



RTPI

mediation of space · making of place

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**Draft PPS 21 – Public Consultation
Planning and Environmental Policy Group
Department of the Environment
12th Floor River House
48 High Street
Belfast
BT1 2AW**

Date: 31st March 2009
Our ref: BS. PS.PPS21

Dear Sirs

Royal Town Planning Institute Response on Draft Planning Policy Statement 21 – Sustainable Development in the Countryside

Thank you for the opportunity for the Royal Town Planning Institute to respond to the consultation on the above matters

The Institute is the largest professional body representing spatial planning and represents over 20,000 professional planners in the public and private sectors. The Institute has over 500 members in Northern Ireland and we would like the views of these members taken into account

The Institute consulted with its members and the report (attached) has been completed in the light of the comments made by the membership and comments made at the RTPI consultation event held at the Rural College, Draperstown on 19 March.

I hope you find the report useful. If you require any clarification, or feel you need further comment, please contact me at the above address. .

Yours sincerely,

(Unsigned email copy)

Brian Sore
Northern Ireland Policy Officer

Draft Planning Policy Statement 21 Sustainable Development in the Countryside Consultation Paper

A Response by the Royal Town Planning Institute
Northern Ireland

March 2009



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1 Introduction

1.1 This document forms the Royal Town Planning Institute's (RTPI) response to the Department of the Environment, Northern Ireland on the Draft Consultation paper "**Draft Planning Policy Statement 21 – Sustainable Development in the Countryside**".

1.2 The RTPI is the leading professional body for spatial planners in the United Kingdom. It is a charity with the purpose to develop the art and science of town planning for the benefit of the public as a whole. It has over 20,000 members who serve in government, local government and as advisors in the private sector. The RTPI offers this response from the point of view of a diverse and policy neutral professional body committed to supporting devolved government in Northern Ireland.

1.3 This response has been formed drawing together internal consultations and the results of meetings with members, including debates within the RTPI. In addition the Northern Ireland Branch of the Institute held a consultation event to help promote the understanding of draft PPS21 and to widen the debate about rural planning issues among its members and partner organisations.

1.4 The consultation event was held on 19 March 2009 at the Rural College, Draperstown. Over 40 delegates attended this seminar. The outcome of the seminar helped to formulate this document. A summary of this consultation seminar and the points raised is attached for information in Appendix 1.

1.5 The RTPI was disappointed that it was not consulted earlier in the drafting of PPS21. The Institute was not invited as a stakeholder as part of the Department's earlier consultations (facilitated by CTA), following the issuing of the paper in February 2008 on the findings emerging from the review of rural planning policy by the Executive Subcommittee. However, the Institute has participated in more recent consultation events in Portadown, Newcastle and Cookstown which have helped to establish a collective professional view on the draft policy statement.

1.6 While this response is directed towards the draft PPS21, the Institute also acknowledges the parallel consultation exercise on the "Design Guide for Rural Areas". The Institute welcomes additional involvement on this guidance once further work on drafting is carried out.

1.7 The Institute is generally positive of the Draft PPS21 and is supportive of the Minister and his Department in its efforts to establish a balanced policy, supporting rural communities, while ensuring the management of sustainable development in the unique countryside of Northern Ireland. The points raised in this paper are therefore offered as constructive comment on refining the policy and its eventual application by professional planners.

2. PPS21 Response – General Comment

Regional Context

2.1 The Royal Town Planning Institute recognises that the Draft PPS21 forms part of the overarching Regional Development Strategy for Northern Ireland (RDS) which is currently undergoing review.

The RTPI believe that the themes from RDS which relate to the rural setting are still applicable today:

- SPG-RNI 1 To maintain a working countryside with a strong mixed rural economy
- SPG-RN2 To create and sustain a living countryside with a high quality of life for all its residents
- SPG-RNI5 To continue to create and sustain an attractive and unique rural environment in the interests of rural community and the region as a whole.

However, the RTPI has continually encouraged the concept of integrated spatial planning and therefore the Institute would like to see the recommendations of Draft PPS21 fully integrated with the RDS review and also with policy development in other Northern Ireland Departments, in particular the policies of DRD, DARD and DSD that relate to the rural setting.

The RTPI welcomes the transfer of rural planning policy responsibility from DRD to DOE. The RTPI has consistently promoted planning and the professional planner as key to the development of spatial and sustainable development and this is particularly relevant in the context of the tightly integrated nature of the rural areas of Northern Ireland.

