is similarly important to successfully integrate transport and land use generally in order to improve connectivity and promote more sustainable patterns of transport and travel.
- 3.6** When place-making, planning authorities should make efficient use of existing capacities of land, buildings and infrastructure, including support for town centre and regeneration priorities in order to achieve sustainable communities where people want to live, work and play now and into the future. Identifying previously developed land within settlements including sites which may have environmental constraints (e.g. land contamination), can assist with the return to productive use of vacant or underused land. This can help deliver more attractive environments, assist with economic regeneration and renewal, and reduce the need for green field development.
- 3.7** Furthering sustainable development also means ensuring the planning system plays its part in supporting the Executive and wider government policy and strategies in efforts to address any existing or potential barriers to sustainable development. This includes strategies, proposals and future investment programmes for key transportation, water and sewerage,¹ telecommunications and energy infrastructure (including the electricity network).
- 3.8** Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations,

¹ The Department for Regional Development is bringing forward a Long Term Water Strategy for Northern Ireland (2014 – 2039).

unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.

- 3.9** In formulating policies and plans and in determining planning applications planning authorities will also be guided by the precautionary approach that, where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest.

Mitigating and Adapting to Climate Change

- 3.10** A central challenge in furthering sustainable development is mitigating and adapting to climate change, whilst improving air quality. This includes the need to reduce emissions of greenhouse gases that contribute to climate change and to respond to the impacts brought about by climate change. A key pledge of the Executive is 'to continue to work towards a reduction in greenhouse gas emissions by at least 35% on 1990 levels by 2025'.

- 3.11** Climate change adaptation is the process of adjusting to the changes in our climate and planning how to prepare for the future. Adaptation also means seeking out ways in which opportunities arising from potential climate changes can be exploited. In January 2014 'A Northern Ireland Climate Change Adaptation Programme' was published. This document sets out the strategic objectives, proposals and policies by which each department will contribute to this adaptation programme.

- 3.12** The development and publication of the SPPS fulfils a DOE commitment in the Adaptation Programme to identify and implement opportunities to build resilience into the built and natural environment and to develop and implement sustainable strategies to explore, address and manage significant flood risk.

- 3.13** The planning system should therefore help to mitigate and adapt to climate change by:

- shaping new and existing developments in ways that reduce greenhouse gas emissions and positively build community resilience to problems such as extreme heat or flood risk;
- promoting sustainable patterns of development, including the sustainable re-use of historic buildings where appropriate, which reduces the need for motorised transport, encourages active travel, and facilitates travel by public transport in preference to the private car;
- requiring the siting, design and layout of all new development to limit likely greenhouse gas emissions and minimise resource and energy requirements;
- avoiding development in areas with increased vulnerability to the effects of climate change, particularly areas at significant risk from flooding, landslip

and coastal erosion and highly exposed sites at significant risk from impacts of storms;

- considering the energy and heat requirements of new developments when designating land for new residential, commercial and industrial development and making use of opportunities for energy and power sharing, or for decentralised or low carbon sources of heat and power wherever possible;
- promoting the use of energy efficient, micro-generating and decentralised renewable energy systems; and
- working with natural environmental processes, for example through promoting the development of green infrastructure and also the use of sustainable drainage systems (SuDs) to reduce flood risk and improve water quality.

The Importance of Ecosystem Services

3.14 Ecosystem services are the processes by which the environment produces resources used by people that are often taken for granted, such as clean air, water, food and materials. Our health and well-being, and economic prosperity depend upon the services provided by ecosystems and their components which need to be healthy and resilient to change in order to function effectively. The careful management, maintenance and enhancement of ecosystem services are therefore an integral part of sustainable development.

3.15 A great deal of progress has been made over recent years in understanding the role of the natural environment in contributing to our economic performance. Our environmental assets and a good quality environment provide benefits that enhance economic performance, offer new opportunities for investment and employment, and improve living standards, health and well-being, and our quality of life. A good quality environment can also help to improve resilience to climate change, as trees and other green infrastructure provide important ecosystem services that reduce the effects of flooding and the urban heat island.

3.16 Where appropriate, identifying the condition of ecosystems, the provision of services and their relationship to human well-being should be integrated into plan-making and decision-taking processes. The requirement to subject LDPs to a sustainability appraisal (incorporating the requirements of the SEA Directive) will assist in this process.

Core Planning Principles

- 4.1 When plan-making and decision-taking, planning authorities must balance and integrate a variety of complex social, economic, environmental and other matters that are in the long term public interest. This is fundamental to the achievement of sustainable development.
- 4.2 To assist with the above mentioned approach the core planning principles of the two-tier planning system are:
- Improving Health and Well-being;
 - Creating and Enhancing Shared Space;
 - Supporting Sustainable Economic Growth;
 - Supporting Good Design and Positive Place Making; and
 - Preserving and Improving the Built and Natural Environment.

Improving Health and Well-Being

- 4.3 The planning system has an active role to play in helping to better the lives of people and communities in Northern Ireland and in supporting the Executive's key priority of improving health and well-being. For the purpose of the SPSS the Department supports the World Health Organisation's definition of health as 'a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity'.
- 4.4 It is widely recognised that well designed buildings and successful places can have a positive impact on how people feel. The way in which places and buildings are configured, patterns of movement in the space around us and the level of access to quality open space are all factors that can make us feel good. Successful places also influence the choices we make which may contribute positively to improving our health and well-being e.g. whether to walk or cycle, or whether to stay longer in a good place.
- 4.5 Capitalising on the synergies that exist between spatial planning and health and well-being can provide better outcomes – see **Diagram 1** overleaf. When plan-making and decision-taking planning authorities should contribute positively to health and well-being through:
- safeguarding and facilitating quality open space, sport and outdoor recreation;
 - providing for safe and secure age-friendly environments;
 - encouraging and supporting quality, environmentally sustainable design;
 - better connected communities with safe pedestrian environments;
 - better integration between land-use planning and transport;
 - facilitating the protection and provision of green and blue infrastructure;
 - supporting the provision of jobs, services, and economic growth;
 - supporting delivery of homes to meet the full range of housing needs,

- contributing to balanced communities; and
- supporting broader government policy aimed at addressing for example obesity, and health and well-being impacts arising through pollution.



Diagram 1: The determinants of health and well-being in our neighbourhoods

- 4.6** Planning authorities may engage with relevant bodies and agencies with health remits in order to understand and take account of health issues and the needs of local communities where appropriate. This may include consideration of potential health and health equity impacts, expected future changes, and any information about relevant barriers to improving health and well-being. Where appropriate, councils may bring forward local policies that contribute to improving health and well-being (e.g. policy to manage the proximity of fast food outlets to schools) as well as those which promote social cohesion and the development of social capital, the provision of health, security, community and cultural infrastructure and other local facilities.
- 4.7** Networks of green spaces, commonly referred to as green infrastructure, provide a wide range of environmental benefits (in both rural and urban areas) including flood water storage, urban cooling, improved air quality and habitats for wildlife. Additionally, they can provide opportunities for social interaction by serving as a focal point for recreation and community activities. This green infrastructure should be designed and managed as a multifunctional resource capable of

delivering on a wide range of environmental and quality of life benefits for communities.

- 4.8** The protection of existing, and provision of new, quality open space within or close to settlements plays a vital role in promoting healthy living and tackling inequality through facilitating play, sporting activities, passive activity and interaction with others.
- 4.9** The need for adequate private, semi-private and public amenity space is a prime consideration in all residential development and contributes to mental and physical well-being and the strengthening of social cohesion. Such considerations are particularly important in mixed use or high density schemes where unconventional solutions may be appropriate.
- 4.10** The natural and heritage assets of the countryside and coast need to be recognised for the contribution they make to enhancing human health and well-being. Conserving and, where possible, enhancing these environments as well as promoting their appropriate use, accessibility and connectivity is key to ensuring their sustainable upkeep.

Safeguarding Residential and Work Environs

- 4.11** There are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development. For example, the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development. The planning system can also positively contribute to improving air quality and minimising its harmful impacts. Additional strategic guidance on noise and air quality as material considerations in the planning process is set out at Annex A.
- 4.12** Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

Creating and Enhancing Shared Space

- 4.13** The Executive through its “Together: Building a United Community” strategy is committed to addressing all barriers that prevent or interfere with the creation and maintenance of shared space, and ensuring that all individuals can live, learn, work and play wherever they choose. Shared spaces are places where there is a sense of belonging for everyone, where relationships between people from

different backgrounds are most likely to be positive, and where differences are valued and respected.

- 4.14** The planning system has an important role supporting Government with addressing these issues through its influence on the type, location, siting and design of development. Examples of such development include: mixed use developments; mixed tenure housing schemes; strong neighbourhood centres; temporary uses in interface locations; active street frontages; buildings that provide public services, including education, healthcare and recreational facilities; public paths and cycleways; and passive spaces such as civic squares and public parks. Our society will not only benefit from the economic advantages of maximising shared space but can also reap the rewards that come with a more diverse, enriched environment.
- 4.15** Planning authorities should utilise development planning, regeneration and development management powers to contribute to the creation of an environment that: is accessible to all and enhances opportunities for shared communities; has a high standard of connectivity, and supports shared use of public realm. Regeneration initiatives should aim to address environmental issues by improving areas characterised by substandard living environments, insular layouts and poor connectivity. However, for these initiatives to be fully successful they should also seek to address the social and economic challenges of multiple deprivation and social exclusion.
- 4.16** The planning process also has an important role to play in the delivery of good quality housing that supports the creation of more balanced communities. Balanced communities can contribute positively to the creation and enhancement of shared spaces and vice-versa. Offering a variety of house types, sizes and tenures in housing schemes will therefore help with meeting the diverse needs of all the community and enhance opportunities for shared neighbourhoods. The aim should be to create well-linked, mixed-tenure neighbourhoods, with opportunities for communities to share access to local employment, shopping, leisure and social facilities.
- 4.17** Furthermore, the planning system can assist in the removal of barriers to shared space and maximise the accessibility of all areas within our community. The “Together: Building a United Community” strategy includes the goal that all interface barriers will be removed by 2023. To achieve this target, planning initiatives concerning peace-lines and contested spaces should be considered as part of a more comprehensive regeneration of wider neighbourhood environments. Given the sensitivities and concerns of affected communities, early consultation is crucial to ensuring that all residents can become engaged in the process. LDPs should take account of any ‘good relations’ policies of the council, where relevant.

Supporting Sustainable Economic Growth

- 4.18** A modern, efficient and effective planning system is essential to supporting the

Executive, and wider government policy, in its efforts to promote long term economic growth in the interests of all the people in this region.

- 4.19** Planning authorities should therefore take a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities. Large scale investment proposals with job creation potential should be given particular priority. Planning authorities should also recognise and encourage proposals that could make an important contribution to sustainable economic growth when drawing up new plans and taking decisions.
- 4.20** When assessing the positive and negative economic implications of planning applications planning authorities should ensure the approach followed is proportionate to the scale, complexity and impact of the proposed development. When taking into account the implications of proposals for job creation, planning authorities should emphasis the potential of proposals to deliver sustainable medium to long-term employment growth. Furthermore, in processing relevant planning applications planning authorities must ensure appropriate weight is given to both the public interest of local communities and the wider region.
- 4.21** Supporting sustainable economic growth through proactive planning does not mean compromising on environmental standards. The environment is an asset for economic growth in its own right and planning authorities must balance the need to support job creation and economic growth with protecting and enhancing the quality of the natural and built environment. Economic growth can also contribute to higher social standards and improve the health and well-being of our society overall.
- 4.22** In addition, for the planning system to be fully effective in facilitating jobs and investment, everyone involved in the planning process such as applicants, public bodies, community organisations, and the general public must commit themselves to engaging as constructively as possible in the LDP and development management process.

Supporting Good Design and Positive Place-Making

Good Design

- 4.23** Good design can change lives, communities and neighbourhoods for the better. It can create more successful places to live, bring communities together, and attract business investment. It can further sustainable development and encourage healthier living; promote accessibility and inclusivity; and contribute to how safe places are and feel.
- 4.24** Design involves shaping how all elements of the built and natural environment relate to each other through the construction of new buildings, restoration and redevelopment of historic buildings, creation of public spaces and environmental improvements. Design is not limited to the appearance of a building or place but should also encompass how buildings and places function in use and over the

lifetime of a development. This includes considering and addressing for example how the design of a development can minimise energy, water usage and CO² emissions. Future proofing developments for modern technology such as telecommunications can also help minimise the need for expensive retrofitting. Landscape design and planting considerations are also an integral part of design and can contribute to biodiversity.

- 4.25** Good design identifies and makes positive use of the assets of a site and the characteristics of its surroundings to determine the most appropriate form of development. This process will be assisted by the development of Design and Access Statements (D&AS) – See paragraph 5.51.
- 4.26** Design is an important material consideration in the assessment of all proposals and good design should be the aim of all those involved in the planning process and must be encouraged across the region. Particular weight should be given to the impact of development on existing buildings, especially listed buildings, monuments in state care and scheduled monuments, and on the character of areas recognised for their landscape or townscape value, such as Areas of Outstanding Natural Beauty, Conservation Areas, Areas of Townscape Character and Areas of Special Archaeological Interest. Appropriate and adequate amenity space, especially in residential developments (including unconventional solutions), is an important element of good design.
- 4.27** Where the design of proposed development is consistent with relevant LPD policies and/or supplementary design guidance, planning authorities should not refuse permission on design grounds, unless there are exceptional circumstances. Planning authorities will reject poor designs, particularly proposals that are inappropriate to their context, including schemes that are clearly out of scale, or incompatible with their surroundings, or not in accordance with the LDP or local design guidance.
- 4.28** Pre-Application Discussions provide an opportunity for early consideration and engagement on design considerations and will generally produce better outcomes. In addition, the establishment of design review arrangements can also prove useful in supporting high standards of design in new development, particularly for major projects. The Ministerial Advisory Group for Architecture and the Built Environment in Northern Ireland can offer a design review resource for councils in relation to significant projects.
- 4.29** Planning authorities should not attempt to impose a particular architectural taste or style arbitrarily. It is, however, proper to seek to promote or reinforce local distinctiveness, and this should be supported by clear LDP policies and/or supplementary design guidance that seeks to address the connections between people and places and the integration of new development. Local design policies and guidance should not lead to a rigid and formulaic approach to decision-taking but encourage good design and responsible innovation, originality or initiative.
- 4.30** All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, including the natural

topography, and to meet other planning policy and environmental considerations, including the policy approach to cluster, consolidate and group new development with existing established buildings.

Place-Making

- 4.31** New buildings and their surroundings have a significant effect on the character and quality of a place. They define public spaces, streets and vistas and create the context for future development. The planning system has a positive role in making successful places through its influence on the type, quantum, scale, height, massing, layout, materials, design and location of development and the use of land.
- 4.32** Place-making is a people-centred approach to the planning, design and stewardship of new developments and public spaces that seeks to enhance the unique qualities of a place, how these developed over time and what they will be like in the future. Key to successful place-making is identifying the assets of a particular place as well as developing a vision for its future potential. This involves a collaborative approach that recognises the value of cooperating and communicating with the people that use a place. Place-making is not simply the remit of architects but requires collaborative working between architects, town planners, transport planners, urban designers, landscape architects, transportation and roads engineers, developers, public service providers, communities, individuals and everyone else affected by the development process.
- 4.33** Successful place-making also acknowledges the need for quality, place specific, contextual design, whilst at the same time making responsible use of limited resources. Successful place-making promotes accessibility and inclusivity for all, acknowledges the importance of creating hospitable and safe places, and emphasises the contribution that vibrancy, adaptability, and diversity of use can make to the viability of place and how it will endure into the future.
- 4.34** Key to successful place-making is the relationship between different buildings; the relationship between buildings and streets, squares, parks, waterways and other spaces; the nature and quality of the public domain itself; the relationship of one part of a village, town or city with other parts; and the patterns of movement and activity that are thereby established. The compatibility of a development with its immediate and wider context, and the settlement pattern of a particular area, are important considerations.
- 4.35** Urban or Civic Stewardship is about actively caring for people and places. It encompasses techniques for managing and maintaining space and places, as well as other means by which people and organisations can actively care for and manage change to make their place better. Planning authorities should consider positive ways in which to improve the linkages between good places (i.e. design) and the management and maintenance of those spaces (i.e. stewardship).

4.36 Planning authorities must also ensure that, where relevant, the planning process takes account of the 10 qualities of urban stewardship and design set out in the 'Living Places Urban Stewardship and Design Guide' for Northern Ireland, and planning guidance contained within 'Building on Tradition: a Sustainable Design Guide for the Northern Ireland Countryside'.

Preserving and Improving the Built and Natural Environment

4.37 The quality of our local environment is world renowned. Its exceptional quality provides an important contribution to our sense of place, history and cultural identity. Our region has a rich and diverse archaeological and built heritage as well as a distinctive and beautiful landscape. It also plays a critical role in supporting the local economy, and must continue to do so through sustainable economic development activity. The quality of our local environment can also influence our health and well-being, and help tackle social deprivation.

4.38 Our environment must therefore be managed in a sustainable manner in accordance with the Executive's commitment to preserve and improve the built and natural environment and halt the loss of biodiversity. This requires an integrated approach to the management of the natural and cultural aspects of the landscape. Whilst all of us share a collective responsibility in this regard the planning system plays an important role in conserving, protecting and enhancing the environment whilst ensuring it remains responsive and adaptive to the everyday needs of society. This is a key aspect of the wider objective of furthering sustainable development which planning authorities should take into account in the preparation of LDPs and carrying out of their development management functions.

4.39 It must also be recognised that the importance of the environment however goes far beyond the immediate benefits it can provide. Safeguarding our unique landscape (including heritage assets) and biological diversity also makes an important contribution to the protection of the wider global ecosystem. It is therefore critical that this vital asset is preserved and improved for the enjoyment and benefit of future generations.

4.40 Plans and proposals should be rigorously assessed for their environmental impacts. There are a variety of assessments that are relevant to the planning process, some of which are required under European and domestic legislation. These include Sustainability Appraisal (SA) and Sustainable Environmental Assessment (SEA) for plans, Environmental Impact Assessment (EIA) for projects, and Habitats Regulations Assessment for plans and projects affecting Natura 2000 sites.

The Planning Process: Implementation

- 5.1** The majority of planning powers have been returned to councils. This significantly enhances local democratic accountability and introduces a two-tier planning system that is more responsive to the priorities and needs of local people. Whilst planning will inevitably give rise to many complex and often competing issues, councils have the important responsibility for setting a vision for the long term future development of their areas. Councils also have the positive task of guiding appropriate developments to the right places, while preventing developments that are not acceptable.
- 5.2** Whilst the planning process may not always be able to reconcile competing interests, transparency, fairness and accountable decision-taking are fundamental to ensuring all interests are taken into account.
- 5.3** The preparation of Local Development Plans (LDPs) and the process by which individual planning proposals are now determined are key to furthering sustainable development, implementing the SPPS, and realising the vision and aspirations of local communities.
- 5.4** Successful implementation of the SPPS requires planning authorities to focus on delivering spatial planning. This requires a positive and proactive approach to planning, and a coherent long-term policy framework to guide and influence future development across the region. Strategic, community and land use planning matters, policies and decisions should be considered together. This new approach to planning extends beyond land use to integrate policies for the development and use of land with other key policies and programmes which influence the nature of places and how they function. It should also be visionary in setting out a clear expression for how areas should look and function into the future.
- 5.5** Engaging communities is an essential part of good spatial planning and for an effective and inclusive planning system overall. It is also an important element of an open, participatory local democracy. As such planning authorities should ensure that the process whereby communities engage with the planning system is clear and transparent so that people understand when and how they can have a say in planning decisions which affect them. Planning authorities should adopt an inclusive approach to engagement to ensure that different groups within a community are given the opportunity to participate and are not disadvantaged by the process.
- 5.6** Furthermore, to fully appreciate and respect democratic accountability, it is necessary to understand the need for balanced decision-making in the public interest when preparing LDPs and in the determination of development

proposals. The Councillor's Code of Conduct² seeks to ensure that conflicts of interest are properly identified and managed, and that the exercise of local powers is properly regulated. It provides protection for elected representatives when performing planning and other councillor duties.

- 5.7** An efficient and effective plan-led system provides confidence and certainty. Councils must prepare effective, up-to-date and relevant LDPs in accordance with the plan-led system. LDPs should set out a long-term spatial strategy and provide robust operational policies that provide certainty and transparency for all users of the planning system. Plans should be evidence-based and informed by meaningful participation with all relevant stakeholders. While LDPs present a clear sense of direction, they should also be adaptable to change.
- 5.8** Development management is also a key part of an effective planning system focused on maximising the achievement of planning objectives including high quality design and place-shaping, with a focus on pre-application discussion. It should also support the Executive's central purpose of growing a dynamic, innovative, sustainable economy, balanced with improving our society, and protecting as well as enhancing our environment.
- 5.9** The objective of furthering sustainable development and the supporting core planning principles that give expression to it should be applied to plan-making and decision-taking along with the subject planning policies set out later in this document. The use of headings/sub-headings within the subject planning policies does not suggest that a hierarchical approach should be taken. The SPSS should therefore be read and applied as a whole. A glossary of terms is set out at the end of this document.
- 5.10** Additional information on the LDP and Development Management process (including decision-taking principles and practices) is set out in the following sections.

Local Development Plans

Preparation

- 5.11** The 2011 Act transfers responsibility for the preparation of LDPs from the Department to councils and establishes a plan-led planning system which gives primacy to the plan in the determination of planning applications unless other material considerations indicate otherwise.
- 5.12** Section 6 (4) of the 2011 Act provides:
'Where, in making any determination under this Act, regard is to be had to the

² The Northern Ireland Local Government Code of Conduct for Councillors is based on 12 principles of conduct (Principles), which are intended to promote the highest possible standards of behaviour for Councillors.

local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise’.

