



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

MID ULSTER

Local Development Plan – General Planning Policy

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Purpose: To provide members with an opportunity to consider existing general planning policy and to consider the need to tailor these policies for Mid Ulster District in light of the forthcoming Local Development Plan (LDP).

Content: The paper provides:

- (i)** An outline of the working objectives of the Councils new Local Development Plan as relevant to general planning policy and an overview of the relevance of the working objectives contained in the Sustainability Assessment of the LDP and the findings of the Community Plan engagement thus far on the subject of planning policy.
- (ii)** An overview of existing general planning policy.
- (iii)** Potential wording of the general policy.

Recommendation: That the policy option contained within this Paper is subjected to Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA), before a decision is made on what will go forward for public consultation in the Preferred Options Paper (POP).

1.0 Introduction

1.1 The purpose of this paper is to inform the Planning Committee of current general planning policy and to consider the need to tailor this policy for Mid Ulster District in light of the forthcoming Local Development Plan (LDP).

1.2 This Policy Review Paper is somewhat different to the other papers that have been compiled on the various Subject Policies in that the general policy contained within Planning Policy Statement 1 (PPS1) General Principles has been cancelled by the introduction of the Strategic Planning Policy Statement (SPPS). For this reason this paper will therefore consider the SPPS and the core planning principles contained within it. Members will recall that in a number of the previous Subject Planning Policy Review Papers it was agreed that many of the general policies contained within the existing PPS's would be included within an overarching general policy that would apply to all development. It is also important to note that no reasonable alternative policy options have been identified for this general policy as an alternative would not be consistent with the SPPS.

Legislative Context

- 1.3** Article 5 of The Planning Act (Northern Ireland) 2011 states that the creation of planning policy as part of the Plan Strategy must be done so with the objective of furthering sustainable development and in doing so, must take account of policies and guidance issued by OFMDFM, DOE and DRD (now the Executive Office and Department for Infrastructure). Examples of such policies and guidance include the Regional Development Strategy (RDS) 2035 and the Strategic Planning Policy Statement (SPPS).

2.0 The Objectives

LDP Working Objectives

- 2.1** In developing the evidence base for the new LDP and as part of the plan preparation a number of working objectives for the LDP have been formulated. These objectives will develop over time as they are subjected to the SA/SEA process and the evidence gathering and preparation process continues. At this time it is considered that all of the working objectives are relevant to the general policy since it will be applied to all development.

(a) Accommodating People and Creating Places

- (i) To build Cookstown, Dungannon and Magherafelt as economic and transportation hubs and as the main service centres for shops, leisure activities, public administrative and community services including health and education. These are the most populated places and the town centres are the most accessible locations for people to travel to including those without a car.*
- (ii) To protect and consolidate the role of local towns and villages so that they act as local centres for shops and community services meeting the daily needs of their rural hinterlands.*
- (iii) To provide for vital and vibrant rural communities whilst protecting the countryside in which they live by accommodating sustainable growth within the countryside proportionate to the extent of existing rural communities.*
- (iv) To provide for 10,950 new homes by 2030 in a range of housing capable of meeting the needs of families, the elderly and disabled, and single people, at locations accessible to community services, leisure and recreational facilities, for those people with and without a car.*
- (v) To recognise the needs of both growing families and carers of the elderly and disabled by accommodating development which allows people to remain within their own communities and does not lead to significant harm to neighbours or the built and natural environment.*
- (vi) To facilitate the development of new community facilities at locations accessible to the communities they serve, through a variety of modes of transportation in accordance with the community plan.*

(vii) *To accommodate cultural differences in our communities whilst promoting “shared spaces” to bring people together with equality of opportunity.*

(b) Creating jobs and promoting prosperity

(i) *To facilitate the creation of 8,500 new jobs by 2030 at a variety of locations where they are accessible to all members of the community, including those without a private car.*

(ii) *To promote diversity in the range of jobs recognising the importance of employment in the primary sector (agriculture forestry and mining), secondary sector (industry and manufacturing) and tertiary sector (administration, commerce, retailing, leisure and tourism).*

(iii) *To recognise and accommodate entrepreneurship, innovation for large, medium and small firms by attracting new firms and accommodating expanding businesses.*

(iv) *The need to recognise the importance of self-employment and home working, particularly in rural locations.*

