

A

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Monday 3 November 2014 at 7 pm, in Magherafelt District Council Offices

Members Present:	In the Chair, Councillor Kearney (Chair) Councillors Bateson, Clarke, Cuthbertson, Gildernew, Glasgow, McEldowney, McKinney, McPeake, Mallaghan, Mullen, T Quinn, Reid and J Shiels
Officers in Attendance:	Mr Tohill, Chief Executive Mr Boomer, Area Planning Manager Mr Moffett, Change Management Officer Mrs Grogan, Committee Services/Senior Admin Officer (Dungannon & South Tyrone Borough Council)
Others in Attendance:	Mr Melvin Bowman, Senior Planning Officer Mr Phelim Marrion, Senior Planning Officer Mr Martin McCarroll, Senior Planning Officer

The meeting commenced at 7.05 pm.

P19/14 Apologies

Councillors Bell and Robinson.

P20/14 Declarations of Interest

The Chair reminded members of their responsibility on declarations of interest.

Matters for Decision

P21/14 Receive and Confirm Minutes of the Planning Committee Meeting held on Monday 6 October 2014

Reference to item, Paper on Accommodating Population and Growth across Mid Ulster - P15/14

- Paragraph 12, first sentence: remove the word “avoid” and replace with “encourage”
- Paragraph 5, second sentence: include the word “Clachan”.

Proposed by Councillor Glasgow
Seconded by Councillor Quinn and

Resolved: That the minutes of the meeting of the Planning Committee held on Monday 6 October 2014 (P12/14 – P18/14) were considered and subject to the foregoing amendments, signed as accurate and correct.

P22/14 Receive Paper on Arrangements for Transfer of Planning to Mid Ulster District Council

The Chief Executive presented a report on the transfer of Planning Function to Mid Ulster District Council.

The Chief Executive advised that Mid Ulster District Council has now been confirmed as the third Council on the list for the physical transfer to the Planning Function on the basis of its IT readiness. Early transfer will facilitate an essential bedding-in period and test systems from a Mid Ulster site leading to April 2015.

Councillor Gildernew stated that he was disappointed that there was no mention of a presence in Dungannon or Cookstown.

The Chief Executive advised that Planners would be available from within Dungannon and Cookstown as part of future service delivery arrangements.

Councillor Mallaghan enquired about the recruitment of staff.

The Area Planning Manager advised that there were no specific details that he could update the committee on.

P23/14 Scenario Based Workshop Discussion on Process of Receiving and Considering Planning Applications

The Area Planning Manager, Mr Melvin Bowman, Mr Phelim Marrion and Mr Martin McCarroll were in attendance and went through examples of planning applications with members. The examples covered a range of fictitious planning applications and included:

- A Change of Use to ab Amusement Arcade
- Application for a 250kw wind turbine (export to grid)
- Industrial enterprise on land situated adjacent to existing settlement limit of Aughnacloy for the manufacture of quarry machinery
- Replacement Community Centre
- Retention of an agricultural shed
- Dwelling on a farm and domestic garage

Councillor Mallaghan left the meeting at 8.10 pm and returned at 8.15 pm.

Councillor McPeake left the meeting at 8.21 pm during above discussion.

Councillor Glasgow left the meeting at 8.35 pm during above discussion.

P24/14 Planning Study Visit

The Change Management Officer advised that itinerary for the planned study visit will be issued to members this week and that Cookstown and Magherafelt would be the two pick up points for members and officers attending.

P25/14 Duration of Meeting

The meeting was called for 7.00 pm and ended at 8.55 pm.

CHAIR _____

DATE _____

B

Subject: **Transfer of Planning Accommodation and related Costs**

Reporting Officer : **Barry O'Hagan**

1	Purpose of Report
1.1	To inform members of the cost of transferring planning functions To seek approval procure necessary ICT equipment in line with Planning service requirements.

2	Background
2.1	Planning is currently on schedule to move late Dec/January 2015. As part of the transfer staff will operate as NICS civil servants up to March 2015 from within Magherafelt offices. Planning will be delivered as a local government service with the successful switch over to local government infrastructure and communication systems.

3	Key Issues
3.1	<p>Planning is transferring little or no ICT equipment. Their current Planning ICT equipment is owned by ITAssist and it is not being transferred. Council will be required to resource planners with fit for purpose equipment and resources to deliver the Planning service for Mid Ulster. That will include computers and associated equipment for staff to logon onto the council network as of April 2015.</p> <p>Ict propose to build the new infrastructure in the new year and test same in conjunction with planners to avoid disruption of service at handover. The process will tease out anomalies and all the requirements for Council to deliver planning from an ICT perspective.</p>

4	Resources																		
4.1	<p><u>Financial</u></p> <p>The cost of accommodating and making the necessary provision for planning to local government (Magherafelt Offices) can be estimated as follows . (There still significant unknowns and these are indicative at this stage.)</p> <table><tr><th>Planning Accommodation & Related transferring costs</th><th>Estimated Costs £</th><th>Notes</th></tr><tr><td>Cabling, Furniture, Fixtures and Storage accommodation costs</td><td>35,000</td><td>Complete furniture, cabling etc.</td></tr><tr><td>IT Equipment computers, Scanners, Multi-Function printer, network equipment</td><td>30,000</td><td>Complete computers for 40 Staff</td></tr><tr><td>Licensing & Software</td><td>15,000</td><td>Additional software licensing</td></tr><tr><td>Telephony, Mobile, Misc.</td><td>20,000</td><td>Mobile, tel, stationery provision</td></tr><tr><td>Total</td><td>100,000</td><td></td></tr></table>	Planning Accommodation & Related transferring costs	Estimated Costs £	Notes	Cabling, Furniture, Fixtures and Storage accommodation costs	35,000	Complete furniture, cabling etc.	IT Equipment computers, Scanners, Multi-Function printer, network equipment	30,000	Complete computers for 40 Staff	Licensing & Software	15,000	Additional software licensing	Telephony, Mobile, Misc.	20,000	Mobile, tel, stationery provision	Total	100,000	
Planning Accommodation & Related transferring costs	Estimated Costs £	Notes																	
Cabling, Furniture, Fixtures and Storage accommodation costs	35,000	Complete furniture, cabling etc.																	
IT Equipment computers, Scanners, Multi-Function printer, network equipment	30,000	Complete computers for 40 Staff																	
Licensing & Software	15,000	Additional software licensing																	
Telephony, Mobile, Misc.	20,000	Mobile, tel, stationery provision																	
Total	100,000																		

5	Other Considerations
5.1	Further clarifications around who is paying for all the above costs is being sought from the department.

6	Recommendations
6.1	To seek approval to procure the necessary ICT resources and computers through competitive processes for planning Service.

7	List of Documents Attached
7.1	None

C

Subject	Mid Ulster Housing Paper
Reporting Officer	Principal Planning Officer DOE Planning

1	Purpose of Report
1.1	To provide an overview of the current housing situation in Mid Ulster and to consider the housing requirements up to 2030.

2	Background
2.1	This is the second of four papers aimed at building capacity with members, providing baseline information and linking with important ongoing work in relation to the development of a Community Plan and other strategic work being undertaken by the Council.

3	Key Issues
3.1	N/A

4	Resources
4.1	<p><u>Financial</u></p> <p>None</p>
4.2	<p><u>Human</u></p> <p>None</p>
4.3	<p><u>Basis for Professional/ Consultancy Support</u></p> <p>None</p>
4.4	<p><u>Other</u></p> <p>None</p>

5	Other Considerations
5.1	None

6	Recommendations
6.1	That Members note the key findings and give their views on the proposed options for allocating housing across the settlement hierarchy.

7	List of Documents Attached
7.1	Mid Ulster Housing Paper
7.2	Appendix 1 - Mid Ulster Take up of housing zonings

MID ULSTER

Position Paper Two

Housing

November 2014

Accommodating Housing Growth across Mid Ulster Council

Purpose: To provide the Shadow Council with an overview of the current housing situation in the Mid Ulster District Council Area and to consider the housing requirements up to 2030.

Content: The paper provides:-

- (i) the regional policy context for formulating Local Development Plan housing strategies and policies;
- (ii) a profile of the housing stock of Mid Ulster;
- (iii) an overview of the Housing Growth Indicators and how these can be notionally allocated; and
- (iv) an understanding of housing allocations, existing housing supply and the need for additional zoning.

Recommendation: That the Shadow Council consider the findings and considers how future housing growth should be apportioned across settlements and the countryside.

1.0 Introduction

1.1 This is the second of four papers aimed at:

- building the capacity of members to make informed planning decisions, particularly within the plan making context;
- providing baseline information which will inform planning policy making at local level; and
- linking with important ongoing work in relation to the development of a Community Plan and other strategic work being undertaken by the Council.

1.2 The purpose of this paper is to inform the newly formed Shadow Council for Mid Ulster on how housing land provision will be addressed in the future. This paper sets out the regional context for housing, outlining the current situations regarding population and housing and the implications of new household formation and population growth in the Plan area. It provides an indication of how housing growth could be allocated across the settlement hierarchies of each district, taking into account the directions for balanced growth as set out in the RDS. It then addresses land availability for housing across Mid-Ulster using information from the Annual Urban Housing Land Availability Summary. It examines the take up of zoned land within the current development plans

and the amount of land remaining available for development and identifies whether any additional land is required to 2030. This paper allows members to commence consideration of a housing growth strategy and to understand the options for allocating housing growth and the potential consequences of such allocations. However, at this stage the paper only aims to provide a foundation for future decision making which will need to be further informed by more detailed evaluation of the individual settlements, a sustainability assessment, and public consultation.

2.0 Regional Policy Context

2.1 The Regional Policy Context is provided by the Regional Development Strategy (RDS) 2035 and regional planning policy statements. A summary of these documents as they pertain to plan making and local housing policy is provided in the following sections.

(a) Regional Development Strategy

2.2 Prior to the publication of the Regional Development Strategy (RDS 2025), housing need was estimated by means of a “Predict and Provide” approach. District housing need was estimated by projecting trends in population and average household size, also taking into account house construction rates. The RDS introduced fundamental and significant changes to the manner in which area plans must now provide for future housing requirements. The approach now taken is known as “Plan, Monitor and Manage” which seeks to ensure that plans become more sustainable, balanced and integrated.

2.2 The RDS 2035 sets policy directions for the provision of housing that aim to deliver development in a more sustainable manner. This means growing population and providing additional housing in the Hubs (SFG 12) and sustaining rural communities living in smaller settlements (i.e. smaller towns and villages) and the open countryside (SFG 13). It also provides Regional Guidance for housing development recognising the need to: -

- strengthen community cohesion through fostering a stronger community spirit and sense of place and encouraging mixed housing development (RG 6);
- support urban renaissance by encouraging and bringing forward under-utilised land and buildings, particularly for mixed use development and promoting regeneration in areas of social need (RG 7); and
- manage housing growth to achieve sustainable patterns of residential development by promoting more sustainable development within existing urban areas and ensuring an adequate and available supply of quality housing to meet the needs of everyone (RG 8).

- 2.3** Achieving balanced communities and strengthening community cohesion means the provision of good quality housing offering a variety of house types, sizes and tenures to meet different needs and development that provides opportunities for the community to share in local employment, shopping, leisure and social facilities which are fundamental to the building of more balanced communities. In the first paper to Members on Population and Growth, the importance of providing housing to meet the needs of different groups was highlighted both in terms of families and single people. It was apparent that both the rise in elderly people, declining family sizes and young people starting out was going to lead to increased demand for smaller units, which should be incorporated into new housing along with family housing to create more balanced communities.
- 2.4** The RDS emphasises a sustainable approach to housing growth, setting of a regional target of 60% of new housing to be located in appropriate “brownfield” sites within the urban footprints of settlements greater than 5000 population (RG 8). Brownfield land may encompass vacant or derelict land, infill sites and land occupied by redundant or underused buildings. Therefore, more housing through the recycling of land and buildings within existing urban areas is promoted. Councils are also required to take account of existing vacant housing and needs identified in the Housing Needs Assessment/Housing Market Analysis when allocating land. This includes land for social and intermediate housing such as shared ownership and affordable housing.
- 2.6** The RDS identifies regional housing needs as Housing Growth Indicators (HGI) across Northern Ireland. The HGI for 2008 to 2025 has been set at 3,700 dwellings for Cookstown, 5,000 for Dungannon and 4,600 for Magherafelt. When projected on a pro rata basis to 2030, the figures are 4,760 for Cookstown, 6,330 for Dungannon (after adjustment to take account of the area which will move into Armagh, Banbridge and Craigavon Council) and 5,950 for Magherafelt.
- 2.7** The RDS leaves the issue of how the HGI should be allocated across the settlements and to the open countryside as a matter for each Council to consider, taking into account its spatial framework guidance (SPG). This puts the focus on existing settlements by:-
- taking into account the roles and functions of each settlement (SPG10)
 - putting the hubs as the primary focus of growth both in terms of economic development opportunities and population (SPG11 and 12)
 - recognising the need to sustain rural communities living in smaller settlements and the open countryside, by consolidating and revitalising small towns and villages in their role as local service centres (SPG 13).

- 2.8.** To aid consideration the RDS provides a Housing Evaluation Framework for considering growth, based on a series of tests based on each settlements resources, environmental capacity, transport links, economic development potential, character, and community services.

(b) Regional Planning Policy Statements

- 2.9** The RDS is complemented by the DOE's Planning Policy Statements, the most relevant of which is PPS12 Housing in Settlements. This document is to be replaced by the Strategic Planning Policy Statement (Draft SPSS), a Draft of which was issued for consultation in February 2014. The draft SPSS does not represent a significant change to housing policy but helps to shorten and simplify the guidance for Councils. Both PPS 12 and the Draft SPSS set regional policy objectives underpinning the RDS and equally relevant to local development plans, in terms of:

- managing housing needs in response to changing need;
- directing and managing growth to achieve more sustainable patterns of residential development;
- promoting a drive for more housing within urban areas;
- encouraging increased density appropriate to the scale and design of cities and towns of Northern Ireland.

- 2.10** The statements reiterate that in making housing allocations Councils should apply the RDS Housing Evaluation Framework and take account of the Housing Needs Assessment (NIHE), existing commitments (built, approved, and likely to be approved) and potential windfall. It also advises that in preparing a plan a council should undertake an urban capacity study and where appropriate transport assessments.