- 5.13** LDPs guide the future use of land in their respective areas and inform developers, members of the general public, communities, government, public bodies, representative organisations, and other interests of the policy framework that is used to determine development proposals.
- 5.14** Within the wider context of spatial planning LDPs allocate appropriate land for differing types of land use, and set out the main planning requirements to be met in respect of particular zoned sites. They also show particular designations, for example, Conservation areas, and Areas of Outstanding Natural Beauty.
- 5.15** These plans are a fundamental tool in the implementation of central government policies and strategic objectives particularly those set out in the RDS 2035.
- 5.16** In preparing LDPs councils must take account of the RDS 2035, the Sustainable Development Strategy for Northern Ireland, the SPPS and any other policies or advice in guidance issued by the Department such as landscape character assessments and conservation area design guides. In addition, other relevant matters may need to be considered, for example: land suggested as part of the ‘Call for Sites’ consultation process; Housing Needs Assessment (HNA) / Housing Market Analysis (HMA); neighbourhood action plans; regeneration projects, or a marine plan, where appropriate. Indeed, the need for interaction between the marine and terrestrial planning systems is recognised and the requirement to work effectively together to achieve harmonisation between the two interrelated planning systems is acknowledged in the UK Marine Policy Statement.

Community Plans and Local Development Plans

- 5.17** Community Planning³ is a process whereby councils, statutory bodies and communities themselves work together to develop and implement a shared vision for their area. It will involve integrating service and function delivery and producing a community plan that will set out the future direction for development within a council area which promotes community cohesion and improves the quality of life for all of its citizens.
- 5.18** Councils will ultimately be responsible for bringing together a number of key functions such as planning, urban regeneration, local economic development and local tourism. The integration of these functions, combined with councils’ existing functions, will allow for a more productive, joined-up approach which makes the most of opportunities and best uses all the strengths available.

³ Section 66 (2) of The Local Government (Northern Ireland) Act 2014.

5.19 Councils must take account of their current Community Plan when preparing a LDP. A LDP will provide a spatial expression to the community plan, thereby linking public and private sector investment through the land use planning system.

Efficiency

5.20 Good programme management is central to delivering LDPs more efficiently and effectively.

5.21 Councils must prepare (and keep under review) a timetable for the preparation and adoption of their plans. This should indicate the programme for the production of key documents and the timelines for reaching key stages in the LDP process.

5.22 The reformed plan process has introduced a two stage approach to plan production comprising:

- **A Plan Strategy**, which must be prepared for the council area and must set out the council's objectives in relation to the development and use of land in its district; its **strategic** policies for the implementation of those objectives; and other relevant matters; and
- **A Local Policies Plan** which must be prepared, after the Plan Strategy has been adopted, and must set out the council's local policies consistent with the council's Plan Strategy.

5.23 The overarching purpose of the Plan Strategy is to provide the strategic policy framework for the plan area as a whole and to bring forward a local growth strategy. In preparing a Plan Strategy councils will address the range of policy matters set out within the SPPS (including the topic areas set out as Subject Planning Policies). This approach will also ensure an appropriate policy framework remains in place when the PPS's and relevant provisions of the PSRNI cease to have effect – see transitional arrangements. Depending upon a council's objectives and local circumstances, it may also be appropriate to include additional strategic policies and proposals, zonings and designations specific to issues pertaining to the plan area, provided they are of a strategic nature.

5.24 The Local Policies Plan will bring forward local site specific designations (e.g. zonings and policy areas), associated policy criteria and key site requirements consistent with the Plan Strategy.⁴

5.25 Development Plan Documents (DPDs) will be published, made subject to public

⁴ Further detail on the preparation of the Plan Strategy and Local Policies Plan is set out in the Department's relevant practice notes.

consultation and independent examination and adopted separately and in sequence. This approach allows the Plan Strategy to be published quickly (anticipated within 2 years). Agreement on the strategic direction at an early stage will secure efficiencies in bringing forward the Local Policies Plan which should be consistent with the Plan Strategy.

- 5.26** The statutory requirement to monitor the LDP on an annual and five yearly basis will ensure that the LDP is kept up to date and reflects and responds to emerging issues so that the plan process is genuinely plan-led.

Engagement and Transparency

- 5.27** Public and stakeholder participation at the start of the plan-making process is essential to identifying relevant issues and capturing local views from the outset. Enhancing stakeholder engagement and transparency provides for more meaningful participation and better informed plan preparation, which should mean fewer representations and greater likelihood of support as a plan progresses to adoption.

- 5.28** Councils must publish a Statement of Community Involvement (SCI) as a statement of its policy for involving interested parties in the preparation and revision of a LDP. The SCI is a key tool in increasing awareness of the scope for community participation and involvement. Councils must attempt to agree the terms of the SCI with the Department. In the absence of agreement the Department may direct the terms of the SCI with which councils must comply. The Department must also prepare and publish a SCI in respect of its planning functions.

- 5.29** The reformed plan-making system provides for the preparation of a '**Preferred Options Paper**' in order to front-load community and stakeholder involvement.

- 5.30** The Preferred Options Paper should contain a series of options for dealing with key issues in the plan area, as well as the council's justification for its proposed approach. Key issues should include:

- the overall pattern of new development throughout the plan area;
- options for planned growth of main settlements; and
- options for major infrastructure projects.

Soundness

- 5.31** A key feature of the local development plan system is a requirement to test DPDs for 'soundness' by means of an independent examination. The tests of soundness include procedural, consistency, and coherence and effectiveness tests.

Sustainability

- 5.32** Councils must carry out a sustainability appraisal (which will incorporate the

Strategic Environmental Assessment) of LDPs to ensure that the Plan Strategy and Local Policies Plan are assessed against social, economic and environmental objectives. This should ensure that all key objectives of sustainability (i.e. social, economic and environmental) are fully taken into account in assessing the effects of the plan.

Accountability

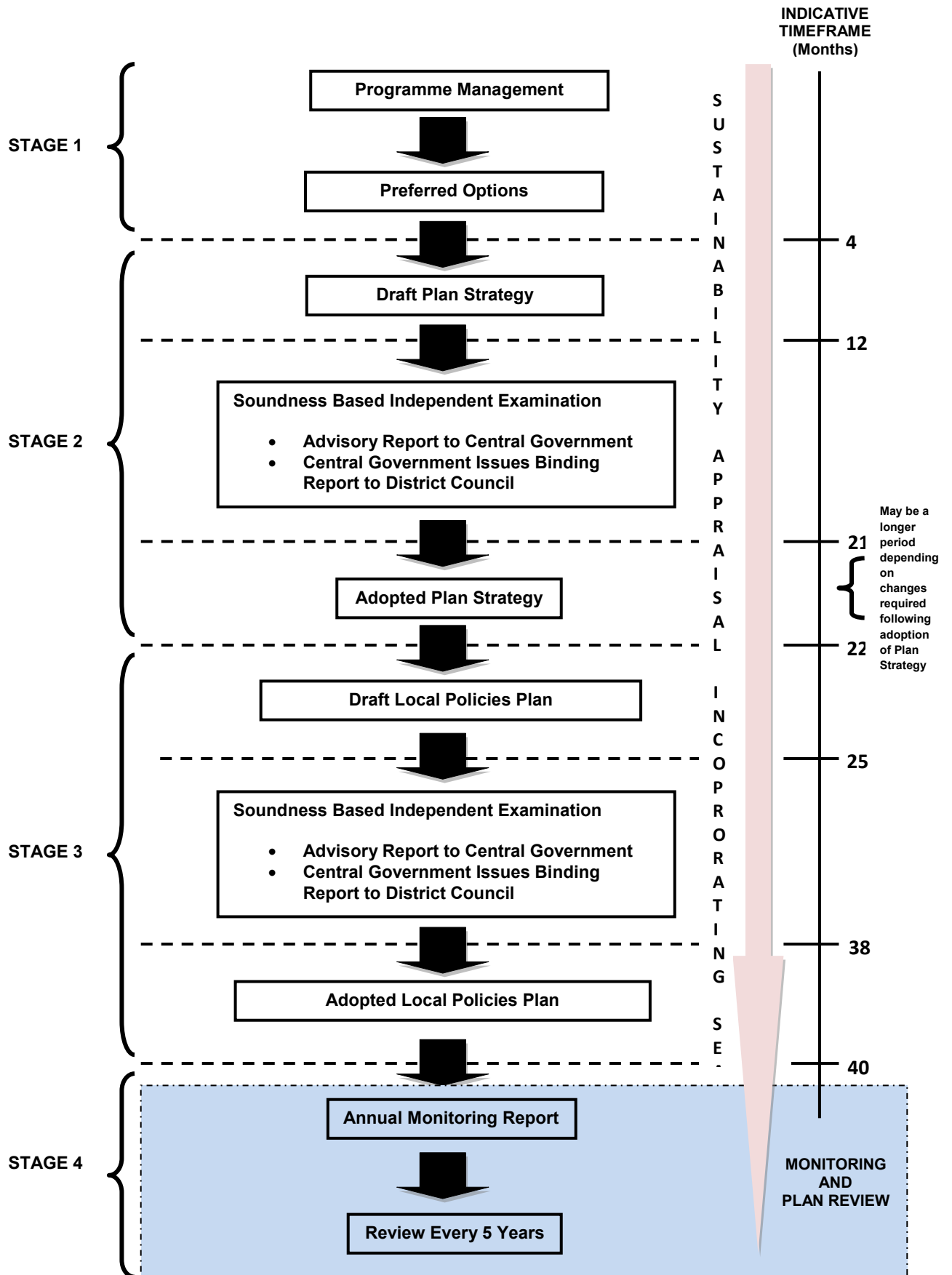
- 5.33** Councils have the primary responsibility for the efficient and effective delivery of the LDP for which they are accountable.
- 5.34** The Planning Appeals Commission (PAC) or an independent examiner will be required to report to the Department and will make recommendations on the Plan Strategy and Local Policies Plan. The Department will consider the report and may direct the council to adopt the Plan Strategy or Local Policies Plan with or without modifications. Likewise, the adoption process will make the Department accountable for issuing a binding report to the council.
- 5.35** The Department retains an oversight role in the preparation of LDPs and has the powers to intervene should for example the Department think that a Plan Strategy or Local Policies Plan is unsatisfactory. Under such circumstances the Department has the power to direct a council to comply with the necessary modifications. The Department also has default powers to assume responsibility for a council's Plan Strategy or Local Policies Plan if it thinks a council is failing properly to carry out these functions itself. In such circumstances the council must reimburse the Department for any related expenditure that the Department incurs.

Implementation, Monitoring and Review

- 5.36** Councils must keep under review the implementation of their plans and report annually to the Department on whether the objectives in the Plan Strategy or Local Policies Plan are being achieved. Additional statutory and administrative monitoring requirements that will be kept under review are set out in the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, the Local Government (Performance Indicators and Standards) Order (NI) 2015, Departmental Practice Notes, and the Department's Planning Performance Management and Reporting Framework. Better monitoring, together with regular reviews of LDPs, will provide more flexibility and enable councils to adapt to changing circumstances.
- 5.37** A council may revise its Plan Strategy or Local Policies Plan at any time (after adoption), or by direction by the Department. If a review identifies that changes are required then a revision to the plan should be made, however any revision will go through the appropriate part of the plan process.
- 5.38** Depending on the size and scale of the revision, it may result in a replacement of the full LDP. However, where a more minor change is required the Local Policies Plan can only be altered where it remains consistent with the Plan Strategy.

5.39 Better monitoring, together with regular reviews of LDPs, will provide more flexibility and enable councils to adapt to changing circumstances. This will ensure that a rolling programme of up to date LDPs are in place. Diagram 2 illustrates the new LDP system.

Diagram 2: The Local Development Plan System



Determining Planning Applications

5.40 The main procedures for dealing with applications are set out in the 2011 Act and any related subordinate legislation. In many instances the procedures are linked to the hierarchy of planning applications. This is intended to encourage a more proportionate and responsive approach to processing planning applications, with resources and decision-taking mechanisms tailored according to the scale and complexity of the proposed development.

5.41 Key elements of the development management system are:

- a development hierarchy for all planning applications;
- pre-application discussions;
- pre-application consultation between prospective applicants and communities;
- pre-determination council hearings; and
- schemes of delegated decision making.

5.42 Early engagement on development proposals together with transparency in decision taking can promote high quality sustainable development.

Development Hierarchy

5.43 A hierarchy of development for all planning applications includes:

- regionally significant development;
- major development; and
- local development.

5.44 Regionally significant developments form the top tier of development proposals. These developments have a critical contribution to make to the economic and social success of Northern Ireland as a whole, or a substantial part of the region. They also include developments which have significant effects beyond Northern Ireland or involve a substantial departure from a LDP. These applications will be determined by the Department with the decision taken by the Minister.

5.45 Major developments have important social, economic and environmental implications for a council area. With potential to deliver important benefits for the local community, these applications will be given appropriate priority to avoid undue delay and risk to investment decisions. In exceptional circumstances the nature and scope of some applications for major development may also raise issues of regional significance. This type of application will require the Department to consider whether it should be called-in for the Department to determine.

5.46 Local developments comprise the vast majority of residential and minor commercial applications likely to be received by a council.

- 5.47** In the majority of cases decisions on planning applications for categories of major and local development will be taken by councils.

Pre-Application Discussions and Performance Agreements

- 5.48** Pre-application discussions (PADs) are considered to be fundamental to 'front loading' the new development management system. This front loading will help all parties, both to prepare an application to a high standard and to establish an agreed course and timetable for determining a development proposal.
- 5.49** To help create the conditions for a more efficient and high quality decision making process, performance agreements may be made available to developers proposing regionally significant and major developments. Whilst not a statutory requirement, performance agreements will formalise communication between the planning authority and the developer and other partners to bring about early engagement on projects, more collaborative working, project leadership and community involvement.

Pre-Application Community Consultation

- 5.50** A key element of the enhanced arrangements for community engagement is ensuring that community views are reflected at the earliest stage. Pre-application consultation with communities is a statutory requirement for all major, including regionally significant, development proposals. It is the responsibility of the applicant to undertake this consultation. Applicants for all major, including regionally significant developments, will therefore be required to demonstrate that they have undertaken consultation with the community prior to the submission of a planning application. Likewise councils must ensure that communities are given the opportunity to be actively involved in the preparation of their LDPs at the most appropriate stages in their preparation.
- 5.51** In addition, Sections 40 (3) and 86 (2) of the 2011 Act provide a statutory requirement for certain descriptions of applications to be accompanied by a Design and Access Statement (D&AS). The preparation of such a statement can be used to assist constructive discussion when engaging with the community at the early stages of a project.

Pre-Determination Hearings

- 5.52** Councils will have the option of holding pre-determination hearings for certain planning applications on a non-statutory basis. However, there will also be a mandatory requirement to hold a pre-determination hearing for other prescribed applications including those major developments which have been referred to the Department for call-in consideration but which have been returned to a council. This allows both objectors and applicants to air their views prior to a decision being taken.

Schemes of Delegation

5.53 Councils will produce a scheme of officer delegation which will build on current good practice and arrangements for streamlining consultation. Schemes of delegation will describe the classes and types of development which would be suitable for delegation to an appointed official of the council. They will be suitable for decisions on straightforward planning applications, enabling speedier decisions and can be tailored to suit local circumstances.

Planning Enforcement

5.54 Effective enforcement is essential to ensure the credibility and integrity of the planning system is not undermined.

5.55 Under the provisions of the 2011 Act, councils have the general discretion to take enforcement action when they regard it as expedient to do so, having regard to the provisions of the LDP and any other material considerations. In exercising this discretion, councils should be aware of their statutory duty to enforce planning legislation and to ensure that development is managed in a consistent, proactive and proportionate manner.

5.56 Councils should use the full range of powers available to them to ensure enforcement action is effective, speedy and appropriate.

5.57 The key objectives of the planning system for planning enforcement are to:

- bring unauthorised development under control where necessary;
- remedy the undesirable effects of unauthorised development including, where necessary, the removal or cessation of unacceptable development; and
- take legal action, where necessary, against those who ignore or flout planning legislation.

5.58 In determining the most appropriate course of action in response to alleged breaches of planning control, councils will need to take into account the extent of the breach and its potential impact. The Department also has reserve powers to take enforcement action where it believes a council has failed to issue enforcement or stop notices.

Call-in

5.59 The Department has powers to direct that certain applications be referred to it rather than being dealt with by councils. This provides a necessary safeguard where there are applications that raise issues of such importance that their impact is considered to extend to a sub-regional or regional level. It is anticipated that these powers would only be used in exceptional circumstances as it is recognised that councils are best placed to deal with the vast majority of applications within their own council areas.

5.60 In addition to the general power to call-in a planning application, councils are required to notify the Department in instances where they propose to grant planning permission for certain types of development as set out in a direction. These could include, for example, a major development application which would significantly prejudice the implementation of the LDP objectives and policies or where councils have an interest in the land.

Judicial Review, Appeals, Public Inquiries and Hearings

5.61 Any planning decision may be subject to judicial review within a period of three months if there are grounds for considering that a council or the Department may have acted unreasonably, irrationally or otherwise failed in its legal duty.

5.62 Planning appeals are an important part to the fairness of the planning system. The Planning Appeals Commission (PAC) is a tribunal non-departmental public body, sponsored by OFMDFM, which deals with a wide range of land use planning issues and related matters.

5.63 The 2011 Act has reduced the timeframe for lodging appeals to four months from the date of a decision. This is intended to deliver time savings and bring about more certainty for all parties involved, either appellants or objectors. In the case of non-determination appeals the relevant timeframes are 16 weeks from the date of receipt of major applications and 8 weeks from the date of receipt of minor planning applications.

5.64 Public inquiries and hearings may also be conducted by the PAC for regionally significant development, as defined under the 2011 Act and associated regulations or called-in applications. However, the Department can also appoint independent examiners for the purpose of conducting a hearing or inquiry into a regionally significant or called-in planning application. Whilst the PAC will be contacted by the Department in the first instance, if a suitable date is not available, the Department may avail of this option for expediency.

Decision-taking Principles and Practices

Planning Conditions

5.65 Planning authorities have the power to attach conditions to a grant of planning permission. This can enable planning authorities to approve development proposals where it would otherwise be necessary to refuse planning permission. However, conditions should only be imposed which are:

- necessary;
- relevant to planning;
- relevant to the development being permitted;
- precise;
- enforceable; and

- reasonable.

Planning Agreements

5.66 Planning authorities can also use planning agreements to overcome obstacles to the grant of planning permission where these cannot be addressed through the use of conditions. A planning agreement may facilitate or restrict the development or use of the land in any specified way, require operations or activities to be carried out, or require the land to be used in any specified way. An agreement may also require a sum or sums to be paid to the relevant authority or to a Northern Ireland Department. A breach of a planning agreement may be enforced by way of a court injunction.

5.67 A planning agreement may be considered appropriate where what is required cannot be adequately addressed by the imposition of conditions and:

- is needed to enable the development to go ahead;
- will contribute to meeting the costs of providing necessary facilities in the near future;
- is otherwise so directly related to the proposed development and to the use of the land after its completion, that the development ought not to be permitted without it;
- is designed to secure an acceptable balance of uses;
- is designed to secure the implementation of development plan policies in respect of a particular area or type of development; or
- is intended to offset the loss of, or impact on, any amenity or resource present on the site prior to development.

5.68 A developer will be expected to pay for, or contribute to, the cost of infrastructure that would not have been necessary but for the development or which needs to be rescheduled to facilitate the development.

Developer Contributions and Community Benefits

5.69 Planning authorities can require developers to bear the costs of work required to facilitate their development proposals. Contributions may be required in a variety of circumstances including:

- where a proposed development requires the provision or improvement of infrastructural works over and above those programmed in a LDP;
- where earlier than planned implementation of a programmed scheme is required;
- where a proposed development is dependent upon the carrying out of works outside the site; and
- where archaeological investigation or mitigation is required.

5.70 Mechanisms to use in the delivery of developer contributions include planning agreements under Section 76 of the 2011 Act and under Article 122 of the Roads

(Northern Ireland) Order 1993 in terms of infrastructure works.

- 5.71** In some circumstances, community benefits may be offered voluntarily by developers to communities likely to be affected by a development. Community benefits can take a variety of forms including payments to the community; in-kind benefits; and shared ownership arrangements. Whilst the Department is committed to ensuring that local communities benefit from development schemes in their area, such community benefits cannot be considered material considerations in decision-taking and are distinct from developer contributions and planning conditions.

Refusal of Planning Permission

- 5.72** Planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In such cases the planning authority has power to refuse planning permission. Grounds for refusal will be clear, precise and give a full explanation of why the proposal is unacceptable.

Prematurity

- 5.73** Where a new LDP is under preparation or review it may be justifiable, in some circumstances, to refuse planning permission on the grounds of prematurity. This may be appropriate in respect of development proposals which are individually so substantial, or whose cumulative effect would be so significant, that to grant planning permission would prejudice the outcome of the plan process by predetermining decisions about the scale, location or phasing of new development which ought to be taken in the LDP context. A proposal for development that has an impact on only a small area would rarely come into this category, but refusal might be justifiable where a proposal would have a significant impact on an important settlement, or a substantial area, with an identifiable character. Where there is a phasing policy in the LDP, it may be necessary to refuse planning permission on grounds of prematurity if the policy is to have effect.

