

**A**

**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Monday 1 September 2014 at 7 pm, in Magherafelt District Council Offices**

- Members Present:** In the Chair, Councillor Kearney (Chair)
- Councillors Bell, Cuthbertson, Gildernew, Glasgow, McElDowney, McPeake, Mallaghan, Mullen, T Quinn, Reid, Robinson and J Shiels
- Members in Attendance:** Councillors B McGuigan and Wilson
- Officers in Attendance:** Mr Tohill, Chief Executive  
Mrs Grogan, Secretariat (Dungannon & South Tyrone Borough Council)
- Others in Attendance:** Mr Chris Boomer, Area Planning Manager Mid Ulster  
Mrs Deirdre McSorley, Area Planning Manager  
Mr Martin McCarroll, Senior Planner, Cookstown

The meeting commenced at 7 pm

**P6/14 Apologies**

Councillors Bateson, Clarke and McKinney.

**P7/14 Declarations of Interest**

The Chair reminded members of their responsibility with regard to declaration of interest.

**Matters for Decision**

**P8/14 Receive and Confirm Minutes of the Planning Committee Meeting held on Wednesday 9 July 2014**

Proposed by Councillor Gildernew  
Seconded by Councillor T Quinn and

**Resolved:** That the minutes of the meeting of the Planning Committee held on Wednesday 9 July 2014, (P1/14 – P5/14) were considered and signed as accurate and correct.

**P9/14 DOE Capacity Building and Training for Elected Members on Planning**

The Chief Executive presented a report outlining DoE arrangements to build capacity of new council members on the transferring function of planning. The sessions include: (i) Overview of Planning for Councillors; (ii) Development Plans and Working

with the Community; (iii) Practical Planning; and (iv) Propriety and Outcomes dealing with the Code of Conduct and the role of the Planning Appeals Commission. He advised that attendance is strongly recommended at proposed training events.

A SDLP Member stated that all members of the Council should have the opportunity to attend as every Councillor should be aware of the new Planning structure coming into place in April 2015.

The Chief Executive agreed and asked members to liaise with their parties on encouraging attendance.

Proposed by Councillor Mallaghan  
Seconded by Councillor T Quinn and

**Resolved:** That it be recommended to the Council that all members of the Council attend sessions within the training programme. Names of attendees to be provided to officers.

**P10/14      Discuss and Review a Sample of Planning Applications**

Mr Chris Boomer, Ms Deirdre McSorley and Mr Martin McCarroll were in attendance and reviewed a sample of planning applications with members.

Councillor Wilson left the meeting at 8.05 pm during above discussion.

**P11/14      Duration of Meeting**

The meeting commenced at 7.00 pm and ended at 8.25 pm.

CHAIR \_\_\_\_\_

DATE \_\_\_\_\_

**B**

## **MID ULSTER**

### **Position Paper One**

### **Population and Growth**

September 2014

## **Accommodating Population Growth across Mid Ulster**

**Purpose:** To provide the Shadow Council with baseline information on population and population growth in the Mid Ulster Council Area and to consider population projections up to 2030 and the implications of population change on land use needs.

**Content:** The paper provides information on:-

- (i) a profile of the population including the different Section 75 groups of people, identifying those which the plan is likely to have an impact on;
- (ii) population growth and population projections up until 2030;
- (iii) a settlement strategy for accommodating growth

**Recommendation:** That the Shadow Council notes the findings and considers how to achieve balanced growth across Mid Ulster.

## **1.0 Introduction**

**1.1** This is the first 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** Whilst the paper sets out key baseline data and presents a potential growth strategy, members are reminded that no formal decisions can be made until plan making power transfers to local government. Equally, no decisions can be made unless it is within the context of a Sustainability Assessment. This said, the paper is intended to generate members' ideas on how planning can best meet the needs of a growing community and the different groups within that community.

- 1.3** Therefore, the key outputs of this paper are:
- to conduct a screening exercise of the people within our community (Section 75 Groups) who are likely to be affected by a local development plan;
  - to set policy objectives which may be used to assess the likely affects of the Plan on the various groups within our community; and
  - to start to formulate a framework and strategy to accommodate future growth.
- 1.4** Members' ideas on different options are welcome and will be subject to an assessment at a later date. The next three papers will address growth issues associated with housing, the economy and town centres.
- 1.5** It is important to stress to members that in compiling the report the best information available has been used. However, much of the data from the 2011 Census has not yet been released and it is anticipated that further area data will become available in Spring 2015. Accordingly, it is recommended that the report is reviewed at that time to establish whether this will result in any significant changes to the conclusions.

## **2.0 Population Profile**

- 2.1** Population growth and population change have implications for the provision of housing, employment opportunities and public services including health, education and infrastructure. It is therefore important to know the components of population change and the characteristics of the population when planning for future growth. Planning is also about meeting the needs of everyone.
- 2.2** Section 75 of the Northern Ireland Act 1998 requires a public authority, in carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity:
- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
  - between men and women generally;
  - between persons with a disability and persons without; and
  - between persons with dependants and persons without.

In addition, without prejudice to the above obligations, public authorities are required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or race.

- 2.3** The principle of promoting equality of opportunity and good relations between people must be a key objective behind the plan and will be a central theme of the sustainability assessment. In land use planning

terms this means ensuring everyone benefits from quality housing, employment, and access to public services and recreation facilities. These themes will be addressed in more detail in later papers. However, this paper begins the process of identifying issues and needs facing different groups within our area over and above the general population, so that these can be considered at every stage of the plan making process. If an aim of the plan is also to help build a cohesive society then it must also be recognised that this can only be achieved by “sharing space” and “accessing opportunities”. Therefore, the paper also examines the extent to which segregation occurs and the pattern of multiple deprivation. Where possible, the tables provided show figures based on the new Mid Ulster Council area and reflect the boundary changes affecting Killyman and Moy wards, portions of which will be incorporated within the adjoining new Council area of Armagh, Banbridge and Craigavon. Data represented spatially on the accompanying maps in Appendix 1 are based on existing Super Output Areas (SOAs).

*(a) Age Structure*

- 2.4** Mid Ulster has a young population compared to the Northern Ireland average and with a slightly lower proportion of those over 65 years of age (Tables 1 and 2). In relation to age it is young and old people who tend to be most vulnerable. There tends to be more elderly people in the towns where there is a range of facilities including nursing homes, sheltered and other housing designed to meet their needs, together with better access to services. However, there are also many elderly people living in the countryside where access to services is more problematic (see Maps 1 & 2, Appendix 1).

**Table 1: Age Structure of Population 2001**

	<b>0-15 years %</b>	<b>16-64 years %</b>	<b>65+ years %</b>
<b>N Ireland</b>	23.6	60.9	15.5
<b>Cookstown</b>	25.95	62.55	11.5
<b>Dungannon</b>	25.8	61.72	12.48
<b>Magherafelt</b>	26.05	62.49	11.46

*Source: Census 2001*

**Table 2: Age Structure of Population 2011**

	<b>0-15 years %</b>	<b>16-64 years %</b>	<b>65+ years %</b>
<b>N Ireland</b>	20.95	64.49	14.56
<b>Cookstown</b>	22.41	64.74	12.85
<b>Dungannon</b>	23.14	64.46	12.40
<b>Magherafelt</b>	23.48	64.02	12.49
<b>Mid Ulster</b>	23.06	64.40	12.55

*Source: Census 2011*



- 2.5** The Northern Ireland trend is that the proportion of people over 65 years of age is growing and is expected to reach 20% of the total population by 2027 (NISRA 2012-based population projections). The district is likely to follow this trend. A key issue for elderly people is poverty with many older people having to live on reduced incomes, with reduced mobility and increased disability. Nearly one half of people over 60 in Northern Ireland live with a long term illness or disability and this increases with age (Census, 2001). Over one fifth (22%) of Northern Ireland's pensioners live in low income households (defined as below 60% of medium income after deducting housing costs), some 4% points above the UK average (Family Resources Survey, 2007). This is reflected in car ownership with one fifth of retired couples and two thirds of single pensioners living in households without a car. It is also reflected in fuel poverty. In 2006, a third of all households were in fuel poverty with single pensioners being the group at greatest risk (Northern Ireland Housing Survey, 2008).
- 2.6** The growing number of elderly is a key factor in declining average household size, projected to drop for Mid Ulster from 2.85 in 2008 to 2.66 in 2023 (NISRA Household Projections, 2008). This has been taken into account by DRD when formulating the Regional Development Strategy 2035 Housing Growth Indicators. A Local Development Plan has a role in providing development land to meet these indicators (which will be discussed in the following paper) and facilitate housing units to meet the needs of the elderly, particularly nursing homes, sheltered accommodation and smaller sized units. It also has a role in ensuring such units are accessible. Building control ensures design compliance, however planning needs to ensure that housing for the elderly is sited where it is accessible to local services and transportation. These services include health and other community facilities together with recreation and shops. A rising elderly population will also increase demand for health and community services, the development of which will also need to be accommodated.
- 2.7** Around one quarter of the population is under 16. The number of children under 16 in Dungannon is projected to rise by some 3,600 between 2008 and 2023 to 16,200 with an 1,100 increase in Magherafelt to 11,370 and 900 in Cookstown to 9,070 (NISRA, Population Projections 2008). This will have implications for provision of crèches, nurseries and schools.
- 2.8** Children are also a vulnerable group. Over one quarter (26%) of children in Northern Ireland are living in low income households (FRS, 2007). Young people do not have independent use of a car. Therefore, safe and sustainable access to community and recreation facilities, including play parks and sports grounds, remains high on the agenda.

- 2.9** All of the above issues are also relevant to people between 16 and 65, the key difference being employment is a major issue for those people of working age. In 2013 the claimant count for each of the three Mid Ulster Districts was: 1039 people in Cookstown; 1579 people in Dungannon and 1211 people in Magherafelt, an annual average of 4.2% (DFP Claimant Count, 2013). Unemployment is a particular issue for young people, with unemployment for those aged 16-25 in N Ireland rising from 12% to 19% between 2008 and 2010. Unemployment is looked at in more detail later.

*(b) Marital Status*

- 2.10** Since 1991 there has been an increase in the proportion of single people in N. Ireland. In Mid Ulster, the trend is similar albeit with a slightly higher proportion of married people (Table 3).

**Table 3: Marital Status in 2011**

	<b>All People ≥ 16</b>	<b>Single (never married) %</b>	<b>Married * %</b>	<b>Divorced %</b>	<b>Widowed** %</b>
<b>NI</b>	1,431,540	36.14	51.63	5.45	6.78
<b>Cookstown</b>	28719	35.66	54.11	4.09	6.15
<b>Dungannon</b>	44467	36.46	53.11	4.11	6.32
<b>Magherafelt</b>	34463	35.43	55.36	3.38	5.83

*Source: NISRA Census 2011*

\*2011 Married – This includes people who were remarried; those who are separated but still legally married; and those in a same-sex civil partnership. \*\* 2011 Widowed includes surviving partner from a same-sex civil partnership.

- 2.11** Official statistics mask the number of couples (unmarried) who are co-habiting. The role of planning is not to pass moral judgements but to meet the needs of the population. In this case, the challenge is providing housing to meet the needs of single people. It is also reasonable to assume that many single wage earners will not have the same purchase power of a double income household. Single people also have different social needs to those who are married/co-habiting and have families. Young, single people are key to the economy of any town centres, providing a significant part of the market for pubs, clubs and restaurants. However, this can mask the feeling of social exclusion experienced by many single people, particularly the elderly, disabled and single parents. Single parents remain one of the most disadvantaged groups with over half falling within low income groups and over half of lone parent families not having access to a car (Poverty site, 2010).

*(c) Gender and Life Expectancy*

- 2.12** The usually resident population is broadly split on a 50/50 basis between men and women. Life expectancy continues to improve for both males and females. Over the period 1998-2000 to 2008-2010, life expectancy for males improved at a slightly faster rate than for females. However, although the gap between the two genders has reduced across Mid Ulster, females in Cookstown live an average of 6 years longer than males, a differential which is higher than the N Ireland level. In the UK, life expectancy at birth is expected to increase by around five years between 2012 and 2037 (Office of National Statistics) for both men and women and it is therefore anticipated that life expectancy will similarly increase in the Council area.

**Table 4: Gender balance of Mid Ulster Population**

	<b>Male %</b>	<b>Female %</b>
<b>NI</b>	49.0	51.0
<b>Mid Ulster</b>	50.05	49.95
<b>Cookstown</b>	49.89	50.11
<b>Dungannon</b>	50.07	49.93
<b>Magherafelt</b>	50.18	49.82

*Source: Census 2011*

**Table 5: Life Expectancy by Gender**

	<b>1998-2000 %</b>		<b>2008-2010 %</b>	
	<b>Males</b>	<b>Females</b>	<b>Males</b>	<b>Females</b>
<b>NI</b>	74.49	79.57	77.07	81.52
<b>Cookstown</b>	75.2	81.0	76.1	82.4
<b>Dungannon</b>	74.8	79.8	77.5	81.0
<b>Magherafelt</b>	75.9	80.8	79.4	82.6

*Source: NISRA*

- 2.13** There are key differences between the sexes in that women tend to take on the role of carer whether it is for children or aging relatives which is discussed later. Women suffer inequalities in terms of wealth, employment and access to services. The gender pay gap (i.e. the difference between men's and women's earnings as a percentage of men's earnings) based on median gross hourly earnings (excluding overtime) for full-time employees increased to 10% and 19.7% as measured by hourly earnings for all employees (Office of National Statistics, 2013). In Northern Ireland, the difference is most pronounced for those on low incomes, with half of those people earning less than £7 being in part time employment, mainly women (DETI, 2010). The gender gap is also reflected in access to a private car with 25% of men in the UK and 40% of women lacking a car in their household or not possessing a driving license (Poverty site, 2010).

These figures are often masked by the fact that only a small percentage of couples do not have access to a car.

- 2.14** Planning can have a role in addressing this inequality not only by facilitating job creation but by facilitating new employment opportunities at locations accessible by sustainable forms of transport other than just the private car. The same holds true for shops, recreation, and community services. Planning can also help by adopting a more flexible approach to innovation and a flexible approach to home working.

*(d) Health and Disability*

- 2.15** A person is described as having a limiting long term health problem if they have a health problem or disability which limits their daily activities and which has lasted, or expected to last, at least 12 months. This includes problems that are due to old age (Census 2011). In 2011/12, 6% of children in Northern Ireland were disabled compared to 14% of adults of working age and 44% of adults over State Pension age (DSD Family Resources Survey). Overall, the health of the area is improving (Tables 6). However, there are inequalities in health across the area with long term disability a particular problem with around one in five people in Mid Ulster suffering from some form of limiting illness.

