



## Belfast City Council

<b>Report to:</b>	Development Committee
<b>Subject:</b>	Response to PPS 23 & 24 and RTS Review
<b>Date:</b>	13 April 2011
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<b>1</b>	<b>Relevant Background Information</b>
1.1	<p><u>PPS 23 &amp; 24</u> The Minister for Environment launched two new draft planning policies aimed at managing sustainable economic development on 17 January 2011.</p>
1.2	<p>Draft PPS23 seeks to put in place policy for assessing proposals for enabling development. The document states that '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 be allowed where it will secure a proposal for the long term future of a place of heritage significance, or scheme of significant regional or sub regional public benefit and may also be acceptable to secure the future of non listed buildings of local significance.</p>
1.3	<p>Draft PPS 24 is intended to provide guidance on the weight to be accorded to economic considerations in the making of planning decisions. Policy EC1 states "Full account shall be taken of the economic implications of a planning proposal, including the wider implications to the regional and local economy, alongside social and environmental aspects in so far as they are material considerations in the determination of planning application to which they relate".</p>
1.4	<p>The Draft goes on to state that where the "economic implications of a proposal are significant, substantial weight shall be afforded to them in the determination of that planning application. In such cases, substantial weight can mean <u>determinative weight</u>."</p>

1.5	<p><b>Regional Transportation Strategy Review</b> The Minister for Regional Development launched the public consultation of the revised Regional Transportation Strategy for a 15 week period on the 16 March until 28 June 2011.</p>
1.6	<p>The current Regional Transportation Strategy 2001 – 2012 was used to secure public funding for transport infrastructure projects throughout the region. The revised Strategy aims to build on what has been achieved and summarise the current transportation position for the region.</p>
1.7	<p>The revised strategy seeks to set high level aims and strategic objectives for transport in the region that will form the basis for future decision making and funding priorities. The stated objective is to move towards greater sustainability which will contribute positively to growing the economy, improving the quality of life for all and reducing transport impacts on the environment.</p>

<b>2</b>	<b>Key Issues</b>
2.1	<p>The key issue in PPS 23 is the justification outlined under the Policy ED1 Enabling Development. It refers to development that would normally be refused, having regard to prevailing planning policy, but could be exceptionally permitted in order to protect heritage assets or secure regional or sub regional public benefit. There is concern that Draft PPS 23, in its current format, could be exploited to enable contentious development proposals other than heritage schemes to be permitted under the guise of public benefit.</p>
2.2	<p>The key issues for Draft PPS 24 is the wording with the use of the term ‘determinative weight’ and the absence of guidance or justification for such a broad policy. The policy unfairly heightens the material influence of economic considerations at the expense of other environmental and social considerations. It could also undermine the contents of all other planning guidance, including regional strategies, development plans and other PPSs.</p>
2.3	<p><u>PPS 23</u> Enabling development under PPS 23 has its origins in England, where, in 2008, English Heritage published a policy statement titled ‘Enabling Development and the Conservation of Significant Places’. From this title it is clear that enabling development is directly linked to the conservation of significant places, which the document goes on to describe as heritage assets.</p>
2.4	<p>The Council would accept that enabling development can help fulfil this objective by securing the long term future of a place of heritage significance. However, Draft PPS 23 contains additional criteria which considerably expand the remit of what constitutes enabling development so that it no longer solely concentrates on safeguarding heritage assets.</p>
2.5	<p>The reference in the policy to apply to ‘a scheme of significant regional or sub regional benefit’ may result in the incentive to conserve heritage assets being devalued or the focus changed to facilitate large developments that could otherwise be contrary to policy being approved. It would be recommended that ‘Enabling Development’ should be restricted to the consideration in circumstances where it will secure the retention of heritage assets with the removal of any reference to additional criteria. Suggested recommendations to amend draft PPS</p>