Archaeology and Built Heritage

- 6.1** Archaeological and built heritage assets such as tombs and ring forts, historic and vernacular buildings, planned parklands, buildings and features associated with industrial heritage, are all important sources of information about our past, and are often significant landmarks in the present townscape and countryside. This archaeological and built heritage constitutes an irreplaceable record which contributes to our understanding of both the present and the past and is an important economic resource. Their presence usually adds to the quality of our lives and promotes a sense of local distinctiveness which is an important aspect of the character and appearance of cities, towns, villages and the countryside.
- 6.2** The Regional Development Strategy 2035 (RDS) sets out regional guidance to “Conserve, protect and where possible, enhance our built heritage and our natural environment”⁵. It recognises that Northern Ireland has a rich and diverse archaeological and built heritage which contributes to our sense of place and history. It also regards built heritage as a key marketing, tourism and recreational asset that, if managed in a sustainable way, can make a valuable contribution to the environment, economy and society.
- 6.3** The planning system has a key role in the stewardship of our archaeological and built heritage. The aim of the SPPS in relation to Archaeology and Built Heritage is to manage change in positive ways so as to safeguard that which society regards as significant whilst facilitating development that will contribute to the ongoing preservation, conservation and enhancement of these assets.

Regional Strategic Objectives

- 6.4** The regional strategic objectives for archaeology and built heritage are to:
- 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.

⁵ RDS 2035 – RG11.

Regional Strategic Policy

- 6.5** The following strategic policy must be taken into account in the preparation of Local Development Plans (LDPs) and in the determination of planning applications.

World Heritage Sites

- 6.6** Development that would adversely affect the Outstanding Universal Value of a World Heritage Site (WHS) or the integrity of its setting must not be permitted unless there are overriding exceptional circumstances.
- 6.7** Inclusion of a WHS on a list published by UNESCO highlights the outstanding international importance of the site as a material consideration in the determination of planning and listed building consent applications, and appeals. Planning authorities must carefully consider applications affecting the Outstanding Universal Value of such sites, particularly taking into account the safeguarding of critical views to and from the site, the access and public approaches to the site and the understanding and enjoyment of the site by visitors.

Archaeology

- 6.8** Archaeological remains of regional importance include monuments in State Care, scheduled monuments and Areas of Significant Archaeological Interest (ASAs). Such sites (or constituent parts of them) benefit from statutory protection⁶. Development which would adversely affect such sites or the integrity of their settings must only be permitted in exceptional circumstances. The scheduling programme is an ongoing process and there are archaeological remains of regional importance yet to be scheduled. In order to make sure that the most up to date information is taken into account when determining applications, this policy approach should also apply to such sites which, whilst not scheduled presently, would otherwise merit such statutory protection.
- 6.9** Development proposals which would adversely affect archaeological remains of local importance or their settings should only be permitted where the planning authority considers that the need for the proposed development or other material considerations outweigh the value of the remains and/or their settings.
- 6.10** Planning authorities should seek all necessary information from applicants in making well informed planning judgements, particularly where the impact of a development proposal on archaeological remains is unclear, or the relative significance of such remains is uncertain. Should an applicant fail to provide a suitable assessment or evaluation on request, the planning authority should adopt a precautionary approach and refuse planning permission.

⁶ Scheduled sites are protected under the Historic Monuments and Archaeological Objects (NI) Order 1995.

6.11 Where a planning authority is minded to grant planning permission for development which will affect sites known or likely to contain archaeological remains, it should ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development. Where appropriate, this may involve the preservation of remains in situ, or a licensed excavation, recording examination and archiving of the archaeology by way of planning conditions⁷.

Listed Buildings

6.12 Listed Buildings⁸ of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.

6.13 Development involving a change of use and / or works of extension / alteration may be permitted, particularly where this will secure the ongoing viability and upkeep of the building. It is important that such development respects the essential character and architectural or historic interest of the building and its setting, and that features of special interest remain intact and unimpaired. Proposals should be based on a clear understanding of the importance of the building/place/heritage asset, and should support the best viable use that is compatible with the fabric, setting and character of the building. Applicants should justify their proposals, and show why alteration or demolition of a listed building is desirable or necessary.

6.14 Consent for the display of advertisements or signs on a listed building should only be forthcoming where these are carefully designed and located to respect the architectural form and detailing of the building, and meet the requirements of strategic policy on the Control of Outdoor Advertisements.

6.15 Proposals for the total demolition of a listed building or any significant part of it must not be permitted unless there are exceptional reasons why it cannot be retained in its original or a reasonably modified form. Where consent to demolish a listed building is granted, this should normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building prior to its demolition.

⁷ Archaeological excavations may only be carried out under the provision of a licence granted by the Department under the provisions of the Historic Monuments and Archaeological Objects (NI) Order 1995.

⁸ Section 80 of the Planning Act (NI) 2011, requires the Department to compile a list of buildings of special architectural or historic interest.

Historic Parks, Gardens and Demesnes

- 6.16** Planning permission should not be granted for development that would lead to the loss of, or cause harm to, the overall character, principal components or setting of Historic Parks, Gardens and Demesnes.
- 6.17** In assessing applications for development in or adjacent to Historic Parks, Gardens and Demesnes, particular account should be taken of the impact of the proposal on the archaeological, historical or botanical interest of the site. The integrity and overall quality and setting of the site including its original design concept and other associated features, including contribution to local landscape character, should where possible be maintained. In cases where approval is to be granted, the planning authority should seek to ensure the accurate recording of distinctive features that will be lost as a result of the development, by way of planning conditions.

Conservation Areas

- 6.18** In managing development within a designated Conservation Area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. Accordingly, there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest. In the interests of protecting the setting of designated Conservation Areas, new development in proximity needs to be carefully managed so as to ensure it respects its overall character and appearance. Important views in and out of the Conservation Area should be retained.
- 6.19** In the interests of preserving or enhancing the character or appearance of a Conservation Area, development proposals should:
- be sympathetic to the characteristic built form of the area;
 - respect the characteristics of adjoining buildings in the area by way of its scale, form, materials and detailing;
 - not result in environmental problems such as noise, nuisance or disturbance;
 - protect important views within, into and out of the area;
 - protect trees and other landscape features contributing to the character or appearance of the area;
 - conform with the guidance set out in any published Conservation Area design guides; and
 - only consider the demolition of an unlisted building where the planning authority deems that the building makes no material contribution to the character or appearance of the area and subject to appropriate arrangements for the redevelopment of the site.

6.20 Consent for the display of advertisements in or close to a Conservation Area should only be granted where they would not adversely affect the overall character, appearance or setting of the area.

Areas of Townscape Character (ATC)⁹

6.21 In managing development within ATCs designated through the LDPs process, the council should only permit new development where this will maintain or enhance the overall character of the area and respect its built form.

6.22 The demolition of an unlisted building in an ATC should only be permitted where the building makes no material contribution to the distinctive character of the area and subject to appropriate arrangements for the redevelopment of the site.

6.23 Consent for the display of an advertisement in an ATC should only be granted where the overall character and appearance of the area will be maintained, and the proposal meets the requirements of strategic policy on the Control of Outdoor Advertisements.

Non-Designated Heritage Assets

6.24 The effect of an application on the significance of a non-designated heritage asset such as an unlisted vernacular building¹⁰, or historic building of local importance¹¹ should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Councils may wish to bring forward bespoke local policies for such buildings.

Enabling Development

6.25 Enabling Development is a development proposal that is contrary to established planning policy and in its own right would not be permitted. Such a proposal may however be allowed where it will secure the long term future of a significant place¹² and will not materially harm its heritage value or setting. Enabling development typically seeks to subsidise the cost of maintenance, major repair, conversion to the optimum viable use of a significant place where this is greater than its value to its owner or market value.

⁹ For the purpose of the SPPS all references to Areas of Townscape Character should be read as including Areas of Village Character.

¹⁰ Vernacular buildings reflect the local 'folk tradition' and are typical of a common type of building in a particular locality, generally pre 1925. For more detail refer to '*A Sense of Loss – The Survival of Rural Traditional Buildings in Northern Ireland*', published by DOE, March 1998.

¹¹ A historic building of local importance, is a building, structure or feature, whilst not statutory listed, has been identified by the council as an important part of their heritage, due to its local architectural or historic significance.'

¹² A significant place means any part of the historic environment that has heritage value including scheduled monuments, archaeological remains, historic buildings (both statutory listed or of more local significance) together with any historically related contents, industrial heritage, conservation areas, or a historic park, garden or demesne.

- 6.26** The justification for allowing the enabling development lies in the over-riding public benefit to the conservation of the significant place and its sustainable future use which would be derived from the implementation of the principal proposal which otherwise would have little prospect of being carried out.
- 6.27** Within this context councils may bring forward local plan policies to provide the flexibility to accommodate such unforeseen imaginative proposals which are clearly in the public interest.

Implementation

- 6.28** The potential for loss or damage to archaeological sites and the built heritage as a result of unsympathetic development is a material consideration in the determination of planning applications and the outworking of this through the development management system will be the primary mechanism for the implementation of the regional strategic policy. However, an essential prerequisite for this, particularly in the context of a plan-led system, will be the LDP.
- 6.29** The LDP, should identify the main¹³ built and archaeological heritage features, where they exist within the plan area (as detailed below), and bring forward appropriate policies or proposals for their protection, conservation and enhancement. It should also take into account the implications of its other local policies and proposals on all features of the archaeological and built heritage and their settings.
- **World Heritage Sites (WHS):** WHSs are designated under the UNESCO World Heritage Convention of 1972 on the basis of their acknowledged '*Outstanding Universal Value*'. The Giant's Causeway and Causeway Coast World Heritage Site is currently the only WHS in Northern Ireland inscribed on the World Heritage list. It is inscribed because its natural and geological features are held to be of Outstanding Universal Value. Given their acknowledged international importance, it will be appropriate for a LDP having a WHS within the plan area, to identify the site and its broader setting and to include local policies or proposals to safeguard the Outstanding Universal Value of such sites and their settings from inappropriate development.
 - **Archaeological Sites and Monuments:** Monuments in State Care and scheduled monuments and all other sites and monuments located within the plan area. Where appropriate, LDPs should designate Areas of Significant Archaeological Interest (ASAs). Such designations seek to identify particularly distinctive areas of the historic landscape in Northern Ireland. They are likely to include a number of individual and related sites and monuments and may also be distinguished by their landscape character and

¹³ It may not be feasible for the LDP to identify and bring forward policies specific to individual heritage assets.

topography. Local policies or proposals for the protection of the overall character and integrity of these distinctive areas should be included in LDPs, where relevant.¹⁴

LDPs should also highlight, for the information of prospective developers, those areas within settlement limits, where, on the basis of current knowledge, it is likely that archaeological remains will be encountered in the course of continuing development and change. These will be referred to as areas of archaeological potential.

- **Listed Buildings:** These are designated by the Department as being of ‘special architectural or historic interest’ under Section 80 of the Planning Act (NI) 2011. Whilst it may be impractical for a LDP to identify all current listed buildings throughout the plan area, it may be appropriate to highlight particular listed buildings and their settings which are integral to the character and inform broader heritage designations. These could include areas of townscape / village character or Local Landscape Policy Areas (LLPAs) within and adjoining settlements.
- **Historic Parks, Gardens and Demesnes:** A Register of Parks, Gardens and Demesnes of special historic interest in Northern Ireland, based on a comprehensive inventory, is held by the Department¹⁵. There are also a number of parks, gardens and demesnes which retain only some elements of their original form. These are included in an appendix to the main register as ‘supplementary’ sites. At present there are over 300 sites entered in the Register, including ‘supplementary’ sites. Councils should identify Historic Parks, Gardens and Demesnes along with their settings through the LDP, having regard to the register and supplementary lists; and bring forward local policies or proposals for the protection of the overall character and integrity of these distinctive areas, in consultation with the Department.
- **Conservation Areas:** Existing Conservation Areas have been designated by the Department under the Planning (NI) Order 1991¹⁶. These are areas of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance. LDPs should identify existing Conservation Areas within the plan area and may include local policies or proposals for their protection and / or, enhancement. Proposed new Conservation Areas or alterations to existing designations may also be brought forward by the council or the Department, where appropriate.¹⁷

¹⁴ The Historic Monuments Council is a statutory body appointed to advise the Department on the exercise of its powers under the Historic Monuments and Archaeological Objects (NI) Order 1995, particularly with regard to the scheduling and protection of monuments. It must also be consulted on the identification of ASAs.

¹⁵ www.doeni.gov.uk/niea.

¹⁶ Article 50 The Planning (NI) Order 1991.

¹⁷ Section 104, The ‘Planning Act’ 2011.

- **Areas of Townscape or Village Character:** Many areas within settlements do not have the distinctive character to warrant Conservation Area designation. However, because of their own unique identity, it may be appropriate to identify and define these as areas of townscape or village character. Local policies or proposals and guidance for such areas should also be included in the plan or where appropriate in supplementary planning guidance.
- **Local Landscape Policy Areas (LLPAs):** These consist of those features and areas within and adjoining settlements considered to be of greatest amenity value, landscape quality or local significance and therefore worthy of protection from undesirable or damaging development. They may include:
 - archaeological sites and monuments and their surroundings;
 - listed and other locally important buildings and their surroundings;
 - river banks and shore lines and associated public access;
 - attractive vistas, localised hills and other areas of local amenity importance; and
 - areas of local nature conservation interest, including areas of woodland and important tree groups.

6.30 LDPs should, where appropriate, designate LLPAs and bring forward local policies and guidance to maintain the intrinsic landscape, environmental value and character of such areas.

Coastal Development

- 6.31** Northern Ireland is valued for its beautiful and relatively unspoilt coast including well known features such as the Giant’s Causeway and Causeway Coast, Benone Strand, Antrim Coast Road, Strangford Lough and the Mourne Coast. The coastline – which is some 650 kilometres in length – is a unique part of our natural heritage. It includes a wide variety of landscapes many of which are of high scenic quality. It is also of great importance in terms of its scientific interest, nature conservation value and its wildlife habitats. Much of the coast is designated within Areas of Outstanding Natural Beauty, Areas of Special Scientific Interest, or as Marine Conservation Zones.
- 6.32** The coast is also of great economic importance to Northern Ireland. There are many settlements and local communities located on the coast, and its seaports provide strategic economic links to Britain and Europe. Important coastal gateways identified in the Regional Development Strategy 2035 (RDS) include Belfast, Derry/Londonderry, Newry and Larne.
- 6.33** The RDS recognises that coastal areas need to be protected from coastal squeeze, to safeguard against loss of distinctive habitats, and to help adaptation to climate change, and accordingly states the landscape setting of features should also be conserved.
- 6.34** The aim of the SPPS in relation to the coast is to protect the undeveloped coast from inappropriate development, consistent with the RDS; and to support the sensitive enhancement and regeneration of the developed coast¹⁸ largely within coastal settlements.

Regional Strategic Objectives

- 6.35** The regional strategic objectives for coastal development are to:
- conserve the natural character and landscape of the undeveloped coast and to protect it from excessive, inappropriate or obtrusive development; and
 - facilitate appropriate development in coastal settlements and other parts of the developed coastline (subject to all other relevant planning policies) that contributes to a sustainable economy and which is sensitive to its coastal location.

Regional Strategic Policy

- 6.36** The following strategic policy must be taken into account in the preparation of

¹⁸ The developed coast includes existing settlements and existing major developments such as ports, isolated industrial units and power stations.

Local Development Plans (LDPs) and in the determination of planning applications.

- 6.37** There are few types of development which require a coastal location and the undeveloped coast will rarely be an appropriate location for new development. Where new development requires a coastal location, it must normally be directed into coastal settlements and other parts of the developed coast.
- 6.38** In dealing with proposals that require a coastal location, planning authorities, must carefully assess the need for such development, its benefits for the local or regional economy and potential impacts on the environment. Development should only be permitted on the undeveloped coast where the proposal is of such national or regional importance as to outweigh any potential detrimental impact on the coastal environment and where there is no feasible alternative site within an existing urban area in the locality.
- 6.39** Within the developed coast, areas of amenity value (such as parks, outdoor sports / play areas and coastal walkways) and areas or features designated for their importance to the archaeological, built or natural heritage, should be protected from inappropriate development. The relevant policies set out elsewhere in the SPPS will apply to all such areas and designations.
- 6.40** Within the developed coast there will be a presumption in favour of development that promotes the enhancement and regeneration of urban waterfronts.
- 6.41** In considering development proposals within the developed or undeveloped coast attention must be paid to the retention of existing public accesses and coastal walkways. Development which would result in the closure of existing access points or the severing of routes will normally only be acceptable where a suitable alternative is provided. Proposals to extend access to the coastline or for the provision of associated facilities such as pathways or picnic areas, should not impact adversely on the nature conservation, archaeological / built heritage, geological or landscape value of the area.
- 6.42** Development will not be permitted in areas of the coast known to be at risk from flooding (see Flood Risk), coastal erosion, or land instability.

Implementation

- 6.43** Local Development Plans (LDPs) should identify areas within coastal settlements or other parts of the developed coast where opportunities exist for enhancement or the regeneration of urban waterfronts, through new development. Generally, the growth of coastal settlements should be directed to the landward boundary of the settlement rather than along the coastal frontage, where new development is likely to have greater adverse visual and environmental impacts and be exposed to greater risks.

- 6.44** Some developments require a coastal location. Examples include ports, marinas, port-related industries and recreational projects.¹⁹ Where appropriate, LDPs should identify land to be zoned for such uses within settlements.
- 6.45** Some coastal areas may be unsuitable for development due to their amenity or landscape value, nature conservation interest or historical or archaeological importance. The LDP should identify areas where development should be restricted to take account of these interests of acknowledged importance.
- 6.46** LDPs should identify areas of the coast known to be at risk from flooding, coastal erosion, or land instability where new development should not be permitted.
- 6.47** LDPs should also promote and protect public access to and along the coast where possible.
- 6.48** Where development is permitted in sensitive locations, particularly in the undeveloped coast, it will be incumbent upon the planning authority to mitigate any adverse impacts through the use of appropriate conditions. In particular, conditions should be used to minimise adverse visual impact through careful siting, design and landscaping of the proposal while ensuring that building design is of high quality and appropriate to the coastal setting. Conditions should also be employed to ensure that development proposals retain or enhance existing public access to the coast and significant public views of the coast.
- 6.49** The Department is currently engaged in the preparation of a marine plan for Northern Ireland's inshore and offshore areas, and in doing so is required to take all reasonable steps to ensure that such plans are compatible with LDPs.²⁰
- 6.50** Of particular relevance to planning authorities, particularly those with an interface with the marine area, is the current legislative requirement²¹ that all public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine Policy Statement (MPS) or Marine Plan once adopted, unless relevant considerations indicate otherwise. If it is not an authorisation decision then the public authority must have regard to the MPS or Marine Plan once adopted.
- 6.51** The terrestrial planning system and the marine planning and licensing system are legally and functionally separate but overlap in the inter-tidal area. Planning authorities should work closely with the Department and neighbouring councils / authorities, and other relevant bodies to ensure that LDPs and marine plans are

¹⁹ Developments below the mean high water spring tide are likely to require a Marine Licence, under the Marine and Coastal Access Act, 2009 from DOE Marine Division.

²⁰ Schedule 1 The Marine Act (Northern Ireland) 2013.

²¹ Section 58 of the Marine and Coastal Access Act 2009 and section 8 of the Marine Act (Northern Ireland) 2013.

complementary, particularly with regard to the inter-tidal area.²² This engagement will provide an opportunity to consider any terrestrial area development necessary to support development in the marine area.

²² The Marine Policy Statement (March 2011) and where appropriate Marine Plan(s) will provide additional spatial guidance and detailed policy for the terrestrial / marine interface and the marine environment.

Control of Outdoor Advertisements

- 6.52** Advertising is a familiar feature of our environment that can contribute to a vibrant and competitive economy. All advertisements affect the character and appearance of the building or place where they are displayed. Given the potential impact of outdoor advertising on amenity, both positive and negative, there is a need to balance the requirements of the industry with the protection and, where possible enhancement of the character and appearance of our cities, towns and villages. There is a corresponding need to ensure that advertisements will not prejudice public safety.
- 6.53** The Executive places a priority on protecting people, the environment, and creating safer communities. In addition and through its Road Safety Strategy 2020 the Department aims to reduce the risk of collisions caused by driver distraction, and to educate all road users about the dangers of distraction.
- 6.54** Planning legislation enables planning authorities to restrict or regulate the display of advertisements in the interests of amenity or public safety, including road safety²³. Furthermore, roads legislation provides additional controls on advertisements in, or on, a public road.²⁴
- 6.55** The consent of the planning authority is required for the display of advertisements. However, certain types of advertisement benefit from 'deemed consent' provided certain conditions are met.²⁵

Regional Strategic Objectives

- 6.56** The regional strategic objectives for the control of advertisements are to:
- ensure that outdoor advertisements respect amenity and do not prejudice public safety, including road safety; and
 - help everyone involved in the display of outdoor advertisements contribute positively to the appearance of a well-cared for and attractive environment in our cities, towns, villages and the countryside.

Regional Strategic Policy and Implementation

- 6.57** The policy approach for the display of outdoor advertisements that require the consent of the planning authority is to ensure that proposals do not prejudice

²³ Section 130 of the Planning Act (NI) 2011.

²⁴ Article 87 the Roads (Northern Ireland) Order 1993.

²⁵ The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 (2015 No.66), made under section 130 of the Planning Act (NI) 2011.

amenity or public safety, having regard to the specific circumstances of each proposal. Well designed advertising which respects the building or location where it is displayed and which contributes to a quality environment should be encouraged. Consent should be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality; and to ensure proposals do not prejudice public safety, including road safety.