**Table 6 Health in 2001 and 2011**

	Limiting long-term illness %		Good General Health %		People Providing Unpaid care %	
	2001	2011	2001	2011	2001	2011
<b>NI</b>	20.4	20.69	70.0	79.51	11.0	11.81
<b>Cookstown</b>	21.97	21.03	68.5	78.25	10.4	11.10
<b>Dungannon</b>	21.12	19.06	70.0	81.06	10.5	10.52
<b>Magherafelt</b>	18.45	18.45	71.32	81.42	9.52	10.62
<b>Mid Ulster</b>	-	19.39	-	80.43	-	10.69

Source: - Census 2001 and 2011

- 2.16** In general, areas with more elderly people tend to have higher levels of people with a long term limiting illness. Parts of Cookstown town, Coalisland, Coagh and Magherafelt have particularly high levels above the regional and district averages. There are also areas with slightly higher proportions of people providing unpaid care including Ardboe, Coagh, Washing Bay and Glenshane areas (see Maps 3, 4 & 5, Appendix 1).
- 2.17** If care in the community is to succeed, value needs to be attached to carers. In 2011/2012, 6% of the population were informal carers and that figure included 7% of working age adults, 9% of State Pension age adults and 1% of children. Some 62% of reported carers are women.

The time spent caring varies from 42% of adult carers providing care for less than 20 hours per week, to 22% caring for 50 hours or more per week (DSD Family Resources Survey, 2011-12).

- 2.18** The link between health and wealth is well rehearsed as is the relationship between mobility and health. Therefore, as with other groups planning has a role in accommodating accessible housing, employment and services. Planning also has a role in helping to improve the health and well-being of people by avoiding development which would result in a deterioration in air or water quality; safeguarding and facilitating open space, sport and outdoor recreation; managing the adverse impacts of noise and nuisance by influencing the location, layout and design of new development. Planning also has a role in recognising and facilitating development to meet the needs of carers, by facilitating houses for those with special circumstances or extension of homes to include “granny annexes”.

*(e) Households with or without dependant children*

- 2.19** A “dependant child” is defined as 0-15 or aged 16-18 who is a full- time student and living in a family with his or her parent(s) or grandparent(s) (Census 2011). The proportion of households (including lone parent households) with dependant children has declined since 2001. However, the proportion of households in Mid Ulster with dependant children is higher than the NI average (Table 7). This is due to Mid Ulster’s higher than average proportion of children under 16 years. In general, there are more areas in the Cookstown and Magherafelt districts with higher proportions of dependant children, particularly in the towns and some rural areas (see Map 6, Appendix 1).

**Table 7: Households with Dependant Children**

Households	Mid Ulster %	Cookstown %	Dungannon %	Magherafelt %	N. Ireland %
with dependant children in 2001	-	41.7	40.1	42.2	36.5
with dependant children 2011	38.99	38.05	38.91	39.84	33.85

*Source: Census 2011*

- 2.20** The decline in households with dependent children is another reason why the average household size has declined. However, household size in Mid Ulster is significantly higher than the Northern Ireland average. In part this could be due to the inclusion of other dependents such as the elderly or infirm (Table 8).

**Table 8: Household Composition**

	<b>All Households</b>	<b>Average Household Size %</b>	<b>1 Person %</b>	<b>2 People %</b>	<b>3 People %</b>	<b>4 People %</b>	<b>5 + People %</b>
<b>NI</b>	703,275	2.54	27.93	30.19	16.80	14.70	10.46
<b>Mid Ulster</b>	47,772	2.88	22.95	26.48	16.47	16.81	17.29
<b>Cookstown</b>	12,904	2.84	23.43	27.01	16.24	16.57	16.75
<b>Dungannon</b>	20,270	2.83	23.96	26.35	16.89	16.38	16.42
<b>Magherafelt</b>	15,037	2.98	21.11	26.16	16.09	17.72	18.93

Source: - NISRA - Census 2011

**2.21** The role of planning in relation to access and service provision has been rehearsed with regards to the elderly and children. It is worth emphasising that those acting as carers regularly face the same issues particularly in households where the carer is on a low income and does not have access to a car. The Local Development Plan has a role in providing a range of houses types to meet the needs of different household sizes and to provide policy to facilitate those wishing to expand their houses to meet changing needs, providing it does not harm other interests of acknowledged importance.

*(f) Sexual Orientation*

**2.22** There are no specific figures available on how many people may be Gay, Lesbian, Bi-sexual or Trans-gender or Trans-sexual in Mid Ulster. People in this group often feel excluded or marginalised in society. More importantly, they can also fall victim of discrimination and threat of physical violence from the less tolerant in society. Whilst the Plan is unlikely to bring forward specific proposals and policies for them, it is anticipated that many of the measures in a Local Development Plan aimed at providing a range of house types, creating employment and accessible services as well as improving safety and security will benefit this group.

*(g) Race and Ethnicity*

**2.23** In 2001, 9% of Northern Ireland's population were born outside the region compared to an average of 5.5% for the Mid Ulster districts. By 2011, this proportion had increased to 11.1% for N. Ireland compared to an average of 10.4% for the Mid Ulster population. The majority of non-indigenous people were born in Europe, particularly the EU countries. This reflects the inward migration of migrant workers particularly in Dungannon and South Tyrone, following the accession of the A8 countries to the European Union in 2004 (Table 9).

**Table 9: Country of Birth for Mid Ulster 2011**

	<b>N Ireland %</b>	<b>Rest of UK %</b>	<b>Republic of Ireland %</b>	<b>Europe %</b>	<b>Outside Europe %</b>
<b>N Ireland</b>	88.84	4.47	2.09	2.6	1.84
<b>Cookstown</b>	91.44	3.11	1.16	3.29	0.95
<b>Dungannon</b>	84.38	2.97	2.26	7.90	2.43
<b>Magherafelt</b>	92.77	2.69	1.14	2.52	0.84

*Source: Census 2011 Note: Channel Islands and Isle of Man are excluded from the above figures.*

**2.24** Racial ethnicity remains predominantly 'white' with 98.67% of the new Council area described in this category. Other ethnic groups including Asian, Black and Mixed comprise very small numbers (Census 2011) and as a consequence it is unlikely that the Local Development Plan will have a particular impact on these groups. However, it is important to monitor changes over time as this may have implications particularly in relation to equality of access to homes and jobs.

**2.25** An exception may be Irish Travellers who have been described as a different ethnic group. Their needs can be distinctive in terms of providing sites or supported housing for travellers. The housing needs assessment undertaken by the NIHE addresses this matter and will be considered in a later housing paper.

*(h) Religion and Political Opinion*

**2.26** The designation of settlements and provision of development opportunities needs to be carefully considered against the needs and spatial distribution of people of different religion or political opinion to prevent prejudice of any religious or political group and thus meet the requirements of Section 75 of the Northern Ireland Act 1998.

**2.27** The population of Mid Ulster is of a predominantly Roman Catholic background in contrast to the region as a whole (Table 10). The majority of Super Output Areas (SOAs) are reasonably mixed though quite a few can be identified as being either predominantly (more than 70%) Protestant/Other or Roman Catholic. On the whole there are more 'balanced' communities in Cookstown and Dungannon (see Map 7, Appendix 1). However, care needs to be taken when examining mix across a wide area as this can conceal the stark differences between neighbourhoods in towns and villages.

**Table10: Religious composition of Mid Ulster**

<b>Religious background</b>	<b>Mid Ulster</b>	<b>Cookstown</b>	<b>Dungannon</b>	<b>Magherafelt</b>	<b>N. Ireland</b>
Roman Catholic	63.77%	59.26%	63.11%	66.01%	45.14%
Protestant/ Other Christian	33.46%	37.78%	33.03%	31.48%	48.36%

*Source: Census 2011*

- 2.28** In Northern Ireland, political opinion is viewed as being closely associated with religious belief in that Catholics will generally vote for Nationalist parties while Protestants vote for Unionist parties. However, the proportion of valid votes cast in the 2011 Local Elections suggest that some Catholics vote for Unionist parties as well as for other parties and independents, particularly in Cookstown and Dungannon (Table 11). Of course, the converse could also be true for some Protestants.

**Table 11: Political Opinion across Mid Ulster 2011**

Political Party Groupings	Proportion of Votes %		
	Cookstown	Dungannon	Magherafelt
Nationalist parties	57.1	48.4	64.3
Unionist parties	42.4	43.3	31.4
Other parties/independent	0.6	9.4	4.2

*Source: 2011 Local Government Election Results (ARK Economic and Social Research Council)*

- 2.29** Care needs to be taken when making comparisons between communities of different religious/political persuasion as this can be extremely divisive and can unravel the definite progress made in bringing the two communities together. However, there are certain facts which need to be addressed. The proportion of Catholics in low income groups in Northern Ireland is much higher than their Protestant counterparts, 26% compared with 16% (Family Resources Survey 2008/9). Those areas where deprivation is greatest can be identified spatially using the Northern Ireland Multiple Deprivation Measure (NIMDM) 2010.

*(i) Spatial Deprivation*

- 2.30** An effective way of promoting good community relations and equal opportunity is to tackle social deprivation and inequalities in the labour market and public health. The Northern Ireland Multiple Deprivation Measure (NIMDM) 2010 identifies small area concentrations of multiple deprivation across Northern Ireland. It is noteworthy that Magherafelt is the least deprived of the 26 LGDs in Northern Ireland with a rank of 26 (1 being most deprived). Cookstown and Dungannon South Tyrone have a mid ranking of 15<sup>th</sup> and 12<sup>th</sup>, respectively which is an improvement since the 2005 rankings when Cookstown was ranked 6<sup>th</sup>, Dungannon 9<sup>th</sup> and Magherafelt 19<sup>th</sup>. However, within each district, there are areas and neighbourhoods which are very deprived. The MDM shows that Magherafelt has an Extent or concentration of multiple deprivation of 2% which means that 2% of the Magherafelt population live in the most deprived Super Output Areas (SOAs) in Northern Ireland. In Cookstown and Dungannon, the figures are higher with 10% and 11% respectively. However, the positioning of the three districts masks inequalities such as in Dungannon and South Tyrone



where Coalisland is one of Northern Ireland's more deprived areas and Coolhill is least deprived. The advantage of this spatially led approach is that it identifies disparities between urban and rural areas and between adjoining neighbourhoods such as Glebe 1 & 2 and Town Parks East 1 & 2 in Magherafelt (see Map 8, Appendix 1).

- 2.31** Deprivation is reflected in income and employment. Under the 2010 MDM, Coalisland North and South and Ardboe, Stewartstown and Maghera were the most deprived in Mid Ulster in terms of employment. Since 2001, the unemployment rates for the districts have fallen slightly from between 5% and 6% to just below 5%. However, despite Magherafelt having the lowest unemployment rate of the three districts, unemployment is higher than average in Glebe 2 (8.10%) and Town Parks East 2 (7.70%) in Magherafelt town. Economic activity rates have also improved particularly in Cookstown and Dungannon with the average for the new Mid Ulster Council similar to the regional average (Table 12). For health and disability, Magherafelt has fewer wards/SOAs ranked as being most deprived compared to Cookstown and Dungannon. Again, Coalisland South is most deprived along with Drumglass and Ballysaggart (Dungannon) and Ardboe and Oldtown (Cookstown). For education, skills and training, Coalisland North and South, Ballysaggart, Glebe 2 Magherafelt and Drumglass all experience higher deprivation rankings.
- 2.32** Areas with high levels of deprivation in terms of proximity to services (i.e. long distances to key services e.g. A & E hospital, GP premises, supermarket, leisure centre) are mainly peripheral rural areas of the districts. The most deprived in terms of the living environment (includes housing quality and housing access) are Ballysaggart, Drumglass, Moygashel (Dungannon) Newbuildings (Cookstown) and Upperlands (Magherafelt). The most deprived SOAs for crime and disorder are in the towns with the least deprived areas being found in Magherafelt district.
- 2.33** In providing employment, Mid Ulster has a higher proportion of jobs in manufacturing than the regional average. This is a key strength of the new Council area. However, jobs in the construction sector, particularly in Magherafelt, have been seriously affected by the downturn since 2007 and it is therefore important that major construction projects such as the NI Community Safety College at Desertcreat are realised. Service jobs are comparatively lower in proportion than the N Ireland average (Table 13). The role of any future Local Development Plan in addressing unemployment and low incomes through a generous supply of economic development land should not be underestimated.

**Table 12 - Economic Activity of the Population (16-74 year olds) in 2011**

	Economically Active			Economically Inactive
	Total	Unemployed	Long-Term Unemployed	Total
<b>NI</b>	66.22% (62%)	4.96%	44.98%	33.78%
<b>Mid Ulster</b>	66.82%	4.68%	43.53%	33.18%
<b>Cookstown</b>	65.37% (59%)	4.70%	45.97%	34.63%
<b>Dungannon</b>	67.48% (60%)	4.88%	41.65%	32.52%
<b>Magherafelt</b>	67.29% (63%)	4.37%	43.59%	32.71%

Source: - NISRA Census 201. Figures in ( ) are from 2001 Census.

**Table 13 – Employee Jobs by Industry 2011**

	Total No of Jobs	% Jobs in Manufacturing	% Jobs in Construction	% Jobs in Services
<b>Cookstown</b>	11,466	22.8	10.8	65.1
<b>Dungannon</b>	21,085	31.8	5.1	61.5
<b>Magherafelt</b>	13,427	19.0	15.4	63.2
<b>Mid Ulster</b>	45,978	25.8	9.5	62.9
<b>NI</b>	681,641	10.9	4.8	83.1

Source: DETI District Council Briefings November 2013. Employee jobs by Industry, September 2011 (Northern Ireland Census of Employment 2011)

- 2.34** Education has also an important role in promoting economic well-being. Better education improves access to employment opportunities. It improves the quality of people's lives and leads to broad social benefits to individuals and society. Education raises people's productivity and creativity and promotes entrepreneurship and technological advances. In addition it plays a very crucial role in securing economic and social progress and improving income distribution. Since 2001, the proportion of people aged 16 years old and over who had a degree or higher qualification has significantly increased compared to a much more modest reduction in the proportion that had no or low (1-4 O Levels/CSE/GCSE or equivalent) qualifications (Table 14). Education achievement is particularly low in Killymoon, Cookstown and Glebe 2, Magherafelt (see Map 9, Appendix 1).

**Table 14: Qualifications of Population over 16 years of age in Mid Ulster in 2011**

Aged 16 & Over	Degree or higher qualification %	No or low qualifications %
<b>NI</b>	24.0 (15.8)	40.63 (41.64)
<b>Mid Ulster</b>	20.72	43.00
<b>Cookstown</b>	18.88 (11.1)	45.37 (47.86)
<b>Dungannon</b>	21.17 (13.74)	41.79 (44.94)
<b>Magherafelt</b>	21.67 (13.36)	42.64 (44.33)

Source: Census 2011, NISRA. Figures in ( ) are for 2001.