- 2.11** The guidance sets a sequential approach to site identification, adopting existing urban sites first, before expansions to towns and cities and treating major expansion of a village or small rural settlement only in exceptional circumstances, and the creation of new settlements in the last resort.

- 2.12** PPS 12 also sets out the role of development plan in terms of meeting social housing needs through either the zoning of land or the outlining of key site requirements through the development plan process.

- 2.13** In relation to Housing in the Countryside, the Draft SPSS adopts a similar approach to PPS21 Sustainable Development in the Countryside, setting policy objectives aimed at:-

- supporting a vibrant rural community;
- conserving the landscape and natural resources of the rural area;
- protecting the landscape from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution;
- facilitating development which contributes to a sustainable rural economy;
- and

- promoting high standards in the design, siting and landscaping of development.
- 2.14** The Draft SPPS also adopts a policy approach based on clustering, consolidating, and grouping new development, particularly new residential development, with existing established buildings and the re-use of previously used land and buildings.
- 2.15** It is therefore reasonable to assume that the Plan Strategy should reflect the aim, objectives and policy approach of the Draft SPPS, but tailored to the specific circumstances of Mid Ulster. These specific circumstances can be identified through:
- Analysis of key assets or features of their rural community
 - Environmental assets appraisal
 - Landscape assessment.
- 2.16** The Draft SPPS suggests that in areas where there is a need to protect landscapes from excessive development Country Policy Areas may be introduced. Alternatively, Dispersed Rural Communities ease controls on rural housing can be identified in the countryside giving consideration to remoteness, evidence of community, activity associated with a focal point (schools, sports clubs, public houses) and has an established dispersed pattern of development). It also advises that Councils should formulate policy to address the need to ensure that:
- development in the countryside integrates into its setting,
 - respects rural character, and
 - is designed appropriate to the local area.
- 2.17** Other regional policies relevant to housing policy currently contained in PPS 7 Quality Residential Environments and PPS 8 Open Space, Sport and Outdoor recreation, are also reflected in the SPPS and are primarily concerned with issues related to design and layout. Draft Planning Policy Statement 22 (PPS 22) deals with Affordable Housing. These matters will be addressed in later papers.

(c) Supplementary Planning Guidance

- 2.18** In addition to regional policy, supplementary planning guidance for residential development is provided by 'Creating Places - Achieving Quality in Residential Development' (May, 2000). It is the principle guide for use by prospective developers in the design of all new housing areas. DCAN 8: Housing in Existing Urban Areas, will also be material to the determination of planning applications for small unit housing within existing urban areas.
- 2.19** The 'Living Places: An Urban Stewardship and Design Guide for Northern Ireland' (September 2014) sets out the key principles behind good place making. It seeks to inform and inspire all those involved in the process of

managing and making urban places, with a view to raising standards across Northern Ireland.

- 2.20** In conclusion, the role of the development plan is to provide housing land in accordance with the RDS. This means zoning sufficient housing land in the larger settlements and providing sufficient opportunities including Housing Policy Areas (HPAs) in smaller settlements to meet the housing growth indicators. It also means ensuring that there is an adequate range of sites at suitable locations to provide a mix of house types and tenures to meet population needs. This paper focuses on identifying what the local housing needs are in relation to overall numbers and special needs. In demonstrating that the HGI is sufficient to cater for the needs of a growing population, the paper then examines how the HGI should be distributed across settlements under the provisions of the RDS and PPS 12 in order to promote sustainable and balanced growth.

3.0 Existing Area Plans

(a) Cookstown Area Plan 2010

- 3.1** The Cookstown Area Plan 2010 was adopted in 2004. The plan defined settlement limits around one principal town – Cookstown and 25 villages. The strategy promotes Cookstown as the principal administrative, commercial and residential centre within the District. Accordingly the plan concentrates large scale land use zonings including housing within the town. The plan strategy is also to maintain and consolidate the existing 25 villages as local centres for housing, employment and leisure activities. In terms of housing provision in the countryside – this would be assessed under prevailing regional policy.
- 3.2** The plan was prepared prior to the publication of the RDS and zoned some 148 hectares of land for housing to be released in two phases in Cookstown. Phase 2 housing land comprises 77.5 hectares and has not yet been released. Potentially this could provide an additional 1,162 houses or 1,937 depending on whether a density of 15 or 25 houses per hectare is used. Elsewhere in the district, housing can also be accommodated within the settlement limits of the 25 villages. Land has not been specifically zoned for housing in the villages.
- 3.3** The Annual Housing Monitor provides an overall picture of the amount of land that has been developed on zoned housing land. Within Cookstown, the Housing Monitor 2013 confirms that 24% of the zoned housing land has been developed with around 53 hectares remaining (Table 1). The developed land includes a small area of non-residential use. Of the 20 zoned housing sites, only one is complete and 15 may be described as ‘active’ in that work has already commenced or a planning permission has been obtained or applied for on part or all of the land. The remaining 4 sites have no planning commitments (Appendix 1).

(b) Dungannon and South Tyrone Area Plan 2010

- 3.4** The Dungannon and South Tyrone Area Plan 2010 was adopted in March 2005. The strategy promotes Dungannon as the principal administrative, commercial and residential centre within the District and seeks to consolidate the role of Coalisland as the borough's second largest settlement. Accordingly the plan concentrates large scale land use zonings including housing within the towns. The plan strategy is also to maintain and consolidate the existing 31 villages as local centres for housing, employment and leisure activities. In terms of housing provision in the countryside – this would be assessed under prevailing regional policy.
- 3.5** As with the Cookstown Area Plan, the plan was prepared prior to the publication of the RDS. The plan allocates 257 hectares of land within Dungannon and 121 hectares in Coalisland, to be released in two phases. As yet Phase 2 land has not been released. In Dungannon town, there are 148 hectares of Phase 2 land which if released could yield 2,220 or 3,700 dwellings depending on whether a density of 15 or 25 houses per hectare is used. In Coalisland, 41 hectares of Phase 2 land could provide an additional 615 or 1,025 houses based on similar densities. Housing can also be accommodated within the designated settlement limits of 31 villages, though there are no specific housing zonings in the villages.
- 3.6** The Housing Monitor confirms that just under 28% of the housing land in Dungannon and nearly 23% in Coalisland has been developed (Table 1). Of the 25 zoned housing sites in Dungannon, 2 are complete, 4 have no commitments and the remaining 19 may be described as 'active'. In Coalisland, 12 of the 20 zoned housing sites are 'active', 5 are complete and the remaining 3 have no commitments (Appendix 1).

(c) Magherafelt Area Plan 2015

- 3.7** The Magherafelt Area Plan 2015 was adopted in December 2011. A settlement hierarchy designates settlements into three tiers. At the top are the two towns of Magherafelt and Maghera, the second level are four villages and at the final level are 21 small settlements. The plan designated new small settlements at Ballymaguigan, Ballynease, Glen, Gracefield, Kilross, Longfield and The Woods. It has a strategy to facilitate a level of overall growth in both Magherafelt and Maghera which reflects their individual status of towns.
- 3.8** Approximately 108 hectares of land are zoned for housing across the two towns in the district: 77 hectares for Magherafelt and 30.3 hectares for Maghera. In addition, there are 52 hectares of land designated as Housing Land Use Policy Areas across the four villages in the district (Bellaghy, Castledawson, Draperstown and Tobermore). Magherafelt District also has 21 small settlements designated which provide opportunities for development in line with their scale, character and role.

Table 1: Zoned Housing Land Uptake 2013 in Mid Ulster Towns

Settlement	Total Area (ha)	Area Developed	Units Complete	Area Remaining	Remaining Units
Cookstown	70.6	16.89	352	53.71	862
Dungannon	109	30.0	576	77.3	1295
Coalisland	80.7	18.1	313	62.3	1025
Magherafelt	77.1	7.6	172	68.6	1209
Maghera	30.3	13.0	251	17.3	357

Source: 2013 Housing Monitor Reports

- 3.9** The Housing Monitor confirms that less than 10% of the housing land in Magherafelt has been developed compared to around 43% in Maghera. Of the 25 sites zoned in Magherafelt, 5 are complete, 14 are 'active' and the remainder have no commitments. In Maghera, 13 of the 16 zoned sites are 'active' and 3 are complete.
- 3.10** Therefore, in summary, all five towns have more than half of the land zoned for housing remaining undeveloped. This is particularly notable for the Cookstown and Dungannon and South Tyrone Area Plans which have both passed their notional end dates. This lack of activity may be reflective of the cooling of the economic climate in the last seven years or so.
- 3.11** However, in terms of delivering new housing, the new local development plan is required to take into account the number of houses built within the RDS period i.e. from 31st March 2008 rather than an examination of zoned housing land uptake since a Plans' adoption.

4.0 A Profile of the Housing Stock in Mid Ulster

- 4.1** Planning has a role in providing for a mixture of tenures, housing types and providing access to affordable housing. Therefore a profile of existing housing stock in terms of tenure, type, affordability, occupancy and unfitness needs to be considered.
- 4.2** As reported in the Population and Growth paper, the Mid Ulster area achieved a growth rate of around 16% between 2001 and 2011 which was more than double that of the Northern Ireland average. Cookstown and Magherafelt both grew at a similar rate of around 13%, however, the population of Dungannon increased by nearly 22% between 2001 and 2011.
- 4.3** However, the number of households in each district has increased at a faster rate between 2001 and 2011 – by some 18% in Cookstown to 12,904, 24% in Dungannon to 20,270 and 16% in Magherafelt to 15,037 (Table 3). This increase in households is due to a growing elderly population and decline in

the number of children and is reflected in declining average household sizes with almost 50% of households in Mid Ulster occupied by 1-2 persons.

- 4.4** Mid Ulster has a young population with over a quarter below the age of 16 which is higher than the Northern Ireland average. Although the number of households with dependent children has decreased slightly between 2001 and 2011, Mid Ulster's overall figure of 38.99% remains higher than the Northern Ireland average of 33.85%, a matter of interest when considering house types, residential amenities and access to services.
- 4.5** The most recent NISRA projections (2008-based) suggest that the number of children will increase as will the number of those of working and pension age. This will have consequences for the number and type of dwellings required. It should also be noted that in all three districts, a large proportion of households are located in the small towns, villages and countryside rather than in the main towns. In particular, almost 51% of households in Magherafelt district are located in the countryside including small settlements, compared to 41.5% in Cookstown and 36.1% in Dungannon.

Table 3: Population and Household Distribution in 2001

	Cookstown District		Dungannon District		Magherafelt District	
	Population	Households	Population	Households	Population	Households
Main Town or Hub	10,566	4,092	10,983	4,494	8,289	3,075
Local/Small Towns	-	-	4,872	1,755	3,648	1,275
Villages	6,307	2,271	10,954	4,134	9,153	2,010
Countryside	15,708	4,520	20,924	5,876	18,690	6,597
TOTAL	32,581 (37,013)	10,883 (12,904)	47,735 (57,852)	16,259 (20,270)	39,780 (45,038)	12,957 (15,037)

Source – Figures in brackets are from 2011 census

Housing Tenure

- 4.6** The most notable change in housing tenure between 2001 and 2006 has been the rise of the privately rented sector across Mid Ulster (Tables 4 and 5). The most notable increases have occurred in Magherafelt (from 5.5% to 11.3%), followed by Dungannon (from 10.1% to 15.8%). This rise in private renting may be a reflection of houses prices being at their highest at that time and the demand for immediate accommodation arising from the influx of nationals from other parts of Europe. In contrast, the proportion of owner occupied houses has decreased slightly across Mid Ulster. In all three

districts, the proportion of vacant properties has remained higher than the regional average of 5.7%.

Table 4: Housing Tenure in 2001

District	Owner occupied	NIHE	H.A.	Private Rented & other	Vacant	Total
Cookstown	8,180 71.2%	1,340 11.7%	130 1.1%	840 7.3%	990 8.6%	11,480
Dungannon	12,220 69.2%	2,170 12.3%	260 1.5%	1,780 10.1%	1,220 6.9%	17,650
Magherafelt	9,600 73%	1,710 13%	130 1%	720 5.5%	990 7.6%	13,150
Northern Ireland	432,270 66.8%	115,980 17.9%	17,930 2.8%	49,410 7.6%	31,940 4.9%	647,530

Source: Housing Condition Survey 2001 and 2006. H.A. – Housing Association

Table 5: Housing Tenure in 2006

District	Owner occupied	NIHE	H.A.	Private Rented & other	Vacant	Total
Cookstown	8,830 71.0%	1,220 9.8	150 1.2%	1,040 8.4%	1,200 9.6%	12,440
Dungannon	14,100 67.8%	1,810 8.7%	300 1.4%	3,290 15.8%	1,290 6.2%	20,790
Magherafelt	10,190 71.4%	1,360 9.5%	180 1.2%	1,610 11.3%	930 6.5%	14,270
Northern Ireland	468,860 66.5%	93,440 13.3%	21,530 3.1%	80,870 11.5%	40,300 5.7%	705,000

Source: Housing Condition Survey 2001 and 2006. H.A. – Housing Association

- 4.7** The 2011 House Condition Survey (HCS) indicates that the proportion of owner-occupied housing stock in Northern Ireland has continued to decline

(61.7% compared to 66.5% in 2006) with an increase in private rented properties and others from 11.6% in 2006 to 16.5% in 2011. The social rented sector accounted for 14.3% of total stock (NIHE -11.3%, HA- 3%). The level of vacant stock has risen (7.2%) in line with growth in the private rented sector. Data from the HCS has not been released at local government level but housing tenure data from the 2001 and 2011 Census also mirrors this change in housing tenure in that there has been a slight decline in the proportion of owner occupation as well as social housing stock with an increase in private rented accommodation (Table 6). NISRA suggests that the key drivers in the increased demand for private rented accommodation are likely to have been: inward migration from EU accession countries; housing affordability issues associated with the mid-2000s upsurge in Northern Ireland house prices; and the particularly adverse impact on the Northern Ireland housing market of the post-2007 economic downturn, which has seen a marked reduction in property values, risk aversion among mortgage lenders and reduced confidence among prospective house purchasers, and, as a result, many households electing to rent rather than buy.