- 6.58** Where appropriate councils should bring forward appropriate policies within Local Development Plans (LDPs) for the control of outdoor advertisements, tailored to local circumstances. Local policies may also be brought forward for the control of advertisements which affect Listed Buildings, Conservation Areas and Areas of Townscape Character, and must be compatible with other policies set out within the SPPS.
- 6.59** Care must be taken to ensure that all proposals will not detract from the place where advertising is to be displayed or its surroundings. In particular, it is important to prevent clutter, to adequately control signs involving illumination and to protect features such as listed buildings, and conservation areas from the potential adverse effects of advertising. The subject matter of advertising is not normally a material planning consideration.
- 6.60** Particular care is also necessary to ensure that advertisements do not detract from the unique qualities and amenity of our countryside nor diminish our archaeology and built heritage.

Development in the Countryside

- 6.61** The countryside is recognised as one of our greatest assets, with its highly valued landscapes, an outstanding coastline, a complex variety of wildlife, rich built and cultural heritage, for the ecosystem services it provides, and for its sense of place and history. In addition to its role and function as a recreational and tourist asset the countryside also supports our important agricultural industry, offers potential opportunities for sustainable growth in new sectors, and is home to a considerable rural population. For the purpose of this document the countryside is defined as land lying outside of settlement limits as identified in Local Development Plans (LDPs).
- 6.62** To maintain and enhance the attractiveness of the countryside as a place to invest, live and work, the countryside requires a sustainable approach to new development, consistent with the Regional Development Strategy 2035 (RDS).
- 6.63** The RDS recognises that to sustain rural communities, new development and employment opportunities are required which respect local, social and environmental circumstances. Facilitating development in appropriate locations is considered necessary to ensure proposals are integrated appropriately within rural settlements or in the case of countryside locations, within the rural landscape.
- 6.64** Government policy also recognises that there are wide variations across Northern Ireland in terms of the economic, social and environmental characteristics of rural areas. Policy approaches to new development should therefore 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. This may involve recognising areas that are particularly sensitive to change and areas which have lower sensitivities and thus provide opportunities to accommodate sustainable development. It is also important to take into account the role and function of rural settlements and accessibility to existing services and infrastructure. Such approaches should also reflect and complement the SPPS.
- 6.65** The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS.

Regional Strategic Objectives

- 6.66** The policy objectives for development in the countryside are to:
- manage growth to achieve appropriate and sustainable patterns of development which supports a vibrant rural community;
 - 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;

- facilitate development which contributes to a sustainable rural economy; and
- promote high standards in the design, siting and landscaping of development.

6.67 Planning and other environmental policies must therefore play their part in facilitating sustainable development in the countryside but not at the expense of the region's rich natural assets and not at the expense of the natural and built environment.

Regional Strategic Policy

6.68 In preparing LDPs councils shall bring forward a strategy for sustainable development in the countryside, together with appropriate policies and proposals that must reflect the aims, objectives and policy approach of the SPPS, tailored to the specific circumstances of the plan area.

6.69 The policy approach must be to cluster, consolidate, and group new development with existing established buildings, and promote the re-use of previously used buildings. This sustainable approach facilitates essential new development, which can benefit from the utilisation of existing services such as access and drainage, whilst simultaneously mitigating the potential adverse impacts upon rural amenity and scenic landscapes arising from the cumulative effect of one-off, sporadic development upon rural amenity and landscape character.

6.70 All development in the countryside must integrate into its setting, respect rural character, and be appropriately designed.

6.71 Development in the countryside must not mar the distinction between a settlement and the surrounding countryside, or result in urban sprawl.

6.72 The policy approach for development in the countryside will also reflect and complement the overall approach to housing growth across a plan area.

6.73 The following strategic policy for residential and non-residential development in the countryside should also be taken into account in the preparation of LDPs and determination of planning applications.

Residential Development

- **New dwellings in existing clusters:** provision should be made for a dwelling at an existing cluster of development which lies outside a farm provided it appears as a visual entity in the landscape; and is associated with a focal point; and the development 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;

- **Replacement dwellings:** provision should be made for the replacement of existing dwellings where the building to be replaced exhibits the essential characteristics of a dwelling and, as a minimum all external structural walls are substantially intact. Replacement dwellings must be located within the curtilage of the original dwelling where practicable, or at an alternative position nearby where there are demonstrable benefits in doing so. Replacement dwellings must not have a visual impact significantly greater than the existing building. In cases where the original building is retained, it will not be eligible for replacement again. Planning permission will not be granted for the replacement of a listed dwelling unless there are exceptional circumstances;
- **Dwellings on farms:** provision should be made for a dwelling house on an active²⁶ and established farm business to accommodate those engaged in the farm business or other rural dwellers. The farm business must be currently active and have been established for a minimum of 6 years; no dwellings or development opportunities shall have been sold off or transferred from the farm holding within 10 years of the date of the application; and, the proposed dwelling must be visually linked or sited to cluster with an established group of buildings on the farm holding. Dwellings on farms must also comply with LDP policies regarding integration and rural character. A dwelling on a farm under this policy will only be acceptable once every 10 years;
- **Dwellings for non-agricultural business enterprises:** provision should be made for a new dwelling in connection with an established non-agricultural business enterprise. A site specific need must exist that makes it essential for an employee of the business to live at the site of their work;
- **Infill/ribbon development:** provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage. Planning permission will be refused for a building which creates or adds to a ribbon of development;
- **The conversion and re-use of existing buildings for residential use:** provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building (such as former school houses, churches and older traditional barns and outbuildings), as a single dwelling where this would secure its upkeep and retention. Provision should also be made for the conversion of a locally important building to provide more than one dwelling where the building is of sufficient size; the conversion involves minimal intervention; and, the intensity of the use is considered appropriate to the locality. A former dwelling previously replaced and retained

²⁶ For the purposes of the SPPS 'agricultural activity' is as defined by Article 4 of the European Council Regulations (EC) No. 1307/2013.

as an ancillary building to the new replacement dwelling will not be eligible for conversion back into residential use under this policy;

- **A dwelling where there are personal and domestic circumstances:** provision should be made for a dwelling to meet the long terms needs of a person where there are compelling and site specific reasons related to the person's personal or domestic circumstances, and where there are no alternative solutions to meet the particular circumstances of the case;
- **A temporary caravan:** provision should be made for a residential caravan or mobile home for a temporary period in exceptional circumstances. These may 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; and,
- **Social and affordable housing development:** where a need has been identified by the Northern Ireland Housing Executive, or the relevant housing authority, plan policies should support the development of a small group of dwellings adjacent to or near a small settlement. The appropriate number of social/affordable dwellings permissible will depend upon the identified need and the requirement to ensure the development is sited and designed to integrate sympathetically with its surroundings.

Non-residential Development

- **Farm diversification:** provision should be made for a farm diversification scheme where the farm business is currently active and established (for a minimum 6 years) and, the proposal is to be run in conjunction with the agricultural operations of the farm. Proposals must involve the re-use or adaptation of existing buildings, with new buildings only being acceptable in exceptional circumstances;
- **Agriculture and forestry development:** provision should be made for development on an active and established (for a minimum 6 years) agricultural holding or forestry enterprise where the proposal is necessary for the efficient operation of the holding or enterprise. New buildings must be sited beside existing farm or forestry buildings on the holding or enterprise. An alternative site away from existing buildings will only being acceptable in exceptional circumstances; and,
- **The conversion and re-use of existing buildings for non-residential use:** provision should be made for the sympathetic conversion and re-use of a suitable locally important building of special character or interest (such as former school houses, churches and older traditional barns and outbuildings) for a variety of alternative uses where this would secure its upkeep and retention, and where the nature and scale of the proposed non-residential use would be appropriate to its countryside location.

6.74 Other types of development in the countryside apart from those set out above

should be considered as part of the development plan process in line with the other policies set out within the SPSS.

- 6.75** Some areas of the countryside exhibit exceptional landscapes, such as mountains, stretches of the coast or lough shores, and certain views or vistas, wherein the quality of the landscape and unique amenity value is such that development should only be permitted in exceptional circumstances. Where appropriate these areas should be designated as **Special Countryside Areas** in LDPs, and appropriate policies brought forward to ensure their protection from unnecessary and inappropriate development. Local policies may also be brought forward to maintain the landscape quality and character of Areas of High Scenic Value.

Implementation

- 6.76** The LDP process will play an important role for councils in identifying key features and assets of the countryside and balancing the needs of rural areas and communities with the protection of the environment. This should include an environmental assets appraisal and landscape assessment which will provide the evidence base for the purposes of bringing forward an appropriate policy approach to development in the countryside. This should take into account Landscape Character Assessments.
- 6.77** In all circumstances proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.²⁷
- 6.78** Supplementary planning guidance contained within 'Building on Tradition': A Sustainable Design Guide for the Northern Ireland Countryside' must be taken into account in assessing all development proposals in the countryside.

²⁷ Development Control Advice Note 15 'Vehicular Access Standards' (Second Edition) August 1999.

Economic Development, Industry and Commerce

- 6.79** Growing a sustainable economy and investing in the future is a key strategic priority of the Northern Ireland Executive. Long term economic growth will be achieved by improving competitiveness and building a larger and more export-driven private sector. This will not only mean creating more employment but also a rebalancing of the economy to meet the challenges of a highly competitive global environment and to improve the wealth and living standards of everyone.
- 6.80** Effective planning for the economy requires the planning system to take into account the overarching strategic framework provided by the Regional Development Strategy 2035 (RDS) as well as meeting local employment and economic development needs. In terms of strategic economic development, the RDS 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. The RDS promotes further economic growth in the Belfast Metropolitan Area and Derry/Londonderry, the Spatial Framework also aims to exploit the economic potential of the strategic network of urban hubs, key transport corridors and regional gateways and to provide for a diversified and competitive rural economy.
- 6.81** The planning system has a key role in achieving a vibrant economy. In this regard, the aim of this 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.

Regional Strategic Objectives

- 6.82** The regional strategic objectives²⁸ for facilitating economic development through the planning system 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;
 - sustain a vibrant rural community by supporting rural economic development of an appropriate nature and scale;

²⁸ These objectives relate to economic development uses comprising 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.

- 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 and design for new economic development.

Regional Strategic Policy

- 6.83** The following strategic policy must be taken into account in the preparation of Local Development Plans (LDPs) and in the determination of planning applications.
- 6.84** Within larger settlements such as cities and towns, planning decisions must, to a large extent, be informed by the provisions made for economic development through the LDP process.
- 6.85** In these larger settlements appropriate proposals for Class B1 business uses (such as offices and call centres) should be permitted if located within city or town centres, and in other locations that may be specified for such use in a LDP, such as a district or local centre. Elsewhere, such proposals should be determined on their individual merits, taking account of the potential impacts and the likely economic benefits, both local and regional.
- 6.86** Within villages and small settlements, the LDP will not normally zone land for economic development purposes, as this could inhibit flexibility. 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.
- 6.87** The guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing rural character and the environment, consistent with strategic policy elsewhere in the SPPS. Farm diversification, the re-use of rural buildings and appropriate redevelopment and expansion proposals for industrial and business purposes will normally offer the greatest scope for sustainable economic development in the countryside. Such proposals may occasionally involve the construction of new buildings, where they can be integrated in a satisfactory manner.
- 6.88** In the interests of rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside settlements must however be restricted. Exceptions to this general principle may be justified in the following circumstances:
- A small scale new build economic development project may be permissible

outside a village or small settlement where there is no suitable site within the settlement. An edge of settlement location will be favoured over a location elsewhere in the rural area, subject to normal planning considerations.

- A proposal for major or regionally significant economic development, where a countryside location is necessary because of size or site specific requirements. Such proposals should be able to demonstrate a significant contribution to the regional economy and be otherwise acceptable, particularly in terms of their environmental and transport impacts. An edge of town location should normally be favoured over a location elsewhere in the rural area.

6.89 It is important that economic development land and buildings which are well located and suited to such purposes are retained so as to ensure a sufficient ongoing supply. Accordingly, planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. Any decision to reallocate such zoned land to other uses ought to be made through the LDP process. While the same principle should also apply generally to unzoned land in settlements in current economic development use (or land last used for these purposes); councils 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.

6.90 Some proposed developments may be incompatible with nearby economic development enterprises, either already operating, or approved. For example, activities giving rise to emissions such as dust, odour or micro organisms may be incompatible with industrial enterprises requiring a particularly clean and contaminant free environment. Examples of the latter include pharmaceuticals, medical products, food products and research and development. Often, an individual enterprise engaged in one of these sectors will offer employment in specialised jobs and of significant importance to the local or regional economy. Accordingly, it is in the public interest to ensure that their operations are not unduly compromised through incompatible development. In other cases, incompatibility could arise when new residential development is approved in proximity to an existing economic development use that would be likely to cause nuisance, for example through noise, pollution or traffic disturbance. 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. However, it is incumbent on the planning authority to explore all reasonable means of mitigation with the developer and the established enterprise prior to determining the application.

6.91 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.

Implementation

- 6.92** A fundamental role for LDPs is to ensure that there is an ample supply of suitable land available to meet economic development needs within the plan area. To this end, LDPs should zone sufficient land for economic development over the plan period. In discharging this function, LDPs should offer a range and choice of sites in terms of size and location to promote flexibility and provide for the varying needs of different types of economic activity. Account should also be taken of factors such as accessibility by all members of the community, connectivity with the transportation system (particularly public transport), the availability of adequate infrastructure, the specialised needs of specific economic activities, potential environmental impacts and compatibility with nearby uses including the operational requirements of existing or approved economic development. A system to monitor the take up and loss of land allocated for economic development purposes as well as ongoing assessment of future requirements and trends will help to identify any shortfalls that may arise or highlight the need to reconsider the proposed use of sites.
- 6.93** Where appropriate, LDPs should identify previously developed land within settlements for potential economic development use. This will serve to return vacant or underused land to productive use and to create more attractive environments. It will also promote sustainable development through reducing the need for green field development and may assist with economic regeneration and physical renewal, helping to stimulate enterprise in disadvantaged areas. Not all previously developed sites may be available or feasible in the short term. For example, some previously developed sites may be subject to land contamination. Nevertheless, areas should be identified, in consultation with relevant bodies, where investment in site assembly, remediation, infrastructure and environmental improvement will enable successful economic development in the longer term.
- 6.94** LDPs should also identify opportunities for mixed use development, including economic development uses, where this would create synergy and underpin the economic viability of the development as a whole. Plans should indicate, through key site requirements, the types of economic development that will be acceptable and seek to avoid uses that would have a detrimental impact on the environment and / or residential amenity. It is important that such development is sustainable, and major mixed use sites should therefore be identified in locations that are well served by public transport, accessible by walking and cycling, have adequate infrastructure and where development can be properly integrated, in terms of land use and design, with surrounding areas.
- 6.95** Where appropriate, LDPs should specify the type or range of economic development uses that will be acceptable within zoned sites or broader areas of economic development designated by the Plan. Within larger settlements such as towns and cities, the Plan may zone individual sites for a particular industrial and

business use class²⁹, such as Class B1 Business, Class B2 Light Industrial, Class B3 General Industrial and Class B4 Storage and Distribution. The Plan may also set out restrictions as to where particular types of economic development should be located in order to meet particular Plan objectives. For example, office uses may be restricted to town or district centres in order to promote the vitality and viability of the centre. Similarly, research and development facilities may be directed to locations identified for high technology type businesses that offer the opportunity to cluster with a range of business support services.

- 6.96** LDPs should normally contain a number of supporting actions to assist in meeting the needs of business enterprises in ways which are workable and that will ultimately deliver sustainable and high quality development. Such actions should normally include key site requirements to ensure that developers provide necessary infrastructure such as road access, access for pedestrians and cyclists, water supply, sewerage and land drainage. The LDP should also provide guidance in terms of key design, layout and landscaping requirements.
- 6.97** Planning authorities should generally adopt a positive and constructive approach to determining applications for appropriate sustainable economic development informed by the provisions of the LDP, the SPPS and all other material planning considerations. Where proposals come forward on land not identified for economic development through the LDP, the planning authority must consider and assess the proposal against a wide range of policy considerations relevant to sustainable development, such as integration with transportation systems (particularly public transport), synergy with existing economic development uses, and use of previously developed land or buildings.
- 6.98** Issues associated with economic development can be complex; therefore pre-application discussion to highlight and address potential issues at an early stage is encouraged.

²⁹ For the purposes of the SPPS, 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.

Flood Risk

- 6.99** Flooding is a natural process that cannot be entirely prevented. Some areas are already susceptible to intermittent flooding from various sources, principally from rivers, the sea or surface water runoff. Climate change is generally expected to increase flood risk, albeit that there remains much uncertainty as to the degree of climate change that will occur and the implications for particular areas of Northern Ireland.
- 6.100** The effects of flooding on human activity are wide ranging. Floods have the potential to cause fatalities and injury, displacement of people, pollution and health risk, damage to buildings, adverse environmental impacts and to severely compromise economic and social activities.
- 6.101** The European Union Floods Directive³⁰ confirms that development can exacerbate the consequences of flooding and identifies the important role of the planning system in managing development so as to reduce the risks and impacts of flooding. In this regard, the Directive highlights the fundamental importance of preventing or restricting new development in flood prone areas. In addition, the Directive recognises the role of the planning system in regulating new development in existing built up areas so as to afford greater protection to people and property, where this is considered appropriate and commensurate with the flood risk.
- 6.102** The Regional Development Strategy 2035 (RDS) also recognises the need to avoid, where possible, the selection of flood prone land for employment and housing growth. It urges the planning system to adopt a precautionary approach to development in areas of flood risk and the use of the latest flood risk information that is available in order to properly manage development. The RDS (RG12) also promotes a more sustainable approach to the provision of water and sewerage services and flood risk management.
- 6.103** The aim of the SPPS in relation to flood risk is to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere.

Regional Strategic Objectives

- 6.104** The regional strategic objectives for the management of flood risk are to:
- prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere;

³⁰ The European Directive on the Assessment and Management of Flood Risks came into force in November 2007 and was transposed into local legislation by the Water Environment (Floods Directive) Regulations (Northern Ireland) 2009.

- 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 Local Development Plans (LDPs);
- adopt a precautionary approach to the identification of land for development through the LDP 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 appropriate to the four main sources of flood risk 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;
- promote sustainable development through the retention and restoration of natural flood plains and natural watercourses as a form of flood alleviation and an important environmental and social resource;
- promote sustainable development through encouraging the use of sustainable drainage for new development and redevelopment / regeneration schemes;
- promote public awareness of flood risk and the flood risk information that is available and of relevance to undertaking development; and
- promote an integrated and sustainable approach to the management of development and flood risk which contributes to:
 - the safety and well-being of everyone,
 - the prudent and efficient use of economic resources,
 - the conservation and enhancement of biodiversity, and
 - the conservation of archaeology and the built heritage.

Regional Strategic Policy

6.105 The following strategic policy must be taken into account in the preparation of LDPs and in the determination of planning applications.

Development in River (Fluvial) and Coastal Flood Plains

6.106 Flood plains³¹ store and convey flood water during flood events. These functions are important in the wider flood management system. Development in flood plains should be avoided where possible, not only because of the high flood risk and the increased risk of flooding elsewhere, but also because piecemeal reduction of the flood plains will gradually undermine their functionality.

6.107 Accordingly, built development must not be permitted within the flood plains of rivers or the sea unless the following circumstances apply:

- the development proposal constitutes a valid exception to the general presumption against development in flood plains (exceptions for defended and undefended areas of the flood plain are set out at Figure 1);
- the development proposal is of overriding regional or sub-regional economic importance; and
- the development proposal is considered as minor development³² in the context of flood risk.

6.108 Even where the proposal constitutes an exception to the policy there should be a presumption against certain types of development in the flood plain including bespoke development for vulnerable groups, essential infrastructure (unless for operational reasons it has to be in the flood plain) and also development for the storage of hazardous substances likely to cause pollution in a flood event.

6.109 Land raising, which involves permanently elevating a site to an acceptable level above the flood plain in order to facilitate development will not be acceptable within the fluvial flood plain, where displacement of flood water would be likely to cause flooding elsewhere. Such operations within the coastal flood plain will have a negligible effect on its extent and therefore much less likely to cause flooding elsewhere. Land raising to facilitate development at an appropriate level above the coastal flood plain may therefore be possible. However, this should normally be restricted to settlements and proposals will need to satisfy normal planning criteria such as access, service provision and acceptable visual and amenity impacts. Importantly, such development should not generate a present or future need for flood defences nor should it exacerbate problems of coastal erosion in susceptible areas.

³¹ The generally flat areas adjacent to a watercourse or the sea where water flows in a flood, or would flow, but for the presence of flood defences. The limits of the flood plain are defined by the peak water level of an appropriate return period event (currently defined as 1 in 100 year or AEP of 1% for the river or fluvial flood plain and 1 in 200 year or AEP of 0.5% for the coastal flood plain). Flood plains as so defined are depicted on the Strategic Flood map on the DARD Rivers Agency website.

<http://www.dardni.gov.uk/strategic-flood-map-ni>

³² Non residential extensions with a footprint less than 150 sq metres, alterations to buildings and householder development as defined by the prevailing planning legislation.

6.110 Other flood protection / management measures involving new flood defences or flood compensation storage works will not be acceptable unless carried out by Rivers Agency or other statutory body.

6.111 Where the principle of development within the flood plain is accepted by the planning authority, the applicant is required to submit a Flood Risk Assessment (FRA). Planning permission will only be granted if the FRA demonstrates that all sources of flood risk to and from the proposed development have been identified and that there are adequate measures to manage and mitigate any increase in flood risk arising from the development. A FRA may also be required when a site is close to the margins of the flood plain as depicted on the Strategic Flood Map and a more accurate definition of the extent of potential flooding is needed.

Figure 1 - Exceptions to General Presumption against Development in Flood Plains

Defended Areas

Previously developed land protected by flood defences, provided that the proposed development does not fall into any of the following categories:

- essential infrastructure such as power supply and emergency services;
- development for the storage of hazardous substances;
- bespoke accommodation for vulnerable groups, such as schools, residential / nursing homes, sheltered housing;
- any development located close to flood defences.