- 2.35** Whilst a Local Development Plan does not deliver educational services, it can assist in making such services more accessible either by facilitating new state-of-the-art facilities or providing travel options.

*(j) The East West and Urban-Rural Divide*

- 2.36** The Family Resources Survey Urban Rural Report (DSD, 2011-12) reveals that the average weekly income in Northern Ireland in 2011/12 was £372 before housing costs however, this figure is skewed upwards by the Belfast Metropolitan area where the average is £401. Nearly 21% of people are in relative poverty and this percentage is highest in the rural west at 25%. About 60% of N.I. household income comes from wages or salaries with another 9% from self-employment. However, in the rural west 15% of income is derived from self-employment, with nearly 25% of males self-employed compared to a 14% N.I. average. Male unemployment is also higher at 8%. Households in the urban west are more dependent on income subsidy with 35% receiving a benefit compared to 19% in the rural east. The rural west also receives the highest level of non-income related benefit at 76% compared to 69% in the urban east. In contrast it also has the highest level of house ownership with 48% of homes owned outright (DSD, FRS Urban Rural Report 2011-2012).
- 2.37** What this means for a Local Development Plan is that not only is there a need for quality employment to lower the need for benefits, but there is also a culture of independence and entrepreneurship and if facilitated many households will generate their own income and provide their own homes.
- 2.38** In 2001, the three districts comprising Mid Ulster were relatively rural with around half of the population living in designated settlements while the remainder lived in the open countryside (Table 15).

**Table 15: Urban-Rural Population Split**

	<b>Cookstown</b>	<b>Dungannon</b>	<b>Magherafelt</b>
<b>Main Town</b>	10,566 (33%)	10,983 (23%)	8,289 (21%)
<b>Local Towns</b>	-	4,872(10%)	3,648 (9%)
<b>Total Towns</b>	10,566(33%)	15,855(33%)	11,937 (30%)
<b>Villages</b>	5,946(18%)	10,839(23%)	5,358 (14%)
<b>Total Urban</b>	16,512(51%)	26,694(56%)	17,295 (44%)
<b>Rural Remainder</b>	16,069 (49%)	21,041(44%)	22,485(56%)
<b>Total District</b>	32,581(100%)	47,735(100%)	39,780(100%)

Source: - Census 2001

Although Magherafelt appears to have a higher proportion living in the countryside, the figure for the rural remainder also contains those people living in small settlements. Small settlements are not designated in either Cookstown or Dungannon. When these are included within the urban element, the three districts have a more homogeneous make up. How the settlements are classified will be looked at later in the paper when a settlement strategy for growth is discussed. Comparable statistics at settlement level are not yet available for 2011.

- 2.39** From this analysis it is clear that the three main towns need to develop in order to fulfil their roles as regional hubs. This said, the needs of those people living in the rural area cannot be forgotten and if those populations are to be sustained they will also require their share of housing and employment opportunities. These themes will be picked up in later papers.

### *Conclusions*

- 2.40** From the analysis a local development plan can assist building inclusive and cohesive communities addressing everyone's needs by providing equality of opportunity, facilitating employment and wealth creation, providing accessible services, increasing transportation options and promoting shared space. Decisions must be made based on targeting deprivation and being aware of the consequences for Catholic and Protestant communities. The policy areas where a Local Development Plan is likely to have an impact on Section 75 groups is summarised in Table 16. With members agreement this could serve as an initial screening for an Equality impact Assessment.

- 2.41** A Local Development Plan designed to complement a community plan can assist in combating many of the issues highlighted by formulating policy and proposals for the area designed at truly achieving sustainable development. Under the three key headings of sustainable development, (i.e., economic, social and environment) it is clear that if the needs of Section 75 groups are to be addressed then we need to increase the economic and social base, whilst also protecting and enhancing the environment and improving public infrastructure. Accordingly, a number of needs and policy goals have been drawn from the above analysis that will assist in formulating the aim and objectives of the future Local Development Plan.

### ***(a) Accommodating People and Creating Places***

- (i) *To build Cookstown, Dungannon and Magherafelt as economic and transportation hubs and as the main service centres for shops, leisure activities, public administrative and community*

*services including health and education. These are the most populated places and the town centres are the most accessible locations for people to travel to including those without a car.*

- (ii) To protect and consolidate the role of local towns and villages so that they act as local centres for shops and community services meeting the daily needs of their rural hinterlands.*
- (iii) To provide for vital and vibrant rural communities whilst protecting the countryside in which they live by accommodating sustainable growth within the countryside proportionate to the extent of existing rural communities.*
- (iv) To provide for 15,000\* new homes by 2030 in a range of housing capable of meeting the needs of families, the elderly and disabled, and single people, at locations accessible to community services, leisure and recreational facilities, for those people with and without a car.*
- (v) To recognise the needs of both growing families and carers of the elderly and disabled by accommodating development which allows people to remain within their own communities and does not lead to significant harm to neighbours or the environment.*
- (vi) To facilitate the development of new community facilities at locations accessible to the communities they serve, through a variety of modes of transportation in accordance with the community plan.*
- (vii) To accommodate cultural differences between Catholic and Protestant communities whilst promoting “shared spaces” to bring people together with equality of opportunity.*

#### **(b) Creating jobs and promoting prosperity**

- (i) To facilitate the creation of 12,000\* new jobs by 2030 at a variety of locations where they are accessible to all members of the community, including those without a private car.*
- (ii) To promote diversity in the range of jobs recognising the importance of employment in the primary sector (agriculture forestry and mining), secondary sector (industry and manufacturing) and tertiary sector (administration, commerce, retailing, leisure and tourism).*

**Table 16 A preliminary identification of local planning policy likely to have an impact on community relations and social equality**

POLICY TYPE	Religious Belief	Political Opinion	Racial group	Age	Marital status	Sexual Orientation	Gender	Disability	Dependency	Comments – nature of policies and likely impact of policies on the S – 75 Groups
Settlement	√	√	X	X	X	X	X	X	X	Designation and status of settlements and identification of development opportunities and limits may impact on groups of religious belief / political opinion due to the spatial distribution of such groups
Housing	√	√	√	√	X	X	√	√	√	Quantum and distribution of zoned housing lands could have a differential impact on religious / political groups. The amount whether it is urban / rural, accessible, social / private will also have differential impacts on the ethnic groups, elderly persons/ house-forming people, persons with disabilities and those with dependents.
Business and Industry	√	√	√	√	X	X	√	X	X	Quantum and distribution of employment land could result in differing access to employment for certain groups i.e. religion, race, gender and age
Open Space & Recreation	√	√	X	√	X	X	X	√	√	Quantum and distribution of open space and recreation facilities could result in differing levels of access for identified groups i.e. Religion / political. Also Disability, Gender, Dependency and Age.
Retailing and town centres	√	√	X	X	X	X	√	√	X	The hierarchy of commercial/town centres, development opportunities and control policies could result in differing levels of accessibility to retailing and leisure related services for identified groups. Town centres tend to be relatively neutral areas.
Community Uses	√	√	X	X	X	X	√	√	√	Spatial and physical accessibility to Ccommunity uses can have particularly on religious groupings / political opinion , age and disability.
Transportation	√	√	X	√	X	X	√	√	X	Differing levels of accessibility to all services depending on location/quality of infrastructure for identified groups.
Environment	√	√	X	X	X	X	X	X	X	Location of protected areas for conservation, archaeology or landscape could have differential impacts, positive or negative, for different groupings.
Minerals	√	√	X	X	X	X	X	X	X	The location of areas protected for / constrained from minerals proposals could have differential impacts, for different religion / political groups.
Countryside	√	√	X	√	X	X	X	X	X	The location of policy areas and resultant protection / restrictions on development, could have differential impacts, positive or negative, for different groupings - religion / political. Also persons of house-forming age.
Services and Utilities	√	√	X	X	X	X	X	X	X	Differing levels of accessibility to public services and utilities depending on location of facilities provided - religion / political.
Tourism	√	√	X	X	X	X	X	X	X	Location of areas protected for and constraining tourism proposals could have differential impacts on different religious / political groups.
Design	X	X	X	√	X	X	√	√	√	Design both in terms of appearance and physical access affects everyone but has a particular impact on people with mobility difficulties such as the disabled, elderly and people with young children.
<b>Totals</b>	<b>12</b>	<b>12</b>	<b>1</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>6</b>	<b>4</b>	

Note: All policies affect everyone in the community in some way. Potential impacts have been identified where they are particularly pertinent to the special needs of a particular group.

- (iii) *To recognise and accommodate entrepreneurship, innovation for large, medium and small firms by attracting new firms and accommodating expanding businesses.*
- (iv) *The need to recognise the importance of self employment and home working, particularly in rural locations.*
- (v) *The need to provide and encourage use of energy both as a means of generating money for the local economy, attracting investment in enterprise and providing sustainable and affordable lighting and heating for the population.*

**(c) Enhancing the environment and improving infrastructure**

- (i) *The need to protect and enhance the natural and built environment to achieve biodiversity, quality design, enhanced leisure and economic opportunity and promote health and welling.*
- (ii) *The need to accommodate investment in power, water and sewerage infrastructure, and waste management particularly in the interests of public health.*
- (iii) *The need to improve connectivity between and within settlements and their rural hinterland through accommodating investment in transportation to improve travel times, alleviate congestion and improve safety for both commercial and private vehicles as well as more sustainable modes of transport including buses, walking and cycling.*
- (iv) *The need to improve connectivity though telecommunication which both meets the needs of business and private households whilst reducing the need to travel.*

*\* The figure for new homes is justified later in the paper and, along with the figure for jobs, will be explored in later papers and may change.*

**2.42** The traditional approach to planning can assist in achieving many of these goals by:

- (a) designating settlement limits and town centre boundaries,
- (b) zoning land for housing and economic development,
- (c) reserving land for community, recreational use or infrastructure;
- (d) identifying and designating areas subject to environmental protection.

- 2.43** However, if these needs are to be fully addressed there is also a need for **policy innovation** in the Local Development Plan, which is likely to vary significantly from established regional policy. The Draft Strategic Planning Policy Statement (SPPS) proposes to significantly increase the scope of the Local Development Plan by facilitating new councils to formulate their own policies. The extent to which the Council can do this and the detail of policies will be discussed in later papers.
- 2.44** It is not intended that the list of needs and policy goals is exhaustive. It is also recognised that these policy goals are based on a general academic analysis and would greatly benefit from both the views of members and input both from those involved in community planning and from the different Section 75 groups. Once these have been received, and in light of the findings of future papers, officers will then be in a position by the time of transfer of planning powers to formulate a draft set of aims and objectives for Members consideration and agreement.
- 2.45** Until such time it is recommended that they are used to consider any future strategy for ACCOMMODATING GROWTH and in drafting future TOPIC BASED papers.

## **3.0 Population Growth and Population Projections**

### **Population Growth and Components of Change**

- 3.1** The Mid Ulster area is one of the fastest growing in Northern Ireland achieving a growth rate of around 16% between 2001 and 2011, more than double that of the Northern Ireland average (Table 17). The impact of this growth can be seen in the population estimates for many of the settlements across Mid Ulster based on housing completions between 2001 and 2013 (Appendix 2).
- 3.2** Changes occur in a population due to the combined effect of net migration (both in and out migration) and the level of natural increase which is the difference between the number of births and deaths. Migration has had a significant impact on the population of Northern Ireland and Mid Ulster. After a long period through the 1970s and 1980s of emigration from N Ireland exceeding immigration and a period of balanced migration flows during the 1990s, the recent period since 2004 has seen significant population growth due to migration from the expanded EU. As stated earlier in this paper, Dungannon & South Tyrone in particular has benefited from this inward migration with migrant workers arriving from the eight central and eastern European (A8) countries (Poland, Lithuania, Slovakia, Czech Republic, Estonia and Hungary). This inward migration peaked in 2007 and recent



evidence suggests that since the economic downturn, the number of migrants has been declining and that natural growth is the main influence on population change (NISRA).

**Table 17: Population Growth in Mid Ulster & Northern Ireland**

Year	Cookstown	Dungannon	Magherafelt	Mid Ulster*	N. Ireland
1971	26,100	42,606	31,460	-	1,536,070
1981	28,260	43,883	32,490	-	1,532,200
1991	31,080	45,428	36,290	-	1,577,840
2001	32,581	47,735	39,780	119,000	1,685,270
2011	37,013	57,852	45,038	138,590	1,810,863
% change 1971-1981	+8.30%	+3.00%	+3.3%	-	-0.25%
% change 1981-1991	+10.00%	+3.52%	+11.7%	-	+3.0%
% change 1991-2001	+4.83%	+5.10%	+9.6%	-	+6.8%
% change 2001-2011	+13.6%	+21.9%	+13.22%	+16.46%	+7.4%
% change 1971-2011	+41.8%	+35.8%	+43.1%	-	+17.9%

Source: 1971, 1981 (Revised), 1991, 2001 & 2011 Census

Note: \* Figures for Mid Ulster have been calculated by NISRA. The new LGD is reduced in size with a small portion of Dungannon district moving into the new Armagh, Banbridge, Craigavon Council. This is equivalent to 1,313 (2.27%) of Dungannon's population. Any population projection figures for Mid Ulster will reflect this reduction.

## Population Projections

- 3.3** Every two years NISRA publishes population projections and the most recent available at local government level are the 2008-based projections (Note: These are not based on the new Council areas).
- 3.4** Population projections provided by NISRA take into account a number of factors including migration and natural increase. The 2008-based projections took into account population growth as a result of mainly natural growth and an element of net migration, the latter reflecting the inward migration of people from the European Union. It was therefore predicted that the total population in Northern Ireland would increase by 4% from 1.775M in 2008 to 1.839M in 2013 and by 5.8% between 2013 and 2023 (1.945M). However, the recently published 2012-based projections for N Ireland indicate lower levels of growth taking into account the 2011 Census results, the decline in inward migration due to the economic downturn so that natural growth is now the driver of projected population increase. Therefore the projected figure for N Ireland's population in 2023 is now 1.927M. It is therefore anticipated that the 2012-based population projections at district level will be revised downwards. This is also likely to have an effect on household projections. Population projections become increasingly uncertain

further in time and as the plan period to 2030 extends beyond the period of the NISRA 2008-based projections, the figures provided here are for indicative purposes only.