(v) *The need to provide and encourage use of energy both as a means of generating money for the local economy, attracting investment in enterprise and providing sustainable and affordable lighting and heating for the population.*

(c) Enhancing the environment and improving infrastructure

(i) *To reduce contributions and vulnerability to climate change and to reduce flood risk and the adverse consequences of flooding.*

(ii) *The need to protect and enhance the natural and built environment to achieve biodiversity, quality design, enhanced leisure and economic opportunity and promote health and wellbeing.*

(iii) *The need to accommodate investment in power, water and sewerage infrastructure, and waste management particularly in the interests of public health.*

(iv) *The need to improve connectivity between and within settlements and their rural hinterland through accommodating investment in transportation to improve travel times, alleviate congestion and improve safety for both commercial and private vehicles as well as more sustainable modes of transport including buses, walking and cycling.*

(v) *The need to improve connectivity through telecommunication which both meets the needs of business and private households whilst reducing the need to travel.*

Sustainability Appraisal (SA) Objectives

- 2.2** Sustainability Appraisal is systematic process which must be carried out during the preparation of the LDP in order to promote sustainable development by assessing the extent to which an emerging plan will achieve required environmental, economic and social objectives. To-date the SA/SEA scoping report contains a number of objectives and as with the working objectives of the LDP it is considered that they are all relevant to the general policy since it will be applied to all development.

Mid Ulster Community Plan

- 2.3** Section 66 (6) of the Local Government Act (NI) 2014 requires that;
'...in the discharge of its duties under subsection (1) a council must where appropriate have regard to its plan strategy and its local policies plan under sections 8 and 9 of the Planning Act (NI) 2011.'
- 2.4** Subsection (1) states that the Council must initiate, maintain, facilitate and participate in community planning for its district. In other words the Local Development Plan must have regard to the community plan and vice versa.
- 2.5** The Community Planning Team of MUDC carried out public community consultation in October – December 2014 in the preparation of the draft Community Plan. Further consultation was carried also carried out with Stakeholders and in February 2016 the priority above was again confirmed as part of that feedback. Both consultation exercises identified planning issues and priorities that have been identified and included in the separate subject policy review papers.

3.0 Existing Planning Policy

- 3.1** As explained, and unlike the other subjects, the General Principles contained within Planning Policy Statement 1 (PPS1) are cancelled through the adoption of the SPPS in September 2015.
- 3.2** The SPPS states that 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. The SPPS therefore advises that 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.
- 3.2** The SPPS also advises that 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. It therefore considered that that General Planning for Mid Ulster should be tailored within this in mid.

3.3 Specifically within the context of Sustainable Development the SPPS states that 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, 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.

3.4 The SPPS goes on to state that 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.

Core Planning Principles within SPPS

3.5 The SPPS states that 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.

3.6 To assist with the above mentioned approach the core planning principles of the two-tier planning system identified in the SPPS 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.

4.0 Consideration of Current Planning Policy and Options

4.1 In the context of the General Policy it is considered that there are no reasonable alternative policy options as an alternative would not be consistent with the SPPS. Furthermore during the review of the various other subject policies it was agreed that many of those general considerations contained within the current Planning Policy Statements, and which relate to all development irrespective of type, would be dealt with within one policy at the outset rather than repeated throughout each subject.

4.2 In considering the appropriate approach to this policy it is considered that it should be set within the framework of the SPPS which statement that sustainable development should be granted permission unless material considerations indicate otherwise. It is within this context that the suggested wording approach has been drafted.

5.0 Suggested Wording of General Planning Policy

- 5.1 It is considered that the suggested general planning policy will apply to all development and will not therefore be repeated within the separate subject policies within the LDP. The wording of this general policy could be along the following lines:

General Policy

Planning permission will be granted for sustainable development where the proposal accords with the Plan and there is no demonstrable harm in relation to the following:

(a) Amenity

Development should be compatible with surrounding land uses, the amenities of nearby residents and have regard to the character of the area in which it is located. In considering the impact on amenity regard should be given to the following:

- ***Levels and effects of noise and vibration;***
- ***Lighting;***
- ***Loss of sunlight, daylight and privacy;***
- ***Odour and fumes;***
- ***Levels and effects of emissions including dust, smoke, soot, ash, grit or any other environmental pollution to water, air or soil.***

(b) Nature and Scale of development

Development should be in accordance with the Strategic Planning Guidelines within the Plan in terms of its nature and scale and should ensure that it would not prejudice the operation of an existing enterprise. See Economic Development Policy within the Plan.