	23 are outlined in Appendix 1
2.6	<p><u>PPS 24</u></p> <p>The Council strongly supports the need to promote and prioritise economic development in Belfast and the region of Northern Ireland, however the development must be in the appropriate location to maximise longer term economic development for the region and must not be at the detriment of sustainability of the environment and to society.</p>
2.7	<p>It should be highlighted that no comparable policy exists in Britain or the Republic of Ireland and the use of the term 'determinative weight' is a legal phrase that is not stated in any other PPS in Northern Ireland. The inclusion of the phrase implies the favour of economic considerations, to the detriment of other environmental and social considerations. A number of recommendations to amend or replace the policy are outlined in Appendix 2.</p>
2.8	<p><u>Regional Transportation Strategy (RTS) Review</u></p> <p>The potential for new strategic transportation guidance was highlighted in the Departmental Plan approved by Committee in 2010. The development of corporate responses on strategic planning policies, including the Regional Transport Strategy with external specialist support was highlighted as a specific potential future action.</p>
2.9	<p>The Regional Transportation Strategy should play a critical role in setting the context for the continued development of the transport infrastructure for Belfast to maintain and develop its role as the driver of growth for the region. It is essential that the RTS focuses on an improved transport infrastructure for the city and provides formal linkages to any Investment Strategy proposals with an emphasis on supporting economic regeneration, public transport provision and connectivity.</p>
2.10	<p>External specialist support is required to support the development of a response to influence the final RTS and ensure the potential for the continued development of Belfast. The revised RTS will provide the basis for future decision making on funding priorities for transport infrastructure in Northern Ireland and it is essential that Belfast City Council are fully informed and engaged in the process.</p>
2.11	<p>It is anticipated the external support will provide the following services:</p> <ul style="list-style-type: none"> <li>– A review of comparable transport strategies from other administrations and identification of good practice;</li> <li>– Focused stakeholder engagement;</li> <li>– A review of the high level aims and strategic objectives of the revised strategy; and</li> <li>– Advice on the strategic direction and funding priorities for transport infrastructure in Belfast and drafting of a response to the revised RTS.</li> </ul>

<b>3</b>	<b>Resource Implications</b>
3.1	The resource implications would be anticipated to be up to £9,000 for RTS Review.

<b>4</b>	<b>Equality and Good Relations Considerations</b>
4.1	There are no equality and Good Relations Considerations attached to this report

<b>5</b>	<b>Recommendations</b>
5.1	<p>The Committee are requested:</p> <ul style="list-style-type: none"> <li>- To consider the draft responses to PPS 23 &amp; 24 set out in the appendices and if appropriate endorse the submission to the Department of the Environment prior to 6 May 2011.</li> <li>- Agree the commission of external consultancy support with a budget of up to £9,000 for input into the RTS Review</li> </ul>

<b>6</b>	<b>Decision Tracking</b>
	<ul style="list-style-type: none"> <li>- The Council response to PPS 23 &amp; 24 to be submitted to the Department of the Environment by the 6 May deadline.</li> <li>- Draft RTS Response to be taken to June 2011 Committee</li> </ul> <p>Timeline: May/June 2011 <span style="float: right;">Reporting Officer: John McGrillen</span></p>

<b>7</b>	<b>Key to Abbreviations</b>
	<p>DOE – Department of the Environment  PPS - Planning Policy Statements  RTS – Regional Transportation Strategy  DRD – Department for Regional Development</p>

<b>8</b>	<b>Documents Attached</b>
	<p>Appendix 1 – Draft Response to PPS 23 Enabling Development  Appendix 1a - Suggested amendment to Policy ED 1 of Draft PPS 23  Appendix 2 – Draft Response to PPS 24 Economic Considerations</p>

**Appendix 1**

Draft Response to PPS 23 Enabling Development

## **Draft Response to PPS 23 Enabling Development**

### **1.0 Introduction**

Planning Policy Statements (PPSs) are significant statements of regional planning policy that are consulted by decision-makers when assessing planning applications for development. In terms of their status, they command the highest position in the hierarchy of material planning considerations and can be critical in determining whether or not a planning application should be approved or refused.

Draft Planning Policy Statement 23 titled 'Enabling Development' (PPS 23) puts in place policy for assessing applications for enabling development, which is defined in the PPS as follows:

*'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 a proposal for the long term future of a place of heritage significance, or scheme of significant regional or sub-regional public benefit (the principal proposal), and may also be acceptable to secure the future of a non-listed building of local significance.'* Source: Paragraph 1.1 Draft PPS 23

Therefore, an application for enabling development is one **that would not normally be allowed**, as it is contrary to planning policy, but may exceptionally be permitted in order to secure a public benefit. For the most part, public benefit in the draft PPS is generally associated with securing the long-term future of a place of heritage significance with the critical exception of the regional or sub regional schemes.