- 3.5** The key findings for 2008-2023 are that the population of Mid Ulster is expected to grow by around 20% with the number of children and working age people expected to increase by around 18.5% and 14% respectively compared to a 51% increase in the number of pensioners. The most significant increase in the number of children is expected to be in Dungannon with an increase of 28.7% compared to 11.3% and 11.4% in Cookstown and Magherafelt respectively. This means that between 2008 and 2023, the proportion of children will only decline slightly from 22.9% to 22.5% but those of working age will decrease from 62.7% to 59.5% and those of pension age will increase from 14.4% to 18%. These figures are based on current pensionable age and broadly follow the trend at NI level albeit with slightly fewer people at pension age. However, it should be noted that between 2010 and 2020, the age at which women are eligible for the state pension will increase from 60 years to 66 years. By 2023, this will result in increasing the proportion of working age to 68.8% and decreasing the proportion of pensioners to 8.7%.
- 3.6** Assuming annual growth of 1% from 2023 onwards (based on the three districts average combined rate of growth for 2022-2023), the population of Mid Ulster could increase to around 173,400 by 2030 (Table 18). This represents a 17.8% rate of growth between 2015 and 2030.

**Table 18 - Population Projections 2008-2030**

	<b>2008</b>	<b>2010</b>	<b>2015*</b>	<b>2020*</b>	<b>2025*</b>	<b>2030*</b>
<b>Cookstown</b>	35,944	36,765	38,935	41,019	42,930	44,923
<b>Dungannon</b>	55,386	57,476	60,981 (62,397)	65,603 (67,127)	69,893 (71,516)	74,351 (76,078)
<b>Magherafelt</b>	43,844	44,764	47,236	49,611	51,848	54,143
<b>Mid Ulster</b>	-	-	147,152	156,233	164,671	173,417
<b>N Ireland</b>	1,775,003	1,802,170	1,852,000	1,900,000	1,943,000	1,975,000
Note: The figures for 2025 and 2030 were calculated using the percentage change between 2022 and 2023 and applied year on year (Cookstown = 0.894%; Dungannon =1.245%; Magherafelt= 0.87%). Figures for Dungannon have been reduced by 2.27% equivalent to the proportion of population that will move into the new Armagh, Banbridge, Craigavon district. Figures shown in ( ) are before this reduction. *Figures for NI for 2015, 2020, 2025 and 2030 are from 2012-based projections published by NISRA in November 2013.						

Source: NISRA

This suggests, taking into account population rise, an increase in working age and addressing unemployment that the Local

Development Plan will need **to provide for the creation of 12,000 new jobs**. This will be considered in more detail in the later paper on employment and the economy.

- 3.7** The corresponding household projections for 2008-2023 which take account of population growth, a reduced size of household and the changing age structure of the population, could lead to an increase of 24% in the number of households between 2015 and 2030 (Table 19). The average household size in N Ireland has been projected to steadily decrease to 2.36 people per household in 2023. In the Mid Ulster districts, the average size of households is predicted to remain well above the NI average (2.60 for Cookstown, 2.66 for Dungannon and 2.74 for Magherafelt).

**Table 19 - Household Projections 2008-2030**

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

Source: NISRA

Note: The figures 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.

- 3.8** The NISRA household projections are broadly in line albeit slightly lower than those set out in the RDS 2035 figures which add in an element of second homes, housing stock that is vacant, and housing stock losses due to net conversion/closures or demolitions. A more detailed examination of housing, future growth and the provision of development land will be considered in a later paper. Whilst the economic climate that has prevailed since 2007 has impacted on the demand for development land, there are indications that a slow recovery in the economy is underway. There is therefore an argument for increasing the availability of development land to increase choice and flexibility and thus stimulate investment. This can only be achieved through a new plan with a strategic vision to 2030.

## 4.0 A Settlement Strategy for Accommodating Growth

### Principles for Planning for Growth

- 4.1 To ensure that development is balanced and sustainable and helps to improve the quality of life for existing communities, intervention is needed. Plan making allows local people the opportunity to present their vision of how an area can be developed based on two guiding principles:
- *Sustainable Development* based on four objectives: social progress that meets the needs of everyone; effective environmental protection; prudent use of natural resources; and maintaining high and stable levels of economic growth.
  - *Equality of Opportunity* between people of different religious belief, political opinion, racial group, age, sex, marital status, physical ability, sexual orientation, and those with/without dependants. This includes promoting good relations between persons of different religious belief, political opinion and racial group (Northern Ireland Act 1998, Section 75)
- 4.2 These principles are also complemented by objectives aimed at addressing poverty (*Lifetime Opportunities - Anti-Poverty and Social Inclusion Strategy for Northern Ireland*) and ensuring the special needs of rural communities are considered (*Rural Proofing*).

### Existing Growth Strategies - Regional Context

- 4.3 In Northern Ireland a two-tier approach to planning for growth has been adopted, comprising the Regional Development Strategy and Local Development Plan. The Regional Development Strategy 2025 (DRD 2001) introduced a framework for the future physical development of the Region based on urban hubs and clusters, key and link transport corridors and the main gateways of ports and airports. Protection and enhancement of the environment allied to the promotion of a strong spatially based economy, a healthy living environment and an inclusive society were an integral part of the drive to achieve balanced growth within the region. The Strategy has been reviewed and these themes have been built upon in the RDS 2035 (2012).
- 4.4 Spatial Framework Guidance in the RDS 2035, which is aimed at achieving sustainable development, promotes economic development opportunities and population growth in the hubs and clusters. For the rural area outside of the main and local hubs, the spatial framework guidance is to sustain the rural communities living in smaller settlements (small towns, villages and small rural settlements) and the open countryside and to improve accessibility for rural communities. The RDS recognises that a strong network of smaller towns supported by villages helps to sustain and service the rural community.

- 4.5** The RDS identifies Cookstown, Dungannon and Magherafelt as main hubs which have a potential to form a cluster in order to promote co-operation and sharing of services. Each of the towns acts as an important centre for retailing, commerce and business and serves a substantial number of dispersed smaller settlements. This cluster is well positioned on two Key Transport Corridors connecting it to Belfast, Londonderry and Enniskillen. Its position close to Lough Neagh and the Sperrins provide opportunities in the Tourism sector.
- 4.6** The RDS does not attempt to specify population growth for each Council district but instead applies housing growth indicators (HGI) which are derived from examining 2008-based NISRA household projections, existing stock, vacancies etc. The previous RDS covering the period 1998-2015 had a total requirement of 208,000 new dwellings over that 17 year period. The total requirement in the RDS 2035 for the period 2008-2025 has been set at 190,000. Mid Ulster's share of this requirement as provided by the HGIs (Cookstown – 3,700, Dungannon – 5,000 and Magherafelt – 4,600) is 13,300. When this is projected to 2030 and housing completions deducted, the Local Development Plan should provide for 15,000 new homes across the council area. This is more than sufficient to meet the needs of a growing number of households which is anticipated to increase by some 12,800 over the same period (Table 19). Further details of these figures together with the extent of housing land supply will be addressed in the paper on housing.
- 4.7** The RDS spatial strategy is implemented at local level by development plans and HGIs for each of the existing 26 District Councils have been produced as a guide. The current legislative requirement is that development plans must be “in general conformity with” the RDS. Under the Planning Act (Northern Ireland) 2011, development plans must “take account” of the RDS.

### **Existing Local Area Plans**

- 4.8** Only the Magherafelt Area Plan 2015 was prepared in the context of the RDS as the Draft Plans for both the Cookstown Area Plan 2010 and Dungannon & South Tyrone Area Plan 2010 were published before the introduction of the RDS. Each plan established a settlement hierarchy upon which future development or growth was based. In all three plans, the main town is where most development should be focused, with smaller towns and villages identified as local centres serving the needs of their rural hinterlands.
- 4.9** However, there are differences between the three plans in relation to the number of tiers within the settlement hierarchy (Table 20). In the Cookstown Area Plan, 25 villages were designated in addition to the main town of Cookstown. Unlike its neighbours though, it does not have a small, local town in its hierarchy.

**Table 20: Existing Settlement Hierarchy for Mid-Ulster Districts**

<b>Settlement Hierarchy</b>	<b>Cookstown</b>	<b>Dungannon</b>	<b>Magherafelt</b>
<b>Towns</b>	Cookstown	Dungannon Coalisland	Magherafelt Maghera
<b>Villages</b>	Ardboe Ardtrea Ballinderry Ballylifford Ballyronan Churchtown Coagh Desertcreat Donaghy Drapersfield Drummullan Dunnamore Dunman Gortacladdy Grange Killeenan Moneymore Moortown Orritor Pomeroy Sandholes The Loup The Rock Tullyhogue	Aghaginduff/ Cabragh Annaghmore Augher Aughnacloy Ballygawley Ballynakilly Benburb Brockagh/Mountjoy Caledon Cappagh Carland Carnteel Castlecaulfield Clogher Clonmore Dernagh/Clonoe Derrylee Donaghmore Dyan Edendork Eglish Fivemiletown Galbally Granville Killeen Killyman Moy Newmills Tamnamore The Bush Tullyallen	Bellaghy Castledawson Draperstown Tobermore
<b>Small Settlements</b>			Ballymaguigan Ballynease Clady Creagh Culnady Curran Desertmartin Glen Glenone Gracefield Gulladuff Inishrush Kilross Knockcloghrim Longfield Moneyneany Straw Swatragh Tamlaght Upperlands The Woods

- 4.10** In Dungannon & South Tyrone, Dungannon and Coalisland were both designated as towns with Dungannon as the principal administrative and commercial centre for the Borough. In addition, 31 villages were designated which accommodate local needs arising from within the villages and surrounding rural hinterland.
- 4.11** In contrast, the Magherafelt Area Plan designated Magherafelt and Maghera as towns, along with 4 villages and 21 small settlements. Many of the villages designated in Cookstown and Dungannon vary greatly in size, form and function and capacity to accommodate growth. For example, Fivemiletown, Aughnacloy, Moy and Moneymore are all large villages with a range of shops and services. However, there are many smaller settlements such as Ardtrea, Desertcreat, Carnteel and Dyan which could be described as hamlets or clusters based around crossroads or other focal point that are more rural in character.
- 4.12** Another distinction in the areas is that both Cookstown and Magherafelt have Dispersed Rural Communities (DRCs) designated whilst these are absent from the Dungannon plan. A Dispersed Rural Community (DRC) is designated at Broughderg and Davagh Upper in the north west of the Cookstown district and within the Sperrin Area of Outstanding Natural Beauty (AONB). Remoteness and low development pressure characterises this area and the Plan allows clusters of development close to the existing focal point on the Draperstown Road.
- 4.13** In Magherafelt District, two DRCs are designated. Carntogher DRC is located to the north west of Maghera on the edge of the Sperrin AONB. Sixtowns DRC is located to the south west of Draperstown, within the Sperrin AONB and centred on the Sixtowns Resource Centre and St. Patrick's Church.
- 4.14** Given these differences between the three existing districts/plan areas, it is suggested that the settlement hierarchy for the new Council area be re-examined to identify where each settlement should sit within the hierarchy based on their function and services. A starting point is to use a settlement classification based on the Hierarchy of Settlements and Related Infrastructure Wheel in the RDS 2035. This outlines the patterns of service provision that are likely to be appropriate at different spatial levels including villages, smaller towns, regional towns and cities (Table 21).

**Table 21: Settlement Hierarchy Classification**

Infrastructure	Principal City	Regional Town	Smaller Towns	Villages
Skills	University	Further Education; Special Schools	Library; post- Primary	Nursery; Primary School
Health	Acute Hospital, A& E, Maternity	A&E Hospital, Children's Home, Minor Injuries, Outpatients	Pharmacy, Health Centres, Social Services, Day Care Centres	Doctor, Ambulance, Outreach Services
Social	Museums/Gallerie s, Conference/Conc ert Arena	Leisure Centre(pool) Visitor Centre, Advice Centres, Arts & Culture Centre	Community Centre, Sports Facility, Welfare Services	Local Hall, Play Areas
Environment	Power Generation, AONB/ASSI	Water & Sewage Treatment Plants, Waste-landfill, Waste-recycle	Recycling, Renewables, Water & Sewers Supply	Access to clean water, sewage disposal
Commercial	Department Stores, Specialist Shops, Arts & Cultural Facilities	Shopping Centres, Retail Warehousing, Range of Restaurants	Supermarket, Restaurants, Mix of Retail Facilities	Shop, Pub, Post Office, Petrol Station
Justice	Police HQ, High Court, Prison Forensic Science	Police District, County Court, Probation Service	Police Station	Neighbourhood Watch
Productive	Tourism Signature Projects, Science Centre, Major Industrial parks, Strategic Development Zones	Industrial Park, Tourism Office	Enterprise Centre, Information Office	Workshop/ Business unit
Networks	Ports & Airports, Key Transport Nodes, Energy Generation Interconnector	Major Roads, Bus/Rail, Park N' Ride, Cycle Network	Link Corridors/Trunk Roads, Bus/Rail to larger centres	Local Roads, Broadband, Urban Street Lighting, Local Bus, Cycle

Source: RDS 2035 (DRD 2012)



## **A Proposed Settlement Strategy for Accommodating Growth**

- 4.15** To achieve the RDS objectives of promoting population growth and economic development in the main hubs and sustaining rural communities living in small towns, villages, small rural settlements and the open countryside, a strategy for accommodating growth can be defined based on the following settlement hierarchy:

**Main Town** – *The hubs of Cookstown, Dungannon and Magherafelt act as the main service centres. It is therefore intended to focus major population and economic growth on these three towns thus maximising benefits from efficient use of existing facilities, infrastructure and their strategic location on the transport corridors. It is anticipated that the attraction of the town centres will be reinforced by retail, office and mixed use development. They will accommodate economic development through expansion and creation of industrial estates and modern enterprise and business centres. They will accommodate new residential development both within the existing urban fabric and through the expansion and creation of new neighbourhoods.*

**Local/Small Towns** - *These are important local service centres providing a range of goods, services, leisure and cultural facilities to meet the needs of their rural hinterland. Growth should be balanced across these towns to sustain, consolidate and revitalise them, focusing new retail and services within their town centres and providing opportunity for privately led economic investment in business and industry. These towns also can accommodate residential development in the form of housing estates, smaller groups or individual houses.*

**Villages** – *These important local service centres, provide goods, services and facilities to meet the daily needs of the rural area. They are good locations for rural businesses and can accommodate residential development in the form of small housing estates, housing groups and individual dwellings.*

**Small settlements** – *These act as a focal point for the rural community and take the form of a rural cluster or cross roads development where consolidation of the built form can provide opportunity for individual dwellings and/or small groups of houses and small rural businesses.*

**Dispersed Rural Communities** – *These take into account remoteness, evidence of community activity associated with focal points e.g. school, shop, and an established dispersed pattern of settlement. Policies within DRCs may include provision for small scale housing, appropriate economic development enterprises, and new social or community facilities.*

***The Open Countryside** - Outside settlements, residential and other types of development will also be facilitated so long as it is balanced between protection of the environment from inappropriate development, while supporting and sustaining vibrant rural communities. The rural area offers opportunities in terms of the potential for growth in new sectors, the provision of rural recreation and tourism, its attractiveness as a place to invest, live and work, and its role as a reservoir of natural resources and highly valued landscapes.*

- 4.16** Under the Strategic Planning Policy Statement (SPPS), Councils will be expected to bring forward a strategy for development in the countryside. This should reflect the aim, objectives and policy approach of the SPPS tailored to the specific circumstances of the plan area.
- 4.17** In defining where each settlement sits in the hierarchy, account should be taken of a wide range of factors, including the RDS spatial framework, the population of individual settlements and an assessment of the role or function of settlements. The housing paper that follows will focus in more detail on apportioning housing within the settlement hierarchy.