There is the problem of consistency in defining rural and countryside across the Northern Ireland Departments. The RDS tended to define rural Northern Ireland to include all settlements outside of the city hinterlands of the Belfast and Derry. However PPS21 applies a more concentrated reference to the countryside *“land lying outside of settlement limits as defined in development plans”*. It would be helpful when the Minister and the Executive Subcommittee consider Draft PPS21, consideration is also given to an agreed definition of rural areas by Departments for consistency of policy application.

Rural Planning Policy Legacy

2.2 The RTPI recognises the important legacy of rural planning policy in Northern Ireland over the recent past. This legacy has helped to formulate the current draft policy statement, but it has also raised the level of debate in the public domain and ensured wide discussion and comment on rural issues. Rural planning in Northern Ireland has been one of the top public issues of the past two years and the RTPI has welcomed the public debate, community input and ownership of the rural issues arising from this legacy.

- “A Planning Strategy for Rural Northern Ireland” (PSRNI) post 1993, recognised the significant importance of the character of rural areas and the exclusivity of rural Northern Ireland emanating from tenure patterns of the region. This policy, uniquely in the UK, incorporated a two-band approach based on the designation of parts of the countryside as Green Belts and Countryside Policy Areas in which ‘need’ to build had to be established in order to protect the rural environment from development pressure; and the remainder of the rural area in which planning permission would be granted subject only to planning and environmental criteria. However, the two band policy allowed for a significant growth in single dwellings which was unsustainable and gave rise to the need for greater control of development.
- The Northern Ireland Sustainable Development Strategy set regional targets for renewable energy with repercussions for rural Northern Ireland and these targets are still relevant to Draft PPS21.
- Department for Regional Development publication of PPS14 set out proposals for changes to planning policy in the open countryside. It proposed a significant tightening of policy, requiring the demonstration of ‘need’ to build in the countryside and to replace the pre-existing two-band approach. The planning policies contained in the draft PPS14 were intended to address the significant development pressure affecting rural areas in Northern Ireland in 2006.
- Judicial reviews prompted the transfer of responsibility for rural planning policy to the DoE and the reissue of PPS14 as Draft PPS21 in October 2007. Draft PPS 14 was criticised by members of the rural community and local elected representatives. Specific points of concern included:
 - the requirement for farm dwellings to prove a ‘need’ to build based on the viability of a farm. This was considered strict and inappropriate given the difficulties faced by the agricultural industry;
 - the inability of sons and daughters of farmers, who were not themselves working in agriculture, to gain planning approval for a dwelling on the family farm;
 - the removal of the provision in the pre-existing Planning Strategy for Rural Northern Ireland which enabled planning permission to be granted for a dwelling based on special personal or domestic circumstances; and
 - the strict criteria used in assessing the condition of existing dwellings in order to qualify for approval for replacement dwellings

2.3 The RTPI recognises the lengthy journey but now welcomes the Draft PPS21 proposals as a progression from this policy legacy and as a vehicle to address the deficiencies in rural planning in Northern Ireland. The general comments below and the specific issues related to the CTYs are intended to help refine PPS21 to meet some of these deficiencies.

3 Policy Aims and Objectives - Comments

3.1 Need for Guidance Notes

In consultation with its members, the RTPI has been asked to promote the creation of guidance notes that sit alongside the policy statement. Members have been mindful of the number of occasions throughout Draft PPS21 that require local judgment on the conditions applied by the policy. The RTPI recognises that the nature of a policy statement is to be broad in its application, however, guidance notes will help both the applicant seeking planning guidance and the planning officer to be clear on the parameters of judgement that the policy seeks, whilst not being totally prescriptive. The guidance notes could be developed over time as 'case law' develops around decisions and challenges under PPS21. The RTPI could offer assistance in the development of these guidance notes. The RTPI welcomes the current draft guidance on design in rural areas, which is currently being developed in parallel with PPS21.

3.2 Reliance on Development Plans

Section 4 of Draft PPS21 refers to the role of development plans. On a number of occasions throughout PPS21, interpretation of the policy at local level is to be left to the development plan process. The RTPI is cautious of this reliance on development plans to resolve the balance of rural community needs with the protection of the environment. The development plan process has already been heavily criticised for the slowness in producing and updating area plans and the potential to provide inconsistencies across Northern Ireland. PPS21 should be robust enough to provide the guidance necessary for the application of a consistent policy. Local variation should be strictly controlled within the parameters of the policy and subjected to transparent consultation where it is deemed necessary.

3.3 One Policy Fits All

The RTPI supports the need for a single rural policy statement for Northern Ireland. It is recognised that variation in the countryside from East to West of the Bann exists and that variation of rural environments can occur between council areas and even townlands. However, the principles of the policy and its guidance must apply consistently. If local variation is required then (as above) it should be strictly controlled within the parameters of the policy and subjected to transparent consultation.