Table 6: Housing Tenure in 2011 Census

	Owner Occupied	Social Housing	Private Rented and Others	Total Households
Cookstown	9,476 73.4% (71.2%)	1,052 8.2% (12.8%)	2,376 15.7% (7.3%)	12,904 (10,883)
Dungannon	14,028 69.2% (73.5%)	2,083 10.3% (15.6%)	4,159 17.6% (10.9%)	20,270 (16,259)
Magherafelt	11,106 74% (75.5%)	1,278 8.5% (14.9%)	2,653 14.4% (9.6%)	15,037 (12,957)
Mid Ulster Total	34,610 71.8%	4,413 9.2%	9,188 19.1%	48,211
N Ireland	474,751 67.5% (69.6%)	104,885 14.9% (21.2%)	106,016 15.1% (9.2%)	703,275

Source: Census 2011 (% figures in () from 2001 Census)

Housing Types

- 4.8** The types of dwellings across Mid Ulster has remained fairly constant, with detached houses forming more than half of the total house type in each of the current districts and is significantly greater than the Northern Ireland average which at 2011 comprised 37.6%. In fact the number of detached houses has risen between 2001 and 2006. This high proportion of detached houses is a reflection of the large number of houses in rural areas. All three districts show a slight decrease in terraced dwellings (Tables 7 & 8).

Table 7: Households by Type 2001

District	Detached	Semi Detached	Terraced	Flats	Other*	Total
Cookstown	6,211 57.1%	2,343 21.5%	1,926 17.7%	328 3.0%	75 0.7%	10,883
Dungannon	8,453 52.0	4,427 27.2%	2,717 16.7%	547 3.4%	115 0.7%	16,259
Magherafelt	7,235 55.8%	3,054 23.6	2,212 17.1%	377 2.9%	79 0.6	12,957
Northern Ireland	230,406 36.76%	174,781 27.9%	169,433 27%	42,830 6.83%	9,208 1.47%	626,658

Source: NISRA - Census 2001 * Other includes caravan, mobile or temporary structure or shared dwelling

Table 8 Households by Type 2011

District	Detached	Semi Detached	Terraced	Flats	Other*	Total
Cookstown	7,455 57.8%	2,894 22.4%	2,113 16.4%	393 3.0%	49 0.4%	12,904
Dungannon	10,566 52.1%	5,842 28.9%	2,992 14.8%	790 3.9%	80 0.4%	20,270
Magherafelt	8,769 58.3%	3,541 23.5%	2,303 15.3%	376 2.5%	48 0.3%	15,037
Northern Ireland	264,307 37.6%	200,577 28.5%	174,896 24.8%	62,386 8.9%	1,109 0.2%	703,275

Source: NISRA - Census 2011 * Other includes caravan, mobile or temporary structure or shared dwelling

Social Housing and Affordability

- 4.9** A gap in market provision can occur if house prices rise beyond that which is affordable. Affordability is determined by price, average incomes and access to borrowing and it remains an issue for first time buyers.
- 4.10** Since 2001, the Housing Executive has published an affordability index developed in partnership with University of Ulster to provide an evidence base for how changes in the housing market were affecting first-time buyer's ability to enter the market. Following a review in 2013, this affordability index has been refined and now uses the concept of an Affordable Limit (AL) to capture the ratio of the maximum allowable loan to income and assumes that the maximum monthly income which can be dedicated to repaying the mortgage is 35 per cent.
- 4.11** The emerging findings indicate that affordability over the period 2010-2012 has improved significantly across most housing market areas, particularly Fermanagh & Omagh, where the percentage of affordable homes for first time buyers was 73% in 2012 (Table 9). This is in stark contrast to the housing market area of Magherafelt, Cookstown & Dungannon where only 42% of homes were affordable. Although there have been significant reductions in house prices everywhere since 2007, affordability remains an issue for first time buyers who continue to experience difficulties in securing mortgages. Falling household incomes and an increasing level of unemployment have an impact on the housing market and the ability of first time buyers to enter the market. The private rented sector therefore remains popular.

Table 9: NI Repayment Affordability 2010-2012

Housing Market Areas	2010		2011		2012	
	Afford Gap (£)	% Unafford	Afford Gap (£)	% Unafford	Afford Gap (£)	% Unafford
Fermanagh & Omagh	40,667	46	44,101	47	50,949	27
Magherafelt, Cookstown & Dungannon	17,667	51	26,101	62	19,461	58
Derry, Strabane & Limavady	435	73	2,987	72	5,832	68

Source: Northern Ireland Housing Market Review & Perspectives 2014-2017

- 4.12** When examining affordability, it is important to note that planning cannot control house prices which are primarily influenced by factors such as interest rates and the availability of lending. However, the provision of social housing in both urban and rural areas, can address the concerns of affordability, in particular for migrant workers, single parents and the needs of young people

and the elderly. None of the existing area plans makes provision for social housing need as they did not zone sites for social housing and therefore this is currently addressed through the development management process.

- 4.13** The NIHE waiting list can be utilised to determine the pressure for social housing in an area. In Magherafelt District, 64% of those categorised as being in “housing stress” were accommodated in 2014, compared to only 34% in Dungannon and South Tyrone (Table 10) and 46% in Cookstown. So while there is a reduction in the proportion of NIHE accommodation across Mid Ulster there is a demand for social housing. Of the applicants in housing stress, single people form the largest grouping, followed by small families (1 or 2 persons aged 16 or over with 1 – 2 children), and the elderly. Therefore it appears that the demand for social housing is focused on smaller households/dwellings.

Table 10: Housing Applicants on Waiting List in March 2014

District	NIHE Housing Stock	Waiting List Applicants	Number in Housing Stress	Total Allocations
Cookstown	1,022	358	166 (46.3%)	76
Dungannon	1,756	1,117	638 (57.1%)	215
Magherafelt	1,281	477	194 (40.7%)	124

Source: - NIHE - District Housing Plans 2014-2015

- 4.14** Social housing need is also met by Housing Associations. The Census 2011 indicates that social housing stock (NIHE and housing associations) accounts for 1,052 dwellings (8.2%) of the total stock in Cookstown, 2,083 (10.3%) of the total stock in Dungannon and South Tyrone, and 1,278 (8.5%) in Magherafelt. So, overall the social housing uptake across mid Ulster is considerably less than the Northern Ireland figure of 14.9%.

Table 11: Social HNA 2013-2018 in Cookstown

Settlement	5 year Projected Social Need
Cookstown North	20
Cookstown South	60
Ardboe/Moortown/ Ballinderry	6
Ballyronan	3
Stewartstown	5
Total	94

Source: - NIHE – Cookstown District Housing Plans 2014-2015

Table 12: Social HNA 2013-2018 in Dungannon

Settlement	5 year Projected Social Need
Dungannon 1	350
Dungannon 2	10
Moygashel	3
Coalsland	35
Benburb	2
Bush	2
Cappagh	4
Castlecaulfield	7
Donaghmore	15
Killyman/ Laghey	2
Mountjoy	3
Moy	8
Total	441

Source: - NIHE – Dungannon District Housing Plans 2014-2015

Table 13: Social HNA 2013-2018 in Magherafelt

Settlement	5 year Projected Social Need
Magherafelt	67
Maghera	10
Castledawson	8
Draperstown	8
Tobermore	4
Ballymaguigan	5
Totals	102

Source: - NIHE – Magherafelt District Housing Plans 2014-2015

- 4.15** Social housing needs are influenced by affordability of housing, accessibility to finance, job/income status and family circumstances. NIHE based the most recent annual Housing Needs Assessment (HNA) on the March 2014 waiting list. Cookstown District currently requires 94 units, Dungannon and South Tyrone requires 441, and Magherafelt District requires a total of 102 (Tables 11, 12 &13)

Specialised Housing Need

- 4.16** People present themselves as homeless for many reasons, the casual factors of which may include marriage/house sharing breakdown, family/relationship disputes and unsuitability of accommodation. NIHE, Housing Associations and other agencies are responsible for providing temporary accommodation for homeless people, Travellers as well as the provision and allocation of

“supported housing”, which also provides rehabilitation for those who are elderly or disabled.

- 4.17** The number of households presenting as homeless in Cookstown has decreased by 17.9% in the past year compared to 4.3% and 3.9% in Dungannon and Magherafelt respectively.

Table 14: Levels of Homelessness 2009 - 2014

		Number Presented	Awarded Full Duty Status*	
2009/10	Cookstown	235	117	49.8%
	Dungannon	547	264	48.3%
	Magherafelt	163	107	65.6%
2013/14	Cookstown	204	63	30.9%
	Dungannon	449	251	55.9%
	Magherafelt	196	99	50.5%

Source: - NIHE - District Housing Plans 2013-2014 * Statutory Homeless

- 4.18** NIHE assists vulnerable people through its “Supporting People” programme offering long term support (sheltered accommodation and homes for life) and short term support (temporary accommodation). The Housing Executive is responsible for the provision and management of accommodation for the Traveller Community. A third Comprehensive Travellers Needs Assessment covering all three Districts is due to be made available this year.

Vacancy and Unfitness Levels

- 4.19** In order to translate the increase in households into a need for new housing units, account needs to be taken of vacancy levels and unfitness rates. The housing stock of an area includes occupied, vacant and unfit dwellings, which all influence the need for additional housing stock.
- 4.20** Apart from new-builds not yet occupied, properties may be empty for a number of reasons. With the collapse of the housing market in current times, some may be pending re-sale or re-letting. Some may be unfit for habitation or are pending repair or improvement whilst others may be second homes not permanently occupied. These properties are currently out of use and therefore reduce the supply of available housing. In order to address this, DSD in partnership with NIHE launched in September 2013 a new five year Empty Homes Strategy and Action Plan aimed at bringing empty homes back into use. It is estimated that there are around 32,000 empty homes across Northern Ireland.
- 4.21** Although the House Condition Survey (HCS) 2011 does not provide vacancy rates at district level, it does distinguish between urban and rural areas. The overall regional vacancy rate is 7.2% of total housing stock but the rate in rural areas (defined as small rural settlement and isolated rural) is 12.4% compared to 5.1% for district towns. The 2011 Census reported that there were 754 empty dwellings in Cookstown District, 1,204 in Dungannon and

South Tyrone, and, 529 in Magherafelt, representing 5.8%, 5.9% and 3.5% respectively of the total stock. This compares favourably with the NI average of 6.0%. There is obviously scope to bring some of these vacant dwellings back into use to contribute to the housing stock.

4.22 In 2009 the proposed new Mid-Ulster Council Area had the second highest level of unfitness at 5.1%, after Fermanagh and Omagh District which had an unfitness level of 6.6%, higher than the regional average of 2.4%. The 2011 HCS suggest that the NI average if unfitness is now 4.6%.

4.23 In 2011, the proportion of vacant dwellings recorded as unfit was 51% (28,000) compared to 44% (14,000) in 2001 demonstrating a clear link between unfitness and occupancy levels. In general there are more unfit dwellings in rural areas than urban areas and particularly in more isolated areas.

Conclusions

4.24 In relation to tenure, type, affordability, occupancy and unfitness, it can be concluded that:-

- there is a need to provide a mix of housing types to meet the needs of smaller households (1-2 persons) as well as families;
- the private rented sector is primarily outside the scope of planning intervention other than through the control of Houses of Multiple Occupation;
- social housing can be addressed through the development management process provided there is a strategic policy on the development plan to facilitate this; and
- unfitness can be addressed through the provision of policies on renovation and improvement of dwellings.

5.0 The Need for Additional Housing Stock

5.1 As set out in the RDS 2035, the Housing Growth Indicators for 2008-2025 have been set at 3,700 for Cookstown District, 5,000 for Dungannon and South Tyrone and 4,600 for Magherafelt. When projected forward to 2030, the figures are 4,790 for Cookstown, 6,330 for Dungannon and 5,950 for Magherafelt - a total Mid Ulster HGI figure of **17,070** for 2008-2030.

5.2 To determine whether this is acting as a constraint on growth, an examination has been undertaken using two methodologies based on past growth rates and future household projections.

- (i) Taking household growth between 2001 and 2011 censuses (i.e. from 39,732 to 47,772), a 20% 10-year growth rate for Mid Ulster has been established. If applied to the period 2008-2030, the number of additional households created could be **22,135**, a figure in excess of the projected HGI figure. However, it is unlikely that this growth rate would be repeated as it was in part influenced by net migration which has since declined during the current economic downturn.
- (ii) Alternatively, taking NISRA's household projections for 2008-2023 which take account of population growth, a reduced size of household and the changing age structure of the population, the number of households in Mid Ulster could increase by an additional **18,680** households between 2008 and 2030 (Table 15). This increase is also higher than the projected HGI figure.

Table 15 - Household Projections 2008-2030

	2008	2010	2015	2020	2025	2030
Cookstown	12,600	13,000	14,300	15,300	16,400	17,400
Dungannon	19,600	20,500	22,110 (22,600)	24,070 (24,600)	26,120 (26,700)	28,080 (28,700)
Magherafelt	15,000	15,400	16,600	17,800	18,900	20,400
Mid Ulster	47,200	48,900	53,010	57,170	61,420	65,880
N Ireland	688,700	706,400	749,200	786,800	826,600	868,600

Source: NISRA

*The projections for 2025 and 2030 were calculated using the percentage change between 2022 and 2023 and applied year on year (Cookstown =1.26%; Dungannon =1.56%; Magherafelt = 1.64%, N. Ireland = 1 %). A 2.16% reduction has been applied to Dungannon's figures, equivalent to the proportion which will move into the new Armagh, Banbridge, Craigavon Council. Figures in () are before deduction.

5.3 Both methods suggest a growth much higher than the HGI suggesting that Mid Ulster is being constrained by the RDS housing growth indicator. However, it should also be noted that the NISRA projections predicted that the total number of households in Mid Ulster in 2011 would be 49,900, which is higher than the actual Census 2011 figure of 47,772.

5.4 Closer examination at existing LGD level reveals that the NISRA projections are broadly in line with the HGIs for Cookstown and Magherafelt. However, the NISRA projection for Dungannon is significantly higher than the HGI – a difference of some 2,000. However, the recently released 2012-based population projections for the 11 new council districts indicate lower levels of growth than suggested by the 2008-based projections. The population for Mid Ulster in 2030 is projected to be 165,200 compared to 173,400 as set out in

the Population and Growth paper. Although the 2012-household projections are not yet available, an estimate can be made by applying an average household size of 2.66 (from 2008-based household projections for 2023) to the projected population of 165,200. This suggests that there may be 62,100 households by 2030 compared to 65,880 as shown in Table 15. This would result in the creation of **14,900** additional households between 2008 and 2030 which is lower than the projected HGI. The adequacy of the HGIs will be reviewed when the 2012-based household projections are released at the end of 2014.