## **5.0 Conclusion and recommendations**

- 5.1** The purpose of this paper has been to provide base line information on the population of the new Council area to assist in informing the Community Plan and to establish the planning needs of the community. In compiling this paper, it is recognised that this evidence can be supplemented by the Community Plan process.
- 5.2** It is therefore **recommended** to Members that:
- (i) This report is considered and updated in light of work undertaken as part of the community planning process.
  - (ii) Local and regional organisations representing groups under Section 75 are identified, included in the Statement of Community Involvement and consulted with as part of the process of formulating a new development plan.
  - (iii) The needs identified are used as a working draft for the preparatory studies for the Local development Plan, and are taken into account when formulating both the aims and objectives of the plan and future policy.
  - (v) Consideration is given to the existing growth strategy and Members' suggestions on changes to the settlement hierarchy such as alterations to the status of existing settlements or

designation of new settlements, including dispersed rural communities are welcome and will be subjected to a sustainability appraisal.

- (vi) The settlement hierarchy and strategy is broadly in keeping with the Regional Development Strategy and provides a framework against which to formulate a Local Development Plan.

## Appendix 1

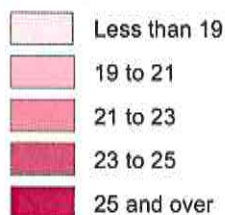


## Map No. 1

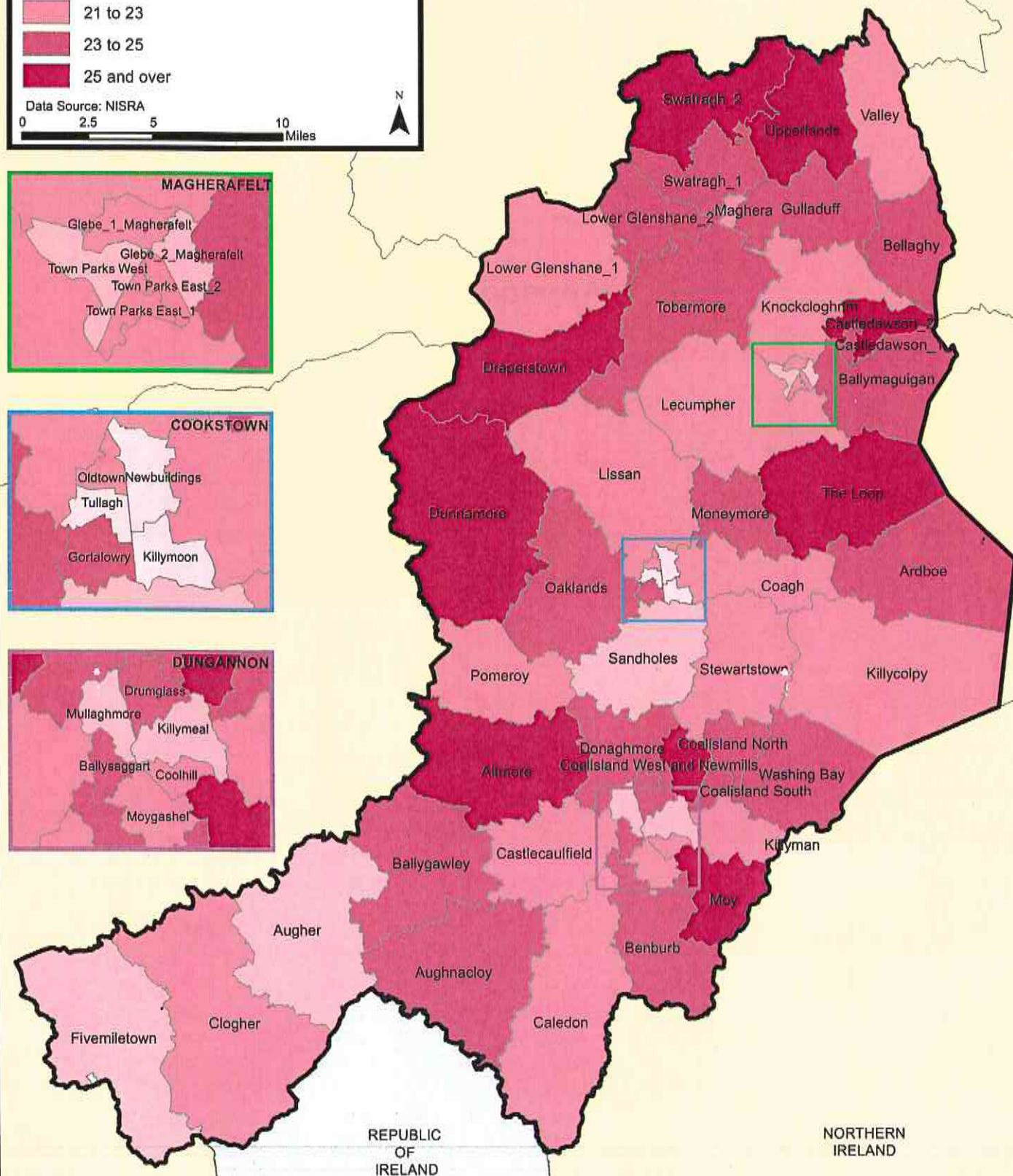
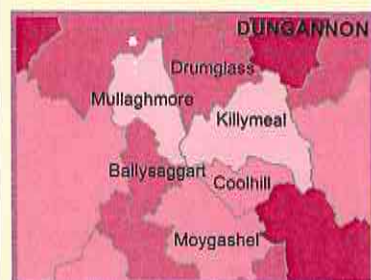
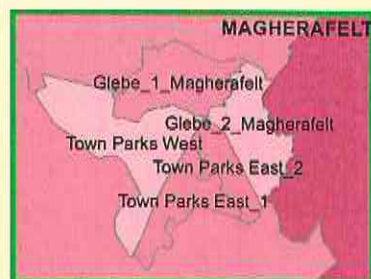
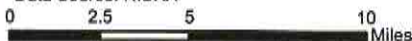
### Mid-Ulster Council Area