3.4 Adequate Resourcing

Relaxation of PPS14 restrictions on rural development has brought with it an increase in the level of enquiry into development in the countryside. Management of these applications and increased management of the interpretation of the policy will increase the demand on the Planning Service. The RTPI, representing its membership within the Service, call for assurances that adequate resourcing is assessed and provided for the effective delivery of PPS21.

3.5 Pressure on the Appeal System

The relaxation of the restrictions on development in the countryside in PPS21 carries with it the potential to challenge the interpretation of the level of that relaxation. A number of areas in PPS21 require professional judgement in the degree to which the policy is applied. The RTPI is concerned this will generate an increase in referrals to PAC and the potential for judicial

reviews. This will put pressure on the appeal systems and the RTPI urge that this is taken into account by the Minister in the implementation of the new policy.

3.6 Capacity of the Countryside to Deliver Rural Housing Needs

Concern has been expressed about the capacity in the countryside to provide adequate housing to meet the needs of the rural population over time. The proposals in PPS21 for the relaxation of development (covered in CTY1) must have a finite capacity and the potential of that capacity can be monitored and reviewed over time. The RTPI urge the Minister to identify the potential capacity and measure this capacity against rural population needs, any shortfall will require a re-examination of potential housing development sites and CTY5 in general.

3.7 Sustainable Development and Spatial Planning

Spatial Planning is a key theme of the Institute. The Regional Development Strategy for Northern Ireland 2025 is a spatial 'umbrella' strategy and PPS21 should reflect this spatial dimension. A criticism of the policy statement is that it does not provide spatial guidance as it is written principally for the statutory planning system. Linkages with other government policy areas, such as housing, employment, education and transport are critical for this policy to deliver sustainable rural environments. For example, the recent announcement by the Minister for Social Development on investment for affordable housing and the development of ecovillages in Northern Ireland should have strong linkages to PPS21. The Institute urges the Minister to strengthen the spatial aspect of PPS 21 and the RTPI would be prepared to assist in this process.

3.8 Climate Change

While the Institute recognises the policy developments that are embodied in PPS21, the RTPI is disappointed that there is little reference to dealing with climate change in rural developments. This should have been reflected in the policy statement that will take the region into the next ten year period of radical actions to address climate change issues. The Institute has developed a paper "Planning to Live with Climate Change"* and it urges the Minister to consider the issues in this paper in conjunction with PPS21 and rural sustainable development.

3.9 Strategic Environmental Assessment

The RTPI notes that it hasn't had the opportunity to review the SEA for PPS21. The Institute requests that if a SEA has been prepared for PPS21 that this is shared.

*RTPI Website : <http://www.rtpi.org.uk/item/2293&ap=1>

4 CTY Policy Comments

4.1 CTY1 Development in the Countryside

The RTPI supports this overview of policy with the condition that climate change is added to the list of planning policy areas that PPS21 needs to be cognisant.

4.2 CTY 2 Development in Dispersed Rural Communities The Institute is aware that DRCs are designated in Area Plans, but the RTPI is concerned about the lack of definition of “small cluster” and “focal point”. The terms are not clear and definition is best illustrated by example and by guidance notes. The transfer of planning functions to the new councils under RPA may run the risk that each local council will want to generate DRCs to encourage rural development. There is, therefore concern that DRC designation is limited to an exclusive criteria.

4.3 CTY3& CTY4 Replacement Dwellings & The Conversion and Reuse of Existing Non-Residential Buildings The Institute is generally support of PPS21 proposals for replacement dwellings, in particular the use of non-residential buildings as a good use of existing buildings which have been a part of the rural landscape. The Institute is mindful that these buildings can be demolished without planning permission. CTY3 and 4 also highlight the fact that no equivalent policy exists in the urban environment.

4.5 CTY 5 Social and Affordable Housing

The Institute welcomes the intention of PPS21 to increase the number of dwellings proposed to 14 houses adjacent to or near small settlements, or in DRCs for social and affordable housing. The onus for the delivery of this area of the policy rests with the Northern Ireland Housing Executive and Housing Associations, working closely alongside Planning Service, perhaps initially with a pilot approach to site applications to explore how CTY5 will operate in practise. However, the RTPI would also suggest to the Minister that areas of exception be designated, similar to those proposed in the English context, where planning permission can be given for small scale affordable housing development to incentivise landowners to provide land for rural housing. This should be explored by the Planning Service as a trial.