6.0 Accommodating Housing Growth

Options for Allocating Housing Growth

- 6.1** As stated in the RDS, the allocation of housing growth to specific locations in a district is a matter for decision through the development plan process. In the allocation process, account must be taken of the roles and functions of each settlement; the hubs should be given the primary focus for growth; the need to sustain rural communities living in smaller settlements and the open countryside should be recognised and small towns and villages should be consolidated and revitalised in their role as local service centres.
- 6.2** Thus, how housing should be allocated across the settlement hierarchy should be based on the settlement growth strategy set out in the Population and Growth paper which aims to:-
- focus major population and economic growth on the main towns of Cookstown, Dungannon and Magherafelt, consequently these towns will be the main focus for major new housing development;
 - provide balanced growth in the local /small towns in order to sustain, consolidate and revitalise them;
 - maintain villages as important local service centres to meet the daily needs of the rural area;
 - provide opportunities for individual dwellings or small groups of houses in the open countryside, small settlements or dispersed rural communities in order to sustain rural communities.
- 6.4** Although it is not possible at present to consider the precise allocation for any given settlement, it is reasonable to consider how housing should be apportioned across the various types of settlements taking into account regional policy, existing household levels and the proposed settlement growth strategy set out in the Population and Growth paper. To aid discussion three options are identified (Tables 16, 17 & 18) using the HGIs as projected to 2030. These are:
- Option 1 – this maintains the ‘status quo’ in each district being based on the proportion of households living in the main town, local towns, villages and countryside at the time of the 2001 Census.

- Option 2 – this represents an urban drive reflecting the RDS regional target of 60% of new housing to be located in “brownfield” sites of settlements greater than 5,000 population.
- Option 3 – this represents a balance between options 1 and 2 with growth still focused on the hubs but also recognising that rural communities must be sustained.

In all three options, the proportions for the local towns, villages and smaller settlements remain the same reflecting the need to sustain, consolidate and revitalise these settlements.

Table 16: Accommodating Housing Growth in Cookstown District 2008-2030

	Option 1		Option 2		Option 3	
Settlement Category	%	Units	%	Units	%	Units
Main Town	37.6	1,801	60	2,875	50	2,395
Local Towns	-	-	-	-	-	-
Villages	20.2	965	20.2	965	20.2	965
Countryside	42.2	2,024	19.8	950	29.8	1,430
Total	100	4,790	100	4,790	100	4,790

Table 17: Accommodating Housing Growth in Dungannon District 2008-2030

	Option 1		Option 2		Option 3	
Settlement Category	%	Units	%	Units	%	Units
Main Town	27.6	1,750	60	3,798	45	2,848
Local Towns	10.8	682	10.8	682	10.8	682
Villages	25.3	1,604	25.3	1,604	25.3	1,604
Countryside	36.2	2,294	3.9	246	18.9	1,196
Total	100	6,330	100	6,330	100	6,330

Table 18: Accommodating Housing Growth in Magherafelt District 2008-2030

	Option 1		Option 2		Option 3	
Settlement Category	%	Units	%	Units	%	Units
Main Town	23.7	1,412	60	3,570	44	2,618
Local Towns	9.8	585	9.8	585	9.8	585
Villages & Smaller Settlements	25.7	1,531	25.7	1,531	25.7	1,531
Countryside	40.7	2,422	4.5	264	20.5	1,216
Total	100	5,950	100	5,950	100	5,950

- 6.5** If Option 1 was pursued it would not satisfactorily achieve the objective of the RDS to focus growth on the main hubs and would instead give a disproportionate share to the countryside, particularly in Magherafelt. A total of around 6,700 dwellings could be built in the countryside across the new Council area compared to less than 5,000 between the three main hubs.
- 6.6** In Option 2, given the existing proportions of households in the three main towns, in particular Dungannon and Magherafelt, achieving the 60% target could prove difficult and unrealistic over the lifespan of a plan. It would also result in a very small allocation in the countryside which a) would not be sustainable for rural communities and b) would require a very strictly managed rural policy to control rural housing numbers.
- 6.7** Option 3 provides a more balanced approach with growth still focused on the hubs but at slightly lower levels than the 60% which is after all a regional target only. This option also recognises the need to sustain rural communities. The share to the countryside may of course alter depending on whether any adjustments are made to existing settlement hierarchies e.g. if some of the existing smaller settlements in Magherafelt were to become villages following a re-classification of settlements across the plan area.
- 6.8** Once a figure has been allocated for housing in the countryside an element can be “planned for” through the designation of small settlements and, for the remaining land outside of these, it can be managed through rural planning policy. Apportioning more or less of the HGI to the main towns will impact on the proportion that is allocated to the countryside and Members need to decide what is an appropriate level of housing allocation for the rural area and a rural policy to manage it. This will be discussed later in the paper.

Housing Land Availability in the Settlements

- 6.9** Having looked at the options for allocating housing across the settlement hierarchy, it is necessary to examine how much land is available in the settlements. In terms of delivering new housing, planning is required to take into account the number of houses built within the RDS period rather than an examination of zoned housing land uptake since a Plans' adoption. It is estimated that between 1st January 1999 and 31st March 2008 (the period before the new HGIs took effect) 1,618 dwellings were built in the settlements in Cookstown, 3,331 were built in the settlements in Dungannon & South Tyrone and 1,589 were built in Magherafelt's settlements (Table 19).

Table 19: Housing Completions in the RDS period 1998-2008

No. of units built in period 31-12-1998 to 31-03-2008	Cookstown	Per Annum Build Rate	Dungannon	Per Annum Build Rate	Magherafelt	Per Annum Build Rate
Main Towns	712	71	1,131	113	342	34
Local Towns	-	-	494	49	307	30
Villages	906	90	1,706	170	577	57
Small settlements	-	-	-	-	363	36
Total settlements	1,618	161	3,331	333	1,589	158

Source: Annual Housing Monitor.

- 6.10** From April 2008, building rates across the settlements of each district have steadily declined to a district average of 30 dwellings per year in Cookstown, 92 in Dungannon and 46 in Magherafelt (Tables 20, 21 & 22). In Cookstown District, there is potential remaining for some 3,700 dwellings on land that is zoned or benefits from planning permission. Of this figure, 1,660 dwellings (45%) are in Cookstown town alone with the remainder distributed across the villages. In Dungannon & South Tyrone district, there is potential for 7,387 dwellings, of which 2,894 (39%) are in Dungannon and the remainder are in Coalisland and the villages. In Magherafelt District, there is potential for 4,397 dwellings, of which 1,961(44%) are within Magherafelt town and 579 (13%) are in Maghera.
- 6.11** The figures for Cookstown and Dungannon & South Tyrone may be a conservative estimate as the average density of 15 houses per hectare of land has been used where the number of units has not been specified in the permission. Given the trend towards higher densities such as 25 dwellings per hectare, the actual yield may be greater. In the Magherafelt Plan, a density of 20 dwellings per hectare has been applied on land that does not have planning permission or where a density is not specified in the Plan. There may be other land in the settlements which may be suitable for housing development such as white land, infill or opportunity sites which currently does not have planning permission but could potentially yield additional

dwelling units. This potential would be assessed as part of an Urban Capacity Study undertaken during plan preparation.

- 6.12** Based on average build rates for the main towns for the period 1998-2008, the existing housing land capacity could potentially provide a 23 year supply of housing land in Cookstown, a 25 year supply in Dungannon and a 57 year supply in Magherafelt. Across the villages, there is an average 21 year supply. Overall, the existing housing land capacity and uncommitted zoned land across the new council area could potentially meet 91% (15,533 dwellings) of the projected HGI figure of 17,070 which also assumes an element of rural housing.
- 6.13** There will be a need to zone additional housing land in the main towns as current zoned land only accounts for 51% in Cookstown, 45% in Dungannon and 61% in Magherafelt. This need could be addressed by zoning existing committed sites on unzoned land (i.e. white land with planning permission) or better utilisation of existing urban land rather than an extension to the settlement limits. There is an adequate supply of housing land across the remainder of the settlement hierarchy and more than sufficient to grow the small towns and villages at a level greater than needed to meet the RDS objective of consolidating and sustaining these service centres. However, it is important to compare housing land supply across the settlement hierarchy in relation to each of the three options (Tables, 16, 17 & 18). In each of the following tables (Tables 20, 21 & 22), dwellings built to date during the RDS period have been taken into account and the difference between each option and the remaining potential provides an indication of whether there is an over or under supply of housing.

Table 20: District Housing Land Supply across the settlement hierarchy - Cookstown

Settlement category	Built in RDS (31/03/08 to 31/07/13)	Potential remaining (2013)	Difference between HGI Option 1 and potential +/-	Difference between HGI Option 2 and potential +/-	Difference between HGI Option 3 and potential +/-
Main Town	80	1660	- 61	-1135	-655
Villages	74	2089	+1198	+1198	+1198
Settlement Total	154	3749	+1137	+63	+543

Table 21: District Housing Land Supply across the settlement hierarchy – Dungannon

Settlement Category	Built in RDS (31/03/08 to 31/07/13)	Potential remaining (2013)	Difference between HGI Option1 and potential +/-	Difference between HGI Option 2 and potential +/-	Difference between HGI Option 3 and potential +/-
Main Town	165	2894	+1,309	-739	+211
Local Town	84	1239	+641	+641	+641
Villages	210	3254	+1860	+1860	+1860
Settlement total	459	7387	+3810	+1762	+2712

Table 22: District Housing Land Supply across the settlement hierarchy – Magherafelt

Settlement Category	Built in RDS (31/03/08 to 31/07/13)	Potential remaining (2013)	Difference between HGI Option 1 and potential +/-	Difference between HGI Option 2 and potential +/-	Difference between HGI Option 3 and potential +/-
Main Town	82	1961	+631	-1527	-575
Local Town	25	579	+19	+19	+19
Villages and Small Settlements	123	1857	+449	+449	+449
Settlement total	230	4397	+1099	-1059	-107

- 6.14** If Option 1 is chosen, there would be no shortage of land across the settlement hierarchy except for a minor shortfall in Cookstown. However, this option does not satisfactorily meet the objective of the RDS to focus growth on the hubs and sustaining the small towns, villages and countryside. If Option 2 is pursued, all three towns would have shortfalls. However, as discussed earlier, Option 2 is considered to be unrealistic to achieve over the lifespan of a Plan and whilst Option 3 also indicates some shortfalls, in the absence of an Urban Capacity Study it would be wrong to assume that there is no developable land remaining in the towns or indeed in other settlements. It may therefore be possible to accommodate new housing within the existing development limits through better utilisation of urban land and housing densities. In Cookstown, there is also the option of releasing some Phase 2 housing land.

6.15 In other settlements where there appears to be ample provision of land for residential development within existing development limits, there may be an unacceptable over-provision if this land were to be comprehensively developed for housing estates. Thus there will be a continued need to control housing supply and possible courses of action may include:

- a) reduce development limits;
- b) introduce further controls on residential development on unzoned or 'white' urban land;
- c) reinforce and/or revise the policies to ensure that any housing development is 'in scale and character' with that site and settlement.

Rural Housing

6.16 Within the HGI figure, an allowance will also have to be made for dwellings in the countryside. Unlike the urban housing monitor, there is currently no rural housing monitor undertaken to assess the quantum of houses being built in the countryside and therefore an estimate can only be made based on the number of applications approved. In terms of the HGI figure, it should be noted that between April 2008 and March 2014 (the current RDS period), 793 rural dwellings have been approved in Cookstown, 1,385 in Dungannon and 993 in Magherafelt (Table 23).

6.17 Approvals for rural houses are currently influenced by the policies set out in PPS 21 (2010), the aim of which has been to manage growth in the countryside to achieve development in a sustainable manner that meets the needs of rural communities. Although it will be a matter for the new Councils to bring forward their own strategy for development in the countryside after April 2015, this must reflect the aim, objectives and policy approach of the Strategic Planning Policy Statement (SPPS).

6.18 Prior to 2006 and the introduction of PPS 14, it has been estimated that between 90% and 95% of dwellings approved in rural areas were completed or at least started within 5 years¹. With the high volume of speculative proposals in anticipation of a revised rural policy, subsequent economic decline and changes in the housing market, it is likely that the number of starts and completions of rural houses has declined mirroring the situation within urban housing areas and therefore more permissions may remain unimplemented.

6.19 The challenge for the Plan is to allocate an appropriate level of housing for the rural area and a planning policy to manage it. It is therefore useful to consider the impact of PPS 21 compared to that of the rural planning policy of A Planning Strategy for Rural Northern Ireland (1993) by examining approval

¹ Estimate based on rural permissions and completions from a sample rural housing monitor 2003, 2005 and 2006.

rates of Full and Reserved Matters applications for single dwellings (including replacements) over the period 2004 to 2014 (Table 23). Prior to 2006-07 (when PPS 21's predecessor PPS 14 was introduced), single dwellings were approved at a rate of 194 per year in Cookstown, 292 per year in Dungannon & South Tyrone and 251 per year in Magherafelt. Assuming this policy still remained in operation or was re-applied, some 2,910 houses could be approved in Cookstown district over the next 15 years with 4,380 in Dungannon and 3,765 in Magherafelt. Cumulatively, this could mean that around 11,055 dwellings could be built in the countryside. This represents about 65% of the total projected HGI for Mid Ulster.

Table 23: Planning Approvals for Rural New and Replacement Single Dwellings (Full and RM) in Mid Ulster 2004-2014

	Cookstown		Dungannon		Magherafelt	
Year	Total Number Approved	Approval Rate	Total Number Approved	Approval Rate	Total Number Approved	Approval Rate
2004-05	206	99%	286	100%	241	99%
2005-06	182	98%	298	99%	261	97%
2006-07	251	90%	485	89%	366	97%
2007-08	378	97%	571	97%	278	97%
2008-09	243	98%	519	100%	285	100%
2009-10	194	100%	316	99%	217	100%
2010-11	122	88%	224	96%	165	95%
2011-12	125	98%	151	95%	117	98%
2012-13	61	100%	90	96%	110	99%
2013-14	48	98%	85	100%	99	100%
Total	1,810	96%	3,025	97%	2,139	98%

Source: DOE Planning Statistics.