Undefended Areas

- replacement of an existing building;
- development for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located in the flood plain;
- water compatible development, such as for boating purposes, navigation and water based recreational use, which for operational reasons has to be located in the flood plain;
- the use of land for sport or outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings;
- the extraction of mineral deposits and necessary ancillary development.

Development at Surface Water (Pluvial) Flood Risk outside Flood Plains

6.112 Surface water or pluvial flooding occurs as a result of high intensity rainfall which overwhelms natural or man-made drainage systems resulting in water flowing overland and ponding in depressions in the ground. It is a particular problem in urban areas which are often dominated by non-permeable surfaces such as

roofs, roads, patios and car parking areas that restrict infiltration of water into the ground and promote run-off. The steady growth of urban areas has served to intensify surface water run-off and to place additional pressures on the piped drainage network. It is not uncommon for drainage systems to be overwhelmed during periods of high intensity rainfall, particularly when blockages occur. The problem is exacerbated in many areas by an outdated drainage infrastructure that has not been upgraded to cope with the rate of development.

- 6.113** Planning authorities should only facilitate development in areas where there is evidence of a history of surface water flooding when a developer is able to demonstrate, through a Drainage Assessment (DA), that the flood risk can be effectively controlled and mitigated and that it will not create greater potential for surface water flooding elsewhere. Particular account should be taken of adverse impact upon other development or features of importance to nature conservation, archaeology or the built heritage.
- 6.114** A DA 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; or a change of use involving new buildings and / or hard surfacing exceeding 1000 square metres in area. A DA will also be required for any development proposal, except for minor development,³³ where the proposed development is located in an area where there is evidence of a history of surface water flooding; or where 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.
- 6.115** A development requiring a DA will be permitted where it is demonstrated through the DA 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.
- 6.116** Where the proposed development is also located within a fluvial or coastal flood plain, then the policy above on 'Development in River (Fluvial) and Coastal Flood Plains' will take precedence.
- 6.117** In some areas there may be potential for surface water flooding, as opposed to a known history of this type of flooding. Where there is potential for surface water flooding, for example as indicated by the surface water layer of the Strategic Flood map, the onus should rest upon the developer to assess the flood risk and drainage impact and to mitigate the risk to the development and any adverse impacts beyond the site.
- 6.118** In managing development, particularly in areas susceptible to surface water flooding, planning authorities should encourage developers to use sustainable drainage systems (SuDs) as the preferred drainage solution. Such systems are

³³ See glossary.

widely used in other UK jurisdictions and have been shown to be more effective than traditional piped drainage in reducing surface water flooding as well as providing other environmental, economic and social benefits. Furthermore using permeable materials for hard landscaped surfaces in new developments can reduce soil sealing.

Development in Proximity to Reservoirs

- 6.119** Water impounding structures such as reservoirs are a recognised source of flood risk because of the potential for downstream flooding which may ensue if the structure fails, is overtopped, or in the event of a controlled release of water from the reservoir as part of the normal management regime. In any of these circumstances there is potential for rapid inundation of downstream areas and response times to flooding are likely to be short.
- 6.120** New development within the flood inundation area³⁴ of a controlled³⁵ reservoir can only be justified where the condition, management and maintenance regime of the reservoir are appropriate to provide assurance regarding reservoir safety. Accordingly, planning permission for new development should only be granted to such assurance, provided by a suitably qualified engineer and supported by DARD Rivers Agency, as the responsible body for the management of reservoir flood risk.
- 6.121** Applications for built development in these areas must also be accompanied by a FRA which demonstrates an assessment of the downstream flood risk in various scenarios (for example, controlled release of water, uncontrolled release due to reservoir failure, change in flow paths as a result of the proposed development). The FRA will also need to set out suitable measures to manage and mitigate the identified flood risks, including details of emergency evacuation procedures.
- 6.122** Development will be precluded where the FRA indicates a likelihood of fast flowing and / or deep inundation. There will also be a presumption against certain types of development in the flood inundation area including bespoke development for vulnerable groups, essential infrastructure (such as emergency services, transport or utilities) and also development for the storage of hazardous substances likely to cause pollution in a flood event.

Protection of Flood Defence and Drainage Infrastructure

- 6.123** Flood defence and drainage infrastructure are critical in providing a level of flood protection to people and property and adequate land drainage. Accordingly, development proposals that would impede operational effectiveness or hinder

³⁴ As defined by Rivers Agency for individual reservoirs.

³⁵ Reservoirs with an individual or combined capacity greater than 10000 cubic metres above the natural level of any part of the surrounding land as defined by the emerging Reservoirs Bill..

access for maintenance purposes should not be permitted. Generally, this will require the retention of an adequate working strip alongside watercourses and a general presumption against development therein. The erection of buildings or other structures over the line of a culverted watercourse should also be resisted.

Artificial Modification of Watercourses

- 6.124** While culverting may in some instances alleviate local flood risk, it cannot eliminate it and often increases the flood risk downstream by the accumulation of higher flows. The artificial modification of watercourses through culverting or canalisation is also widely considered to be environmentally unsustainable as such operations can adversely impact upon landscape quality, ecological integrity and biodiversity of watercourses.
- 6.125** Planning authorities should only permit the artificial modification of a watercourse in the exceptional circumstances where culverting of a short length of a watercourse (usually less than 10m) is necessary to provide access to a development site (or part thereof), or where such operations are necessary for engineering reasons unconnected with any development proposal.

Implementation

- 6.126** The preparation of a LDP affords the opportunity to engage with relevant government departments and agencies with responsibility for various aspects of flood risk management thereby fostering a necessary joined up approach to addressing flooding issues. This joined up approach should also be extended to neighbouring councils in circumstances where flooding and flood risk crosses administrative boundaries.
- 6.127** LDPs must take account of the potential risks from flooding over the plan period and beyond as this is likely to influence decisions on such matters as the zoning of land for development or the designation of land for open space use. Flood risk may also be a consideration in the definition of settlement limits and in decisions concerning the designation of new settlements. LDPs should also promote sustainable drainage within the plan area, for example by requiring such solutions, where appropriate to individual zonings, as a key site requirement.
- 6.128** LDPs must take account of the most up to date information on flood risk, in particular that which is available on the Strategic Flood Map³⁶. There should also be consultation with Rivers Agency from an early stage on strategic issues relating to flood risk management throughout the plan area and beyond. Ongoing consultation with Rivers Agency and other relevant agencies in regard to detailed

³⁶Multi layered Strategic Flood Maps are available on the Rivers Agency website.
<http://www.dardni.gov.uk/strategic-flood-map-ni>

plan proposals, for example housing zonings, will also be necessary where flood risk is identified from the available information as a potential issue. The strategic flood risk information and advice provided by Rivers Agency will take account of the latest information on flood risk. This will not only include the present day predictive flood risk associated with flooding from various sources, but also historical records of flooding and the predictive flood risk in the future, associated with climate change.

- 6.129** LDPs should apply a precautionary approach to development in areas that may be subject to flood risk presently or in the future as a result of climate change predictions. Consequently, LDPs should not bring forward sites or zone land that may be susceptible to flooding, now or in the future, unless in exceptional circumstances. Where, exceptionally, a new plan brings forward such a site, it needs to explain the rationale and set out the measures necessary to manage or mitigate the risk.
- 6.130** The susceptibility of land to flooding is a material consideration in the determination of planning applications. New development may be directly at risk of flooding from a number of sources and / or may increase the risk elsewhere. Where a flood risk is known to exist, the planning authority must have regard to this when determining an application.
- 6.131** The onus rests with the developer to identify and consider the potential flood risk to the proposed development by referring to the Strategic Flood Map. Where flooding is identified as a potential development constraint, pre-application discussion with the planning authority is advisable as this will help to identify possible alternative options or the information that will be required in order to demonstrate the potential for mitigating and managing the flood risks.
- 6.132** All planning applications will be determined with reference to the most up to date flood risk information available. The planning authority should consult Rivers Agency and other relevant bodies as appropriate, in a number of circumstances, where prevailing information suggests that flood risk or inadequate drainage infrastructure is likely to be a material consideration in the determination of the development proposal. The purpose of the consultation will often involve seeking advice on the nature and extent of flood risks and the scope for management and mitigation of those risks, where appropriate.

Housing in Settlements

- 6.133** Good quality housing is a fundamental human need that plays a significant role in shaping our lives and our communities. A home is a vital part of people's lives and contributes to creating a safe, healthy and prosperous society. The planning system can play a positive and supporting role in the delivery of homes to meet the full range of housing needs of society, within the wider framework of sustainable development.
- 6.134** The Regional Development Strategy 2035 (RDS) acknowledges that housing is a key driver of physical, economic and social change and emphasises the importance of the relationship between the location of housing, jobs, facilities, services and infrastructure. The RDS recognises that there are significant opportunities for new housing on appropriate vacant and underutilised land, and sets a regional target of 60% of new housing to be located in appropriate 'brownfield' sites within the urban footprints of settlements greater than 5,000 population.

Regional Strategic Objectives

- 6.135** The regional strategic objectives for housing in settlements, consistent with regional guidance in the RDS, are to:
- manage housing growth to achieve sustainable patterns of residential development;
 - support urban and rural renaissance; and
 - strengthen community cohesion.

Regional Strategic Policy

- 6.136** The policy approach must be 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.
- 6.137** In preparing Local Development Plans (LDPs) councils shall bring forward a strategy for housing, together with appropriate policies and proposals that must reflect the policy approach of the SPPS, tailored to the specific circumstances of the plan area. Planning authorities must deliver:
- **increased housing density without town cramming:** higher density housing developments should be promoted in town and city centres and in other locations that benefit from high accessibility to public transport facilities. Within established residential areas it is imperative to ensure that the

proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents. In residential areas of distinctive townscape character an increase in density should only be allowed in exceptional circumstances.

- **sustainable forms of development:** the use of greenfield land for housing should be reduced and more urban housing accommodated through the recycling of land and buildings and the encouragement of compact town and village forms. More housing should also be promoted in city and town centres and mixed use development encouraged. Major housing development should be located in sustainable locations that facilitate a high degree of integration with centres of employment, community services and public transport, and take advantage of existing infrastructure. Local facilities, services and adequate infrastructure should be integrated into new housing development to meet the needs of the community.

A design concept should be sought from and agreed with the developer incorporating sustainable elements such as good linkage of housing with schools, community facilities and public transport; provision for cycling; adequate provision of open space and landscaping integrated with broader green and blue infrastructure systems; energy efficient design of housing units and use of sustainable drainage systems, where appropriate.

Within town centres, residential use above shops and other business premises should be facilitated, where appropriate, as this can promote sustainability through utilising underused space, maintaining the fabric of buildings and contributing to the vitality and viability of town centres.

- **good design:** good design should be the aim of all those involved in housing development and will be encouraged everywhere. All new housing developments should demonstrate a high quality of design, layout (including road infrastructure considerations) and landscaping. Good design contributes to the creation of places to live that are safe and attractive and is also a key element in achieving sustainable development. Councils should bring forward local planning policy or guidance for achieving quality in residential development, including proposals for residential extensions or alterations.
- **balanced communities:** achieving balanced communities and strengthening community cohesion is one of the major themes underpinning the RDS. The provision of good quality housing offering a variety of house types, sizes and tenures to meet different needs, and development that provides opportunities for the community to share in local employment, shopping, leisure and social facilities, is fundamental to the building of more balanced communities. This will also contribute to creating and enhancing shared space - further information in this regard is set out in the core planning principle entitled 'Creating and Enhancing Shared Space.' Planning authorities should aim to use the range of planning powers they possess to create environments that are accessible to all and which enhance opportunities for shared

communities. Our society will not only benefit from the economic advantages of maximising shared space but can also reap the rewards that come with a more diverse, enriched environment. Additional guidance is contained within Living Places: An Urban Stewardship and Design Guide for Northern Ireland.

Implementation

6.138 The Local Development Plan process is the main vehicle for assessing future housing land requirements and managing housing growth to achieve sustainable patterns of residential development, as well as fulfilling other SPPS objectives. The following strategic guidance for plan preparation is intended to assist with this process:

The Processes for Allocating Housing Land

6.139 Housing allocations in Local Development Plans should be informed by:

- **RDS Housing Growth Indicators (HGIs)** – have been incorporated within the RDS as a guide to councils in preparing development plans. They provide an estimate for the new dwellings requirement for each area and provide a guide for allocating housing distribution across the plan area. The indicator covers both urban and rural housing.
- **Use of the RDS housing evaluation framework³⁷** - which takes account of the varying capacities of settlements and will assist councils in making judgements on the allocation of housing growth.
- **Allowance for existing housing commitments** – Councils should take account of dwellings already constructed, approvals not yet commenced and residential development proposals likely to be approved.
- **Urban capacity studies** – Councils should assess the potential for future housing growth within the urban footprint³⁸ and the capacity for different types and densities of housing. The urban capacity study should take account of housing development opportunities arising from previously developed land³⁹, infill sites, conversion of existing buildings, and possible changes of land use. Consideration needs to be given to the type of housing and density appropriate to each site in order to assess the number of housing units likely to be generated. The urban capacity study should be published as a technical supplement to the draft plan.

³⁷ Table 3.2 on page 42 of RDS 2035 refers.

³⁸ RDS 2035 page 109 refers.

³⁹ RDS 2035 (Page 106) definition of brownfield land (i.e. previously developed land) refers.

- Allowance for Windfall housing:** Windfall⁴⁰ potential is central to the assessment of future housing land requirement and is a key element of the urban capacity study. Windfall potential arising from previously developed land within the urban footprint can be a key source of housing supply over the course of the plan period. In line with the objectives of the RDS it is necessary to make full allowance for this when deciding the number of sites to identify for development in the plan to prevent excessive allocation of housing land. The scale of the windfall housing allowance will vary from area to area and may depend on the approach taken to the urban capacity study. Allowance can be made on the basis of examining past trends in windfalls coming forward for development and estimating likely future windfall potential. It is recognised that there are a range of methodologies for calculating windfall. The methodology used should be robust and care should be taken to avoid under-estimation of windfalls. Windfall should be regularly monitored because of its dynamic and changing nature, with monitoring data factored into the plans housing allocation when the LDP is reviewed..
- Application of a sequential approach and identification of suitable sites for settlements of over 5,000 population.** There may be circumstances where it is appropriate to apply the sequential approach below this threshold. [Diagram 3 below refers].

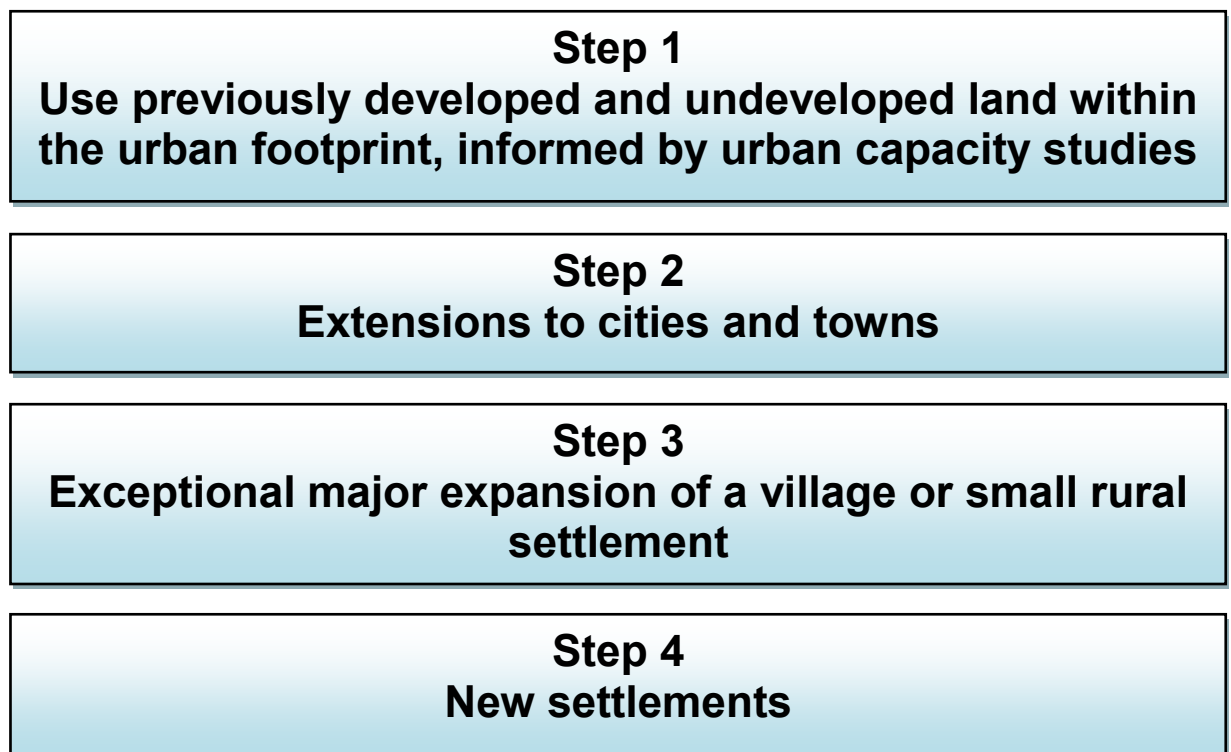


Diagram 3: Application of a sequential approach and identification of suitable sites

⁴⁰ RDS 2035 page 109 refers.

- **Housing Needs Assessment / Housing Market Analysis (HNA/HMA)** – provides an evidence base that must be taken into consideration in the allocation, through the development plan, of land required to facilitate the right mix of housing tenures including open market and special housing needs such as affordable housing⁴¹, social housing, supported housing and travellers accommodation. The HNA will influence how LDPs facilitate a reasonable mix and balance of housing tenures and types. The Northern Ireland Housing Executive, or the relevant housing authority, will carry out the HNA/HMA.
- **Transport Assessments** – where appropriate transport assessments should be carried out when considering certain sites for residential use to achieve increased integration with public transport and other alternatives to the private car.

Monitoring and Review

6.140 A ‘plan, monitor and manage’ approach is necessary to ensure that, as a minimum, a 5 year supply of land for housing is maintained. Monitoring should be an ongoing process with annual reporting and review. Monitoring must include: the housing land supply at the beginning and end of the annual reporting period, the number of net additional units built during the annual reporting period and the number of net additional housing units built in the period since adoption of the local policies plan. This will provide valuable information on annual building rates, housing output relative to planned densities, and will also give an indication of the validity of estimated windfall predictions. It should be noted that windfall development can occur on greenfield sites.

6.141 This information will allow a clear view of the overall progress in meeting the housing objectives of the plan and identifying issues likely to require intervention. For example, a need to release second phase sites in order to maintain a 5 year supply of available housing land, or the release of a site providing for a particular housing need. It will also be necessary to monitor and assess housing development in the rural area in order to ensure that total housing growth can be assessed against the plan’s housing allocation.

Measures to be contained in Local Development Plans

6.142 LDPs should:

- set out the overall housing provision for each settlement over the plan period;
- set development limits for all identified settlements;

⁴¹ For the purposes of the SPPS, Affordable Housing relates to social rented housing and intermediate housing for eligible households - see glossary.

- zone sites for housing in larger settlements to meet the full range of identified need. In smaller settlements areas plans may indicate where it is anticipated that most new housing will be located through the use of Housing Policy Areas (HPAs);
- provide for a managed release of housing land, in line a 'plan, monitor and manage' approach;
- identify sites or areas within settlements where the site (or part thereof) is required to meet one or more category of need and clearly state the proportion required;
- identify settlements where the HNA has found there to be an affordability pressure;
- zone land or include policy, as appropriate, to reflect the local need resulting from the demand for second homes;
- where justified, specify those sites or areas where the development of certain house types or a mix of house types will be required;
- set density levels for housing sites appropriate to the location of the site and the character of the surrounding area;
- identify areas within town centres where existing residential development will be protected;
- set requirements for the housing elements of sites identified for a mix of land-uses;
- include, where appropriate, specific policies to protect the distinctive nature and character of settlements;
- identify opportunity sites and specify the level of housing that is either required or is acceptable and any design requirements that should be applied;
- set out any additional plan policies or proposals (including key site requirements) to deliver quality residential environments. For example, plans may set out the main infrastructure requirements that developers will be expected to meet for zoned residential sites, local design requirements, and requirements for local neighbourhood facilities;
- identify sites requiring a development brief to be drawn up;
- include as supplementary planning guidance Concept Master Plans for major developments site; and
- contain specific policy for safeguarding the character of established residential areas.

Affordable Housing⁴²

6.143 The HNA/HMA undertaken by the Northern Ireland Housing Executive, or the relevant housing authority, will identify the range of specific housing needs, including social/affordable housing requirements. The development plan process will be the primary vehicle to facilitate any identified need by zoning land or by

⁴² Draft PPS 22 'Affordable Housing' was published for public consultation in June 2014 at the same time as DSD's draft 'Developer Contributions for Affordable Housing' policy. DSD are currently taking forward research which both Ministers will consider before finalising any future policy on Affordable Housing.

indicating, through key site requirements, where a proportion of a site may be required for social/affordable housing. This will not preclude other sites coming forward through the development management process.

Traveller Accommodation

6.144 Travellers have distinctive needs which will be assessed as part of the local HNA/HMA. Where the HNA/HMA identifies a demonstrable need for Travellers specific accommodation, planning permission will be granted for a suitable facility to meet this need. This may be provided through a grouped housing scheme, a serviced site or a transit site, subject to meeting the following criteria:

- adequate landscaping being provided;
- the development being 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 being provided.

6.145 Where a need is identified and a development plan is under preparation, this should identify a suitable site(s).

6.146 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, proposals will be required to meet the policy requirements in respect of rural planning policy for social and affordable housing.