Mid-Ulster Council Boundary

#### % Population under 16 years



Data Source: NISRA





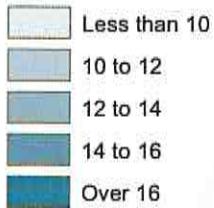


## Map No. 2

### Mid-Ulster Council Area

Mid-Ulster Council Boundary

#### % Population aged over 65 years

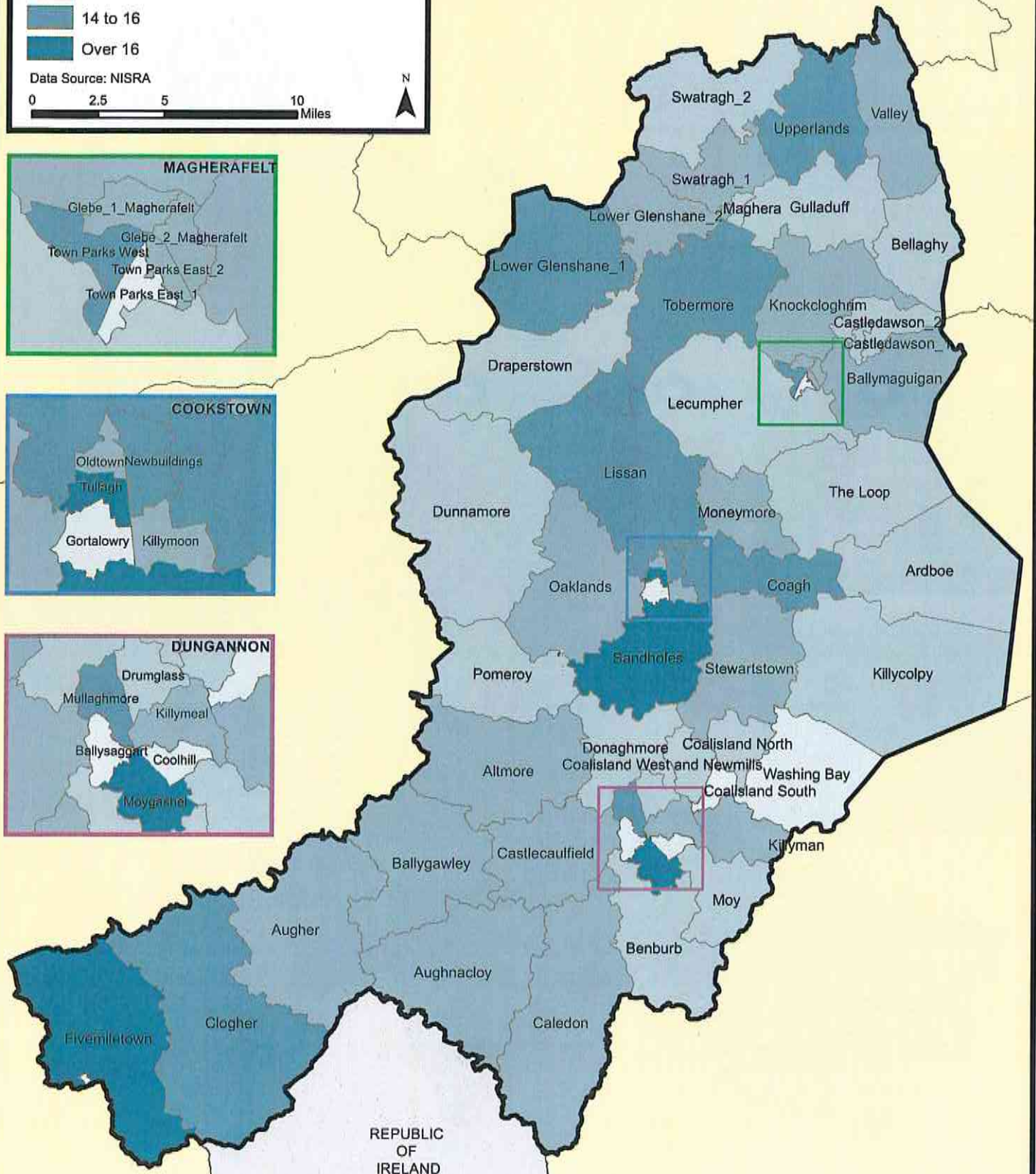


Data Source: NISRA

0 2.5 5 10 Miles



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## Map No. 3

### Mid-Ulster Council Area

Mid-Ulster Council Boundary

#### % Good/V Good Health

Less than 75

75 to 78

78 to 81

81 to 84

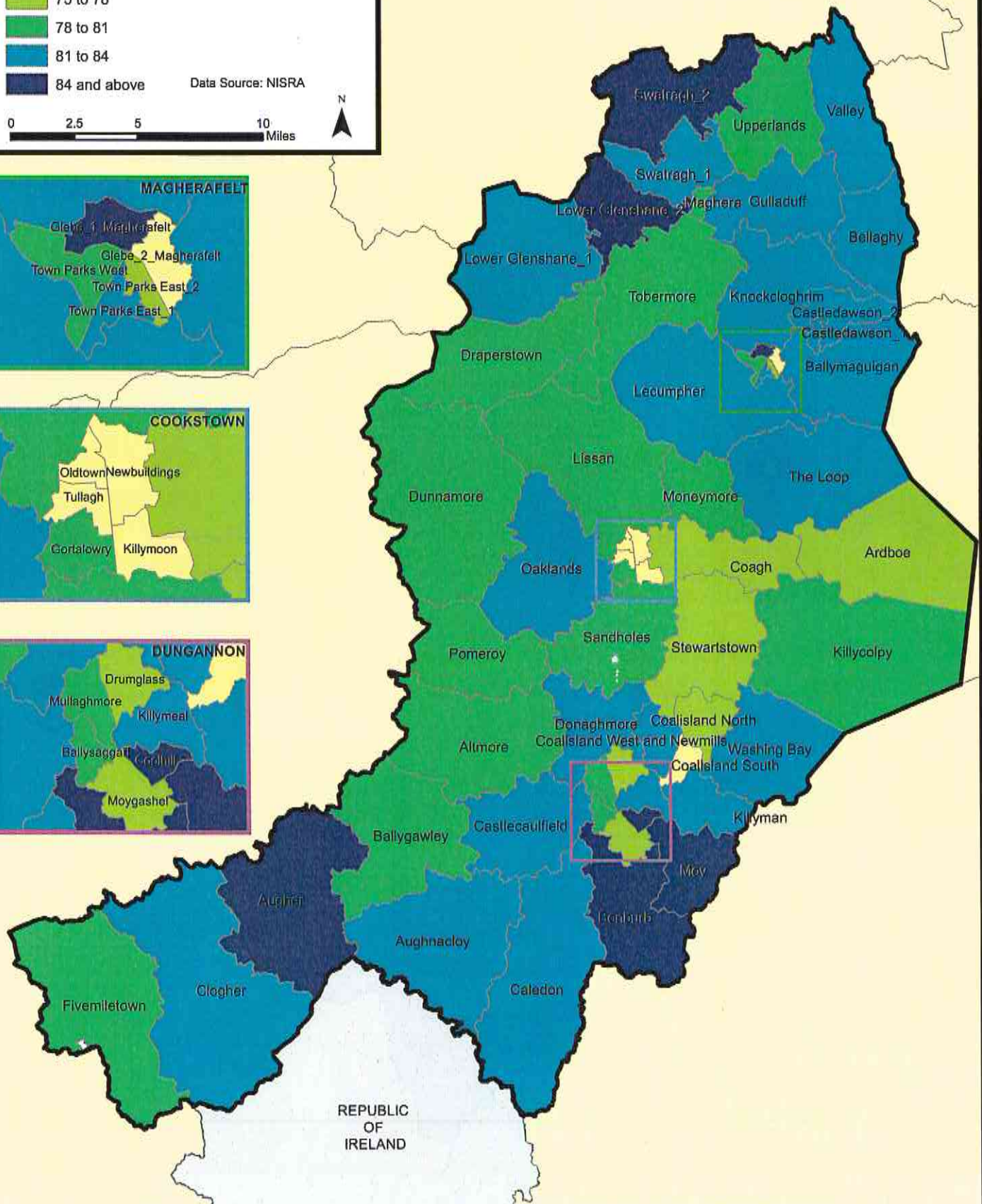
84 and above

Data Source: NISRA

0 2.5 5 10 Miles



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IRELAND





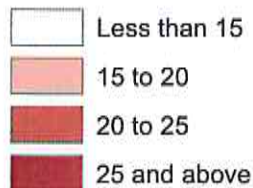


## Map No. 4

### Mid-Ulster Council Area

Mid-Ulster Council Boundary

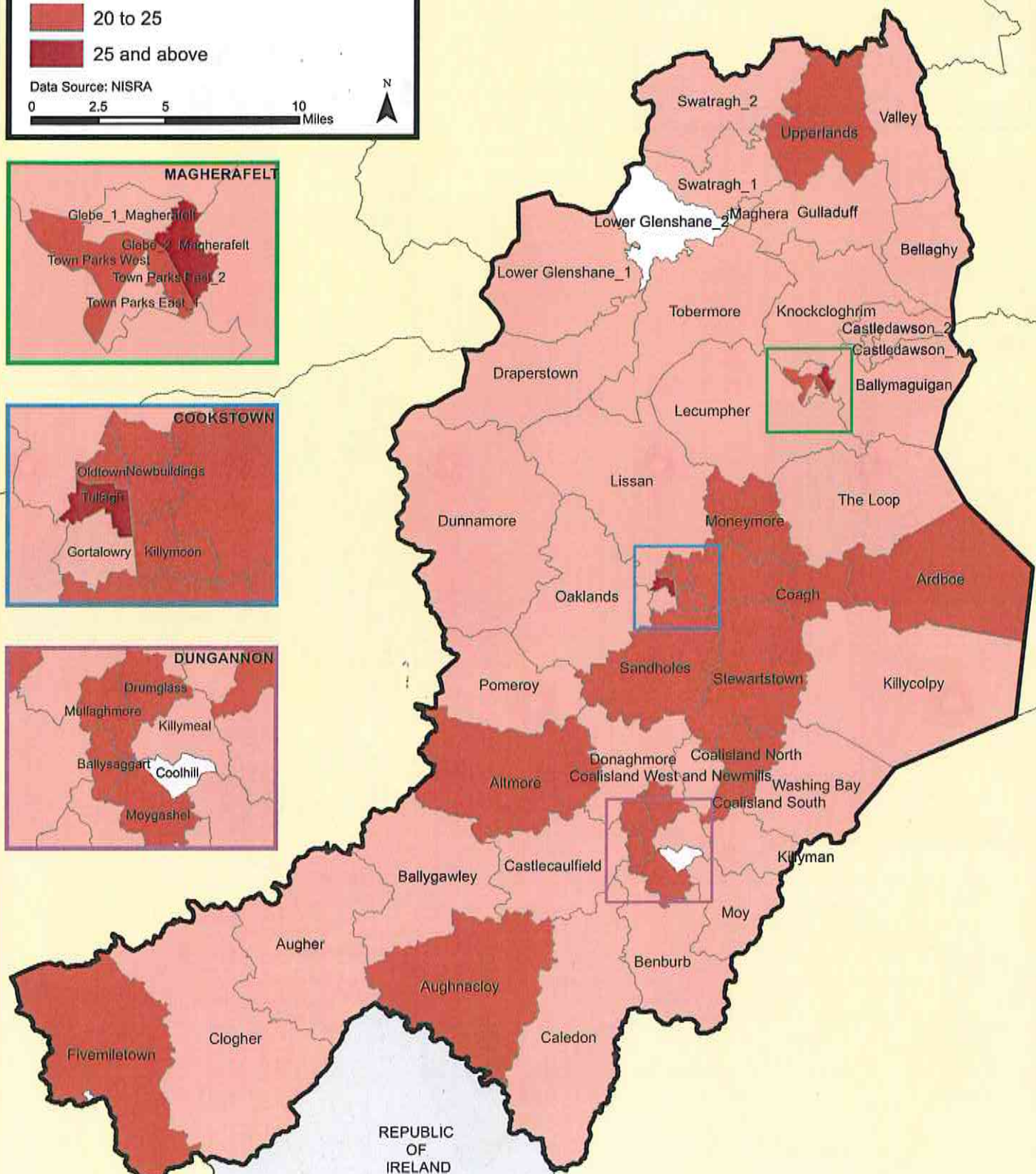
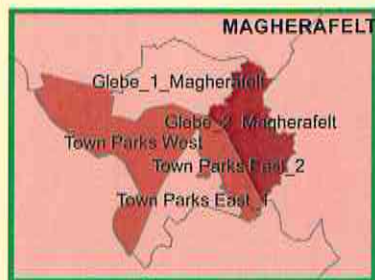
#### % Long Term Limiting Illness



Data Source: NISRA



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IRELAND







## Map No. 5

### Mid-Ulster Council Area



Mid-Ulster Council Boundary

#### % Provision of unpaid care



9 to 10.5



10.5 to 12



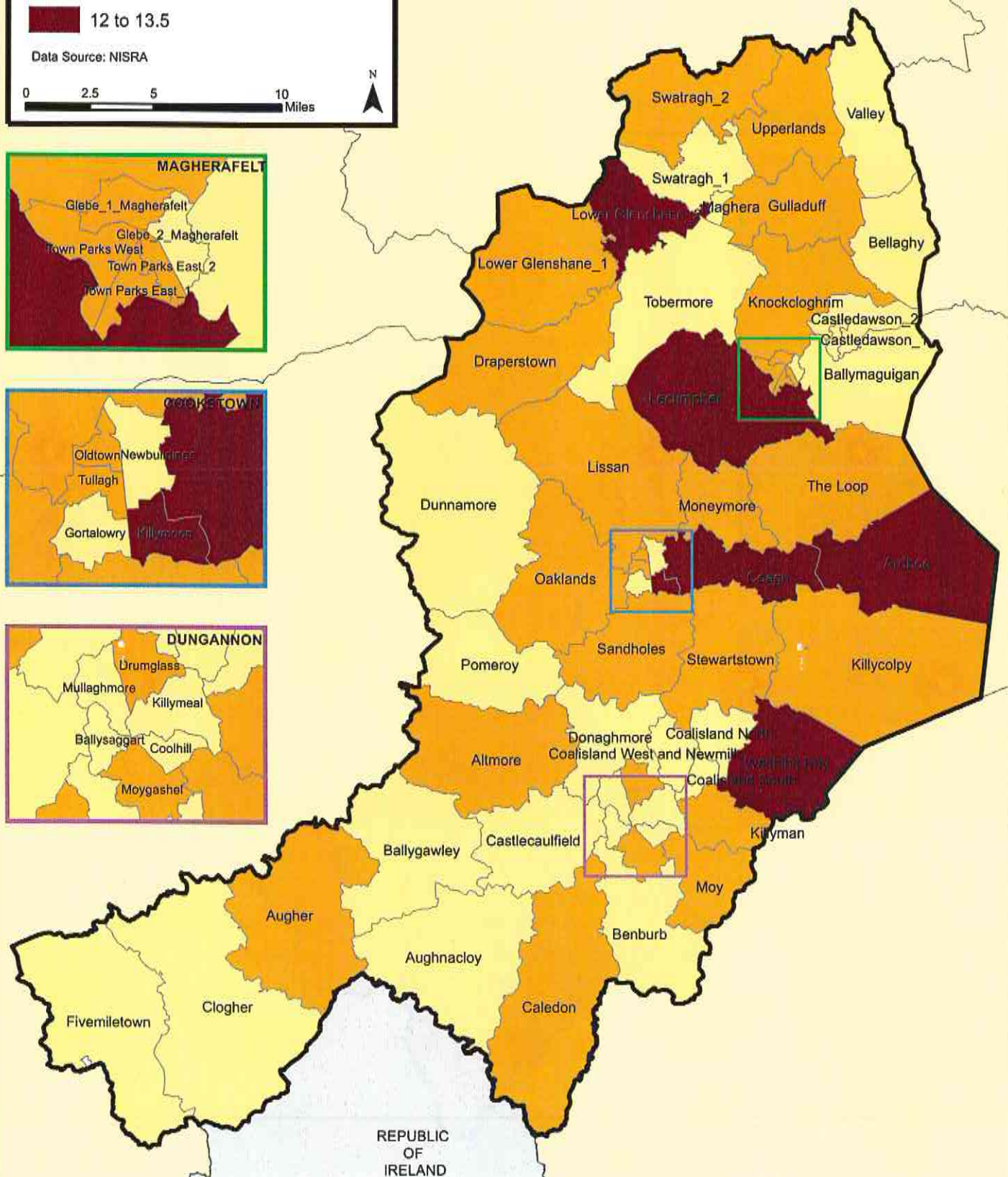
12 to 13.5

Data Source: NISRA

0 2.5 5 10 Miles

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## Map No. 6

### Mid-Ulster Council Area

Mid-Ulster Council Boundary

#### % of households with dependent children

Less than 30

30 to 35

35 to 40

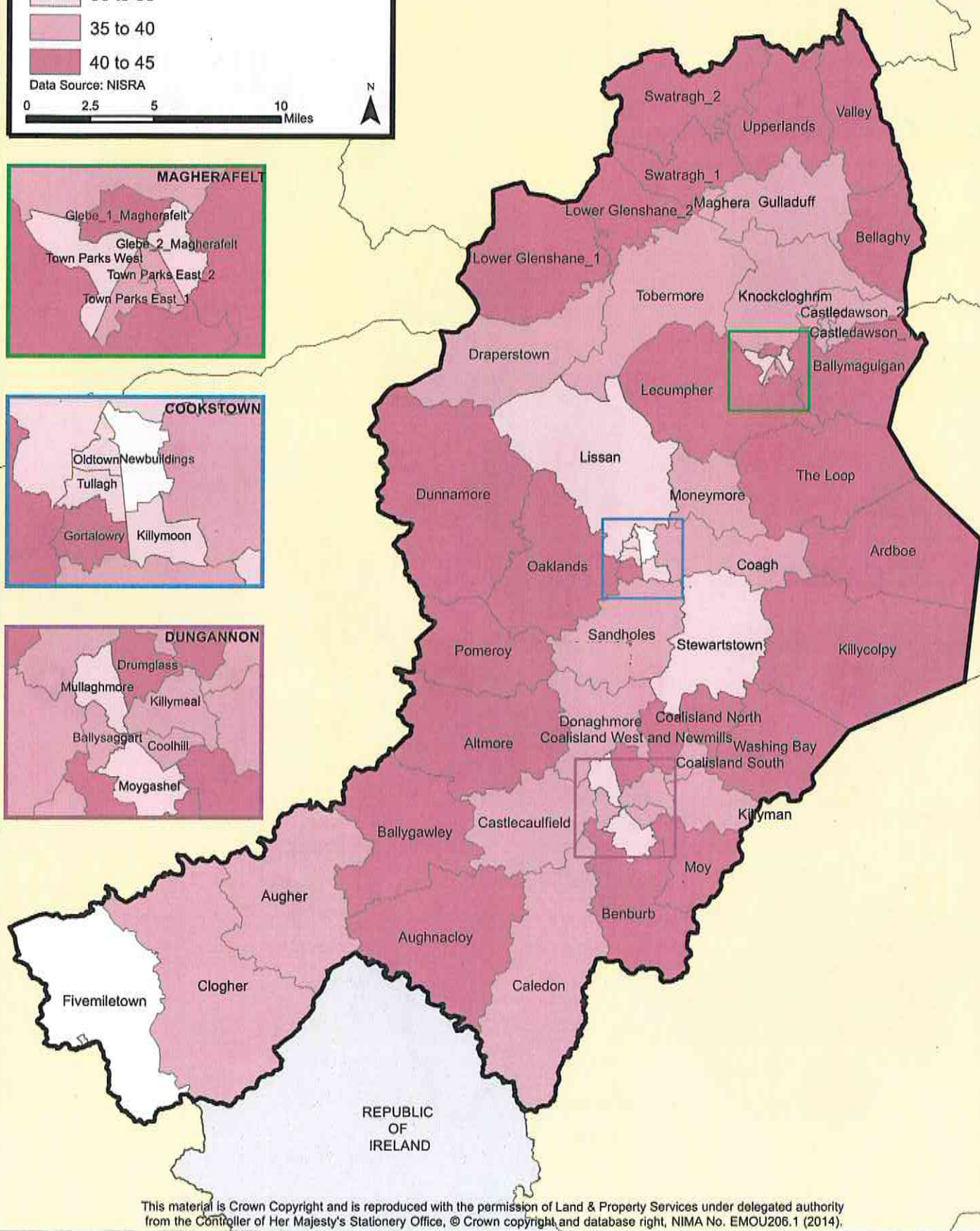
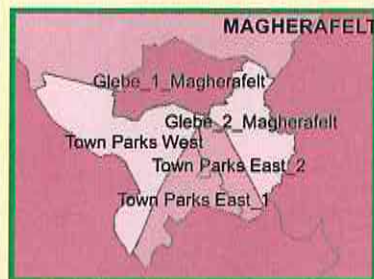
40 to 45