- 6.19** In contrast, the number of approvals has steadily declined since 2010 and in the last two years (2012-2014) – when it might be said that PPS 21 has ‘bedded in’ - the average number approved per year in Cookstown, Dungannon and Magherafelt has been 54, 87 and 104 respectively. Assuming these rates remained constant over a 15-year plan period, there could be 810 additional dwellings in Cookstown, 1,300 in Dungannon & South

Tyrone and 1,560 in Magherafelt. This would give a cumulative figure of 3,670.

- 6.20** An alternative estimate for future rural house building can be made based on the number of farms in each district. Currently, there are 1,237 farms in Cookstown, 1,713 in Dungannon and 1,226 in Magherafelt (DARD 2013) and it may be assumed that one additional house per farm could be built every 10 years under current PPS 21 policy. This could yield a total of over 4,000 dwellings in the countryside of the new district council area. However, it is recognised that not all farms will want or need a dwelling and a number have already utilised their 'one dwelling every 10 years'. Under current rural policy, there are also opportunities for infill houses as well as meeting housing needs based on personal and domestic circumstances.
- 6.21** It is clear that PPS 21 has had a constraining influence on rural house building in contrast to the more permissive policy applied under A Planning Strategy for Rural Northern Ireland. It is equally clear that a return to a more permissive rural policy would not allow the Plan to meet the objective within the RDS to grow the hubs. Taking into account permissions already granted since March 2008 coupled with what might be approved up to 2030 if PPS 21 continued in its present form, there would appear to be sufficient to meet future rural housing needs. However, it is not known how many of the Full and RM approvals post-2010 are reflective of the high number of outline permissions granted in previous years and how many of these will actually be built. It is also assumed that building rates are lower than previous years and are more likely to constitute 'starts' rather than completions. Therefore, it may be more appropriate to consider the PPS 21 figure for the 15-year period alone and to allow additional scope for rural dwellings through the introduction of Dispersed Rural Communities.
- 6.22** Members therefore need to consider if the present policies in PPS 21 need adjustment in order to meet local circumstances, bearing in mind that the scope of such adjustment must take account of the RDS.

7.0 Conclusion and Key Findings

- 7.1** The purpose of this paper has been to provide base line information on the housing needs of the new Council area to assist in informing the Community Plan and to consider how future housing growth should be apportioned across settlements and the countryside. In compiling this paper, it is recognised that this evidence can be supplemented by the Community Plan process.
- 7.2** The evidence presented provides the basis for considering how housing can be best accommodated across the settlement hierarchy in line with the growth strategy presented in Paper One 'Population and growth' and taking into account the objectives of the RDS to grow the hubs and sustain the smaller towns, villages and countryside.
- 7.2** A summary of the key findings are as follows:-

- (i) the HGI for Mid Ulster as projected for the period 2008-2030 is slightly lower than estimates based on past growth rates and 2008-based population and household projections. This is particularly evident in Dungannon & South Tyrone. However, it is expected that when the 2012-based household projections are released, these will reveal lower growth rates. The adequacy of the HGI figure will then be reviewed;
- (ii) housing supply across the settlement hierarchy is sufficient to meet future housing needs and any potential shortfall in zoned housing land can be addressed by zoning existing urban sites which have planning permission;
- (iii) rural housing continues to make a contribution to overall housing supply albeit at a reduced rate since the introduction of PPS 21;
- (iv) in considering the options for the allocation of housing across the settlement hierarchy, a more urban drive will have consequences for the sustainability of the countryside. Conversely, allowing more housing in the countryside will undermine the ability of the main towns to grow in line with the RDS. If the plan is not to fall foul of the RDS and regional policy, then a balance must be sought between these two options;
- (v) social housing need exists across several settlements but is particularly significant in Dungannon town, followed by Cookstown and Coalisland;
- (vi) to address future social housing needs, the local development plan should facilitate a reasonable mix and balance of housing tenures and types; and
- (vii) unfitness can be addressed through the provision of policies on the renovation and improvement of dwellings.

7.3 Members are invited to give their views on the key findings and in particular the proposed options for allocating housing across the settlement hierarchy including the implications for the countryside and the need for appropriate rural policies tailored to local needs. The paper will need to be further informed by more detailed evaluation of the individual settlements, a sustainability assessment and public consultation.

APPENDIX 1 – Implementation of Housing Zonings in Mid Ulster at 31st July 2013

Cookstown Phase 1 Housing Zonings

Phase 1 Site	Site Area (Ha.)	Planning History Summary	Units Built 00-13*	Area Developed (Ha.)	Area Remaining (Ha.)	Remaining Potential (Units)
H 01	2.78	FPP whole site	0	0	2.78	48
H 02	6.68	FPP whole site	97	4.13	2.35	35
H 03	2.62	None	0	0	2.62	34
H 04	8.2	FPP part site	0	0	8.2	123
H 05	0.52	FPP whole site	0	0	0.52	8
H 06	2.13	None	0	0	2.13	32
H 07	2.47	OPP part site	0	0	2.47	59
H 08	2.32	FPP whole site	1	0.1	2.22	64
H 09	7.68	FPP part site	25	1.72	5.96	75
H 10	3.91	None	0	0	3.9	58
H 11	0.76	FPP part site (Community)	0	0	0.76	12
H 12	3.55	FPP part site	8	0.55	3.00	46
H 13	5.49	FPP whole site	16	1.12	4.43	54
H 14	3.07	FPP whole site	59	2.97	0.1	2
H 15	2.41	FPP part site	0	0	2.41	36
H 16	0.91	None	0	0	0.91	14
H 17	4.38	FPP whole site	0	0	4.38	97
H 18	3.59	FPP whole site	2	0.2	3.34	50
H 19	6.1	FPP whole site	144	6.1	0	0
H 20	0.98	None	0	0	0.98	15
Total	70.6		352	16.89	53.71	862

Source: Annual Housing Monitor 2013. * The Draft Plan was published in November 1999 with the Phase 1 Zonings. FPP= Full planning permission; OPP= Outline planning permission.

Dungannon Phase 1 Housing Zonings

Phase 1 site	Site area (Ha.)	Planning History Summary	Units Built 00-13*	Area Developed	Area Remaining	Remaining Potential
DH 01	6.2	FPP whole site	0	0	6.2	93
DH 02	3.0	FPP whole site	0	0	2.93	30
DH 03	0.6	FPP for residential home	0	0	0.6	9
DH 04	8	FPP whole site	99	5.78	2.49	41
DH 05	0.8	FPP whole site	3	0.38	0.43	9
DH 06	8.0	FPP part site	21	0.77	7.22	97
DH 07	5.7	FPP whole site	53	1.9	3.7	97
DH 08	1.1	None	0	0	1.1	16
DH 09	1.4	FPP whole site	9	0.2	1.21	53
DH 10	1.2	FPP part site	0	0	1.2	18
DH 11	15.2	FPP part site	99	7.75	7.46	81
DH 12	8.5	None	0	0	8.5	128
DH 13	2.1	FPP part site	10	0.27	1.83	27
DH 14	0.7	FPP whole site	25	0.7	0	0
DH 15	3.3	None	0	0	3.3	50
DH 16	3.1	FPP whole site	0	0	3.1	72
DH 17	0.9	FPP whole site	0	0	0.9	51
DH 18	3.1	FPP whole site	54	3.1	0	0
DH 19	2.9	FPP whole site	0	0	2.9	43

Phase 1 site	Site area (Ha.)	Planning History Summary	Units Built 00-13*	Area Developed	Area Remaining	Remaining Potential
DH 20	1.4	None	0	0	1.4	21
DH 21	5.5	FPP part site	36	3.1	2.22	44
DH 22	17.3	OPP part site and FPP part site	0	0	17.3	262
DH 23	3.9	FPP part site	45	2.33	1.58	21
DH 24	1.6	None	0	0	1.6	30
DH 25	3.8	FPP part site	122	3.74	0.02	2
Totals	109		576	30.02	77.25	1295

Source: Annual Housing Monitor 2013. * The Draft Plan was published in May 2000, with the Phase 1 Zonings

Coalisland Phase 1 Housing Zonings

Phase 1 Site	Site Area	Planning history summary	Units built 00-13*	Area developed	Area remaining	Remaining potential
CH 01	0.5	FPP	10 (prior to plan)	0.54	0	0
CH 02	2.8	None	0	0	2.8	42
CH 03	0.7	FPP	13	0.34	0.32	13
CH 04	1.7	FPP	36	1.7	0	0
CH 05	1.9	FPP	34	1.9**	0.0	0
CH 06	2.7	OPP for one house part of site	0	0	2.7	41

Phase 1 Site	Site Area	Planning history summary	Units built 00-13*	Area developed	Area remaining	Remaining potential
CH 07	1.5	OPP 2 houses	0	0	1.5	22
CH 08	0.7	OPP part site	0	0	0.7	11
CH 09	4.9	None	3	0.88	4.02	71
CH 10	15.1	FPP part site	14	1.7	13.42	213
CH 11	2.1	FPP	42	2.1	0	0
CH 12	3.1	FPP	19	0.88	2.17	85
CH 13	2.7	FPP	63	2.7	0	0
CH 14	17.2	FPP part site	5	1.08	16.12	251
CH 15	2.0	FPP	30	2.0	0	0
CH 16	2.2	FPP	0	0	2.2	27
CH 17	5.7	None	0	0	5.7	85
CH 18	6.3	FPP one dwelling	2	0.48	5.85	93
CH 19	1.2	FPP 1 house	0	0	1.2	18
CH 20	5.7	FPP part site	42	2.13	3.57	53
Totals	80.7		313	18.13	62.57	1025

Source: Annual Housing Monitor 2013. * The Draft Plan was published in May 2000, with the Phase 1 Zonings. ** Approx.0.2 ha of this site has been developed as a cemetery.

Magherafelt Housing Zonings

Site	Site Area	Planning History Summary	Units Built 04-13*	Area Developed	Area Remaining	Remaining Potential
MT03 /01	0.92	FPP	10	0.4	0.52	13
MT03/ 02	1.23	FPP	24	1.23	0	0
MT03/03	0.42	FPP	17	0.42	0	0
MT03/04	0.86	OPP	0	0	0.86	13
MT03/ 05	3.9	FPP	69	3.0	0	0
MT03/ 06	0.81	FPP	16	0.81	0	0
MT03/ 07	0.22	FPP	10	0.22	0	0
MT03/ 08	0.67	FPP	0	0	0.67	11
MT03 /09	1.78	FPP	26	1.54	0.24	4
MT03/ 10	2.41	RM	0	0	2.41	36
MT 04	0.81	OPP whole site	0	0	0.81	12
MT 05	6.0	FPP part site	0	0	6.0	131
MT 06	0.75	OPP part site	0	0	0.76	11
MT 07	0.83	None	0	0	0.83	17
MT 08	3.17	None	0	0	3.17	51
MT 09	1.32	None	0	0	1.32	20
MT 10	1.32	None	0	0	1.32	13
MT 11	1.68	None	0	0	1.68	11
MT 12	0.23	OPP whole site	0	0	0.23	3
MT 13	1.74	Application pending	0	0	1.74	26

Site	Site Area	Planning History Summary	Units Built 04-13*	Area Developed	Area Remaining	Remaining Potential
MT 14	14.92	None	0	0	14.92	224
MT 15	3.39	None	0	0	3.39	84
MT 16	0.41	FPP whole site	0	0	0.41	13
MT 17	3.04	FPP whole site	0	0	3.04	46
MT 18	11.14	FPP part site	0	0	11.14	167
MT 19	0.35	None	0	0	0.35	14
MT 20	0.72	FPP	0	0	0.71	18
MT 21	1.74	OPP whole site	0	0	1.74	26
MT 22	3.5	None	0	0	3.5	88
MT 23	1.10	None	0	0	1.10	28
MT 24	1.46	None	0	0	1.46	22
MT25	4.28	Application pending on part of site	0	0	4.28	107
Totals	77.12		172	7.62	68.6	1209

Source: Annual Housing Monitor 2013. * The Draft Plan was published in April 2004.

Maghera Housing Zonings

Housing Zoning	Site Area	Planning History Summary	Units Built 04-13*	Area Developed	Area Remaining	Remaining Potential
MA 02 /01	1.03	FPP	21	1.03	0	0
MA 02/02	1	FPP	16	1	0	0
MA02/03	0.93	FPP	12	0.93	0	0
MA02/04	7.13	FPP	70	3.23	3.9	85
MA 02/05	0.97	FPP	6	0.58	0.39	4
MA 03/01	1	FPP	0	0	1.14	15
MA 03/02 + MA 08	3.22	FPP whole sites	38	1.98	1.24	27
MA 03/03	2.5	FPP	1	0.04	2.30	60
MA 03/ 04	4.57	FPP	87	4.25	0.34	4
MA 03/ 05	1.85	OPP whole site	0	0	1.85	28
MA 04	1.88	FPP whole site	0	0	1.88	36
MA 05	1.86	FPP whole site	0	0	1.86	45
MA 06	1.33	FPP whole site	0	0	1.33	17
MA 07	0.62	OPP whole site	0	0	0.62	22
MA 09	0.46	PP whole site	0	0	0.46	14
Totals	30.35		251	13.04	17.31	357

Source: Annual Housing Monitor 2013. *The Draft Plan was published in April 2004

D

Subject	Planning Visit to North Ayrshire
Reporting Officer	Chris Boomer

1	Purpose of Report
1.1	To update members on Planning visit to North Ayrshire Council.

2	Background
2.1	As members will be aware, a Planning Visit to North Ayrshire Council took place 12 and 13 November to which 14 members and 5 officers attended. This report is to update members on the visit.

3	Key Issues
3.1	None

4	Resources
4.1	<u>Financial</u> None
4.2	<u>Human</u> None
4.3	<u>Basis for Professional/ Consultancy Support</u> None
4.4	<u>Other</u> None

5	Other Considerations
5.1	None

6	Recommendations
6.1	That Members note the attached paper on planning visit.

7	List of Documents Attached
7.1	Appendix 1 – Lessons from the Study Trip to North Ayrshire

LESSONS FROM THE STUDY TRIP TO NORTH AYRSHIRE

1.0 Introduction

- 1.1 The purpose of this paper is to compare the performance of North Ayrshire Council with that of the Department to see if there are any valuable lessons which can be learnt for the future when Mid-Ulster Council takes on planning responsibilities.

