

WRITTEN MINISTERIAL STATEMENT

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Environment

Review of the Operation of PPS 21 'Sustainable Development in the Countryside'

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Mr Attwood (The Minister of the Environment): There has been a long history to planning policy for development in the countryside. PPS21 was published in final form on 1 June 2010 following work undertaken by an Executive Subcommittee on Rural Planning Policy and was endorsed by the Executive at that time. It superseded Draft PPS21 which had been published with immediate effect in November 2008, replacing draft PPS14, a very restrictive policy introduced under Direct Rule.

Whilst the publication of PPS21 some 3 years ago brought a higher level of certainty to rural planning policy in Northern Ireland following a long-drawn-out period of uncertainty, valid concerns have been raised over its practical implementation on the ground.

Early into my role as Environment Minister, several MLA's made representations to me regarding concerns that some people were not getting the same opportunity to build in rural areas compared with other parts of Northern Ireland. These concerns centred on whether the policy was being applied consistently across area planning offices; and whether some area offices were applying the policy more strictly than others. It would be wrong if the policy was not being implemented fairly in all cases.

I listened to these concerns and gave a commitment to undertake a review of the operation of the policy. This Statement is an account of my approach to this work, my interventions and my findings to date. The operational review has been a real time assessment of what is going on in planning offices in terms of the application and consistent interpretation of PPS21. It has been focused on how the policy is being applied in practice. Its aim has been two-fold:

- firstly, informed by experiences and perceptions of all those involved in sustainable development in the countryside, to take appropriate steps necessary to ensure everyone is treated consistently; and
- secondly, to ensure appropriate flexibility on the operation of PPS21 in line with its content and substance.

When I announced the review I made it clear that it would not be a fundamental review of rural planning policy. Furthermore it was never my intent that it should recommend fundamental changes to the existing policy framework of PPS21. To do so would have required an approach outwith an operational review and would not, at an early phase of PPS21, have been appropriate.

In undertaking my review I have held discussions on the operation of the policy with a number of key stakeholders: MLAs, Planning Forum members; former members of the Independent Working Group established to examine the issue of non-farming rural dwellers; and rural stakeholders representing farming and environmental interests.

I have also taken on board the views of planning staff and of applicants and agents who are most familiar with the actual operation of the policy on the ground. I have considered planning statistics on the number of approvals of single and replacement dwellings since the policy was published.

In particular, I took considerable time to examine a range of specific cases in order to satisfy myself that the Department's approach to the assessment of such proposals was based, not just on proper application of individual policies, but also that it had regard to the overarching aims and objectives of PPS21. This includes, managing growth to achieve sustainable development that meets the essential needs of a vibrant rural community; and facilitating the development necessary to achieve a sustainable rural economy, including appropriate farm diversification and other economic activity.

Non farming rural dwellers

Special provision for non-farming rural dwellers remains a matter of continued interest, and was also highlighted during the review. In recognition of this, I met former members of the Independent Working Group on non-farming rural dwellers to hear first hand their expert perspectives on this matter.

These experts reiterated to me that advice previously provided to the Executive Sub-committee that the term 'non-farming rural dweller' is difficult to interpret and define and should not therefore be used to create a special category of planning policy.

I am reassured that PPS21 already provided significant opportunities for non-farming rural dwellers to live in the countryside through policy provisions including replacement dwellings; the conversion and reuse of non-residential buildings as dwellings; new dwellings within an existing cluster or ribbon of buildings; development within Dispersed Rural Communities; and a dwelling to meet compelling personal and domestic circumstances.

Consistency and flexibility were important issues to emerge from the review. Of particular concern were the policies in respect of 6 key areas: dwellings on farms; replacement dwellings; the conversion and re-use of existing buildings new dwellings in existing clusters; developments within gap sites and development in support of the rural economy. I will deal with each of these in turn.