### **2. The purpose of Enabling Development**

Enabling development under PPS 23 has its origins in England, where, in 2008, English Heritage published a policy statement titled 'Enabling Development and the Conservation of Significant Places'. From the latter title it is clear that enabling development is directly linked to the conservation of significant places, which the document goes on to describe as heritage assets.

*A significant place specifically refers to 'any part of the historic environment that has heritage value, including but not limited to scheduled monuments and other archaeological remains, historic buildings (both statutorily listed or of more local significance) together with any historically related contents, conservation areas, parks and gardens either registered or forming the setting of a listed building, and registered battlefields.'*

Based on this definition, it is clear that enabling development is principally connected to the conservation of a building, a group of buildings or a site that is deemed to be a significant heritage asset.

The concept of enabling development recognises that conservation and maintenance of a significant heritage asset can be a costly exercise and therefore it is sometimes necessary to show flexibility in the determination of related proposals that are aimed at financing this conservation.

At one level, this flexibility may relate to a decision on how a building is used and/or how it looks. Accordingly, enabling development could involve permitting a change of use in a building that is contrary to planning policy – if this use enables the building to be preserved on a long-term basis. A hypothetical example may involve using an historic building located within the Retail Core of Belfast City Centre for residential purposes, even though prevailing planning policy stipulates that retail uses only should be permitted there. Likewise, enabling development could relate to permission for an exceptionally large extension to a listed building on the basis that the rent income secured by the additional space will enable the listed building to be preserved and maintained.

At another level, enabling development may involve the consideration of proposals that go beyond a change of use or appreciable extension to a building of heritage value. For example, this may include permission for entirely new development to take place within the grounds of an historic garden in order to secure its upkeep. It could even relate to a grant of permission on a totally different site, if this enabling development would help subsidize the improvement and maintenance of the heritage asset in question.

Having regard to the above, the Council fully acknowledges and supports the need to safeguard the heritage assets within its Council area. Indeed, one of the Council's Corporate Strategic Objectives states *'To ensure that Belfast becomes a more sustainable city by helping to protect its built and natural heritage.'*

Equally, the Council also accepts that enabling development can help fulfil this objective by securing the long term future of a place of heritage significance. However, having stated the above, Draft PPS 23 has chosen to considerably expand the remit of what constitutes enabling development so that it no longer solely

concentrates on safeguarding heritage assets. Instead, it is conceived a wider concept that can be applied to most development proposals, not just those seeking to conserve heritage assets. The Council are concerned that this approach may result in developers not attempting to conserve heritage assets at all, if the incentive of enabling development is made equally available for new build schemes.

### **3. The implications of Draft PPS 23**

Draft PPS 23 has greatly increased the circumstances in which it could be used to permit enabling development (that is development which would normally be refused) to include '*schemes of significant regional or sub-regional public benefit.*' Draft PPS 23 does not specify what constitutes regional or sub-regional schemes, therefore most medium to large scale applications could effectively seek to be classified as such. In other words, even moderately sized applications can aim to be described as having a sub-regional public benefit.

Draft PPS 23 also states that enabling development may also be acceptable to secure the future of a non-listed building of local significance. Again, there is no clear definition of what this means and the scope for interpretation is immense.

Added to the above, Draft PPS 23 has introduced the term '*principal proposal*' to apply to schemes of '*significant regional or sub-regional public benefit*'. This then makes it possible to confer the status of 'enabling development' to a contentious part of a scheme which must be permitted in order secure the development of the remaining part of the scheme (the principal proposal). The point can be illustrated in the proposal for major shopping centre development at Sprucefield. Here, the developer maintains that the huge retail scheme can only work from an economic perspective if an enabling proposal to build a 26 unit shopping mall, roughly the size of Castle Court, is also permitted alongside the John Lewis store. In other words, the enabling development of a shopping mall will enable (or pay for) the principal proposal (John Lewis) to locate at Sprucefield. This proposal is based on the interpretation that this is a scheme of regionally significant public benefit. However, this so called enabling development could be proposed in spite of the fact that prevailing retail planning policy has a clear presumption against allowing High Street retailing to locate in out of town locations, for fear of destroying existing town centres. This case clearly demonstrates how, at the regional level, the concept of enabling development under Draft PPS 23 could be tailored to serve the self-interest of a developer as opposed to the wider public interest and longer term sustainability.