4.6 CTY 6 Personal and Domestic Circumstances

The Institute is concerned about the assessment of personal and domestic circumstances. Members felt that definitions used in CTY6 are too loose and any judgements applied by planners are open to challenge, even through the courts and equality legislation. Providing *“satisfactory evidence that a dwelling is a necessary response to particular circumstances of the case”* is open to wide variation and the potential for inconsistent application across Northern Ireland. The Institute feel that this is a classic area for the development of examples and guidance notes.

4.7 CTY 7 Dwellings for Non-Agricultural Business Enterprises

The Institute again urge that definitions are clearer; “site specific need” is not defined sufficient for either the applicant or the planning officer to decipher. Guidance notes will help in this area.

4.8 CTY8 Ribbon Development

The Institute fully supports CTY 8

4.9 CTY9 Residential Caravans and Mobile Homes

The Institute Supports CTY9 but given the large population of migrant farm workers who are transitory in the Northern Ireland agricultural industry, a relaxation for such workers in temporary accommodation on the farm may need to be considered .

4.10 CTY 10 Dwellings on Farms

The Institute welcomes the move to allow a new dwelling every 10 years, noting that this rule does not exist in any other jurisdiction. This represents a reasonable balance between no sales and unrestricted sales for speculation. However, the RTPI is concerned about the potential difficulties that will arise from the requirement in CTY10, that the dwelling is to visually link or be sited to cluster with an established group of farm buildings. Mixing dwellings with farm buildings can be hazardous dependant on the nature of the farm activities, but there are other social issues associated with families located close to the farm when a break up of the family unit occurs. The RTPI feels that there needs to be sensitivity and some flexibility in assessing applications under CTY10.

4.11 CTY 11 Farm Diversification

The Institute supports the principle of diversification on farms to keep pace with the changing economic climate. However the definitions used (e.g. scale appropriate to location) will need guidance.

4.12 CTY 12 Agriculture and Forestry Development

The Institute is supportive of CTY12 and it is an area that is clear and well documented in the policy.

4.13 CTY 13 Integration and Design of Buildings in the Countryside

The RTPI have provided input to the development of the Rural Design Guide that is currently in preparation to support CTY13. The RTPI and RSPB have an annual award competition which identifies good sustainable developments. Good rural designs that have been commended in this competition could be used as good design guide examples for rural development in PPS21.

4.14 CTY Rural Character

Comment as per CTY13

4.15 CTY 15 The Setting of Settlements

The Institute received comment from members who remain unclear as to the definitions in CTY15. Adding to settlements may be acceptable under CTY5 but adding to “clachan” style developments can also be acceptable under CTY2. Clarification of what is permissible on edges of settlements (definition also needed) is required.

4.16 CTY 16 Development Relying on Non-Mains Sewerage

The RTPI fully supports CTY16

5 Conclusion

5.1 The Royal Town Planning Institute is supportive of PPS21. However, apart from the issues raised in the body of this paper the Institute would like the following areas to be addressed.

5.2 While the Institute recommends adopting a spatial planning approach, the RTPI is of the view that the PPS 21 should not be held up, it should be adopted and carry on in its present form, with the alterations suggested in the Institute's comments above being introduced and adapting the application of the policy over time. E.G. the introduction of guidance notes over time rather than waiting to develop these before adopting the policy. Too many delays have occurred in implementing a revised rural policy, giving rise to uncertainty and causing operational difficulties for the Planning Service.

5.3 The current Review of Public Administration will have major implications for the delivery of planning functions at local level. The creation of 11 super councils will fragment the delivery of planning policy. It is essential that the Minister and the Subcommittee take account of the potential for rural planning policy to have a robust direction over the way rural policy is implemented within these new councils.

5.4 Planning Reforms are currently under discussion and new ways of operating will be introduced in the course of the reforms and over the lifetime of PPS21. Integrating central policy and local implementation, improved linkages of policy areas across departments, better information systems and improved consultation and processing systems should allow for a more responsive planning system to cope with the challenge of rural areas.

5.5 However, as Mathew Taylor MP* has said in his recent report on rural planning needs in England:

" No change is no option - the alternative to sustaining and rejuvenating rural communities is to fossilise them, in time forcing out the families and working people without whom farms can't be tended, shops and services kept running, village schools kept open. My report, 'Living Working Countryside', was about supporting rural communities across England. Without the action promised by the Government today in response to my report, all too often our countryside would face local people priced out,. local services closing, and ever fewer and worse paid jobs."

5.6 Sustainable development in the countryside in Northern Ireland requires a clear, well defined and understood policy. Spatial planning, with integration of policy making across departments, should deliver joined up rural policies. Issues that tackle climate change should be addressed in rural areas to achieve sustainability. The Institute requests that these goals accompany the implementation of PPS21 along with the recommendations in RTPI report that support the progress of PPS21.