2.0 North Ayrshire – v – The Department of the Environment

- 2.1 North Ayrshire is a top performing authority in Scotland, both in terms of the quality of its decision making and the time it takes to determine applications. In 2012/13 the average time it took to determine a major application was 30.9 weeks with 8.7 weeks for local developments (non-householder) and 6.6 weeks for householder developments. In 2013/14 the average time it took the Department to determine applications in the western area was 23.8 weeks for major applications, 13 weeks for intermediate applications and 8.8 weeks for minor applications. Whilst the Department compares favourably in terms of major applications, their timescale in terms of local and minor applications is significantly greater than that of North Ayrshire.
- 2.2 Care needs to be taken when drawing comparisons because both the planning system and the resources given to planning differ. For example, in that period, North Ayrshire issued 466 decisions of which only 7 were major applications. In contrast, the Western Area Office issued 2202 applications of which 487 were major. The districts in Mid-Ulster issued 1246 applications of which 339 were major. In terms of resources, the North Ayrshire team at that time comprised 8 professional staff including 1 Head of Development Management, 2 Senior Officers, 4 main grade posts and 2 technicians. In Mid-Ulster there was 1 Principal (Head of Development Management), 3 Senior Planning Officers, 7 HPTOs and 3 PTOs. This suggests that whilst the Department had nearly twice as many staff as North Ayrshire, it dealt with nearly 3 times the number of planning applications.

- 2.3 Whilst the Department compares well in terms of the output of its staff, there are a number of lessons which can be drawn from North Ayrshire in how to efficiently determine planning applications in a timely manner. Firstly, North Ayrshire delegates 90-95% of its applications to officers. This is a much greater percentage than what is currently streamlined by the Department and accounts for North Ayrshire's better performance when dealing with local applications. Secondly, North Ayrshire's Committee system allows for a quicker decision time than the Department's consultation arrangements with the Councils. Key points to note are as follows:-
- a. Members of North Ayrshire only have site meetings where it is necessary to assess the visual merits of the proposal and where this cannot adequately be done via photographs.
 - b. Members outside of the Committee are welcome to present opinion on planning applications to the Committee or make representations on behalf of the applicant or objectors for the Committee to consider. This is done in a structured and time-locked manner.
 - c. The Head of Development Management presents cases to the Committee with the benefit of full reports to which he is able to answer questions with the support of his senior officers if called upon.
 - d. Once the Committee makes a decision, the members move on to the next item. Furthermore, officers are instructed to issue the decision the next day or at the earliest opportunity and there is no need for the decisions of the Committee to be ratified by full Council.
- 2.4 The manner in which the Council processes applications is also impressive and designed to encourage timeliness. North Ayrshire operates a paperless office. What this means in practice is that applications are submitted on-line over the internet and any representations received in the post are immediately scanned, put on-line and the letter destroyed. All consultations with statutory undertakers are also undertaken using information technology as are communications with the Committee. Furthermore, once a decision is made, an email is sent to the applicant and agent notifying them of the decision and providing a link to the decision which is stored on-line. No paper copies are sent out and it is up to the agent if they want paper copies to print them out in their own offices. The benefits of this system in terms of financial savings on administrative costs, postage and storage are very significant. The system which North Ayrshire uses is *Uniform* which is the base IT system used by the Department, therefore it should be possible for the new Council if it chooses to also work to a paperless office.

- 2.5 In relation to Development Planning, North Ayrshire's performance is also impressive. When preparing their local Development Plan, it was led by one manager, 3 main grade posts and 3 technicians which is similar to the structure which will be available to Mid-Ulster. They achieved preparation of their local Development Plan within 5 years from start to final adoption which can in part be attributed to the fact that they were reviewing past Plans. However, it is Dr Boomer's view that a key reason is that the size of their Development Plan in terms of the number of policies and the detail placed in the Plan is relatively small compared to the approach taken by the Department which introduces detailed proposals for each site and holds lengthy policies in existing Planning Policy Statements. The approach taken by North Ayrshire is to recognise that every situation cannot be accounted for by planning policy. In short, the Development Plan advises as to what development would be in accordance or in conflict with the Development Plan, but allows Council Members to decide if there are other material considerations which would outweigh the policies in the Development Plan.

3.0 Recommendations

- 3.1 It is still premature to determine how Mid-Ulster Council should conduct its business. This said, in finalising arrangements for the Planning Committee, both in terms of reporting and delegation, consideration should be given to the above key findings of the study trip. Investigations should be undertaken to explore the practicalities of introducing the paperless office.
- 3.3 In preparing a Development Plan, Members are asked to note that it is not necessary for policy to slavishly try to cover all situations, indeed to do so only will make the local Development Plan incredibly lengthy and harder to understand.

Angus Kerr
Director
Planning Policy Division
Planning Group
Causeway Exchange
Level 4
1-7 Bedford Street
Town Parks
BELFAST
BT2 7EG

Telephone (028) 9082 3323

Email: angus.kerr@doeni.gov.uk

31 October 2014

Dear Sir/Madam

CONSULTATION ON PLANNING REFORM AND TRANSFER TO LOCAL GOVERNMENT

I am writing to inform you that the Department of the Environment has issued the second phase of a two-phased public consultation exercise which sets out proposals to introduce improvements in the planning process and establish a new two-tier planning system in Northern Ireland.

The purpose of this consultation is to obtain views on the Department's proposals in relation to subordinate legislation amendments. The proposals in this phase 2 consultation deal with a range of matters which, while important in delivering the broader range of planning reforms, are not essential to the continued operation of the system when powers transfer on 1st April 2015. While the day one essentials were prioritised in the first phase consultation (which ran from 28 May to 20 August) the Department will nevertheless aim to have these reforms introduced for April 2015.

Copies of the Consultation Paper may be downloaded from the PlanningNI website at www.planningni.gov.uk. Alternatively you can request a copy by telephone: 028 90823498 or by text phone: 028 90540642: by email from ppdconsultations@doeni.gov.uk or from the postal address below.

Planning Reform and Transfer to Local Government Consultation
Planning Policy Division
Department of Environment
Level 6 -Causeway Exchange
1-7 Bedford Street

Town Parks
Belfast
BT2 7EG

The closing date for the receipt of comments is **31 December 2014**.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'Angus Kerr', with a stylized flourish at the end.

ANGUS KERR
DIRECTOR

Planning Reform & Transfer to Local Government: Proposals for Subordinate Legislation

The Planning Act (NI) 2011

Phase 2 Public Consultation



Department of the
Environment
www.doeni.gov.uk

October 2014

Crown Copyright 2014

This material may be freely reproduced except for sale or advertising purposes.

CONTENTS

Responding to this consultation document	5
1 - Introduction	7
2 - Local Government & Planning Reform - A New Two-tier Planning System	11
3 - Simplified Planning Zones	13
4 - Amount of Fixed Penalties	18
5 - Modification and Discharge of Planning Agreements	22
6 - Associated Subordinate Legislation Not Subject to Public Consultation ...	25
7 - Way Forward	27
8 - Assessments and Freedom of Information	28
9 - Overview of Consultation Questions	30
Annex A - Freedom of Information Act 2000 - Confidentiality of Responses .	32
Annex B - Consultee List	33
Abbreviations	39

Responding to this consultation document

How to Respond

You are invited to send your views on this consultation document.

Comments should reflect the structure of the document as far as possible with references to question numbers and paragraph numbers where relevant.

All responses should be made in writing and submitted to the Department no later than 31st December 2014 in one of the following ways:

1. **By post to:**

Planning Reform & Transfer to Local Government Consultation –
Phase 2
Planning Policy Division
Department of the Environment
Level 6 Causeway Exchange
1-7 Bedford Street
Town Parks
Belfast
BT2 7EG

2. **By e-mail to:** ppdconsultations@doeni.gov.uk

In keeping with our policy on openness, the Department will make responses to this consultation document publicly available. When publishing responses received on behalf of organisations, the Department will also publish the organisation's name and address. When publishing responses received on behalf of individuals, the Department will not publish details of the individual's name and address.

We look forward to receiving responses to the proposals and issues raised within this consultation document. Additional copies of the consultation document can be downloaded from the Department's website at www.planningni.gov.uk or requested via the postal address, e-mail as above, by telephone on (028) 90823498 or by Text phone (028) 90540642.

This document is available in alternative formats, please contact us to discuss your requirements.

If you have any comments or complaints about the consultation process itself (rather than the content of this document), these should be directed to the postal or e-mail addresses above.

1 - Introduction

Purpose of the consultation

- 1.1 This consultation document is the second phase of a two-phased public consultation exercise being undertaken by the Department of the Environment on proposals for subordinate legislation for the reform of the planning system and the transfer of the majority of planning functions to the newly elected 11 district councils. This transfer is due to take place on 1st April 2015 from which point the local councils will operate as the local planning authority for their respective areas.
- 1.2 The reform and transfer of planning involves enacting more than 20 pieces of subordinate legislation, known as statutory rules (SRs), in exercise of powers already established in the Planning Act (Northern Ireland) 2011 (the 2011 Act) within a relatively short time period. In order to manage this workload and to provide a co-ordinated picture of how the changes proposed in legislation link together, the Department is consulting in two phases.
- 1.3 The phase 1 consultation exercise (which ran from 28th May until 20th August 2014) focussed on those issues necessary to ensure that the new district councils inherit a fit for purpose, functioning planning system immediately following the transfer of planning functions from central to local government. These “*day one essentials*” should ensure that there are no interruptions to the management of applications, enforcement cases etc. already in the system and that work initiated by the Department can be continued by the relevant new councils through to conclusion.
- 1.4 The Department is currently considering the responses received in relation to the phase 1 proposal’s for subordinate legislation in order to inform the process of engagement with the Assembly’s Environment

Committee as part of the legislative process.

- 1.5 The proposals in this phase 2 consultation deal with a range of matters which, while important in delivering the broader range of planning reforms, are not essential to the continued operation of the system when powers transfer on 1st April 2015. While the day one essentials have been prioritised in phase 1 the Department will nevertheless aim to have these reforms introduced for April 2015.
- 1.6 The proposals across the two phases set out how the Department proposes to introduce improvements in the planning process and establish a new two-tier planning system in Northern Ireland. The reforms to the planning system are intended to deliver:
- improved access to and increased participation in the planning process;
 - faster and more predictable outcomes;
 - fairer and faster appeals; and
 - stronger and more effective enforcement.
- 1.7 The key phase 1 proposals focussed on to the following elements of the planning process:
- local development plans;
 - statements of community involvement;
 - the new three-tier hierarchy of development applications i.e. local, major and regionally significant;
 - the new and revised procedures for managing applications through the system;
 - listed buildings; and
 - the management of applications relating to land of interested parties e.g. council-owned land.

- 1.8 The proposals in this phase 2 consultation relate to the following areas:
- simplified planning zones;
 - levels of fixed penalties; and
 - modification and discharge of planning agreements.
- 1.9 In addition to proposals relating to changes to improve the planning system resulting from, or dependent upon, the new powers in the 2011 Act, and which are subject to public consultation, there is also a limited number of amendments required to take account of the new two-tier planning system. Whereas under the current system the Department acts as the single unitary planning authority, under the two-tier system there is a need to provide for changes in processes to support the roles of both councils and the Department as planning authorities.
- 1.10 Changes to subordinate legislation which do not involve the introduction of a new policy or a change in existing policy may be regarded as **technical** and do not require public consultation. In addition to the technical SRs identified as *day one essentials* in phase 1 the Department considers that the following pieces of subordinate legislation fall into this technical category:-
- The Certificates of Alternative Development Value Regulations (NI) 2015;
 - The Planning (Conservation Areas) (Consultation) Regulations (NI) 2015;
 - The Planning (Inquiry Procedure) Rules (Northern Ireland) 2015; and
 - The Planning (Commencement) Order(s) (NI) 2015.

As such the Department is not consulting on this legislation although it will still be subject to the normal legislative process and the full scrutiny of the Assembly. Chapter 6 sets out further information on each piece of legislation in order to provide a comprehensive overview of the legislative provisions the Department aims to introduce in April 2015.

- 1.11 As was the case with phase 1, all legislation referred to in this consultation document will be made available on the Department's website. This will include new legislative provisions which are the subject of this consultation as well as the technical SRs referred to above.
- 1.12 The details of the proposed subordinate legislation are set out in the following chapters and include relevant questions per section. The questions are repeated at Chapter 9 for ease of reference.
- 1.13 While responses cannot be accepted by telephone, as this consultation deals with a range of reforms, the following persons will be able to answer queries:

Brian Gorman	(028) 90823536	Brian.Gorman@doeni.gov.uk
John Conlan	(028) 90823512	John.Conlan@doeni.gov.uk
Ronan McCrory	(028) 90823532	Ronan.Mccrory@doeni.gov.uk

2 - Local Government & Planning Reform - A New Two-tier Planning System

- 2.1 A major reform programme for the planning system in Northern Ireland was originally announced in November 2007. This incorporated a range of medium to long-term measures designed to address all the key management elements of the planning system. The Department published a consultation paper *Reform of the Planning System in Northern Ireland: Your chance to influence change* in July 2009 and undertook a comprehensive programme of engagement including hosting a range of stakeholder events. The Northern Ireland Executive agreed to the final policy proposals for reform of the planning system in February 2010, including measures necessary to transfer responsibility for the majority of planning functions to the new councils. These were set out in the Department's response published in March 2010 and provided the basis for the Planning Bill introduced into the Assembly in December 2010.
- 2.2 This Bill progressed through the Assembly to become the 2011 Act which received Royal Assent in May 2011 and established the broad range of enabling powers for the reform of the planning system and the transfer of responsibility for the majority of planning functions from central government to the new councils scheduled for 1st April 2015.
- 2.3 A range of subordinate legislation is required to bring the 2011 Act fully into operation and establish the new two-tier planning system from the date of transfer. Under this new model the Department will determine only a very limited number of regionally significant applications and have a general oversight role. Councils, through their elected representatives, will be responsible and accountable for the vast majority of planning decisions and the formulation of a new local development plan for their council area.

2.4 In April 2013 the Executive agreed the full package of functions that will transfer from central to local government. In addition to planning, off-street parking, urban regeneration and community development, local economic development and local tourism will transfer. Councils are also being given the new power of community planning. The Local Government Act (Northern Ireland) 2014, which gives effect to the Executive's decisions on the future shape of local government, received Royal Assent on 12th May 2014.