Therefore, if the wording Draft PP23 is adopted in the current form the unrestrictive highly contentious planning applications which are contrary to planning policy could seek to obtain planning permission simply on the pretext of securing a questionable public benefit. The guidance as to the measures of any potential public benefit and a mechanism to balance this against any assessment of potentially adverse impacts has not been included in the proposal.

#### **4. Recommendations**

The Council would suggest the consideration of two options in terms of its consultation response to Draft PPS 23.

##### **Option 1 - Amend Draft PPS 23**

Enabling development should only be considered in circumstances where it will secure the retention of heritage assets. This is the reason why the concept was introduced in other jurisdictions and this has always been its intended purpose. For Draft PPS 23 to expand enabling development to include regional and sub-regional development schemes, the conservation of heritage assets will most likely suffer because the unique incentive to improve them will be devalued. The incentive for developers become involved in the sometimes protracted and difficult business of preserving old, historic sites is depleted when the incentive of enabling development is made equally available for new development on more straightforward sites.

Within this context, Policy ED 1 of Draft PPS 23 (see **Appendix 1a** at end of this report) could be amended to restrict the circumstances in which enabling development may be considered. This could involve the following amendments:

- The removal of any reference to regional and sub-regional schemes of public benefit for the reasons explained above.
- One of the circumstances in which enabling development may be considered needs to be omitted. This refers to *'the cessation and removal of undesirable use elsewhere on land in control of the applicant, where appropriate.'* The Council are concerned that this could result in a situation where a landowner or developer could intentionally blight a site with a view to obtaining a more lucrative planning permission. For example, a green-field or under used site could be turned into a scrapyard in the knowledge that, under Draft PPS 23,

planning permission may then be granted for housing as a preferable alternative.

- Further clarification is required on what is meant by '*a range of leisure facilities*'. Under Draft PPS 5, leisure facilities are defined as '*Indoor or covered recreation and leisure facilities including swimming baths, skating rinks, gymnasium and other sport halls; cinemas, concert and dance halls, theatres, amusement arcades and centres, restaurants, cafes and licensed premises.*' The Council would not consider the development of cinemas and amusement arcades merits finance through enabling development. Accordingly, the range of leisure facilities in Draft PPS 23 needs to be more clearly specified.

Similarly, further clarification is also required in identifying what is meant by a '*non-listed building of local significance*'.

## **Option 2. Incorporate policy on 'Enabling Development' as an Addendum to PPS 6**

The Council consider the embodiment of policy on enabling development within PPS 6, which deals with Planning, Archaeology and the Built Heritage as a worthy alternative. By explicitly linking policy on enabling development to PPS 6, developers will be left in no doubt that it will only be considered for proposals which help conserve the form of heritage assets identified in the main body of the PPS.

### **5. Conclusion**

The Council would highlight that the concept of 'Enabling Development' refers to development that would normally be refused, having regard to prevailing planning policy, but could be exceptionally permitted in order to secure a public benefit. This public benefit is commonly associated with the protection of heritage assets, such as listed buildings and historic parks, which are typically expensive to retain and maintain. In this regard, the introduction of the policy provision would be worthwhile, but only if it is restricted to heritage assets and not speculative development proposals of questionable public benefit.

The Council are concerned that Draft PPS 23, in its current format, could be challenged and has the potential to enable highly contentious development proposals to be permitted. The policy proposed needs to be refined so that it can help protect and sustain Northern Ireland's rich legacy of buildings and historic sites. Accordingly, it is hoped that the Council's recommendations outlined in Options 1 and 2 above will

allow the Department to revisit Draft PPS 23 so that it can become a more focused and reasonable instrument of policy.

**Appendix 1a**

Suggested revision to Policy ED 1 of Draft PPS 23

## **Policy ED 1 – Enabling Development**

Proposals involving enabling development will only be permitted where all of the following criteria demonstrated by the applicant in the submission of a **Statement of Justification** to accompany an application for planning permission:

- a. the principal development to be subsidised by the proposed enabling development will bring significant long-term benefits according to its scale and location;
- b. the principal development would otherwise be either operationally or financially unviable;
- c. the impact of the enabling development is precisely defined at the outset;
- d. the scale of the proposed enabling development does not exceed what is necessary to support the principal proposal;
- e. sufficient subsidy is not available from any other source; and
- f. the public benefit decisively outweighs the disbenefits of setting aside other planning policy.