Data Source: NISRA

0 2.5 5 10 Miles

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## Map No. 7

### Mid-Ulster Council Area

Mid-Ulster Council Boundary

% Roman Catholic / Protestant population

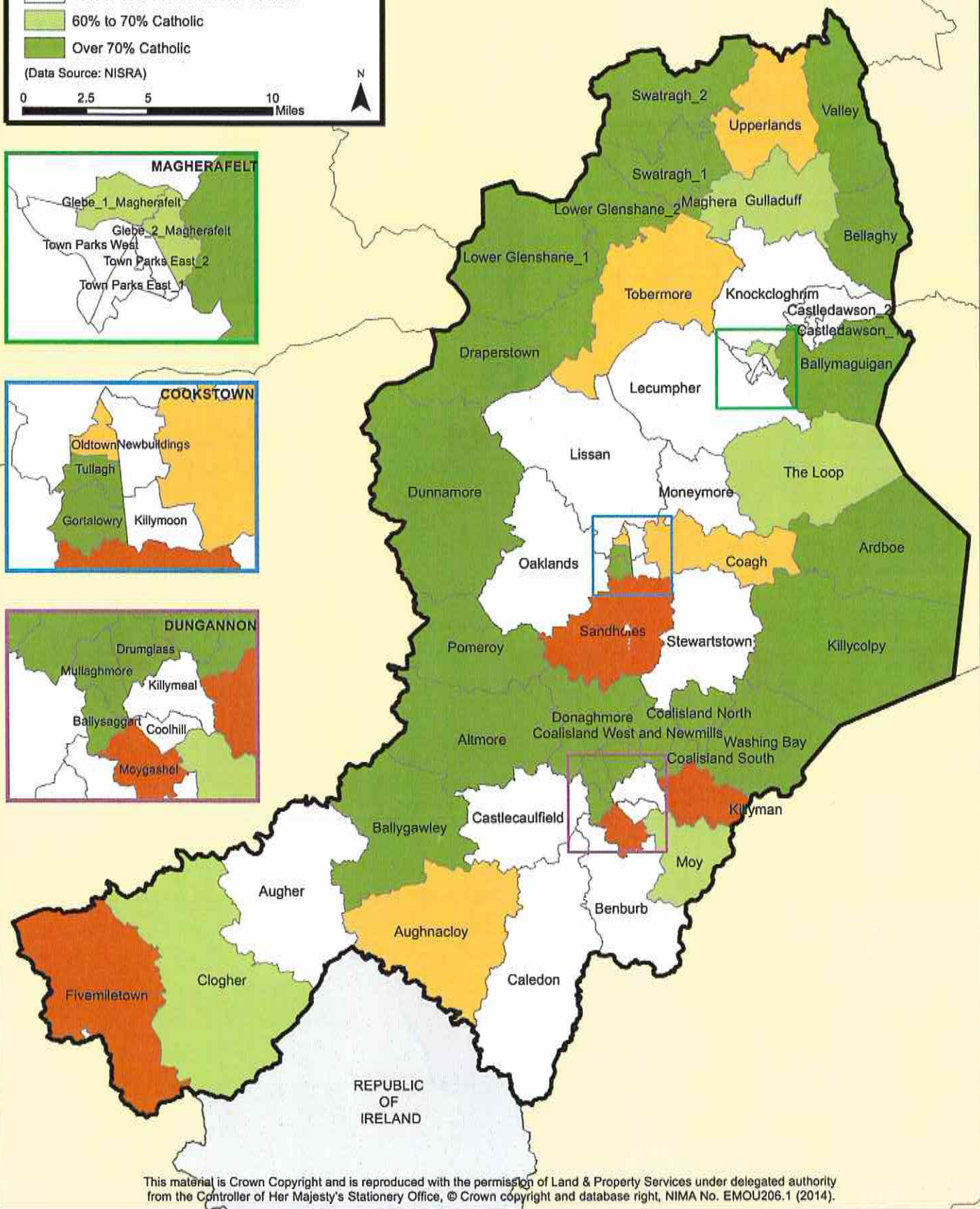
- Over 70% Protestant
- 60% to 70% Protestant
- 40% to 60% Protestant and Catholic
- 60% to 70% Catholic
- Over 70% Catholic

(Data Source: NISRA)

0 2.5 5 10 Miles

N

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REPUBLIC OF IRELAND





DOE

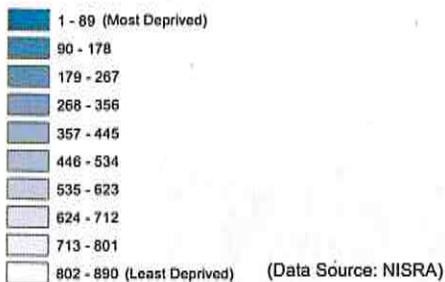
## Map No. 8

### Mid-Ulster Council Area

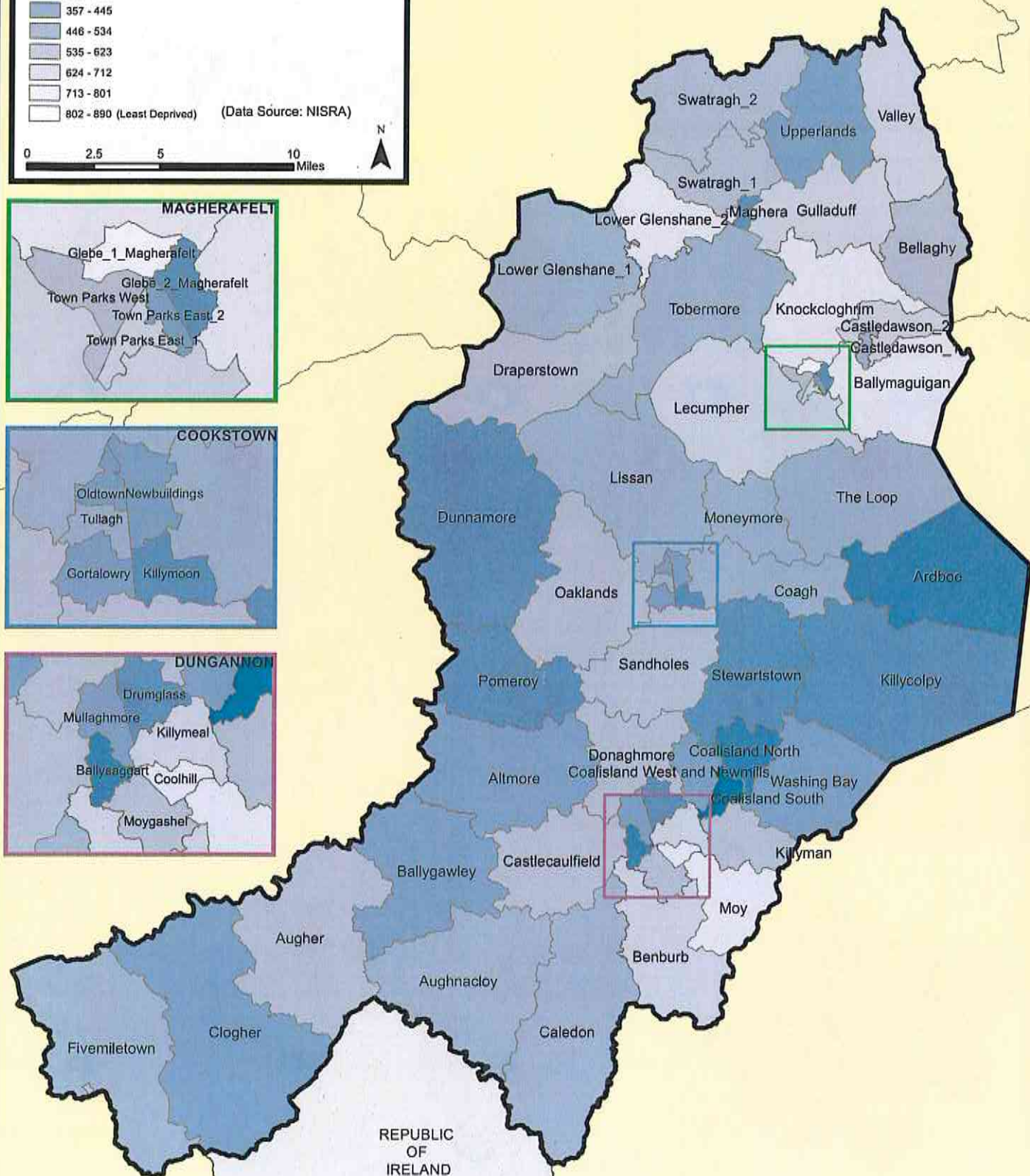


Mid-Ulster Council Boundary

### Multiple Deprivation Measure 2010



0 2.5 5 10 Miles





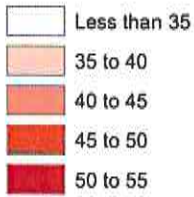


## Map No. 9

### Mid-Ulster Council Area

Mid-Ulster Council Boundary

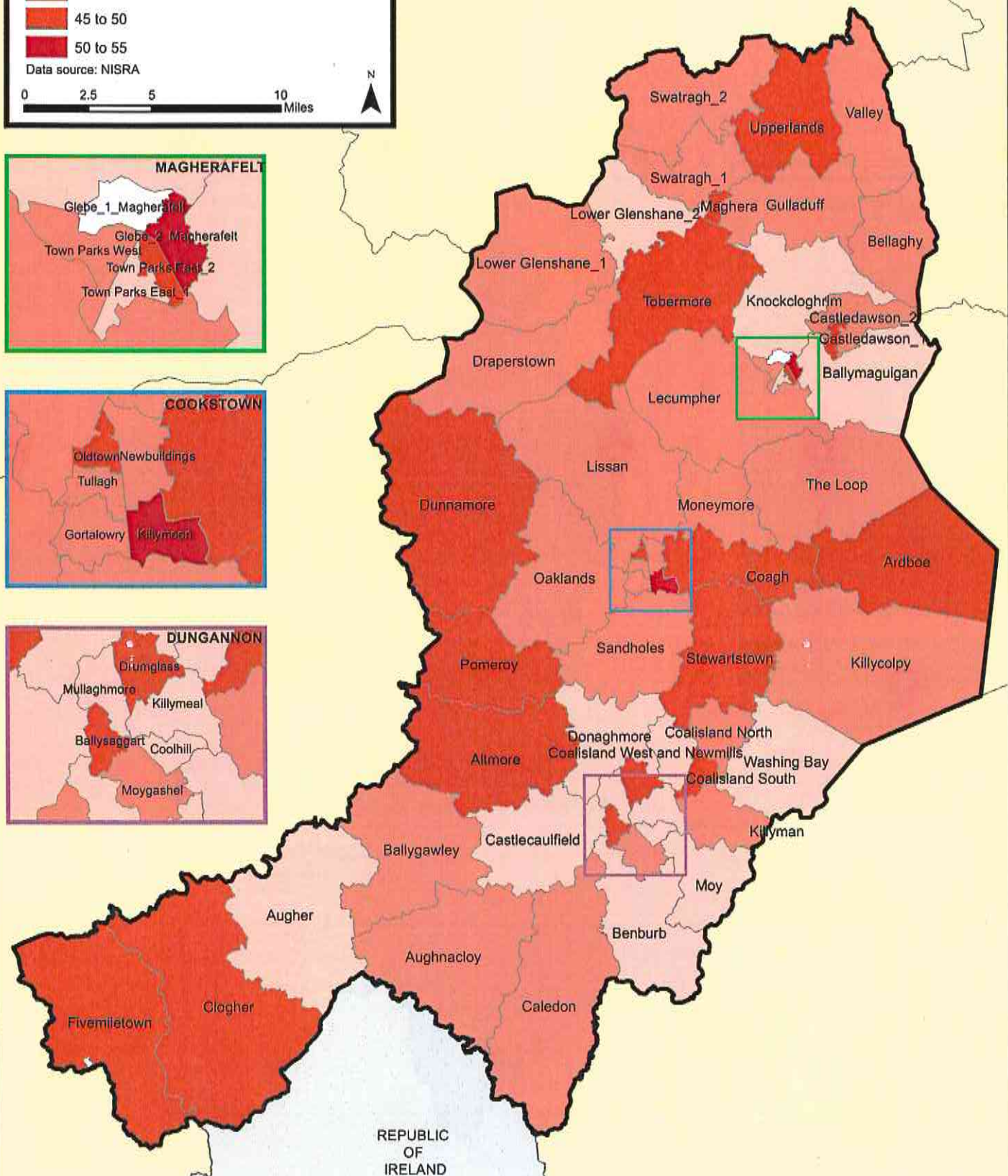
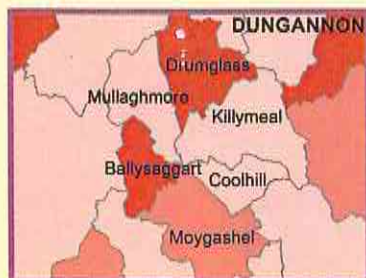
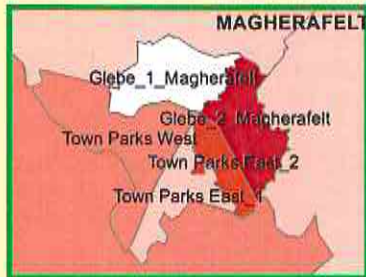
% with no or low (level 1) education



Data source: NISRA



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## APPENDIX 2

Dungannon District		
Settlement name	2001 Population (Census 2001)	Projected 2013 Popn <sup>1</sup> (DoE 2013 estimate)
Aghaginduff/Cabragh	297	409
Annaghmore	255	471
Augher	399	415
Aughnacloy	801	1172
Ballygawley	642	721
Ballynakilly	126	243
Benburb	366	417
Brockagh/Mountjoy	153	281
Caledon	387	488
Cappagh	78	78
Carnteel	n/a	
Carland	60	74
Castlecaulfield	556	687
Clogher	309	511
Clonmore	135	206
Coalisland	4917	5853
Dernagh/Clonoe	219	355
Derrylee	78	100
Donaghmore	947	1149
Dungannon	11139	14049
Dyan	n/a	
Edendork	261	289
Eglis	267	433
Fivemiletown	1108	1323
Galbally	105	228
Granville	279	331
Killeen	405	495
Killyman	375	743
Moy	1218	1632
Newmills	396	661
Tamnamore	267	308
The Bush	189	467
Tullyallen	n/a	

Cookstown District		
Settlement name	2001 Population (Census 2001)	Projected 2013 Popn <sup>1</sup> (DoE 2013 estimate)
Ardboe	570	717
Ardtrea	n/a	
Ballinderry	330	450
Ballylifford	84	130
Ballyronan	336	627
Churchtown	129	134
Coagh	543	690
Cookstown	10646	12196
Drapersfield	114	114
Drumullan	153	183
Dunamore	93	147
Dunman	n/a	
Gortacladdy	n/a	
Killeenan	192	197
Moneymore	1369	1992
Moortown	315	421
Orritor	111	192
Pomeroy	594	849
Sandholes	150	150
Stewartstown	606	706
The Grange	n/a	
The Loop	147	177
The Rock	129	134
Tullyhogue	168	192

Magherafelt District		
Settlement name	2001 Population (Census 2001)	Projected 2013 Popn <sup>1</sup> (DoE 2013 estimate)
Ballymaguigan	n/a	
Ballynease	n/a	
Bellaghy	1063	1292
Castledawson	2089	2502
Clady	579	624
Culnady	144	155
Curran	132	132
Desertmartin	276	327
Draperstown	1626	1977
Glen	n/a	
Glenone	318	428
Gracefield	n/a	
Gulladuff	n/a	
Inishrush	114	134
Kilross	n/a	
Knockcloghrim	186	217
Longfield	n/a	
Maghera	3711	4577
Magherafelt	8372	9277
Moneyneary	162	216
Straw	57	388
Swatragh	435	528
Tamlaght	123	177
The Creagh	330	364
The Woods	n/a	
Tobermore	578	1019
Upperlands	535	597

(Average HH size for Dungannon District = 2.73; Cookstown District = 2.72; Magherafelt = 2.83)

<sup>1</sup> DoE estimate based upon number of housing monitor completions since 2001 multiplied by average LGD household size NISRA projection and added to 2001 Census population.

Census data is not available for many of the smaller settlements geographies. In these instances no projection has been made. This primarily affects Dungannon District due to settlement classifications.

C

<b>Subject</b>	<b>Study Visit on Planning</b>
<b>Reporting Officer</b>	<b>Chief Executive</b>

<b>1</b>	<b>Purpose of Report</b>
1.1	To assist the committee in making preparations for a Planning Study visit to a local authority currently delivering and managing a planning function, to strengthen member capacity and knowledge.