(c) Siting, Design and External Appearance

New development should respect their surroundings whether urban or rural having regard to the street scene and pattern of development in the urban setting and the impact on character and local landscape in the rural setting.

The siting of development should have regard to the relationship of the development to existing buildings and the visual effects of the development on the surrounding area and landscape.

Where relevant consideration should be given to issues of size, scale, form, massing, height, and density and external appearance should have regard to the locality in terms of style, fenestration, materials and colours.

Development should be sited and designed so as to not have an adverse impact on public safety and should create safe and accessible places for all people.

See *Urban Design Policy and Sustainable Development in Countryside Policy* for further design considerations. This policy is also supported by supplementary design guidance.

(d) Access, Road Layout and Parking Provision

Proposals should ensure that the existing road network can safely handle any extra traffic the proposal will generate or suitable developer led improvements are proposed to overcome any roads problems identified. Where appropriate a Transport Assessment should be submitted to evaluate the transport implications of a development.

Adequate and safe access arrangements, manoeuvring and servicing areas should be provided and a movement pattern that, insofar as possible, supports walking and cycling, respects existing public rights of way and provides adequate and convenient access to public transport.

Car parking should be provided in accordance with published standards as set out in supplementary guidance. An exception may be made where the proposal is located in a town centre or other highly accessible location well served by public transport or where there is spare capacity within nearby public car parks or adjacent on street car parking.

(e) Meeting Needs of People with Mobility Difficulties

All development including buildings, open spaces and transportation schemes should take account of the specific needs of those people whose mobility is impaired by including:

- ***facilities to aid accessibility e.g. dropped kerbs, tactile paving, removal of unnecessary obstructions;***
- ***convenient movement along pathways and an unhindered approach to buildings;***
- ***pedestrian priority to facilitate pedestrian movement within and between land uses;***
- ***reserved car parking for those with mobility difficulties and for parents and children; and***
- ***ease of access to public transport facilities and taxi ranks.***

New buildings should provide ease of access without the hindrance of steps or other such obstructions. Where appropriate a Design and Access Statement will be required to demonstrate how the needs of those with mobility difficulties, including visual impairment, has been given consideration.

(f) Landscape Character

Development proposals should respect, protect and/or enhance the region's rich landscape character, features and sites designated for

their landscape quality at any level. They should also reflect the scale and local distinctiveness of the landscape.

(e) Biodiversity

Development proposals should respect, protect and/or enhance the district's rich and distinct biodiversity and sites designated for their contribution to the natural environment at any level. Attention should also be given to Natural Heritage Policy within the Plan.

(g) Planning Gain and Developer Contribution

In determining an application appropriate weight will be given to proposals and/or developer contributions which include a planning agreement or which will provide local infrastructure, community facilities and other benefits which may be intended to offset the loss of, or impact on any amenity or resource. Developer contribution offers of community benefits outside of a planning agreement will not be accorded any weight in the determination of a planning application.

Planning permission may be refused where the proposal conflicts with the Plan or where the proposal will cause demonstrable harm to interests of acknowledged importance.

Amplification

In all cases regard should be given to current guidance and advice by central government or Mid Ulster District Council and any subsequent amendments.

Under the provisions of the Planning Act 2011 a planning application should be determined in accordance with the Plan unless material considerations indicate otherwise. The criteria in this policy represent those considerations which normally apply to a range of different types of proposals. However, it is not possible to indicate all potential material considerations that may arise. Accordingly a precautionary principle will apply in line with the SPPS which states 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.

6.0 Conclusion and Recommendation

- 6.1** In a previous paper reviewing Transportation Policy it was recommended that the general policy within the Plan should include considerations on the Provision of Public and Private Car Parks and on Temporary Car Parks. Upon further examination it is felt that this is unnecessary as Mid Ulster is not under pressure from this type of development nor do we have the demand for such proposals at this time.
- 6.2** The suggested policy wording contained within this Paper is subjected to Sustainability Appraisal/Strategic Environmental Assessment, before any final decisions are made on what will go forward for public consultation in the Preferred Options Paper