Enabling development may be considered in the following instances:

- the provision of cultural activities;
- the refurbishment of an historic building;
- the refurbishment of industrial heritage;
- the restoration of an Historic Park, Garden or Demesne;
- the restoration / creation of a publicly accessible wildlife habitat;
- the provision of community facilities;
- the provision of educational facilities;
- social and health infrastructure;
- a range of leisure facilities; or
- the cessation and removal of undesirable use elsewhere on land in control of the applicant, where appropriate.

In addition, proposals involving enabling development and which relate to the re-use, restoration or refurbishment of significant places, i.e. any part of the historic environment that has heritage value including scheduled monuments, archaeological remains, historic building (both statutorily listed or of more local significance) together with any historically related contents, industrial heritage, conservation areas or an historic park, garden or demesne, will be required to demonstrate all of the following in its **Statement of Justification**:

- (i) it will not materially harm the heritage values of the significant place or its setting;
- (ii) it avoids detrimental fragmentation of the management of the significant place;
- (iii) it will secure the long term future of the significant place and, where

applicable, through sympathetic schemes for their appropriate re-use;  
and

- (iv) it is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than circumstances of the present owner, or the purchase price paid.

**The Best Practice Guidance 'Assessing Enabling Development' accompanying this PPS will be taken into account in considering proposals.**

**In considering enabling development proposals developers are encouraged to enter into pre-application discussions with the planning authority.**

**The public benefit to be derived from the principal proposal will be secured either by conditional grant of planning permission or conditional grant accompanied by a planning agreement.**

**Appendix 2**

Draft Response to PPS 24 Economic Considerations

## Draft Response to PPS 24

### 1.0 Introduction

Planning Policy Statements are significant statements of regional planning policy that are consulted by decision-makers when assessing planning applications for development. In terms of their status, they command the highest position in the hierarchy of material planning considerations and are critical in deciding whether or not a planning application should be approved or refused.

Paragraph 1.4 of Draft PPS 24 states that *'the purpose of this draft PPS 24 is to provide guidance on the weight that should be accorded to economic considerations in the making of planning decisions.'*

The Council fully recognises that economic considerations play an important role in the determination of planning applications. One of the Council's Corporate Strategic Objectives is *'to stimulate and support economic growth and to enhance the cultural and tourism experience of the City.'* In this regard, therefore, the Council is also fully supportive of the desire to make economic growth and wealth creation a top priority of The Northern Ireland Executive's Programme for Government.

However, having stated the above, the Council's Corporate Strategy also recognises that this economic objective must be balanced against other social and environmental objectives that seek to promote a high quality environment in which to live. These objectives are equally important and are outlined below.

- *To improve the quality of life for present and future generations by making Belfast a better place to live, work, visit and invest in.*
- *To create a vibrant, shared and diverse city.*
- *To ensure that Belfast becomes a more sustainable city by helping to protect its built and natural heritage.*

Draft PPS 24 is titled 'economic considerations' and focuses exclusively on attaching substantial weight to them, therefore it may be inferred that social and environmental concerns are correspondingly downgraded in importance. This would be unacceptable to the Council and the unacceptability of Draft PPS 24 is reinforced when both the origins and contents of the document are considered in more detail.



## **2.0 The origins of Draft PPS 24**

The origins of this PPS can be traced back to a Ministerial statement made in Stormont that sought to elevate the importance of economic considerations in the determination of planning applications. The statement was introduced at the time of highly disputed planning applications at Sprucefield and at Magheramorne, near Larne. In recognition of the clear intention that the statement would serve as policy, without any consultation, it was quashed in the High Court in October 2010 for having no legal basis. It appears that Draft PPS 24 seeks to legitimise this original statement through the introduction of a new policy. The Council is concerned that it has been prepared at the time when objections to contentious planning applications are due to be heard at a number of inquiries, including the controversial proposals at Sprucefield.

Against this background, the contents of this policy together with its timing and purpose are a significant concern for Belfast City Council.

## **3.0 A review of Draft PPS 24**

The full extent of the policy is reproduced below.