1. Dwellings on Farms

Through the review I have advanced an approach to promote greater flexibility in relation to the requirements for clustering and visual linkage in respect of siting new dwellings on farms.

I took particular note of the concerns raised regarding the health and safety implications of clustering new dwellings with existing farm buildings which was raised by the UFU and others through the review.

I have impressed upon officials the need for greater regard to be given to the practicalities of requiring new dwellings to be clustered with an established group of buildings on the farm. For example, I do not expect applicants to be required to access new dwellings through busy working farmyards where an acceptable access can be achieved without detriment to integration.

It is also important to note that Policy CTY10 'Dwellings on Farms' already contains important health and safety safeguards which permit an alternative site away from a group of buildings on the farm where this health and safety implications can be demonstrated. CTY10 and, for example, the practicality issue referred to above, and together with consistency in interpretation have produced less issues over recent times than was the case two years ago.

2. Replacement Dwellings

I have explored the application of Policy CTY 3 'Replacement Dwellings' with a view to identifying additional flexibility, especially in regard to the assessment of whether the dwelling to be replaced meets the essential characteristics of a dwelling. One example, where a more flexible approach has been taken relates to a proposal for a replacement dwelling in Armagh area. The structure had long ago been a dwelling however there was no roof and while the 4 walls were intact they were not 100% complete. The structure was also completely overgrown with vegetation internally and externally.

Prior to the review there would have been concerns that the structure did not qualify for replacement in accordance with Policy CTY3 as the four walls were not substantially intact. Following staff training provided as part of the review process, the application was re-assessed and a greater degree of flexibility was applied. The Department concluded that on balance the application was acceptable and approval was granted.

This demonstrates the value of the operational review. Interrogation of policy, application in real time, training and peer review leading to the right outcome.

3. Conversion and Reuse

Similarly, I have identified scope for more flexibility in the type of building that may be suitable for conversion to a dwelling or other use, where this would not adversely affect the character or appearance of the locality.

Policy CTY 4 – ‘The Conversion and Reuse of Existing Buildings’ permits proposals for the sympathetic conversion, with adaptation if necessary, of a suitable building for a variety of uses, including use as a dwelling.

My review highlighted that some Area Planning Offices had been adopting a much stricter interpretation of the policy that required the building to be converted to exhibit some special architectural features. However, this is not a requirement of the policy which states only that the conversion should maintain or enhance existing form, character and architectural features.

While the policy gives a range of examples of buildings which may be appropriate for conversion, such as former school houses and traditional barns, this list is not to be regarded as exhaustive and does not rule out the conversion of other buildings if they are of sound construction and can be converted in line with the policy criteria. This message has been communicated to staff through training and the process of peer review. Again, a positive outcome of an operational review.

4. Dwellings within Existing Clusters

Through the review I have identified the potential for some additional flexibility in how the policy in respect of new dwellings in existing clusters is being applied.

Policy CTY2a ‘New Dwellings in Existing Clusters’ provides for a dwelling at an existing cluster of development subject to identified criteria, including a requirement that the cluster is associated with a focal point such as a social/community building/facility, or is located at a cross roads.

The policy does not provide an exhaustive list of what will be regarded as a focal point and in the absence of a community building or facility applicants are free to present other evidence of a focal point within the cluster. This may be some other entity or association that serves as a hub or gathering point in the community.

Through the review, I have communicated to officials the need for appropriate flexibility. This will not mean, cluster approval here, there and everywhere. But approvals will be more consistent between DPO’s and more accommodating consistent with the intention of the policy.

5. Ribbon Development

There were also issues raised with respect to development opportunities within gap sites. I have identified the need for additional flexibility in how such sites are defined for the purposes of CTY 8 ‘Ribbon Development’, which allows for up to two dwellings within an otherwise substantial and continuously built up frontage.