Supported Housing

6.147 The HNA/HMA will identify the range of specific housing needs, including supported housing needs. The HNA/HMA will only relate to that need which cannot be met through a general needs housing solution but requires the provision of a specialised, accommodation-based solution.

Minerals

- 6.148** Minerals, including valuable minerals, are an important natural resource and their responsible exploitation is supported by Government. The minerals industry makes an essential contribution to the economy and to our quality of life, providing primary minerals for construction, such as sand, gravel and crushed rock, and other uses, and is also a valued provider of jobs and employment, particularly in rural areas.
- 6.149** The Sustainable Development Strategy recognises that while it is important that we respect the limits of our natural resources and ensure a high level of protection and improvement of the quality of our environment, 'sustainable development' does not prevent us from using and capitalising on such resources. An enduring successful economy will effectively use natural resources and contribute towards the protection of the environment.
- 6.150** While minerals development delivers significant economic benefits, there are also a number of challenges arising from this form of development which fall to be addressed through the planning system. The effects of specific proposals can have significant adverse impacts on the environment and on the amenity and well-being of people living in proximity to operational sites. This presents a challenge because minerals can only be extracted from sites where they occur, and there may be limited opportunities for consideration of alternative sites. A further challenge is related to the restoration of sites upon completion of work associated with the extraction and processing of materials.
- 6.151** The planning system has a key role to play in facilitating a sustainable approach to minerals development, and ensuring the appropriate restoration of sites after working has ceased. However, as the impact of mineral working on the environment can never be entirely reversed the broader role and responsibilities of government, the industry, customers and key stakeholders also need to be recognised. For example, the Sustainable Development Strategy advocates the greater use of recycled building rubble in construction so as to reduce the depletion of natural resources and to limit transportation of such materials.

Regional Strategic Objectives

6.152 The 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.

Regional Strategic Policy

- 6.153** The following strategic policy must be taken into account in the preparation of Local Development Plans (LDPs) and in the determination of planning applications.
- 6.154** The policy approach for minerals development, including peat extraction from bog lands, must be to balance the need for mineral resources against the need to protect and conserve the environment.
- 6.155** In preparing LDPs councils should bring forward appropriate policies and proposals that must reflect the policy approach of the SPPS, tailored to the specific circumstances of the plan area. In particular LDPs should:
- ensure that sufficient local supplies of construction aggregates can be made available for use within the local, and where appropriate, the regional market area and beyond, to meet likely future development needs over the plan period;
 - safeguard mineral resources which are of economic or conservation value, and seek to ensure that workable mineral resources are not sterilised by other surface development which would prejudice future exploitation;
 - identify areas⁴³ which should be protected from minerals development because of their intrinsic landscape, amenity, scientific or heritage value (including natural, built and archaeological heritage). There should be a general presumption against minerals development in such areas. However, where a designated area such as an Area of Outstanding Natural Beauty (AONB) covers expansive tracts of land, the LDP should carefully consider the scope for some minerals development that avoids key sites and that would not unduly compromise the integrity of the area as a whole or threaten to undermine the rationale for the designation.
- 6.156** In preparing their LDP councils may also identify areas most suitable for minerals development within the plan area. Such areas will normally include areas of mineral reserves where exploitation is likely to have the least environmental and amenity impacts, as well as offering good accessibility to the strategic transport network.
- 6.157** From time to time minerals may be discovered which are particularly valuable to the economy. Their 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, however in considering a proposal where the site is within a statutory policy area, due weight will be given

⁴³ Normally referred to in Development Plans as 'Areas of Constraint on Minerals Development'.

to the reason for the statutory zoning. However, in relation to unconventional hydrocarbon extraction there should be a presumption against their exploitation until there is sufficient and robust evidence on all environmental impacts.

- 6.158** Minerals development within or in close proximity to an area that has been designated (or is proposed for designation) to protect its landscape, scientific or natural heritage significance will not normally be granted permission where this would prejudice the essential character of the area and the rationale for its designation. 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 AONBs.
- 6.159** Proposals for minerals development must also have particular regard to the safety and amenity of the occupants of developments in close proximity to the mineral workings. Minerals development likely to compromise safety or to significantly impair the amenity of people living or working in proximity to the site will not normally be acceptable. Such adverse impacts could result from noise, vibration and dust arising through excavation, processing or transporting of materials. Where such impacts are judged to be incompatible with standards of amenity acceptable to the planning authority, planning permission should be refused, unless the developer can demonstrate adequate means of mitigation.
- 6.160** Where traffic from a minerals development proposal would prejudice the safety and convenience of road users, planning permission will normally be refused unless the access road and / or local road network can be satisfactorily improved.
- 6.161** Applications for the extraction of minerals must include satisfactory restoration proposals. The preferred types of reclamation and after use depend on a number of factors, including, 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.

Implementation

- 6.162** The LDP process will assist councils in identifying mineral resources and sensitive landscapes in order to bring forward appropriate policies and proposals for balancing the need for mineral resources against the need to protect and conserve the environment. In identifying mineral resources councils may wish to refer to the Minerals Resources Map of Northern Ireland.
- 6.163** In decision-taking the factors to be considered on a case by case basis will depend on the scale of the proposed minerals development and its local context. In all circumstances proposals will be assessed in accordance with normal planning criteria, including such considerations as: soil quality (where this is particularly suitable for agriculture), water quality (of rivers, lakes, reservoirs and groundwater), tree and vegetation cover, wildlife habitats, natural features of interest in the landscape and sites of archaeological and historic interest.

- 6.164** Whilst a general presumption against the granting of planning permission for the extraction and/or processing of minerals will apply in areas protected from minerals development in the LDP, planning authorities may consider whether particular proposals should be justified as exceptions⁴⁴ to the LDP provisions. For example, an exception to minerals development could be justified within an area of constraint where the proposed operations are limited to short term extraction and the environmental / amenity impacts are not significant. In such cases, on-site processing of the excavated material is unlikely to be appropriate.
- 6.165** Visual intrusion is often the most significant environmental impact associated with mineral workings and where permission is granted, landscape quality should be protected by attaching conditions designed to avoid or mitigate any adverse impacts. Particular regard should be paid to the preservation of skylines and to the proposed location of plant, stockpiles and overburden/waste within the development. Additional scope for the satisfactory mitigation of proposals impacting upon the environment may include, where applicable, measures designed to prevent pollution of water bodies, watercourses and ground water. Such measures should be included in applications for mineral extraction and processing plants, including settlement ponds. The provision of reliable protective measures will be an important factor in assessing the acceptability of the proposal.
- 6.166** When assessing proposals it is also important to have particular regard to the safety and amenity of the occupants of developments in close proximity to mineral workings. Proposals impacting upon the residential amenity of occupiers of nearby development may be satisfactorily mitigated by requiring sufficient separation between mineral operations and housing development, particularly where such operations involve blasting. The distance required will vary according to a number of factors including the nature of operations, intervening topography and the layout / design of housing development.
- 6.167** In line with the objective to secure the sustainable restoration, including the appropriate re-use of mineral sites, planning applications should be required to provide adequate details demonstrating the satisfactory restoration of sites subsequent to the completion of operations. Such provisions must be underpinned by appropriate conditions attached to any grant of planning permission.

⁴⁴ Such an exception will not be applied to unconventional hydrocarbon extraction until there is sufficient and robust evidence on all environmental impacts.

Natural Heritage

- 6.168** Northern Ireland is a region of dramatic landscape contrasts and subtle transitions. The inherent diversity of the underlying rocks, landforms and soils has been augmented by centuries of settlement and land management, resulting in rich, varied and unique landscape patterns and features within the region. Our natural and cultural landscapes are an essential aspect of our sense of place and belonging and are part of our national and community identity.
- 6.169** The diversity of Northern Ireland's habitats, species, landscapes and earth science features (i.e. natural heritage) is an important and highly valued asset of our society. Our natural heritage provides a wide range of opportunities for enjoyment, recreation and sustainable economic activity. The conservation, enhancement and restoration of the abundance, quality, diversity, and distinctiveness of the region's natural heritage are also fundamental to the overall health and well-being of our society.
- 6.170** The Regional Development Strategy 2035 (RDS) provides regional guidance to conserve, protect and where possible enhance our natural environment. It recognises that effective care of the environment provides very real benefits in terms of improving health and well-being, promoting economic development and addressing social problems which result from a poor quality environment.
- 6.171** Sustaining and enhancing biodiversity is fundamental to furthering sustainable development. The Northern Ireland Biodiversity Strategy and EU Biodiversity Strategy seek to halt the loss of biodiversity and ecosystems services by 2020. Furthermore, the Wildlife and Natural Environment Act (Northern Ireland) 2011 places a statutory duty on every public body to further the conservation of biodiversity. However, all of us share the collective responsibility to preserve and improve the natural environment and halt the loss of biodiversity for the benefit of future generations.

Regional Strategic Objectives

- 6.172** The regional strategic objectives for natural heritage are 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.

Regional Strategic Policy

6.173 The following strategic policy must be taken into account in the preparation of Local Development Plans (LDPs) and in the determination of planning applications.

6.174 Planning authorities should apply the precautionary principle when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources.

International Designations

6.175 Development proposals are restricted where they are likely to impact upon the integrity of European or Ramsar sites as these are afforded the highest form of statutory protection. Such designations should be identified in the LDP.

6.176 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.

6.177 Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the planning authority is required by law to carry out an appropriate assessment of the implications for the site in view of the site's conservation objectives. Only after having ascertained that it will not adversely affect the integrity of the site, can the planning authority agree to the development and impose appropriate mitigation measures in the form of planning conditions.

6.178 A development proposal which could adversely affect the integrity of a European or Ramsar site may only be permitted in exceptional circumstances as laid down in the relevant statutory provisions.⁴⁵

⁴⁵ Directives 2009/147/EC and 92/43/EEC known as the Birds Directive and the Habitats Directive.

Protected Species

6.179 The presence or potential presence of a legally protected species is an important consideration in decision-making. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish whether it is present, the requirements of the species must be factored into the planning and design of the development, and any likely impact on the species must be fully considered prior to any determination.

6.180 Planning permission will only be granted for a development proposal that is not likely to harm a **European protected species**.⁴⁶ 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.

6.181 Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species (including National Protected Species) [Insert footnote: Listed under the Wildlife Order under Schedules (1), (5) & (8) and which can be adequately mitigated or compensated against.

6.182 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.

National Designations

6.183 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** - sites of special interest by reason of their flora, fauna, geological and/or physiographical features are designated under Part IV of the Environment (Northern Ireland) Order 2002. There is a legal duty to take reasonable steps to further the conservation and enhancement of the features by which the ASSI is of special scientific interest;

⁴⁶ Listed under Annex IV of the Habitats Directive.

- **A Nature Reserve or National Nature Reserve** – nature reserves can be of national (and sometimes international) importance. They are usually managed by the Department or by agreement with another Department, a council or a voluntary conservation body; or
- **A Marine Conservation Zone** - sea areas, including the inter tidal zone, designated by the DOE under Part 3 of the Marine Act (Northern Ireland) 2013. They are established for the conservation of marine flora and fauna, habitats, and features of geological or geomorphological interest.

6.184 A development proposal which could adversely affect any of the above-mentioned sites 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.

6.185 Planning authorities should note that nature conservation sites selected as European sites under the Birds and Habitats Directives may also be underpinned, either wholly or in part, by sites selected at national level.

6.186 Areas of Outstanding Natural Beauty (AONBs) are designated by the Department primarily for their high landscape quality, wildlife importance and rich cultural and architectural heritage under the Nature Conservation and Amenity Lands (NI) Order 1985 (NCALO).

6.187 Development proposals in AONBs must be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife, and be in the accordance with relevant plan policies.

6.188 In assessing proposals, including cumulative impacts in such areas, account will also be taken of the Landscape Character Assessments and any other relevant guidance including AONB Management Plans and local design guides.

Local Designations

6.189 Local Nature Reserves and Wildlife Refuges can be established by councils under the provisions of Nature Conservation and Amenity Lands (Northern Ireland) Order 1985. The Department can also provide a Wildlife Refuge under the Wildlife (Northern Ireland) Order 1985.

6.190 A development proposal which could have a significant adverse impact on a site of local importance should 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 shall be required.

Other Habitats, Species or Features of Natural Heritage importance

6.191 It is recognised that many other important habitats, species and features of natural heritage, which deliver ecosystem services, fall within or outside a designated site. To ensure international and domestic responsibilities and

environmental commitments with respect to the management and conservation of biodiversity are met, the habitats, species and features mentioned below are material considerations in the determination of planning applications.

6.192 Planning permission should 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, including trees and woodland.

6.193 A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above 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.

Implementation

6.194 Appropriate weight must be given to designated sites of international, national and local importance; protected species; priority habitats and priority species; and to other biodiversity and geological interests within the wider environment.

6.195 In plan-making councils should take full account of the implications of proposed land use zonings, locations for development and settlement limits on natural heritage features and landscape character within or adjoining the plan area. Natural heritage features and designated sites should be identified as part of the plan-making process. Where appropriate, policies should be brought forward for their protection and / or enhancement. LDPs should also identify and promote the design of ecological networks throughout the plan area which could help reduce the fragmentation and isolation of natural habitats through a strategic approach.

6.196 LDPs should seek to protect and integrate certain features of the natural heritage when zoning sites for development through 'key site requirements'. In addition LDPs should seek to identify and promote green and blue infrastructure⁴⁷ where

⁴⁷ Green infrastructure such as parks, green spaces and street trees; blue infrastructure such as ponds, streams and lakes (RDS 2035, Strategic Guidance RG11 'Natural Environment').

this will add value to the provision, enhancement and connection of open space and habitats in and around settlements.

6.197 LDPs should also consider the natural and cultural components of the landscape and promote opportunities for the enhancement or restoration of degraded landscapes⁴⁸, particularly those affecting communities. Incorporating biodiversity into plans for regeneration can help deliver economic and social growth by creating places where people want to live, work, invest in and visit. For example, by planning for nature and green space in our neighbourhoods we can improve our health and quality of life. Including biodiversity features into schemes adds to the attractiveness and appeal of regenerated areas.

6.198 Planning authorities should ensure that the potential effects on landscape and natural heritage, including the cumulative effect of development are considered. With careful planning and design the potential for conflict can be minimised and enhancement of features brought about.

⁴⁸ European Landscape Convention (ELC) binding in UK from March 2007.

Open Space, Sport and Outdoor Recreation

6.199 Government recognises that open space, sport and outdoor recreation is important to society now and in the future. It supports many cultural, social, economic, health and environmental benefits. Everyone, particularly children, older people and people with disabilities should have easy access to open space and the opportunity to participate in sport and outdoor recreational activity or simply enjoy and have contact with nature. This is recognised in the Regional Development Strategy 2035 (RDS) which highlights the need to provide adequate provision for green and blue infrastructure in cities, towns and neighbourhoods, and new developments.

6.200 Open space, whether or not there is public access to it, is important for its contribution to the quality of urban life by providing important green lungs, visual breaks and wildlife habitats in built-up areas. Open space can enhance the character of residential areas, civic buildings, conservation areas, listed buildings and archaeological sites. It can also help to attract business and tourism and thereby contribute to the process of urban and rural regeneration.

Regional Strategic Objectives

6.201 The regional strategic objectives for open space, sport and outdoor recreation are to:

- safeguard existing open space and sites identified for future such provision;
- 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;
- facilitate appropriate outdoor recreational activities in the countryside that do not negatively impact on the amenity of existing residents;
- ensure that new open space areas and sporting facilities are convenient and accessible for all sections of society, particularly children, older people and those with disabilities;
- achieve high standards of siting, design and landscaping for all new open space areas and sporting facilities; and
- 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.

Regional Strategic Policy

6.202 The following strategic policy must be taken into account in the preparation of Local Development Plans (LDPs) and in the determination of planning

applications.

- 6.203** In plan making councils should bring forward an Open Space Strategy (OSS) that must reflect the aim, objectives and policy approach of the SPPS, tailored to the specific circumstances of the plan area.
- 6.204** The LDP should be informed by a survey/assessment of existing open space provision and future needs. This should include both public and private open space, and identify the different needs they serve. Councils should generally focus on open spaces within or adjoining urban areas, but may also consider outdoor recreational facilities in the countryside. Councils should liaise with other interested bodies such as the Sports Council as part of this process. Councils should also take account of the provision and role of other forms of open space, such as children's play areas, and the availability of indoor sports facilities. The distribution and accessibility of such spaces and facilities together with the amenity value, environmental assets and linkages they may provide will be important considerations. Arising from this, councils should bring forward appropriate local policies and proposals for the plan area.
- 6.205** There will be a policy presumption against the loss of open space to competing land uses in Local Development Plans (LDPs) irrespective of its physical condition and appearance. Any exception to this general approach should only be appropriate where it is demonstrated that redevelopment would bring substantial community benefit that outweighs the loss of the open space; or where it is demonstrated that the loss of open space will have no significant detrimental impact.
- 6.206** Councils must bring forward policy to require new residential development of an appropriate scale (generally 25 or more units, or on sites of one hectare and above) to provide adequate and well-designed open space as an integral part of the development. Councils should also ensure a suitable mechanism is in place to secure the future management and maintenance of open space in new residential developments.
- 6.207** The precise location of intensive sports facilities⁴⁹ can be contentious, and by their very nature and scale can give rise to particularly complex planning considerations such as impact on amenity, and sustainability issues. Such facilities shall be located within settlements in order to maximise the use of existing infrastructure. As an exception a sports stadium may be allowed outside of a settlement, but only where clear criteria is established, which can justify a departure from this approach.

⁴⁹ An 'intensive sport facility', for the purpose of the SPPS, is defined as a purpose built indoor or outdoor resource which facilitates one or more activity fundamental to maintaining individual health and fitness. This may include stadia, sports halls, leisure centres, swimming pools and other indoor (and outdoor) sports facilities. They can also serve as a focus for the community.

6.208 Particular attention should be paid to those development proposals which generate high levels of noise such as motorsports, shooting, water skiing and paintball adventure games. These activities are more likely to conflict with, disturb and cause nuisance to nearby noise sensitive uses (For example schools, hospitals, places of worship, and residential neighbourhoods). Such sports or activities can also be disruptive to farm animals and wildlife and may also have a detrimental effect on the natural environment, as well as local character. These developments must only be permitted where there is no unacceptable level of disturbance.

Implementation

6.209 In preparing LDPs councils should assess existing provision of open space in the plan area against the National Playing Fields Association (NPFA) recommended minimum standard of 2.4 hectares of 'outdoor playing space' per 1000 population (commonly referred to as the '6 acre standard'). These assessments should consider both the level of 'outdoor playing space' provision in the plan area, and the distribution and accessibility of such land use.

6.210 Zonings for future needs should take into account the following:

- accessibility to and from existing and proposed housing areas;
- the potential for any detrimental impact on biodiversity or on sensitive environmental areas and features;
- the contribution that open space can make to the quality of the environment, sense of place and community life;
- the importance of protecting linear open spaces such as pedestrian and cycle routes, community greenways, former railway lines and river and canal corridors many of which are valuable in linking larger areas of open space and providing important wildlife corridors/ecological networks;
- promoting and protecting public access to and along the coast;
- making adequate provision of green and blue infrastructure; and
- Identifying and designating areas of open space which perform a strategic function, such as landscape wedges in urban areas.

6.211 Where appropriate, key site requirements for zoned residential land should include guidance on the provision of areas of public open space (including formal and informal recreation areas) as an integral part of the development. Where residential zonings occur in close proximity to existing or zoned open space, plans will normally provide guidance on the need for linkages between the development and these areas in order to facilitate ease of access.

6.212 The Northern Ireland countryside lends itself to accommodating a wide range of recreational activities. LDPs should contain policy for the consideration of development proposals for outdoor recreation in the countryside. In doing so councils should have regard to a range of issues including:

- visual and residential amenity;

- public safety, including road safety;
- any impact on nature conservation, landscape character, archaeology or built heritage; and
- accessibility.

6.213 Planning authorities should carefully consider development proposals for all sport and outdoor recreational activities, including facilities ancillary to watersports. Relevant planning considerations will include: location, design, hours of operation, noise, impact upon visual and residential amenity, access and links to public transport; floodlighting; landscaping, public safety (including road safety); nature conservation, biodiversity, archaeology or built heritage.

Renewable Energy

- 6.214** Northern Ireland has significant renewable energy resources and a vibrant renewable energy industry that makes an important contribution towards achieving sustainable development, and is a significant provider of jobs and investment across the region.
- 6.215** Making appropriate use of renewable energy sources is supported by wider government policy, including the Regional Development Strategy 2035 (RDS) which emphasises the need to increase the contribution that renewable energy can make to overall energy mix. This commitment is affirmed by the Department of Enterprise, Trade and Investment's (DETI) strategic aim for a more secure and sustainable energy system, as contained within the Strategic Energy Framework for Northern Ireland 2010.
- 6.216** Renewable energy reduces our dependence on imported fossil fuels and brings diversity and security of supply to our energy infrastructure. It also helps Northern Ireland achieve its targets for reducing carbon emissions⁵⁰ and reduces environmental damage such as that caused by acid rain. Renewable energy technologies support the wider Northern Ireland economy and also offer new opportunities for additional investment and employment, as well as benefitting our health and well being, and our quality of life.
- 6.217** The main sources of renewable energy are wind, sun (solar energy), moving water (hydropower), heat extracted from the air, ground and water (including geothermal energy), and biomass (wood, biodegradable waste and energy crops such as for use in an Anaerobic Digester).
- 6.218** The aim of the SPSS in relation to renewable energy is 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.

Regional Strategic Objectives

- 6.219** The regional strategic objectives for renewable energy 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

⁵⁰ The PfG contains a target for a reduction in greenhouse gas emissions by at least 35% on 1990 levels by 2025.

- 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.