### **Policy EC 1 – Economic Considerations**

**Full account shall be taken of the economic implications of a planning proposal, including the wider implications to the regional and local economy, alongside social and environmental aspects in so far as they are material considerations in the determination of the planning application to which they relate.**

**Where the economic implications of a proposal are significant, substantial weight shall be afforded to them in the determination of that planning application. In such cases, substantial weight can mean determinative weight.**

‘To allow the planning authority to make an informed decision on an individual development proposal, it is essential in submitting planning applications, that sufficient information about the economic implications (positive and negative) is provided. This information should be proportionate to the scale and significance of the relevant development proposal.’

As a policy document designed to afford substantial weight to economic factors when assessing planning applications, Draft PPS 24 is not a substantial document. Policy EC 1 consists of two paragraphs only and a single explanatory paragraph. The minimalist composition reflects the unusual nature of the document. It is quite rare for economic considerations to be separated from the broad range of planning considerations and dealt with in isolation. They are typically considered alongside other environmental and social considerations that make up a general set of principles which public bodies must take into account. As far as the Planning Service is concerned, these broad principles are set out in Planning Policy Statement 1 (PPS 1) entitled 'General Principles'. This publication will be referred later in Section 5.0 of this submission.

A detailed review of Draft PPS 24 reveals the following points:

- Policy EC 1 makes no reference to location. It does not distinguish between planning proposals within settlements and those proposed for the countryside. This effectively means that a proposal to build for example a shopping centre in an area of high scenic quality, such as the Belfast Hills, could be permitted under Draft PPS 24 simply because it would create a number of jobs. Equally, a proposal to build for example a casino or amusement arcade in a wholly residential area, could be entitled to serious consideration under this Draft PPS merely because of the jobs it would create.

When guiding economic investment into Northern Ireland the standard technique adopted by planners is to apply the sequential approach. This approach involves exploring investment opportunities in the City Centre first, followed by consideration of those sites beyond the City Centre but within the settlement limit. This sequential approach logically recognises that economic investment in the City Centre has wider regeneration benefits and greater potential to create spin-off employment and investment nearby. It also acknowledges that job creation in the heart of the city carries a reduced risk of displacing employment from elsewhere. However, because Policy EC 1 pays no regard to location and focuses primarily on creating jobs without a mechanism to balance the cost to the environment and to society, those jobs linked to commercial development at the edge of settlements or in the

countryside will be given the same determinative weight as those proposed for Belfast or other centres. On this basis, it is reasonable to conclude that economic investors will be attracted to Greenfield sites on the edge of settlements rather than urban centres such as Belfast. This is primarily because they have the unfair attributes of greater site or land areas, the potential unregulated or free car parking which centres such as Belfast could never hope to compete with. As a consequence, the application and utilisation of the policy could severely harm the prospects for investment in regeneration projects in urban centres and even in neighbourhood level renewal or regeneration areas.

- Policy EC 1 does not differentiate between economic implications for the regional and local economy, therefore all planning applications - no matter how small or how inappropriately located - can seek to obtain planning permission on the sole basis that investment is being proposed with an economic return or several jobs being provided.
- Finally, the term 'determinative weight' is a legal phrase that is not stated in any other PPS in Northern Ireland. Its very inclusion suggests a bias in favour of economic considerations, to the detriment of other environmental and social considerations. It therefore undermines the necessity for public bodies to assess all considerations in a consistent and reasonable manner.

Taking account of the concerns outlined above, the implications of supporting Draft PPS24 in its current format need to be fully understood. These are highlighted below.

#### **4.0 Implications of Draft PPS 24**

The Council is concerned that Draft PPS 24 could make the policy recommendations of all Development Plans, Strategies and Development Frameworks redundant. This includes a wealth of extensively consulted strategies and policies prepared by Belfast City Council and other government departments such as the DOE, DRD and DSD.

This would include publications such as the:

- Belfast City Council Masterplan;
- Belfast City Council Corporate Strategy;

- Regional Development Strategy (RDS);
- Belfast Metropolitan Area Plan 2015 (BMAP);
- DSD Masterplans for Belfast City Centre;
- Detailed application guidance notes; and
- all other Planning Policy Statements in Northern Ireland.

By dismissing the recommendations of plans and strategies the draft policy could effectively contravene the need to respect the plan-led approach in the assessment of planning applications.