One example, where I identified a greater need for flexibility was a proposal for a dwelling and a garage in one area which had initially been recommended for refusal. I met with the applicant who identified examples which they considered to have set a precedent. I asked my officials to consider how the application of the policy may be reviewed in light of the examples provided. After further assessment officials unanimously agreed that the application should be allowed.

Furthermore, when applying the policy officials have been reminded of the need to take account of extant permissions when assessing whether a suitable infill opportunity exists.

6. Development in support of the rural economy

Through the review I have also been promoting greater opportunity and flexibility to support rural business.

For example, an application was received for a dwelling in association with an existing business in one area. The proposal was originally recommended for refusal. However the local Council referred the matter to my Private Office. Given the nature of the business and the fact that the owner was retiring, a family member was taking over and lived a considerable distance away, I asked officials to reconsider their initial opinion. Permission was subsequently granted.

In addition to the areas I have outlined above, other steps I have taken to ensure consistency and flexibility generally include the following:

Staff Training

At my request, the Department rolled out training for all planning officers on the implementation of PPS21. The training was rolled out to approximately 150 staff. The purpose of the training was to focus on those areas of PPS21 which give rise to different interpretations and to apply a common approach to ensure consistent application of policy across all Area Planning Offices.

The training covered each of the policies in detail. It provided examples of proposals which are acceptable and those which are unacceptable when considered in the context of the relevant policy. It also identified areas where there may be scope for more flexibility within the content and substance of the policy.

Peer Review

I have also initiated a process of peer review of applications already decided under PPS21. The purpose of this is to share best practice and increase consistency between Area Offices. Applications are discussed at the monthly Development Management Working Group and an agreed position is confirmed by the Group. Lessons learned from this peer review approach can be incorporated into the ongoing training programme and issued as further advice as necessary.

Rural Design Guide

I also published the Rural Design Guide 'Building on Tradition'. This supplementary planning guidance to PPS21 clarifies and exemplifies the requirements of the policy and has proved to be of great assistance to planning staff in the consistent interpretation and application of PPS21, as well as helping applicants and others understand its policy requirements. I would commend this guidance to all those with an interest in development in the countryside.

Review of Occupancy Conditions

As part of the review I have looked closely at the practice of attaching personal occupancy conditions to rural dwellings approved on the basis of site specific personal and domestic circumstances which has in some cases created difficulties for applicants in securing mortgage finance. Recently, I drafted and issued a new 'letter of comfort' which I have advised the Council for Mortgage Lenders should conclude the problems the CML or its members were creating around this issue.

Wider actions to support the countryside

Other measures which seek to support rural areas and their communities include:

- **PPS16 'Tourism' which I published in June** facilitates appropriate tourism, including development in the countryside. It makes provision in the countryside for tourist amenity proposals that are not suited to an urban or village location. Similarly, it allows for tourist amenity proposals that need to be located close to existing tourist attractions in the countryside. PPS 16 also removes the much criticised tourist needs tests which had applied for tourist accommodation proposals in the countryside making it easier for developers to make sure that their proposals accord with planning policy.
- **PPS4 'Planning and Economic Development'** sets out the circumstances in which permission will be granted for economic development in the open countryside. It allows for redevelopment of existing employment sites in the rural area including for tourism and it allows for expansion of existing employment sites. It allows for small scale economic development on suitable sites on the periphery of existing settlements where there are no alternatives within the settlement.
- **Permitted Development Rights:** The Agriculture industry represents a vital part of the Northern Ireland economy and therefore the elimination of unnecessary red tape to enable the agriculture sector to thrive in an increasingly competitive and challenging economic climate is imperative. With the continuing rise in energy and fuel bills the new PD rights introduced on 30th April 2013 for non domestic micro-generation including solar panels, ground and water source heat pumps and biomass boiler housing and fuel stores, provide farmers with opportunities to benefit from renewable energy technologies to help make savings and reduce running costs in the longer term.