2.5 From 1st April 2015, councils will be the planning authorities responsible for:

- local development planning – creating a clear vision of how the council area should look in the future by establishing what type and scale of development should be encouraged in the council area and where it should be located;
- development management – determining the vast majority of planning applications; and
- planning enforcement – investigating alleged breaches of planning control and determining what action should be taken.

2.6 The Department will retain responsibility for:

- regional planning policy;
- determination of regionally significant/called-in applications;
- planning legislation;
- oversight and guidance for councils; and
- performance management.

3 – Simplified Planning Zones

- 3.1 Currently Articles 14 to 18 of the Planning (Northern Ireland) Order 1991 (the 1991 Order) set out the powers enabling the Department to make, adopt and alter a simplified planning zone (SPZ) scheme. An SPZ has the effect of granting planning permission within an identified geographic area for particular development, or any class of development, specified in the scheme. Relevant development can then proceed without the need to apply for planning permission providing it meets the requirements set out in the SPZ scheme. These may include requirements relating to scale, appearance and materials used. If development is within an SPZ area but does not meet all the requirements of the scheme it can be subject to enforcement.
- 3.2 The provisions of the 1991 Order also set out the exclusion of certain descriptions of land from SPZs, including land in a conservation area, an area of outstanding natural beauty or special scientific interest etc. In addition, the powers rely on the development plan provisions in Articles 5, 6, 7 and 8 of the 1991 Order.
- 3.3 The existing subordinate legislation that deals with SPZs i.e. the Planning (Simplified Planning Zones) Regulations (Northern Ireland) 1990 (the 1990 regulations), sets out the detailed provisions for a range of procedural issues including:-
- the process for publicising SPZs;
 - periods for making representations;
 - the consideration of objections; and
 - public inquiry.
- 3.4 While made under the Planning (Northern Ireland) Order 1972 the 1990 regulations are treated as if they were made under the 1991 Order by virtue of section 29(3)(a) of the Interpretation Act (Northern Ireland)

1954 and are extant, that is they currently remain operative.

- 3.5 The 2009 proposals on planning reform identified SPZs as a future tool for councils in support of their local economic development responsibilities. The 2011 Act therefore provides powers at sections 33 to 38 and Schedule 1 for the new councils to take forward SPZs rather than the Department, although the Department still has a role in the process including providing advice and guidance. Given the move to the new two-tier planning system new subordinate legislation will be required to provide detail on the process for councils making and adopting SPZs.
- 3.6 The potential benefits of SPZs can include:-
- greater certainty of outcome for a developer whose development meets the criteria set out in the SPZ scheme;
 - the removal of the financial and administrative burden of submitting an application; and
 - lightening the burden on the development management system by reducing the number of applications coming into the system.
- 3.7 Under the requirements of the 2011 Act an SPZ scheme must include:
- a map and a written statement; and
 - such diagrams, illustrations and descriptions that the relevant council thinks are necessary to explain or illustrate the provisions of the scheme.
- 3.8 The Department has never exercised its SPZ powers and so the process has been un-tested. However, the Department believes that the approach to the development of an SPZ as set out in the 1990 regulations remains reasonable. As previously mentioned the existing SPZ process relies to a degree on the development plan provisions of the 1991 Order. A key element of the proposals detailed in the phase 1 public consultation document was the significant revision of the

development plan process going forward, including a new two-stage process of an initial plan strategy and a subsequent local policies plan together comprising the development plan for the area.

- 3.9 The proposed Planning (Simplified Planning Zones) Regulations (Northern Ireland) 2015 (the 2015 regulations) will include provisions for a council making and altering an SPZ scheme as follows.
- 3.10 Consultation and notification before finalising initial proposals – where a proposed SPZ scheme would permit any development where a planning application would be required that may ordinarily require statutory consultation under Schedule 3 of the Planning (General Development Procedure) Order (NI) 2015 (see phase 1 consultation document) the council must consult the relevant statutory consultee.
- 3.11 Procedure for publicising finalised proposals – when a council has then finalised its proposals it must:-
- advertise the proposals for two weeks in at least one newspaper circulating in the council area inviting written objections or representations (including any additions to the proposed scheme) within 8 weeks of the first notice;
 - publish notice on its website for a period of at least 8 weeks after the first newspaper advertisement;
 - make copies available in the council's offices and in any other places it considers appropriate; and
 - advise any statutory consultees with whom it had previously engaged.
- 3.12 Managing objections and representations – in the newspaper and website notifications a council must advise that objections or representations can be made within 8 weeks of the newspaper advertisement and how these can be made. The council can then either consider any submissions made or cause a public independent examination to be held to consider them. Any independent

examination must be advertised in the local press in the same manner as required for proposals and the details of the independent examination provided to every person who has made a valid objection or representation. On the basis of the nature of objections made the council may modify its initial proposals.

3.13 Adoption of proposals - whether objections are considered by the council or are the subject of independent examination the council must prepare a statement on the decisions it has reached in relation to each objection and the reasons for those decisions. The council must then publicise its intention to adopt proposals, with or without modifications, by local newspaper advertisement and make its statement on decisions, and any examination report, available for inspection, along with any modifications to the proposed scheme.

3.14 If a council decides not to proceed with a scheme or alterations it shall newspaper advertise in the same manner and advise those who have made valid objections or representations and not withdrawn them.

3.15 Role of the Department – SPZ powers are viewed as a supporting tool for councils' local economic development role and the powers to designate an SPZ do not extend to the Department. However, given that an SPZ has the effect of granting planning permission, the 2011 Act provides for the Department to have an oversight role, and if necessary an intervention role, which is intended to ensure that the provisions of an SPZ scheme are consistent with policy and would not subvert other planning control. To that end the proposed regulations require a council to provide the Department with copies of all newspaper notices and documents made available for inspection and provide details on the mechanisms by which the Department may issue directions to a council where it feels this may be necessary.

3.16 Under the proposed requirements of the new Planning (General Development Procedure) Order (Northern Ireland) 2015 (see phase 1

public consultation) any SPZ scheme must be kept as part of a council's planning register so that it is readily accessible by the general public.

Question 1: Do you agree with the proposed approach in subordinate legislation for councils making and adopting SPZs?

4 – Amount of Fixed Penalties

- 4.1 As part of the development of policy proposals for planning reform in 2009 the Department considered the introduction of fixed financial penalties for certain breaches of planning control as an alternative to prosecution through the courts. The intention was for fixed penalty notices (FPNs) to be made available to councils as an additional, discretionary enforcement power.
- 4.2 This was informed by the position in Scotland where the Scottish Government considered FPN powers would speed up the system and provide an alternative to the costly and potentially lengthy process of seeking a prosecution through the courts. The Planning etc. (Scotland) Act 2006 introduced the necessary amendments to the Town and Country Planning (Scotland) Act 1997 empowering councils as local planning authorities to issue FPNs as an alternative to prosecution for breach of an enforcement notice (EN) or breach of condition notice (BCN).
- 4.3 Question 72 of the planning reform consultation paper, *“Reform of the Planning System in Northern Ireland: Your chance to influence change”* (issued in July 2009), asked respondents if they thought that the Department should consider developing firm proposals for introducing FPN powers similar to those in Scotland.
- 4.4 The “Government Response to Public Consultation July – October 2009” (published in March 2010) set out that there were 157 respondents commenting on the issue of FPNs, with 64 per cent in support. Of the 36 per cent who opposed the proposal, some suggested that the Scottish experience should be assessed before it should be considered for Northern Ireland. There were some concerns that the system could be abused, with developers opting to pay fairly small fines, rather than face proportionate and effective penalties through the courts. At stakeholder events some participants were in

favour of the proposals, while others believed they could be seen or misconstrued as 'pay offs' for breaching planning control.

- 4.5 The then Minister accepted that FPN's had the potential to effectively supplement existing enforcement powers and legislative provisions largely mirroring the FPN system in Scotland were introduced at sections 153 to 155 (Part 5 Enforcement) of the 2011 Act.
- 4.6 In line with the increased focus on strengthening enforcement powers to enable swifter and more effective enforcement action the Department has provided councils with the discretionary option of issuing a FPN for two offences. These are where a person has committed an offence under sections 147 or 152 of the 2011 Act by being in breach of an EN or a BCN.
- 4.7 While the enabling powers are contained in sections 153 and 154 of the 2011 Act the level of fixed penalty for the two offences mentioned above are to be prescribed in subordinate legislation.
- 4.8 It is the Department's intention that FPNs will complement existing enforcement tools which will be available to council enforcement staff from the point of transfer including ENs, BCNs, stop notices and the ability to take direct action to remedy a breach of planning control. Such powers are considered sufficient to allow the councils to exercise their enforcement functions, however, FPNs will provide an additional and discretionary power. Where the council considers that a breach of planning control is significant or an offence has been committed to deliberately flout planning legislation then the option of a prosecution through the courts will, of course, remain the normal course of action.
- 4.9 In circumstances where a FPN has been served by a council and payment has been made, but the breach of planning control which gave rise to the EN has not been resolved, the council may not prosecute in respect of that particular breach of an EN. The council

may, however, itself carry out the works necessary to comply with the requirements of an EN and, under section 146 of the 2011 Act, the cost of the work can be reclaimed from the owner of the land.

- 4.10 It is anticipated that FPNs will be offered for what might be described as less significant offences as an alternative to potentially lengthy and costly court prosecutions. While all enforcement action will be the responsibility of the new councils it is anticipated that for more significant offences, FPNs will not represent a sufficient penalty commensurate with the scale and nature of the breach and that prosecution through the courts will be a more appropriate course of action.
- 4.11 Contrary to some of the issues raised during the early discussions on policy proposals there is no basis for viewing FPNs as a means of offenders buying their way out of compliance with the requirements of the planning system. They provide an additional, discretionary enforcement tool for councils in the exercise of their enforcement responsibilities. They do not prevent or restrict a council's decision-making process in terms of taking a court prosecution where this is considered the appropriate course of action.
- 4.12 Following transfer of planning functions councils may wish to develop their own Enforcement Strategy in respect of planning enforcement, to manage this in a way that is appropriate to their area. The Department will provide guidance to councils on enforcement. Councils can then consider the use of FPNs, alongside other enforcement powers, and how best to apply these in the context of their own Enforcement Strategy. Examples based on the Scottish experience are detailed below and indicate the types of breaches of planning control where FPNs were deemed an appropriate course of action:
- unauthorised change of use;
 - unauthorised alterations to the elevations of a property; and

- unauthorised development within the curtilage of a residential property.

4.13 Reflecting the Scottish model the Department proposes fixed penalties of £2,000 for being in breach of an EN and £300 for being in breach of a BCN. In line with the Scottish, and indeed other FPN systems, provision is made for a reduction in these levels for prompt payment. Sections 153 and 154 of the 2011 Act provide for a 25% reduction of the amount payable where a fixed penalty is paid within 14 days.

4.14 The incentive in paying a fixed penalty is also in part linked to the level of financial penalty an offender might reasonably expect to be imposed through the courts (including court costs and legal costs). FPNs provide an opportunity for a more cost effective, less time consuming and more flexible means of enforcing planning control.

Question 2: Do you agree with the proposed level of fixed penalty in relation to a breach of an enforcement notice? If not, what do you think the level should be and why?

Question 3: Do you agree with the proposed level of fixed penalty in relation to a breach of a condition notice? If not, what do you think the level should be and why?

5 – Modification and Discharge of Planning Agreements

- 5.1 A planning agreement is a voluntary, legally-binding agreement which can be utilised to overcome identified barriers to the granting of planning permission, normally for large-scale major planning applications, which cannot be suitably addressed by way of conditions attached to the permission. Such an agreement is negotiated at the pre-application stage and the planning agreement will take the form, when signed, of a legally binding contract. The planning agreement is a material consideration in the determination of an application for planning permission.
- 5.2 Currently Article 40(1) of the 1991 Order (as substituted by Article 23 of the Planning (Amendment) (NI) Order 2003) permits anyone having an estate in land to enter into an agreement with the Department for facilitating or restricting its development or use. An agreement may be subject to conditions, may impose restrictions or requirements indefinitely or for a specified period, and may require the payment of a financial sum and stipulate the period and method of payment.
- 5.3 The current subordinate legislation dealing with the procedures enabling a person against whom a planning agreement is enforceable to apply to the Department to have the agreement modified or discharged is the Planning (Modification and Discharge of Planning Agreements) Regulations (Northern Ireland) 2005 (“the 2005 regulations”). They make provision with respect to:
- the form and content of applications for the modification and discharge of planning agreements;
 - the notification and publicity for such applications;
 - the determination of such applications; and

- appeals to the Planning Appeals Commission (PAC) against the Department's determination on such applications.
- 5.4 Under sections 76, 77 and 78 of the 2011 Act local councils, as well as the Department, will be empowered to enter into planning agreements where they operate as the "relevant authority" on planning matters. As a result of the transfer of functions to councils it is proposed that the 2005 regulations be revoked and that the Planning (Modification and Discharge of Planning Agreements) Regulations (Northern Ireland) 2015 ("the 2015 regulations") be introduced to provide the necessary detail on the modification or discharge of planning agreements within the new two-tier planning system.
- 5.5 The proposed 2015 Regulations, will essentially reproduce the existing provisions of the 2005 Regulations, making provision for:-
- the form and content of applications to modify or discharge an agreement;
 - the notification of and publicity for such applications;
 - the determination of such applications;
 - appeals to the PAC against the relevant authority's determination of such applications including a revised appeal period of 4 months;
 - transitional arrangements in relation to planning agreements and appeals functions exercised prior to the date on which the proposed regulations come into operation, by the Department, which will be exercised after that date by the relevant council. Schedule 2 will set out the planning agreement for which responsibility remains with the Department; and
 - revocation of the 2005 regulations with effect from 1 April 2015.
- 5.6 For those agreements already in the system it is proposed that in line with the new hierarchy of development the Department will retain responsibility for any planning agreement made in relation to what would be considered regionally significant development and all others

will transfer (legally referred to as “novate”) to the new councils. This means that only the planning agreement related to the George Best Belfast City Airport will remain with the Department. All other planning agreements will become the responsibility of the new councils relevant to their respective council areas.

Proposed Change to the Period of Appeal

- 5.7** Under previous provisions the period for appeal to the PAC against the determination of applications to modify or discharge an agreement was 6 months. It is proposed that any appeal under section 78 of the 2011 Act shall be made within 4 months of the date of the notice of the determination giving rise to the appeal; or in the case of an appeal under section 78(1)(a) (non-determination), the expiry of the period specified in the regulations. The 4 month period for appeal would then be consistent with other appeal provisions under the 2011 Act.