Adoption of Draft PPS 24 in its current form could therefore overshadow the consultative input of the Council's elected representatives and the general public in formulating policy. It could also be used to disregard genuine issues raised by European-based environmental impact legislation. This could in turn undermine the broader policy and lead to decisions challengeable under European Law.

Decisions on planning applications involve a considered, balanced assessment of a range of material considerations. By singularly elevating the importance of economic considerations this PPS could bias the evaluation process and essentially result in predetermined outcomes for planning applications.

In many respects, Draft PPS 24 will lead to a total diminution of the Council's function in framing its own strategies and policies, simply because they will be overridden by the stipulations of PPS 24 with no recourse to appeal other than through legal challenge. Indeed, if statutory consultees such as council and plans and policies are capable of being overruled by 2 paragraphs in Draft PPS 24 then the very need for planning departments to exist at all could be called into question.

## **5.0 Recommendations**

The Council would recommend consideration given to two options:

### **Option 1 - Amend Draft PPS 24**

Policy EC 1 of Draft PPS 24 could be amended to take into account the following points:

- It has to be made clear that substantial weight will only be attached to economic considerations when the assessment of the application is finely balanced, having regard to other environmental and social considerations. In

other words, economic considerations will only tip the scales in favour of the proposed development when it is shown that there will be no demonstrable harm to environmental and social interests of acknowledged importance.

- A distinction also has to be made between the economic implications of major planning applications and minor applications. As Draft PPS 24 currently stands, a proposal to provide even one job in a minor but controversial development could be argued as sufficient grounds upon which to afford determinative weight to economic considerations.
- Finally, the last sentence which refers to 'determinative weight' has to be omitted, no other planning policy in the other administrations or the Republic of Ireland uses such terminology. This is because it side steps the need to collectively weigh up all considerations when arriving at a decision.

Within the context of the above points, Draft PPS 24 could be amended to read as follows:

*'Full account shall be taken of the economic implications of a regionally significant planning proposal, including the wider implications to the regional economy, alongside social and environmental implications in so far as they are material considerations in the determination of the planning application to which they relate.*

*Where the economic implications of a regionally significant proposal are significant and where the proposed development causes no demonstrable harm to interests of acknowledged environmental and social importance, substantial weight may be afforded to economic considerations in the determination of that planning application.'*

The planning policy statement should also contain more detailed guidance to the approach to the assessment of economic considerations. This should include clear guidance to ensure that any decision taken under PPS 24 does not undermine broader strategies and policies within PPS or Development Plans.

## **Option 2 - Amend Planning Policy Statement 1 (PPS 1) entitled 'General Principles'**

PPS 1 outlines the general principles that the Department observes in formulating planning policies, making development plans and exercising control of development. Understandably, given the desire to promote sustainable growth, PPS 1 prudently links economic development with sustainable development (see quote below).

*Sustainable development seeks to deliver the objective of achieving, now and in the future, economic development to secure higher living standards while protecting and enhancing the environment. Para 11, p7, PPS 1*

However, in recognition of the need to respect the spirit and purpose of Draft PPS 24, it might be worth strengthening the weight attached to economic considerations as part of an amendment to PPS 1. Accordingly, paragraph 10 of PPS 1 could be amended to incorporate the second paragraph outlined in Option B above so that it reads as follows.

*'In exercising its planning functions, therefore, the Department must integrate a variety of complex economic, social, environmental and other factors, many of which have implications beyond the confines of the land-use planning system.*

*Where the economic implications of a regionally significant proposal are significant and where the proposed development causes no demonstrable harm to interests of acknowledged environmental and social importance, substantial weight may be afforded to economic considerations in the determination of that planning application.'*

## **6.0 Conclusion**

Whilst the Council strongly supports the need to promote and prioritise economic development in the region, the Council equally recognizes that development must not come **at any price** to planning policy, the environment and society. The wording of Draft PPS 24 inappropriately heightens the material influence of economic considerations at the expense of other environmental and social considerations. Not only does it appear to eclipse the contents of all other planning guidance, including regional strategies, development plans and other PPSs, it questions the very necessity to plan at all. The Council would highlight the fact that no comparable policy exists within the other planning administrations or the Republic of Ireland and therefore would urge a fundamental review of this Draft PPS. In this regard, it is hoped that the Council's recommendations outlined in Options 1 and 2 above will allow the Department to revisit Draft PPS 24 so that it can become a more balanced and reasonable instrument of policy.