*(In 2007, Matthew Taylor MP was asked by the Prime Minister to undertake a review of the countryside, and to make recommendations about how to nurture a healthy rural economy and ensure an adequate supply of affordable rural housing. The Review *Living Working Countryside* was published in July 2008
www.communities.gov.uk/planningandbuilding/planning

APPENDIX

PPS 21 (Draft) Sustainable Development in the Countryside Consultation Seminar 19th March 2009

Royal Town Planning Institute (Northern Branch)

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Speakers

Anne Lockwood Planning and Environmental Policy Group DoE NI
Martin McDonald Chief Executive Rural Development Council
Gregg Shannon Chair Legislation Committee Ulster Farmers Union

Seminar Summary

Over 40 delegates attended the half day consultation seminar in the Rural College Draperstown.

The purpose of the seminar was to both inform and consult on the draft of the Planning Policy Statement 21 on Sustainable Development in the Countryside which was published in November 2008 to replace PPS14 following the transfer of responsibility for rural planning to the DoE in October 2007.

The consultation period ends on 31 March 2009.

Anne Lockwood Head of Planning Policy (Planning and Environmental Policy Group DoE NI)

Anne outlined the process that led to the development of PPS21 from PPS14, published in March 2006 through transfer to DOE from DRD in October 2007 to the issue of Draft PPS21 in November 2008 and the current consultation exercise ending on 31st March 2009. Consultation consisted of early PPS14 consultation which generated over 8,500 responses, to the recent round of public information days

Anne outlined the role of the Executive Subcommittees and the Emerging Findings Paper February 2008.

Anne took the audience through the parts of PPS21 that differed from PPS14. This included the broadening of social and affordable housing, ribbon development restriction to two dwellings, the abolition of the farm viability test and the 'once every ten year' rule for new dwellings on farms, highlighting that this does not exist in any other jurisdiction. Finally, Anne covered farm diversification to bring rural policy in line with DARD rural development programmes.

Martin McDonald Chief Executive (Rural Development Council)

Martin gave a brief overview of what rural NI looks like, identifying that different areas have different needs. He discussed the Rural White Paper and the need for joined up approach beyond farming and the environment.

Martin stated that around 600k population live in rural NI (35% of the total population). He identified strong economic diversity of rural NI characterised by high self-employed and a strong enterprise culture. Farming is in decline and the need therefore for a local area based approach to planning.

However, Martin emphasised that there is no one rural type. He felt that PPS21 had a presumption against development. He went on to look at the CTY policy areas that are important to the rural dweller. Martin examined how England, Scotland and Wales deal with rural housing, noting that NI does not have local elected planning authorities to bring local perspectives. He looked forward to local planning in the post RPA era where the development plan process has primacy and local ownership.

Gregg Shannon Chair Legislation Committee (Ulster Farmers Union)

Gregg started by stating that planning is a key issue for the Ulster Farmer's Union due to the huge impact it can have on members, the sustainability of farm business and on local rural communities. He identified that 75% of NI land is used for agricultural purposes. 31,200 farmers are registered in NI and 80,000 people are employed in the NI agri-food industry.

Gregg took the audience through the CTY policy areas that are important to farmers. He welcomed the replacement of the outdated farm viability test and he offered support for the 'one in ten' year rule.

Gregg had concerns about clustering in CTY10 and issues of health and safety, changing family circumstances and the inhibition of of future farm expansion.

Question and Answer session. The following issues were raised:

- One size fits all concern that does not take account of local issues?
- What is the measure of sustainability?
- Definition of farm animals and can horses be considered in the context of a riding stable?
- What about the non-farming rural dweller. What is the sub-group looking at this area of policy and when will they publish their findings?.

- Farming policy for more than one child to inherit the farm therefore needing housing on the same farm?
- Can you get more than one dwelling out of a restored building?
- Will guidance notes be developed alongside PPS21?
- Need for flexibility on farm dwellings. Need to identify ID Business numbers
- PPS21 needs to take account of other policy areas e.g. Building Regulations, Housing, Industrial
- Potential for further delays in the system with potential PAC/Courts involved delaying the system even more.
- Planners need to consider the scale of house in relation to the site. Location and design are important in the rural areas

The consultation event ended with a commentary from the Chair of the RTPI NI Branch Gavan Rafetty and Closure from Branch Committee member Hazel Bell.

The Royal Town Planning Institute intends to use the above issues, raised during the Consultation Seminar, to compile a response to the DoE on PPS 21. If you would like to make a point or contribute to a fuller response please contact the RTPI Policy Officer - Mr Brian Sore -

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BS 20/3/09