Furthermore, legislative proposals to revise existing PD rights by increasing the size limitation from 300m² to 500m² for agricultural buildings and introduce new PD rights for anaerobic digestion plant on an agricultural unit were agreed by the Environment Committee on 4th July and will come into operation in August 2013.

- **Improved Processing Timescales** - Over the last two years there has been a huge effort made to speed up the planning process which has positively impacted on processing times for rural applications.

Performance in 2012/13 has significantly improved across all categories of development. Over the most recent year, the average processing times for Major, Intermediate and Minor categories of planning application reduced by four, two and three weeks respectively compared to 2011/12. In addition, the first year Programme for Government target to process 60% of Large Scale Investment Applications within six months was also met with 72% of all such applications being processed within this timescale. Some of these large scale investment applications were in rural areas and Departmental targets were also met for processing Intermediate and Minor applications.

- **Renewable Energy:** Renewables is another key economic driver for Northern Ireland, particularly rural areas. A key target is the reduction in the number of live planning applications for renewable energy projects. The number of decisions issued against renewable energy applications increased by a very significant 90%, from 401 in 2011/12 to 762 in 2012/13. Almost nine in ten (89%) of renewable energy applications were approved.

The Department has worked creatively and collectively with key stakeholders to the planning process to ensure timely processing of planning applications and to discuss any areas of concern. For example, a sub group of the Planning forum has been established to focus on renewable energy applications. This group is looking at a range of measures to improve decision making for renewable energy project applications.

- **Agri food Sector:** Agri food is a key economic driver for Northern Ireland but particularly the rural areas. As a result of the recent announcement by the major UK supermarkets to source more of their produce from the UK, it is anticipated that the Department is likely to receive several hundred planning applications in the near future for poultry buildings across the Province. In order to respond to this demand the Department has established a small multidisciplinary team in the South Antrim Area Planning office and is developing appropriate level of expertise within the team. It will also work closely with the industry and all other stakeholders collectively to ensure that the applications are progressed in a fast and predictable manner to maximise this opportunity.
- **Strategic Planning Policy Statement (SPPS)** - Members will also be aware that I intend to bring forward a single **Strategic Planning Policy Statement (SPPS)** in time for the transfer of planning functions to councils in 2015. The statement will consolidate existing policy provisions, including provisions in relation to rural planning, into a shorter, more concise statement of planning policy. The statement will be subject to public and Assembly consultation.

All these measures are intended to create a positive framework that allows communities to prosper and thrive but which also protects the countryside from excessive or inappropriate developments.

Planning Statistics suggest interventions have begun to pay dividends. Most significantly the approval rate for single and replacement dwellings in rural areas has improved from 74% in 2010/11 to 88% in 2012/13. I believe that this can be attributed to the implementation of a number of measures such as the role out of training for staff, the 'peer review' of applications at a monthly management meeting, and the publication of the rural design guide.

In total there have been 8,575 applications for new single and replacement dwellings in rural areas approved since the implementation of PPS21. This represents an approval rate of 83% across this almost 3 year period.

Looking forward I believe that the process of planning and local government reform provides a great opportunity for a stronger local dimension to rural planning policy when the majority of planning powers transfer to local Councils. Post transfer the new Local Authorities will be responsible for bringing forward their own development plans with bespoke policies that are more finely tailored to local circumstances in the area, in line with prevailing regional planning policy.

In summary, this operational review into PPS21 has both identified and addressed how there can be more consistency, opportunity and flexibility in the application of PPS 21 policies.

I believe that my interventions are bearing fruit. PPS 21 is working much more effectively now and I remain more satisfied that it is fundamentally the right policy and enjoys widespread support.

My own experience is that the volume of concerns raised to me personally on the operation of the policy is much reduced. Nevertheless, I will continue to keep under close scrutiny the operation of PPS21 in order to

ensure that it is properly and consistently applied going forward. This is an update on the operational review. The review is a real time, real life mechanism. It will continue. The issue of a fundamental review, in my view, does not arise, certainly at this time.