Question 4: Do you agree that the period of appeal against the determination of applications to modify or discharge an agreement should be reduced from 6 months to 4 months in line with other appeal provisions under the 2011 Act?

6 - Associated Subordinate Legislation Not Subject to Public Consultation

6.1 As highlighted earlier in Chapter 1, in addition to proposals relating to new or significantly amended processes and requirements, the Department will also take forward a number of technical SRs which are needed to take account of the new two-tier planning model. These SRs will all be subject to the full scrutiny of the Assembly as part of the legislative process but as they do not involve new policies or significant changes to existing policies they are not being made subject to public consultation.

6.2 However, as in phase 1, in order to provide a comprehensive picture of the broader subordinate legislative programme supporting planning reform and transfer, details are provided in relation to the following technical SRs:

- The Certificates of Alternative Development Value Regulations (NI) 2015;
- The Planning (Commencement) Order(s) (NI) 2015;
- The Planning (Conservation Areas) (Consultation) Regulations (NI) 2015; and
- The Planning (Inquiry Procedure) Rules (NI) 2015.

The Certificates of Alternative Development Value Regulations (NI) 2015

6.3 The purpose of these regulations is to provide for the application for and issue of certificates of alternative development value under Article 15 of the Land Compensation (Northern Ireland) Order 1982.

The Planning (Commencement) Order (NI) 2015

6.4 The enabling powers in the 2011 Act need to be brought into operation to facilitate the making of the subordinate legislation in advance of the transfer of planning functions to the new district councils on 1st April

2015. This order will commence Part 3 (Planning Control) of the 2011 Act including the enabling powers necessary for the subordinate legislation to be made. A further commencement order will commence the remaining Parts of the 2011 Act to allow the new two-tier system to operate.

The Planning (Conservation Areas) (Consultation) Regulations (NI) 2015

- 6.5 Where a council or, as the case may be, the Department intends to make, vary or cancel a conservation area designation these Regulations prescribe the bodies which must be consulted.

The Planning (Inquiry Procedure) Rules (NI) 2015

- 6.6 The purpose of these Regulations will be to provide procedures to be followed in connection with inquiries to be held under section 235 of the 2011 Act. This is where the Secretary of State (SoS) or the Department of Justice (DOJ) has directed that certain evidence relating to national security or the protection of premises shall only be heard or be open to inspection at an inquiry by persons specified by the SoS or DOJ.

7 – Way Forward

- 7.1 The Department intends to progress all subordinate legislation which is the subject of phases 1 and 2 of public consultation to facilitate the reform and transfer of planning to the new councils on 1st April 2015, with priority given to the day one essentials needed for the continued operation of the system at the point of transfer.
- 7.2 This presents a significant workload for both the Department and the Assembly's Environment Committee but the phasing of proposals is hoped to support a better understanding of the connectedness of the proposals in pursuit of the overall aims of planning reform.
- 7.3 The Department is committed to reviewing the implementation of the 2011 Act and how it operates in practice. As these proposals are being brought forward through subordinate, rather than primary, legislation there is a degree of flexibility for future amendment should the experiences of councils and the Department under the new two-tier system identify areas for improvement.

8 - Assessments and Freedom of Information

Equality Impact Assessment Screening

- 8.1 Under the terms of section 75 of the Northern Ireland Act 1998, the Department carried out screening for equality impact and is satisfied that the proposed legislation will not lead to discriminatory or negative differential impact on any of the section 75 groups.

Regulatory Impact Assessment

- 8.2 The Department has conducted partial Regulatory Impact Assessments for each proposed piece of legislation. It does not believe that the legislation will impose any additional costs on business, charities, social economy enterprises or the voluntary sector.
- 8.3 The findings of each of these type of assessments are available on the Department's website.

Rural Proofing

- 8.4 The Department believes that there would be no differential impact in rural areas or on rural communities from any of the proposed pieces of subordinate legislation.

Human Rights

- 8.5 The Department considers that the proposals laid out in this document are compatible with the Human Rights Act 1998.
- 8.6 The Department welcomes views and comments on whether the conclusions contained in any of the above assessments are correct.

Freedom of Information Act 2000 – Confidentiality of responses

- 8.7 The Department may publish a summary of responses following the completion of the consultation exercise. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response please read Annex A on the confidentiality of responses. It gives guidance on the legal position about any information given by you in response to this consultation.

9 - Overview of Consultation Questions

Question 1: Do you agree with the proposed approach in subordinate legislation for councils making and adopting SPZs? 17

Question 2: Do you agree with the proposed level of fixed penalty in relation to a breach of an enforcement notice? If not, what do you think the level should be and why?..... 21

Question 3: Do you agree with the proposed level of fixed penalty in relation to a breach of a condition notice? If not, what do you think the level should be and why? 21

Question 4: Do you agree that the period of appeal against the determination of applications to modify or discharge an agreement should be reduced from 6 months to 4 months in line with other appeal provisions under the 2011 Act? 24

All responses should be made in writing and submitted to the Department no later than 31st December 2014 in one of the following ways:

By post to:

Planning Reform & Transfer to Local Government Consultation –
Phase 2
Planning Policy Division
Department of the Environment
Level 6 Causeway Exchange
1-7 Bedford Street
Town Parks
Belfast
BT2 7EG

By e-mail to: ppdconsultations@doeni.gov.uk

Annex A - Freedom of Information Act 2000 - Confidentiality of Responses

1. The Department may publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.
2. The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or be treated as confidential.
3. This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:
 - the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
 - the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature; and
 - acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.
4. For further information about confidentiality of responses please contact the Information Commissioner's Office (or see website at: <http://www.informationcommissioner.gov.uk>).

Annex B - Consultee List

20:20 Architects
Action on Hearing Loss
Action Renewables
Age NI
An Munia Tober
Aquaculture Initiative EEIG
Archbishop Of Armagh & Primate Of All Ireland
Arcus Architects
Arqiva
Association for Consultancy and Engineering
Atlas Communications
Autism NI
B9 Energy Services Ltd
Bahai Council for NI
Bar Library
Barnardos NI
BBC Engineering Information Department
Belfast Butterfly Club
Belfast Civic Trust
Belfast Harbour Commissioners
Belfast Hebrew Congregation
Belfast Healthy Cities
Belfast Hills Partnership
Belfast International Airport
Belfast Metropolitan College
Belfast Metropolitan Residents Group
Belfast Solicitors Association
Brennen Associates
British Deaf Association (NI)
British Telecom (NI)
Bryson House
Building Design Partnership
Cable & Wireless Communications
Campaign for Better Transport
Cara Friend
Carers Northern Ireland
Carey Consulting
Catholic Bishops of NI
Causeway Coast & Glens Heritage Trust
Chartered Institute of Architectural Technologists
Chartered Institute of Environmental Health
Chartered Institute of Housing
Chief Executive of the NI Judicial Appointments Commission
Chief Officers 3rd Sector
Children's Law Centre

Chinese Welfare Association
Church of Ireland
Chrysalis Women's Centre
Coiste – Na N-iarchimi
City of Derry Airport
Civil Aviation Authority
Civil Law Reform Division
Coleraine Harbour Commissioners
Communication Access
Committee for the Administration of Justice
Communities and Local Government
Community Development and Health Network (NI)
Community Places
Community Relations Council
Confederation of British Industry, NI Branch
Construction Employers Federation
Construction Register Ltd
Council for Catholic Maintained Schools
Countryside Access & Activities Network for NI
Courts and Tribunal Services
Crown Castle UK Ltd
Cruse Bereavement Care (NI)
Derryhale Residents' Association
Derry Well Woman
Development Planning Partnerships
Disability Action
Down's Syndrome Association
Energy Saving Trust Northern Ireland
Enniskillen Airport
Environment and Planning Law Association of NI
Environmental Health Services Department
Equality Coalition
Equality Commission for NI
Falls Community Council
Falls Women's Centre
Family Planning Association NI
Federation of Small Businesses
Ferguson & McIlveen
Fisher German LLP
Food Standards Agency NI
Foyle Women's Information Network
Friends of the Earth
Geological Survey of Northern Ireland
George Best Belfast City Airport
Gingerbread Northern Ireland
Health and Safety Executive Northern Ireland
Health And Social Services Boards and Trusts
HM Council of County Court Judges
HM Revenue & Customs
Human Rights Commission

Indian Community Centre
 I-Document Systems
 Information Commissioners Office
 Insititute of Professional Legal Studies
 Institute Of Directors
 Institute of Historic Building Conservation
 Institution of Civil Engineers (NI Association)
 International Tree Foundation
 Invest NI
 Kenneth Crothers, Deane & Curry
 Lagan Valley Regional Park Officer
 Landscape Institute NI
 Larne Harbour Commissioners
 Law Centre (NI)
 Liz Fawcett Consulting
 Local Government Staff Commission NI (LGSC)
 Londonderry Port & Harbour Commissioners
 Lord Chief Justice Office
 Lough Neagh and Lower Bann Management Committees
 LPG Association
 Magherafelt Women's Group
 Magistrates Court
 Manufacturing Northern Ireland
 Marks and Spencer
 McClelland/Salter Estate Agents
 MENCAP
 Mens Action Network
 Men's Project – Parent's Advice Centre
 Methodist Church In Ireland
 Michael Burroughs Associates
 Ministerial Advisory Group for Architecture and the Built Environment in
 Northern Ireland
 Ministry of Defence
 Mobile Operators Association
 Mono Consultants Limited
 Mourne Heritage Trust
 Multi-Cultural Resource Centre
 National Air Traffic Services (NATS)
 National Society for the Prevention of Cruelty to Children (NSPCC)
 National Trust
 Newry and Mourne Women Limited
 Newtownards Aerodrome
 NI Association for Mental Health
 NI Association of Citizens Advice Bureau
 NI Chamber of Commerce and Industry
 NI Chamber of Trade
 NI Independent Retail Trade Association
 NI Islamic Centre
 National Pensioners Convention, NI
 NI Women's Aid Federation

NI Women's European Platform
 NIACRO
 NIC/ICTU
 NICARE
 NICOD
 NIPSA
 North West Architectural Association
 Northern Builder
 Northern Ireland 2000
 Northern Ireland Agricultural Producers Association
 Northern Ireland Ambulance Service
 Northern Ireland Amenity Council
 Northern Ireland Association Engineering Employer's Federation
 Northern Ireland Blood Transfusion Service Agency
 Northern Ireland Council For Ethnic Minorities
 Northern Ireland Court Service
 Northern Ireland District Councils
 Northern Ireland Economic Council
 Northern Ireland Education and Library Boards
 Northern Ireland Electricity Plc
 Northern Ireland Environment Committee
 Northern Ireland Environment Link
 Northern Ireland Federation of Housing Associations
 Northern Ireland Fire and Rescue Service
 Northern Ireland Government Departments
 Northern Ireland Housing Council
 Northern Ireland Housing Executive
 Northern Ireland Law Commission
 Northern Ireland Local Government Association
 Northern Ireland Members of the House of Lords
 Northern Ireland MP's, MEP's, Political Parties and MLA's
 Northern Ireland Office
 Northern Ireland Public Health Agency
 Northern Ireland Quarry Products Association
 Northern Ireland Regional Medical Physics Agency
 Northern Ireland Women's Rural Network
 Northern Ireland Tourist Board
 Northern Ireland Water Ltd
 O2
 OFCOM
 Office of Attorney General for Northern Ireland
 Orange
 Ostick and Williams
 Parenting NI
 Participation & the Practice of Rights Project
 Participation Network NI
 Phoenix Natural Gas Ltd
 Planning Appeals Commission
 Planning Magazine
 Playboard N.I. Ltd

POBAL
 Policing Board Of Northern Ireland
 Polish Association
 Pragma Planning
 Presbyterian Church In Ireland
 PSNI
 Quarryplan Ltd
 Queens University
 Renewable UK
 RICS NI
 Rivers Agency
 RJM Architects
 Robert Turley Associates
 Royal National Institute of Blind People (RNIB)
 Royal Society for Protection of Birds
 Royal Society of Ulster Architects
 Royal Town Planning Institute
 Royal Town Planning Institute (Irish Branch, Northern Section)
 RPS Group PLC
 RTPI Irish Branch (Northern Section)
 Rural Community Network
 Rural Development Council for Northern Ireland
 Rural Support
 Save the Children
 Scottish Government
 SENSE NI
 Society of Local Authority Chief Executives
 Southern Waste Management Partnership
 Sport NI
 Statutory Advisory Councils (including Historic Buildings Council, Historic
 Monuments Council and Council for Nature Conservation and the
 Countryside)
 Strangford Lough Advisory Council
 Strangford Lough Management Committee
 Sustrans
 The Architectural Heritage Fund
 The Board of Deputies of British Jews
 The Cedar Foundation
 The Commissioner for Older People for Northern Ireland
 The Executive Council of the Inn of Court of NI
 The General Consumer Council for NI
 The Guide Dogs for the Blind Association
 The Law Society of Northern Ireland
 The NI Commissioner for Children and Young People
 The NI Council for Voluntary Action
 The Rainbow Project
 The Senior Citizens Consortium Sperrin Lakeland
 The Utility Regulator
 The Women's Centre
 Three

T-Mobile
Todd Planning
Town and Country Planning Association
Training for Women Network Ltd
Translink
Travellers Movement NI
Turley Associates
Tyrone Brick
Ulster Angling Federation
Ulster Architectural Heritage Society
Ulster Farmers' Union
Ulster Society for the Protection of the Countryside
Ulster Wildlife Trust
ULTACH
UNISON
University of Ulster
Urban and Rural Planning Associates
UTV Engineering Information Department
Virgin Media
Vodafone Ltd
Volunteer Now
Warrenpoint Harbour Authority
Waterways Ireland
Welsh Government
WDR & RT Taggart
Western Group Environmental Health Committee
Wildfowl and Wetland Trust
Women's Forum NI
Women's Resource and Development Agency
Women's Support Network
Woodland Trust
World Wildlife Fund (NI)
Youth Council For Northern Ireland

Abbreviations

BCN	breach of condition notice
DOJ	Department of Justice
EN	enforcement notice
FPN	fixed penalty notice
PAC	Planning Appeals Commission
SoS	Secretary of State
SPZ	simplified planning zone
SR	statutory rule



Crown Copyright 2014

This material may be freely reproduced except for sale or advertising purposes.