6.220 Renewable energy development proposals in the marine environment are managed under a separate consenting regime within the framework of the UK Marine Policy Statement. It is important for both terrestrial and marine environments to work together.

Regional Strategic Policy

6.221 Councils should set out policies and proposals in their Local Development Plans (LDPs) that support a diverse range of renewable energy development, including the integration of micro-generation and passive solar design. LDPs must take into account the above-mentioned aim and regional strategic objectives, local circumstances, and the wider environmental, economic and social benefits of renewable energy development. Moratoria on applications for renewable energy development whilst LDPs are being prepared or updated are not appropriate.

6.222 Particular care should be taken when considering the potential impact of all renewable proposals on the landscape. For example, some landscapes may be able to accommodate wind farms⁵¹ or solar farms more easily than others, on account of their topography, landform and ability to limit visibility.

6.223 A cautious approach for renewable energy development proposals will apply within designated landscapes which are of significant value, such as Areas of Outstanding Natural Beauty, and the Giant's Causeway and Causeway Coast World Heritage Site, and their wider settings. In such sensitive landscapes, it may be difficult to accommodate renewable energy proposals, including wind turbines, without detriment to the region's cultural and natural heritage assets.

6.224 Development that generates energy from renewable resources will be permitted where the proposal and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on the following planning considerations:

- public safety, human health, or residential amenity;
- visual amenity and landscape character;
- biodiversity, nature conservation or built heritage interests;
- local natural resources, such as air quality, water quality or quantity; and,
- public access to the countryside.

6.225 The wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight in determining whether planning permission should be

⁵¹ Defined as development comprising more than 2 turbines.

granted.

- 6.226** Active peatland is of particular importance to Northern Ireland for its biodiversity, water and carbon storage qualities. Any renewable energy development on active peatland will not be permitted unless there are imperative reasons of overriding public interest as defined under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended.
- 6.227** 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.

Implementation

- 6.228** In decision-taking, the planning authority must carefully consider all development proposals for renewable energy development, including proposals which include micro-generation, and passive building design measures. Consideration of all renewable energy proposals will take account of their contribution to the wider environmental benefits arising from a clean, secure energy supply; reductions in greenhouse gases and other polluting emissions; and contributions towards meeting Northern Ireland's target for use of renewable energy sources.
- 6.229** The factors to be considered on a case by case basis will depend on the scale of the development and its local context. In addition to those factors set out at paragraph 6.228 proposals will also be assessed in accordance with normal planning criteria, including such considerations as: access arrangements, road safety, good design, noise and shadow flicker; separation distance; cumulative impact; communications interference; and, the inter-relationship between these considerations.
- 6.230** It will not necessarily be the case that the extent of visual impact or visibility of wind farm development will give rise to negative effects; wind farm developments are by their nature highly visible yet this in itself should not preclude them as acceptable features in the landscape. The ability of the landscape to absorb development depends on careful siting, the skill of the designer, and the inherent characteristics of the landscape such as landform, ridges, hills, valleys, and vegetation.
- 6.231** Where any project is likely to result in unavoidable damage during its installation, operation or decommissioning, developers will be required to indicate how such damage will be minimised and mitigated, including details of any compensatory measures, such as a habitat management plan or the creation of a new habitat. These matters will be agreed before planning permission is granted.
- 6.232** Some proposals for renewable energy development may require a connection to the National Grid. The grant of planning permission does not guarantee grid connection. Connection to the grid falls within the remit of Northern Ireland Electricity (NIE) and therefore liaison with NIE at an early stage of any renewable development but particularly a wind turbine / farm development is considered to

be paramount in relation to the viability of such a scheme.

- 6.233** In relation to developments such as wind farms and solar farms, applicants will be required to provide details on future decommissioning, including proposals for site restoration. In such cases planning conditions (or a legal agreement where appropriate) should be used.
- 6.234** The supplementary planning guidance '***Wind Energy Development in Northern Ireland's Landscapes***' and other relevant practice notes should be taken into account in assessing all wind turbine proposals.

Telecommunications and other utilities

- 6.235** Northern Ireland's core telecommunications network is recognised as world class with high quality communications infrastructure considered essential for sustainable economic growth. This is affirmed by the Executive and DRD's Regional Development Strategy 2035 (RDS) which identify the need for a modern efficient telecommunications infrastructure that will give Northern Ireland a competitive advantage.
- 6.236** Modern telecommunications are an essential and beneficial element of everyday living for the people of and visitors to this region. It is important to continue to support investment in high quality communications infrastructure which plays a vital role in our social and economic well-being. The importance of other strategic infrastructure to the region such as transport (including air and sea ports), energy and water is also recognised by Government.
- 6.237** The regulation of Telecommunications is carried out through the Electronic communications code ('the Code'). The Code regulates the relationship between electronic communications network operators (known as 'Code operators') and site providers. It provides the legal framework for the rollout and maintenance of the physical networks of apparatus that support the provision of electronic communications services throughout the United Kingdom. In relation to Northern Ireland, telecommunications is a reserved matter under paragraph 29 of Schedule 3 to the Northern Ireland Act 1998.
- 6.238** The aim of the SPPS in relation to telecommunications and other utilities is to facilitate the development of such infrastructure in an efficient and effective manner whilst keeping the environmental impact to a minimum.

Regional Strategic Objectives

- 6.239** The regional strategic objectives for telecommunications and other utilities are to:
- ensure that where appropriate new telecommunications development is accommodated by mast and site sharing;
 - ensure that the visual and environmental impact of telecommunications and other utility development is kept to a minimum;
 - minimise, as far as practicable, undue interference that may be caused to radio spectrum⁵² users (for example mobile phone services, media

⁵² The **radio spectrum** is that part of the electromagnetic spectrum corresponding to radio frequencies, i.e. that part with frequencies lower than around 300 GHz. Different parts of the radio spectrum are allocated for different radio transmission technologies and applications. In some cases, parts of the radio spectrum is sold or licensed to operators of private radio transmission services (for example, cellular telephone operators or broadcast television stations).

broadcasting and wireless broadband services) by new telecommunications development; and

- encourage appropriate provision for telecommunications systems in the design of other forms of development.

Regional Strategic Policy

- 6.240** In plan-making councils should bring forward policies and proposals to set out the detailed criteria for consideration of new telecommunications development in their local area which should address important planning considerations such as: siting, design, and impact upon visual amenity. To inform plan preparation, councils may consult with telecommunications operators, and other relevant stakeholders, in relation to the anticipated extent of the network coverage required over the plan period.
- 6.241** In certain circumstances and, subject to technical limitations on location and siting, Local Development Plans (LDPs) may allocate specific sites for major new telecommunications development.
- 6.242** The LDP may also set out requirements on operators, for example, to demonstrate the need for new development and existing network constraints.
- 6.243** In particular planning authorities should take account of the potential effects of new telecommunications development, and any necessary enabling works, on visual amenity and environmentally sensitive features and locations. Applicants will be required to submit sufficient information which demonstrates that such considerations have been thoroughly assessed and mitigated. New masts should only be considered where site sharing is not feasible or offers an improved environmental solution. Operators will be encouraged to site share wherever possible.
- 6.244** Applications for the development of telecommunications equipment should be required to be accompanied by a statement declaring that when operational the development will meet the ICNIRP⁵³ guidelines for public exposure to electromagnetic fields.
- 6.245** Due to the cost associated with retrofitting telecommunications infrastructure planning authorities should encourage applicants to consider provision for such technology as early as possible in the design stage of proposals where appropriate.
- 6.246** In relation to other utilities LDPs should allocate sufficient land to meet the anticipated needs of the community, in terms of health, education and other

⁵³ ICNIRP – The 1998 International Commission on Non-Ionizing Radiation Protection.

public services.

- 6.247** LDPs should also zone land for known requirements for future expansion of sea ports and airports where appropriate. Development proposals adjacent to such facilities which would seriously jeopardise their future expansion should not be permitted.
- 6.248** In addition, LDPs should highlight Airport Public Safety Zones⁵⁴ where appropriate. Within such zones a general presumption against development will apply. Airport Public Safety Zones are areas of land at the ends of the runways at the busiest airports in the UK, within which development is restricted in order to control the number of people on the ground at risk of death or injury in the event of an aircraft accident on takeoff or landing. The basic objective is to ensure that there is no increase in the number of people living, working or congregating in such areas. Responsibility for air safety issues, including public safety zone policy throughout the UK, is a matter for the secretary of State for Transport and the Civil Aviation Authority.
- 6.249** In relation to power lines current Government policy is that exposures to power-line Electro Magnet Fields (EMFs) should comply with the 1998 International Commission on Non-Ionizing Radiation Protection (ICNIRP) Guidelines. A voluntary Code of Practice Power Lines: Control of Microshocks and other indirect effects of public exposure to electric fields A voluntary Code of Practice (DECC, July 2013) has been agreed by the Department of Energy and Climate Change, the Department of Health, the Energy Networks Association, the Welsh Government, the Scottish Government, and the Northern Ireland Executive. It sets out what is regarded as compliance with those aspects of the EMF exposure guidelines that relate to indirect effects as far as the electricity system is concerned. Further Government policies relating to EMFs from overhead power lines, advise that as a precautionary measure they should, where reasonable, have optimum phasing. This is the subject of a companion Code of Practice “Optimum phasing of high voltage double-circuit power lines”. This Code of Practice applies in England, Wales, Scotland, and Northern Ireland.
- 6.250** Any proposal for the development of new power lines should comply with the 1998 International Commission on Non-Ionizing Radiation Protection (ICNIRP). Furthermore, such proposals will be considered having regard to potential impact on amenity and should avoid areas of landscape sensitivity, including Areas of Outstanding Natural Beauty (AONBs).

⁵⁴ Airport public safety Zones Policy was published by the DoE in December 2007.

Tourism

- 6.251** Tourism makes a vital contribution to the Northern Ireland economy in terms of the revenues it generates, the employment opportunities it provides, and the potential it creates for economic growth. As well as direct spending on holiday accommodation and use of tourist amenities, tourism plays an important role in helping to support the viability of many local suppliers, services and facilities. It can improve assets and provides infrastructure for local people and tourists, supporting the vibrancy of Northern Ireland's culture and heritage, and sustaining communities.
- 6.252** The Executive identifies tourism as one of the building blocks to underpin its priority of growing a sustainable economy and investing in the future. The Programme for Government and the Northern Ireland Executive's Economic Strategy contain key strategic targets for tourism that recognise its potential to deliver significant economic growth in the future and supports the local tourism sector's long term aspiration to grow tourism into a £1billion industry in Northern Ireland by 2020.
- 6.253** The Regional Development Strategy 2035 (RDS) also recognises tourism as a key element underpinning sustainable economic growth in Northern Ireland and Regional Guideline 4 (RG 4) seeks to promote a sustainable approach to the provision of tourism infrastructure.
- 6.254** Sustainable tourism development⁵⁵ is brought about by balancing the needs of tourists and the tourism industry with conserving the tourism asset. This requires management and the planning system has a key role in managing tourism-related development through planning policies that provide a framework for identifying appropriate development opportunities and safeguarding tourism assets from harmful development. The planning system also has a role in securing high quality design and integrating tourism provision with necessary infrastructure. In discharging these functions the planning system will ensure that development is sustainable and achievable without damaging those qualities in the environment which are of acknowledged public value and on which tourism itself may depend.
- 6.255** The aim of the SPPS in relation to tourism development is to manage the provision of sustainable and high quality tourism developments in appropriate locations within the built and natural environment.

Regional Strategic Objectives

- 6.256** The regional strategic objectives for tourism are to:
- facilitate sustainable tourism development in an environmentally sensitive

⁵⁵ Includes tourist accommodation, and tourist amenities.

manner;

- 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; and
- ensure a high standard of quality and design for all tourism development.

Regional Strategic Policy

6.257 In preparing Local Development Plans (LDPs) councils shall bring forward a tourism strategy, together with appropriate policies and proposals that must reflect the aim, objectives and policy approach of the SPPS, tailored to the specific circumstances of the plan area.

6.258 The following strategic policy should be taken into account in the preparation of LDPs and in the determination of planning applications.

6.259 There will be a general presumption in favour of tourism development within settlements, subject to meeting normal planning requirements.

6.260 In the countryside planning authorities must carefully manage tourism development. This is necessary 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 (such as appropriate 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. 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. Other acceptable tourist development in the countryside may include appropriate self catering accommodation, particularly in areas where tourist amenities and accommodation have become established or likely to be provided as a result of tourism initiatives, such as the Signature Projects, or a new or extended holiday park that must be a high quality and sustainable form of tourism development.

6.261 Policies or proposals for major tourism development in the countryside may be provided for in exceptional circumstances. Proposals must demonstrate; exceptional benefit to the tourism industry; and sustainable benefit to the locality, and that a countryside location is required by reason of its size or site specific or

functional requirements.

6.262 There are many diverse features of the built and natural heritage of Northern Ireland that can be regarded as tourism assets⁵⁶, in that they are important in attracting tourists and sustaining the tourism industry. Examples include historical and archaeological sites, certain beaches, conservation areas and Areas of Outstanding Natural Beauty. The safeguarding of such tourism assets from unnecessary, inappropriate or excessive development is a vital element in maintaining a healthy tourism industry. To allow such development could damage the intrinsic character and quality of the asset and diminish its effectiveness in attracting tourists. Accordingly, planning permission should 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, such as to significantly compromise its tourism value.

Implementation

6.263 In plan-making councils should consider how best to facilitate the growth of sustainable tourism. This will be tailored to the needs and assets of their local area and informed by early engagement with relevant stakeholders. The LDP tourism strategy should reflect wider government tourism initiatives and should address the following:

- how future tourism demand is best accommodated;
- safeguarding of key tourism assets;
- identification of potential tourism growth areas;
- environmental considerations; and
- contribution of tourism to economic development, conservation and urban regeneration.

6.264 Policies to safeguard tourism assets, together with policies for tourism development such as tourist accommodation (hotels, self catering, holiday parks etc) and tourist amenities (visitor attractions, leisure / recreation facilities etc) will be contained in the LDP along with the criteria for consideration of such proposals.

6.265 A positive approach should be adopted in determining applications for tourism development so long as proposals are sustainable, are in accordance with the LDP, and will result in high quality forms of development. Important considerations will include whether the nature, scale and design of the specific proposal is appropriate to the site context. Design is a particularly important consideration within Conservation Areas and Areas of Townscape Character and

⁵⁶ A tourism asset can be regarded as any feature associated with the built or natural environment which is of intrinsic interest to tourists.

when considering the impact of tourism development proposals in the countryside particularly within areas designated for their landscape, natural or cultural heritage properties.

- 6.266** Applications for tourism development will also 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. The safeguarding or enhancement of an existing or planned public access to the coastline or other tourism asset will be a particular consideration when assessing proposals for tourism development.

Town Centres and Retailing

- 6.267** Town centres are important hubs for a range of land uses and activities, and can have a positive impact on those who live, work and visit them. They provide a wide variety of retailing and related facilities, including employment, leisure and cultural uses. Our town's high streets also play an important role in bringing people together and can foster a sense of community and place.
- 6.268** The Regional Development Strategy 2035 (RDS) recognises the importance of accessible, vibrant city and town centres which offer people more local choice for shopping, social activity and recreation. In particular spatial framework guidance (SPG 3) identifies the need to enhance the distinctive role of Belfast City Centre as the primary retail location in Northern Ireland, and in relation to future major retail development proposals it promotes a precautionary approach based on the likely risk of out of centre shopping development having an adverse impact on the city centre area. The RDS also highlights the need to strengthen and secure the role of Derry/Londonderry as the principal city for the North West.
- 6.269** It is important that planning supports the role of town⁵⁷ centres and contributes to their success. The SPPS seeks to encourage development at an appropriate scale in order to enhance the attractiveness of town centres, helping to reduce travel demand.
- 6.270** The aim of the SPPS 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.

Regional Strategic Objectives

6.271 The regional strategic objectives for town centres and retailing are to:

- secure a town centres first approach for the location of future retailing and other main town centre uses⁵⁸;
- adopt a sequential approach to the identification of retail and 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,

⁵⁷ Includes both city and town centres.

⁵⁸ Includes cultural and community facilities, retail, leisure, entertainment and businesses.

housing and business;

- promote high quality design to ensure that town centres provide sustainable, attractive, accessible and safe environments; and
- maintain and improve accessibility to and within the town centre.

Regional Strategic Policy

6.272 The following strategic policy must be taken into account in the preparation of LDPs and in the determination of planning applications.

6.273 Planning authorities must adopt a town centre first approach for retail and main town centre uses.

6.274 In preparing LDPs councils must undertake an assessment of the need or capacity for retail and other main town centre uses across the plan area. Councils must also prepare town centre health checks and regularly review these (preferably at least once every five years).

6.275 LDPs should include a strategy for town centres and retailing, and contain appropriate policies and proposals that must promote town centres first for retail and other main town centre uses.

6.276 Planning authorities should retain and consolidate existing district and local centres as a focus for local everyday shopping, and ensure their role is complementary to the role and function of the town centre. In these centres, extensions should only be permitted where the applicant has demonstrated that no adverse impact will result on town centres in the catchment.

6.277 LDPs should also:

- define a network and hierarchy of centres - 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; and
- allocate a range of suitable sites to meet the scale and form of retail, and other town centre uses.

6.278 Policies and proposals for shops in villages and small settlements must be consistent with the aim, objectives and policy approach for town centres and retailing, meet local need (i.e. day-to-day needs), and be of a scale, nature and design appropriate to the character of the settlement.

- 6.279** Retailing will be directed to town centres, and the development of inappropriate retail facilities in the countryside must be resisted. However, as a general exception to the overall policy approach some retail facilities which may be considered appropriate outside of settlement limits include farm shops, craft shops and shops serving tourist or recreational facilities. Such retail facilities should be required to be located within existing buildings. All policies and proposals must ensure there will be 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 SPPS.
- 6.280** A sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date LDP. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused.
- 6.281** Planning authorities will require applications for main town centre uses to be considered in the following order of preference (and consider all of the proposal's catchment):
- primary retail core;
 - town centres;
 - edge of centre; and
 - out of centre locations, only where sites are accessible by a choice of good public transport modes.
- 6.282** 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.
- 6.283** All applications for retail or town centre type developments above a threshold of 1000 square metres gross external area which are not proposed in a town centre location and are not in accordance with the LDP should be required to undertake a full assessment of retail impact as well as need. This includes applications for an extension/s which would result in the overall development exceeding 1000 square metre gross external area. Where appropriate the planning authority may choose to apply a lower threshold taking into account local circumstances such as the size, role and function of their town centres. In preparing a LDP councils will have flexibility to set an appropriate threshold for their area, above which all applications for such development should be accompanied by an assessment of retail impact and need. This threshold can be up to, but must not exceed 2500 square metres gross external area.

Implementation

6.284 The preparation of a LDP provides the opportunity to address the needs, challenges and opportunities facing town centres and retailing in the plan area. Given the wide range and complexity of issues that influence the development, role, function and success of town centres councils should work collaboratively with other relevant stakeholders to inform plan preparation.

6.285 Town centre health checks will help form an evidence base for LDPs. They will contain information on a range of indicators, including:

- existing town centre uses, including resident population;
- vacancy rates;
- physical structure and environmental quality – including opportunities, designations constraints;
- footfall;
- retailer representation;
- attitudes and perceptions;
- prime rental values; and
- commercial yields.

6.286 As part of the process of identifying sites to be allocated for town centre uses in the plan councils should undertake a ‘call for sites’ consultation exercise.

6.287 In judging between allocations on non primary area sites, preference will be given to edge of town centre land before considering out-of-centre sites. For a site to be considered as edge-of-centre a default distance threshold of 300 metres from the town centre boundary should apply. Councils may set other thresholds to take account of local issues such as constrained areas and topography. The measuring or ranking of alternatives should include an assessment of the physical distance and functional linkage of sites with the primary retail core, and other relevant factors.

6.288 The requirement to allocate sites should be considered on the basis of fulfilling sustainably and objectively assessed needs for retail/economic development during the plan period. It will also be important to regularly monitor and review retail and town centre development and trends. This will ensure the maintenance of an up to date and robust evidence base.

6.289 Flexibility may be adopted in seeking to accommodate developments onto sites with a constrained development foot print. For example, through use of creative and innovative design schemes, including multi-level schemes, or smaller more efficient trading floors/servicing arrangements. Applicants will be expected to identify and fully demonstrate why alternative sites are not suitable, available and viable.

6.290 Factors to be addressed in a retail impact and assessment of need include:

- the impact of the proposal on trade and turnover for both convenience and comparison goods traders, and the impact on town centre turnover overall for all centres within the catchment of the proposal;
- the impact of the proposal on existing committed and planned public and private sector investment and investor confidence in the town centre/s;
- the impact of the proposals on the delivery of the planned/allocated sites and the LDP strategy;
- the impact on the vitality and viability of existing centres including consideration of the local context. This should take into account existing retail mix and the diversity of other facilities and activities.
- Cumulative impact taking account of committed and planned development, including plan commitments within the town centre and wider area; and,
- a review of local economic impacts.

6.291 Where an impact on one or more of these criteria is considered significantly adverse or where in balancing the overall impacts of each of the criteria the proposed development is judged to be harmful, then it should be refused.

6.292 In order to ensure high quality and otherwise satisfactory forms of development all applications for retail development or main town centre type uses will also be assessed in accordance with normal planning criteria including transportation and access arrangements, design, environmental and amenity impacts.

Transportation

- 6.293** The successful integration of transport and land use is fundamental to the objective of furthering sustainable development. Planning has a vital contributing role for improving connectivity and promoting more sustainable patterns of transport and travel. The DRD 'Ensuring a Sustainable Transport Future: A New Approach to Regional Transportation' document aims to achieve the transportation vision: "to have a modern, sustainable, safe transportation system which benefits society, the economy, and the environment and which actively contributes to social inclusion and everyone's quality of life". It recognises that our transportation networks are important in achieving the Executive's goal of rebuilding and rebalancing the economy.
- 6.294** Whilst smarter use of technologies can reduce the need to travel, the provision of improved infrastructure for more sustainable transport modes gives people greater choices about how they travel. Sustainable patterns of development with local design that encourage walk, cycle and public transport travel to local amenities can reduce the need for private car use. Where a modal shift occurs, this can contribute to improvements in air quality arising from reduced vehicular emissions and associated health benefits for society.
- 6.295** The greater use of sustainable transport is also necessary to meet the Executive's target of a reduction in greenhouse gas emissions of at least 35% by 2025, based on 1990 levels. This strategic need for more sustainable transportation is reflected in the Regional Development Strategy 2035 (RDS) which states the requirement to reduce our carbon footprint and facilitate mitigation and adaptation to climate change whilst improving air quality. Reducing greenhouse gas emissions from transport is listed as one of the mitigating measures and reduced private car use is considered necessary in moving towards this goal.
- 6.296** The RDS and New Approach to Regional Transportation consider better integration between transport and land use as fundamental to progress in implementing the above regional guidelines. The aim of the SPPS with regard to transportation is to secure improved integration with land-use planning, consistent with the aforementioned documents; and to facilitate safe and efficient access, movement and parking.

Regional Strategic Objectives

- 6.297** The regional strategic objectives for transportation and land-use planning are to:
- promote sustainable patterns of development which reduce the need for motorised transport, encourages active travel, and facilitate travel by public transport in preference to the private car;
 - ensure accessibility for all, with the needs of people with disabilities and others whose mobility is impaired given particular consideration;

- 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;
- protect routes required for new transport schemes including disused transport routes with potential for future reuse;
- restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes; and
- promote road safety, in particular for pedestrians, cyclists and other vulnerable road users.

Regional Strategic Policy and Implementation

6.298 The following strategic policy must be taken into account in the preparation of Local Development Plans (LDPs) and in the determination of planning applications.

6.299 The preparation of a LDP provides the opportunity to assess the transport needs, problems and opportunities within the plan area and to ensure that appropriate consideration is given to transportation issues in the allocation of land for future development, including appropriate integration between transport modes and land use. Preparation of a local transport study will assist in this process. Councils should seek early engagement with DRD, or the relevant transport authority, and take account of their 'The New Approach to Regional Transportation' document and any subsequent transport plans.

6.300 LDPs should identify active travel networks and provide a range of infrastructure improvements to increase use of more sustainable modes. In particular, within urban areas, providing enhanced priority to pedestrians, cyclists and public transport and an appropriate level of parking provision which is properly managed, should assist in reducing the number of cars in our urban areas.

6.301 Transportation issues to be addressed in the LDP should include:

- **Land Use Allocations and Associated Transport Infrastructure:** Reducing the need for motorised travel can be achieved through allocating sites for housing development in proximity to existing or planned provision of services such as shopping, employment, health and educational facilities. Ensuring the provision of local neighbourhood facilities as an integral element of new large scale residential development can greatly assist in reducing car dependency as well as enhancing the vitality and viability of the development. The LDP should provide the means to promote, influence and deliver a shift to more sustainable travel modes within a council area. For example, high density and mixed use development and tourist amenities should be steered towards locations benefitting from good accessibility to public transport provision and wherever feasible by walking and cycling also.

- For zoned sites LDPs should contain key site requirements that also include walking and cycling infrastructure, or phasing of development so as to tie in with planned improvement of public transport.
- Efficient movement of freight and storage is of significant economic importance. LDPs should allocate land for distribution and storage facilities at locations such as the edge of urban areas that are readily accessible to the Regional Strategic Transport Network and should, where feasible, take account of the potential for use of the railway freight.
- **New Transport Schemes, Walking and Cycling:** New transport schemes (including major proposals for road, rail and public transport provision, park and ride proposals and cycle / pedestrian networks) or planned improvements to the transport network should be identified in LDPs. The land required to facilitate such infrastructure provision needs to be afforded adequate protection from development likely to jeopardise its implementation.
- **Disused Transport Routes:** LDPs should identify and safeguard disused transport routes such as former railway lines and canals where there is a reasonable prospect of re-use for future transport purposes. Where this is not the case, consideration should be given as to whether protection should be afforded through the Plan for alternative purposes such as a recreational, nature conservation or tourism related use.
- **Car Parking:** LDPs should identify existing and any proposed town centre car parks. As part of preparing an overall car parking strategy, councils should bring forward local policies to ensure adequate provision for car parking within new developments (including spaces for people with disabilities, and parent and child parking spaces) and appropriate servicing arrangements. LDPs should also consider and identify park and ride / park and share sites where appropriate. LDPs should recognise the role of car parking in influencing modal choice between private car and public transport. LDPs should consider a range of initiatives such as designating areas of parking restraint, reducing the supply of long term parking spaces, pricing policy, land use measures and innovative work practices.
- **Protected Routes:** LDPs will list and display on maps for information purposes those sections of regionally designated protected routes which are located within the plan area. The regional policy is to restrict the number of new accesses and control the level of use of existing accesses onto protected routes. In the case of motorways and high standard dual carriageways an exception may be considered for motorway service areas where there is demonstrable need. For other dual carriageways, ring roads, through-passes and by-passes a direct access or the intensification of the use of an existing access will only be permitted in the exceptional circumstances where the proposal is of regional significance.

Outside of settlements where the principle of development accords with policy elsewhere in the SPSS the following access arrangements regarding

protected routes will be acceptable. For a replacement dwelling where there is an existing vehicular access onto the protected route, for a farm dwelling or a dwelling serving an established commercial or industrial enterprise, and where access cannot be reasonably be obtained from an adjacent minor road, then use of an existing vehicular access onto a protected route will be permitted. Approval may be justified for other developments which would meet the criteria for development in the countryside, and where access cannot be reasonably obtained from an adjacent minor road, proposals will be required to make use of an existing vehicular access onto the protected route.

For **other protected routes within settlements**, direct access or the intensification of an existing access onto a protected route will be acceptable in circumstances where access cannot reasonably be taken from an adjacent minor road, or in the case of residential development only where this will significantly assist in the creation of a quality environment without compromising road safety standards or result in an excessive number of access points.

Where appropriate, usually for road safety or traffic flow reasons, the LDP may contain additional local policies in order to apply further restrictions.

- 6.302** The decision-taking process is a key tool for delivering sustainable travel patterns and good integration between transportation and land use. In determining planning applications, it is important that due regard is given to the design and layout of the proposed development and the facilities provided to cater for the particular needs of people with disabilities. Relevant considerations will normally include user friendly pedestrian routes, easy access to car parking reserved for disabled people and public transport facilities, and public buildings designed to provide suitable access for customers, visitors and employees.
- 6.303** In assessing development proposals planning authorities must apply the Department's published guidance. In determining a development proposal likely to generate a significant volume of traffic, planning authorities should require the developer to submit a Transport Assessment so as to facilitate assessment of the transport impacts; this should include mitigation measures where appropriate⁵⁹. The Transport Assessment may include a travel plan, agreed with DRD Transport NI, or the relevant transport authority, that sets out a package of complementary measures to secure the overall delivery of more sustainable travel patterns and which reduces the level of private car traffic generated.
- 6.304** In assessing the appropriate amount of car parking, account should be taken of the specific characteristics of the development and its location, having regard to

⁵⁹ See draft guide to Transport Assessment (published by DOE and DRD, 2006).

the Department's published standards⁶⁰ and any reduction in standards provided for through a LDP or Transport Assessment.

6.305 In determining proposals for public and private car parks, including extensions, the planning authority should be satisfied that there is a need for the development by reference to the councils overall parking strategy following a robust analysis by the applicant. In such cases the planning authority should consult with DRD, or the relevant transport authority. Other relevant planning considerations when determining such proposals will include traffic and environmental impacts and the proposals compatibility with adjoining land uses.

⁶⁰ 'Parking Standards' (published by DOE, 2005).

Waste Management

- 6.306** Sustainable waste management is essential for the health and well being of society, and our quality of life. The waste management industry is an important provider of jobs and investment across the region, with the potential to support future business development, investment and employment.
- 6.307** Government recognises the strategic importance of managing our waste sustainably. The Northern Ireland Waste Management Strategy – “Delivering Resource Efficiency” emphasises that waste is a resource and an opportunity, rather than a burden. The strategy recognises that smarter use of scarce resources is both a strategic necessity and an economic opportunity. It sets out the EU Waste Framework Directive (WFD) target of recycling (including preparing for re-use) 50% of household waste by 2020, as well as the Executive’s Programme for Government commitments.
- 6.308** The 5 step waste management hierarchy, which is laid down in Article 5 of the Waste Framework Directive, is a core principle of the Northern Ireland Waste Management Strategy and is also referenced in the Regional Development Strategy 2035. This waste hierarchy aims to encourage the management of waste materials in order to reduce the amount of waste materials produced, and to recover maximum value from the wastes that are produced. It encourages the prevention of waste, followed by the reuse and refurbishment of goods, then value recovery through recycling and composting. Waste disposal should only be used when no option further up the hierarchy is possible. 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. The principle works to minimise the environmental impact and cost of waste transport and therefore will further sustainable development.
- 6.309** The provision of waste facilities and infrastructure can make a valuable contribution towards sustainable development. The aim of the SPPS in relation to waste management is to support wider government policy focused on the sustainable management of waste, and a move towards resource efficiency.

Regional Strategic Objectives

6.310 The regional strategic objectives for waste management are to:

- promote development of waste management and recycling facilities in appropriate locations;
- ensure that detrimental effects on people, the environment, and local amenity associated with waste management facilities (e.g. pollution) are avoided or minimised; and
- secure appropriate restoration of proposed waste management sites for agreed after-uses.

Regional Strategic Policy

- 6.311** Councils should set out policies and proposals in their Local Development Plans (LDPs) that support the above-mentioned aim and policy objectives, tailored to the local circumstances of the plan area.
- 6.312** Councils must assess the likely extent of future waste management facilities for the plan area. Specific sites for the development of waste management facilities should be identified in the LDP together with key site requirements.
- 6.313** Sites and proposals for waste collection and treatment facilities must meet one or more of the following locational criteria:
- it is located within an industrial or port area of a character appropriate to the development;
 - it is suitably located within an active or worked out hard rock quarry or on the site of an existing or former waste management facilities including a land fill site;
 - it brings previously developed, derelict or contaminated land back into productive use or where existing or redundant buildings can be utilised;
 - in the case of civic amenity 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
 - it is suitably located 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.
- 6.314** In the case of a regional scale waste collection or treatment facility, its location should relate closely to and benefit from easy access to key transport corridors and where practicable make use of the alternative transport modes of rail and water.
- 6.315** LDPs should also identify the need for appropriate waste management facilities within new development.
- 6.316** A presumption in favour of waste collection and treatment facilities, and waste disposal (land filling and land raising) will apply where a need for such development is identified through the Waste Management Strategy and the relevant Waste Management Plan. In the case of Waste Water Treatment Works (WWTW's) need must be demonstrated to the satisfaction of the Department or relevant authority.
- 6.317** In all circumstances particular attention should be given to the potential impacts of existing and approved waste management facilities on neighbouring areas and the need to separate incompatible land uses.

6.318 Development in the vicinity of waste management facilities should only be permitted where it will not prejudice the operation of such facilities and will not give rise to unacceptable impact on people, transport, or the environment.

Implementation

6.319 The preparation of a LDP affords the opportunity to engage with relevant government departments and agencies with responsibility for various aspects of waste management thereby fostering a necessary joined up approach. This joined up approach should also be extended to neighbouring councils where appropriate.

6.320 Planning authorities will need to take into account the Northern Ireland Waste Management Strategy 'Delivering resource efficiency' which provides a coherent approach to the waste policy framework for Northern Ireland and the relevant local Waste Management Plan. Of particular relevance is the 'waste hierarchy' which sets out a priority for waste management as follows:

- prevention;
- preparing for re-use;
- recycling;
- other recovery, e.g. energy recovery; and
- disposal.

6.321 When decision-taking important considerations will include: the types of waste to be deposited or treated and the proposed method of disposal; impacts on human health and the environment (including environmental pollution); roads/transport considerations (particularly where facilities depend on large transfer of materials, often generating a substantial volume of traffic); whether alternative transport modes, in particular, rail and water, have been considered; visual impacts on the landscape or townscape; impacts on nature conservation or archaeological / built heritage interests; impacts of the proposal on flooding at the site and whether it will cause or exacerbate flooding elsewhere; the permanent loss of the best and most versatile agricultural land; practical restoration and aftercare arrangements.

6.322 Many waste management facilities by reason of their size, nature or location have the potential to cause significant damage to the environment in terms of visual intrusion, habitat or heritage destruction and pollution. In assessing all proposals for waste management facilities the planning authority will be guided by the precautionary approach that where there are significant risks of damage to the environment its protection will generally be paramount, unless there are imperative reasons of overriding public interest.

6.323 Following publication of the revised Waste Management Strategy 'Delivering Resource Efficiency' Best Practicable Environmental Option (BPEO) is no longer a material consideration in the planning process.

Glossary

<p>Affordable Housing</p>	<p>For the purposes of the SPPS, ‘affordable housing’ relates to social rented housing and intermediate housing. These are defined as follows:</p> <p>Social Rented Housing is housing provided at an affordable rent by a Registered Housing Association; that is, one which is registered and regulated by the Department for Social Development as a social housing provider. Social rented accommodation should be available to households in housing need and is offered in accordance with the Common Selection Scheme, administered by the Northern Ireland Housing Executive, which prioritises households who are living in unsuitable or insecure accommodation.</p> <p>Intermediate Housing consists of shared ownership housing provided through a Registered Housing Association (e.g. the Co Ownership Housing Association) and helps households who can afford a small mortgage, but that are not able to afford to buy a property outright. The property is split between part ownership by the householder and part social renting from the Registered Housing Association. The proportion of property ownership and renting can vary depending on householder circumstances and preferences.</p> <p>This definition of intermediate housing used for the purpose of this policy may change over time to incorporate other forms of housing tenure below open market rates</p>
<p>Airport Public Safety Zones (PSZs)</p>	<p>Airport Public Safety Zones are areas of land at the ends of the runways at the busiest airports in the UK, within which development is restricted in order to control the number of people on the ground at risk of death or injury in the event of an aircraft accident on takeoff or landing. The basic objective is to ensure that there is no increase in the number of people living, working or congregating in such areas. Responsibility for air safety issues, including public safety zone policy throughout the UK, is a matter for the secretary of State for Transport and the Civil Aviation Authority.</p>
<p>Blue Infrastructure</p>	<p>Blue infrastructure includes ponds, streams and lakes (RDS 2035, Strategic Guidance RG11 ‘Natural Environment’).</p>
<p>Community Planning</p>	<p>Community planning involves preparing and implementing a community plan that will set the long term vision for the social, economic and environmental well-being of a council area, with a focus on improving service delivery for the benefit of citizens. Part 10 of the Local Government Act (Northern Ireland) 2014 provides the high level framework</p>

	<p>for the operation of community planning. It confers a duty on councils to initiate, maintain, facilitate and participate in the process, a duty on community planning partners to participate in community planning, and a duty on departments to promote and encourage community planning and have regard to community plans in the exercise of their functions. The council and its community planning partners must seek participation of the community and take their views into account in the community planning process.</p> <p>Defined under Section 66 of the Local Government Act (Northern Ireland) 2014.</p>
Ecological networks	<p>Ecological networks are intended to maintain environmental processes and to help conserve and enhance biodiversity. They comprise core areas, movement routes (linear corridors, stepping stones or permeable areas allowing travel between core areas), and buffer zones.</p>
Green Infrastructure	<p>Green infrastructure includes parks, green spaces and street trees (RDS 2035, Strategic Guidance RG11 'Natural Environment').</p>
Intensive Sports Facilities	<p>An 'intensive sport facility', for the purpose of this SPPS, is defined as a purpose built indoor or outdoor resource which facilitates one or more activity fundamental to maintaining individual health and fitness. This may include stadia, sports halls, leisure centres, swimming pools and other indoor (and outdoor) sports facilities. They can also serve as a focus for the community.</p>
Landscape	<p>As observed by Article 1.a. of the European Landscape Convention:</p> <p>Landscape is an area, as perceived by people, whose character is the result of the action and interaction of natural and / or human factors.</p>
Minor Development (In relation to Flood Risk)	<p>Non residential extensions (Industrial / Commercial / Leisure etc) with a footprint less than 150 sq metres.</p> <p><i>Alterations:</i> development that does not increase the size of buildings, e.g. alterations to external finishes.</p> <p><i>'Householder' development:</i> e.g. sheds, garages, games rooms etc within the curtilage of the existing dwelling in addition to extensions to the existing dwelling. This excludes any proposed development that would create a separate dwelling within the curtilage of the existing dwelling e.g. subdivision of a dwelling house into flats.</p>

Open Space	For the purposes of the SPPS, 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.
Planning Authorities	For the purposes of the SPPS, the 'planning authority' or 'planning authorities' shall be the council, or as the case may be the Department of the Environment or the Planning Appeals Commission.

Annex A: Managing Noise and Improving Air Quality

Noise is an inevitable consequence of human activity and cannot be avoided entirely. However, it is recognised that noise, particularly where it is loud, prolonged or evident during normally quiet periods or in usually quiet areas, can impact adversely on human health and well-being. Accordingly, noise control measures and restrictions are a feature of a diverse range of legislation, policy and guidance.

The planning system has a role to play in minimising the potential for adverse impact upon health and well-being through noise, by means of its influence on the location, layout and design of new development and consideration of the amenity impacts. Accordingly, councils should consider noise issues in bringing forward local planning policy through Local Development Plans (LDPs).

Examples of how LDPs can reduce the potential for detrimental noise impact include:

- the zoning or identification of land for uses likely to generate significant levels of noise, due to the nature of the activity or the potential for traffic generation, should take account of the location of sensitive receptors such as housing or parkland and designated Quiet Areas⁶¹;
- the zoning or identification of land for noise sensitive uses such as housing, should take account of established noise generating uses which should not be unduly restricted or subject to unreasonable cost and administrative burdens, as a result of new incompatible development; and
- where the potential for adverse noise impact exists, the LDP should seek to mitigate this through the application of appropriate key site requirements to new zonings (for example by requiring new housing in proximity to an existing noise generating use to be set back a specified distance and / or to incorporate sound proofing design elements).

In managing development, planning authorities should treat noise as a material consideration in the determination of planning applications for proposals likely to give rise to significant levels of noise and also for proposals such as housing in proximity to established noise generating uses such as quarrying or certain industrial uses. Where noise is identified as a significant issue, consultation with the relevant authorities, including environmental health, may be necessary. Planning authorities should seek to reach balanced decisions that consider noise issues alongside other relevant material considerations, including the wider benefits of the particular proposal. It may be appropriate to apply conditions to planning approvals for new development or change of use proposals in order to mitigate against excessive noise impacts.

Planning authorities should pay due regard to the Noise Policy Statement for

⁶¹ DOE intends to consult on Quiet Area policy in 2015.

Northern Ireland as it seeks to set clear policy aims to enable decisions to be made and will ensure appropriate inter-relationship between the planning system and what is an acceptable noise burden to place on society.

Improving Air Quality

The planning system can also positively contribute to the improvement of air quality and in minimising its harmful impacts on health and well-being. In 2007 it was estimated⁶² that poor air quality reduces life expectancy in the United Kingdom by an average of 7 to 8 months, with equivalent health costs estimated to be up to £20 billion a year. The UK Air Quality Strategy aims to reduce the effect on life expectancy to 5 months by 2020. This UK Strategy on most air pollutants mirrors the mandatory standards from the EU Air Quality Directives and in some cases exceeds them.

In exercising their planning functions, planning authorities should consider the location of development which may give rise to air pollution. They should also, ensure that other developments are, as far as practicable, not adversely affected by major existing or potential future, sources of air pollution.

Examples of how LDPs should have regard to air pollution considerations include:

- identifying land or setting out criteria for the location of potentially polluting developments and the availability of alternative sites;
- zoning land with a view to minimising the potential for incompatible land uses to become established in close proximity; and
- taking into account the existing or likely future air quality in an area and having regard to any local Air Quality Management Area (AQMA) action plans in planning for development. This could include reducing the need to travel and integrating development with public transport services.

In managing development, planning authorities should recognise that air quality can be a material consideration in the determination of planning applications⁶³.

Where a proposed development is likely to have a significant air quality impact or add to a cumulative impact in an area, applications should be supported by sufficient information to allow full consideration of the impact on local air quality. Adequate consultation between the planning authority and those with responsibility for air quality and pollution control will be essential. The impact on ambient air quality is likely to be particularly important for development proposals located within or close to a designated AQMA. Planning authorities should consider whether adequate means of mitigation of harmful air quality impacts can be achieved when making a decision.

In assessing other development proposals likely to be impacted by poor air quality,

⁶² Air Quality Strategy for England, Scotland, Wales and Northern Ireland, published by DEFRA on 17 July 2007.

⁶³ DOE Air Quality Management Policy Guidance LAQM PGNI (09).

for example within an AQMA, the planning authority should ensure adequate consultation with the relevant authorities, including environmental health. This is particularly important where the proposed development is a sensitive receptor such as housing or an economic development proposal requiring a relatively contaminant free environment. Planning authorities should consider whether all potential means of mitigation have been exhausted, for example through modification of layout and / or design elements in making its decision. Other options, such as consideration of an alternative site to avoid an area where air quality objectives are regularly being exceeded, should also be explored with the developer. In this regard, pre application discussion is likely to be particularly useful.



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