<b>2</b>	<b>Background</b>
2.1	Council considered a paper at its meeting held on Thursday 25 September recommending and seeking approval for the organisation of a Planning Study Visit to a local authority currently managing and delivering planning as a distinct function.
2.2	Council requested that the matter be referred to the next available Planning Committee meeting for further consideration and to make the necessary preparations.

<b>3</b>	<b>Key Issues</b>
3.1	Council requested that the study visit be targeted at the current members of Councils Planning Committee and relevant officers but be opened to other interested members to attend, subject to further discussion. Although the indicative programme and associated costs in Appendix A are based on 20 persons attending this can be increased or decreased to accommodate as many members as declare an interest and are agreed by Council.

<b>4</b>	<b>Resources</b>
4.1	<b><u>Financial</u></b>
4.1.1	Study Visit cost estimated as £4,750 on the basis of 20 participants. Council has provided approval as referred at.
4.2	<b><u>Human</u></b> – N/A



4.3	<b><u>Basis for Professional/ Consultancy Support</u></b> – N/A
4.4	<b><u>Other</u></b> – N/A

<b>5</b>	<b>Other Considerations</b>
5.1	N/A

<b>6</b>	<b>Recommendations</b>
6.1	That committee members consider Appendix A with a view to agreeing on arrangements for and scheduling a planning study visit for the participation of Planning Committee members, other members as appropriate and relevant officers.

<b>7</b>	<b>List of Documents Attached</b>
7.1	Appendix A – Planning Study Visit paper and draft itinerary

## Proposed Member & Officer Study Visit Planning Function

The Council will assume operational responsibility for the full delivery of Planning on 1 April 2015. In making preparations for the management and delivery of planning, the council made provision within its capacity building programme for members and relevant officers to participate in a study visit to a partner council, which currently administers Planning as a function within its suite of local government services.

### Purpose

The purpose of the Study Visit is would be to build Member capacity and understanding on the delivery of the planning function within a council context. The visit will also enable participants to experience:

- How planning integrates, links with and contributes to other functions of Council
- How planning can impact upon and shape places and communities
- The involvement of the public and communities in the planning process
- The planning application journey from submission to development

### Outline Itinerary

Date:	to be determined by Planning Committee
Duration:	2 days
Location:	to be identified by Planning Committee
Participants:	Members, Chief Executive, Area Planning Manager and an Officer

For demonstration purposes only the below is an indicative programme based on visiting a Scottish local authority within 2.5hrs of the Port of Cairnryan (Annex 2 provides dates of planning committee planning meetings for demonstration purposes to be read in conjunction with below).

Day 1	
05.00	Coach departs Cookstown District Council offices
05.30	Pickup at Castledawson Roundabout
07.30	Stena Line Ferry: Belfast to Cairnryan

09.45	Arrive at Cairnryan
11.30	Arrive at Accommodation & Lunch
14:00	Partner Council  1) Council Planning Committee Meeting  2) De-brief and Q&A with Planning Committee Members
19:30	Evening Meal with Partner Council Leader, Council Members, Planning Officials & Chief Executive  Roundtable discussion

<b>Day 2</b>	
9:30	Partner Council  1) Briefing on Council, its approach to Planning and contribution to Priorities  2) How Planning has influenced local development  3) The planning application journey in North Ayrshire  4) How Planning integrates and has contributed to Council Area
11.30	Hotel checkout & Lunch
12:30	Partner Council Area  1) Visit to Council signature projects  2) Visit to significant planning application development s
15:30	Depart
19:30	Stena Line Ferry: Belfast to Cairnryan
21:45	Arrive in Belfast

### Indicative Costs

Activity	Cost	Commentary
Travel Costs: Coach & Ferry	£1,600	Based on 20
Accommodation B&B plus Evening Meal	£2,500	Based on 20
Lunches and	£500	2 days for 20 people
General Costs	£150	
<b>Total</b>	<b>£4,750</b>	

**Annex 1**

## Scottish Council Planning Committee Meetings: October &amp; November

Council	October Planning Committee	November Planning Committee
<b>Within 2 ½hrs of Cairnryan</b>		
Dumfries & Galloway	Wed 22 October at 10.30am	Wed 26 Nov at 10.30am (Tues 16 Dec at 10.30am)
South Ayrshire	Thurs 2 Oct at 10am	Thurs 20 Nov at 10am
East Ayrshire	Fri 10 October at 10am	Fri 7 November at 10am (Fri 5 December at 10am)
North Ayrshire	Wed 22 Oct at 2pm	Wed 12 Nov at 2pm
Scottish Borders	Mon 6 Oct at 10am	Mon 3 Nov at 10am
East Renfrewshire	Wed 8 Oct at 2pm	Wed 5 Nov at 2pm
Renfrewshire	-	Tues 11 Nov at 3pm
Falkirk	Wed 29 Oct at 9.30am	Thurs 27 Nov at 9.30am
South Lanarkshire	-	Tues 4 Nov at 10am
North Lanarkshire	Wed 22 Oct at 11am	Thurs 20 Nov at 11am
Edinburgh	Thurs 2 Oct at 10am	- Thurs 4 Dec at 10am
East Lothian	Tues 7 Oct at 10am	Tues 4 Nov at 10am
East Dunbartonshire	-	Tues 11 Nov at 5.30pm
West Dunbartonshire	Wed 22 Oct at 2pm	Wed 26 Nov at 2pm
Glasgow	Tues 21 Oct at 11am	Tues 18 Nov at 11am
West Lothian	-	Wed 5 Nov at 11am (Wed 3 Dec at 11am)
Stirling	Tues 7 Oct at 9.30am	Tues 11 Nov at 9.30am
Midlothian	Tues 7 Oct at 2pm	Tues 18 Nov at 2pm
Inverclyde		
Clackmannanshire	Thurs 30 Oct at 9.30am	Thurs 27 Nov at 9.30am
<b>More than 2 ½hrs from Cairnryan</b>		
Aberdeenshire		
Aberdeen City		
Angus		
Argyll & Bute		
Highland Council		
Moray		
Orkney		
Shetland Islands		
Perth & Kinross		
Comhairle nan Eilean Siar		
Dundee		
Fife		

**D**

**Planning Policy Division**  
6th Floor  
Causeway Exchange  
1-7 Bedford Street  
Town Parks  
BELFAST  
BT2 7EG

Tel: (028) 9082 3533

25 September 2014

Dear Sir/Madam,

**CONSULTATION ON GUIDANCE ON PLANNING ELEMENT OF COUNCILLORS' CODE OF CONDUCT**

I am writing to inform you that the Department of the Environment has issued a consultation paper on guidance on the planning element of the councillors' code of conduct.

As part of the review of local government the majority of planning functions will transfer to the new 11 councils on 1 April 2015. The Local Government Act (NI) 2014 introduced a new ethical regime to local government. As part of this regime, the Department of the Environment issued a Code of Conduct (the Code) for councillors, which was approved by the Assembly on 27 May 2014. Part 9 of the Code, which contains the planning element, is not due to take effect until 1 April 2015.

The Code details the principles and rules of conduct which councillors are required to observe when acting as a councillor and when conducting council business. The draft guidance makes specific reference to the rules in the Code in relation to declaration of interests, lobbying and access to councillors, and decision-making, and explains under each heading how the rules apply to councillors and, specifically, to planning committee members, where applicable.

The aim of this guidance is to advise councillors how they should apply the principles and rules of the Code when it comes to dealing with planning. It is also there to provide protection for councillors by advising them of what they can and cannot do in relation to taking planning decisions. In addition, the Northern Ireland Commissioner for Complaints has indicated his office will rely on this guidance when it comes to investigating alleged breaches of the Code in relation to planning.

The consultation paper is available on the PlanningNI website at [http://www.planningni.gov.uk/index/news/news\\_consultation/draft\\_guidance\\_planning\\_element\\_of\\_councillor\\_code\\_of\\_conduct.htm](http://www.planningni.gov.uk/index/news/news_consultation/draft_guidance_planning_element_of_councillor_code_of_conduct.htm)

Alternatively, you can request a copy by telephone: 028 9082 3487 or by text phone: 028 9054 0642 or by email: [planning.reform@doeni.gov.uk](mailto:planning.reform@doeni.gov.uk)

The closing date for receipt of comments is 21 November 2014.

Yours faithfully,

A handwritten signature in cursive script, appearing to read "Beverley Cowan".

**Beverley Cowan**  
**Planning Policy Division**



Department of the  
**Environment**

[www.doeni.gov.uk](http://www.doeni.gov.uk)

## **GUIDANCE ON PLANNING ELEMENT OF COUNCILLORS' CODE OF CONDUCT**

**CONSULTATION**

**September 2014**



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## RESPONDING TO THIS CONSULTATION DOCUMENT

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

All responses should be made in writing and sent to:

[planning.reform@doeni.gov.uk](mailto:planning.reform@doeni.gov.uk) or by post to:

Guidance on Planning Element of Code of Conduct Consultation  
Planning Policy Division  
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**The consultation period will last for 8 weeks and will end on 21 November 2014.**

Additional copies of this document can be downloaded from the PlanningNI website at:

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or requested via the postal or email addresses above, or by telephone on (028) 90823487 or by textphone on (028) 90540642.

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The document is available in alternative formats: please contact us to discuss your requirements.

In keeping with our policy on openness, the Department intends to publish all responses received on its website. 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.

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.

## **BACKGROUND**

1. As part of the review of local government the majority of planning functions will transfer to the new 11 councils on 1 April 2015. The Local Government Act (NI) 2014 introduced a new ethical regime to local government. As part of this regime, the Department of the Environment (the Department) issued a Code of Conduct (the Code) for councillors, which was approved by the Assembly on 27 May 2014. Part 9 of the Code, which contains the planning element, is not due to take effect until 1 April 2015. The Department undertook to provide guidance for councillors on the planning element of the Code and to consult on this guidance.
2. The Code details the principles and rules of conduct which councillors are required to observe when acting as a councillor and when conducting council business. The draft guidance makes specific reference to the rules in the Code in relation to declaration of interests, lobbying and access to councillors, and decision-making, and explains under each heading how the rules apply to councillors and, specifically, to planning committee members, where applicable.
3. This consultation paper seeks views on the draft guidance prepared by the Department.

## **PURPOSE OF THE GUIDANCE**

4. For the first time in over 40 years (from 1 April 2015), local government will have responsibility for the majority of planning functions: from drawing up their own local development plans to taking decisions on planning applications and on potentially taking enforcement action against alleged breaches of planning control. This is a major cultural change, where elected representatives move from being consultees on planning matters to being the decision-takers.

5. Planning affects everyone, from local development plan decisions, which indicate what development can take place and where, to individual decisions on planning applications. It also impacts on the environment and on economic activity. It is essential, therefore, that the planning system is seen to operate in a fair and transparent manner.
6. The aim of this guidance is to advise councillors how they should apply the principles and rules of the Code when it comes to dealing with planning. It is also there to provide protection for councillors by advising them of what they can and cannot do in relation to taking planning decisions. In addition, the Northern Ireland Commissioner for Complaints has indicated his office will rely on this guidance when it comes to investigating alleged breaches of the Code in relation to planning.

# GUIDANCE ON THE PLANNING ELEMENT OF THE COUNCILLORS' CODE OF CONDUCT



Department of the  
**Environment**

[www.doeni.gov.uk](http://www.doeni.gov.uk)

## INTRODUCTION

1. Parts 1-8 of the Northern Ireland Local Government Code of Conduct for Councillors (the Code) came into force on 28 May 2014 and Part 9 (the planning element) will come into force on 1 April 2015. This guidance is to assist members on the interpretation of Part 9. Failure to follow this guidance could be taken into account during investigations carried out by the Northern Ireland Commissioner for Complaints.
2. This guidance is of relevance to all councillors as all councillors will have contact with planning issues, either as advocates for or against planning applications, as members of the planning committee, or as members of the full council. Your specific role will vary depending on whether you are on a planning committee or not. The guidance applies equally to decision-making whether by planning committees or full council (in cases where the full council is called upon to make a decision on a planning-related matter).
3. The Code details the principles and rules of conduct which you are required to observe when acting as a councillor and in conducting council business and these principles and rules of conduct apply equally when you are undertaking the planning functions of the council. This guidance makes specific reference to the rules in the Code in relation to declaration of interests (section 6 of the Code), lobbying and access to councillors (section 7 of the Code), and decision-making (section 8 of the Code) and explains under each heading how the rules apply to councillors and, specifically, to planning committee members, where applicable. A glossary of planning terms is included at Annex B.
4. Members should refer, as necessary, to:
  - guidance issued by the Northern Ireland Commissioner for Complaints on the Code;

- guidance issued by the Equality Commission for Northern Ireland on section 75 obligations;
- the protocol for Working Relationships between Councillors and Local Government Officers; and
- their council's standing orders on the operation of planning committees.

Members should also seek advice from their planning officers and / or legal adviser, when required.

## **LOBBYING AND ACCESS TO COUNCILLORS**

5. With councils taking on their new functions with regard to planning powers, it is understandable that lobbying is an area of concern to members: particularly for those members who will be in future the decision-makers on planning issues. Councillors will be moving from consultees on development plans and planning applications to being responsible for drawing up their own local development plans and making decisions on what development should be approved or refused in their council area. This is a major change in role. This guidance is here for your protection and to assist you by advising what you can and cannot do in relation to planning, whether you are a planning committee member or not.
6. Paragraph 7.4 of the Code states that, 'if you are lobbied on matters such as applications made under regulatory powers or matters of a quasi-judicial nature, such as the determination of certain licence applications, and you will have a role in the council's decision on that matter, you must:
  - (a) make it clear that you are not in a position to lend support for or against any such application; and
  - (b) direct any such representations to the appropriate department of the council.



## What this means for planning committee members

7. The main role of the planning committee is to consider applications made to the council as the local planning authority and decide whether or not they should be approved (this is the process known as development management – see Annex B). In relation to the local development plan, the planning committee's role is to clear the local development plan before it is passed by resolution of the council. Enforcement often requires professional assessment as to whether development has met regulatory requirements and, if not, the steps required to address any identified breach of planning control. This activity may lead to action through the courts and it is recommended that enforcement should be carried out by planning officers, in accordance with the council's enforcement strategy (which should be approved by the planning committee), and not members.

### ***Development management***

8. Councillors, particularly members of the planning committee, can expect to be approached by applicants, agents, objectors and developers who wish to express their views on particular planning applications. It is a normal and perfectly proper part of the political process that any individual should be able to lobby the council or a councillor. However, if you are a member of the planning committee you should exercise caution and common sense when it comes to listening to those who would wish to lobby you about a particular planning application. It has to be recognised that there may be tension between your role as a local councillor, wishing to represent the views of particular constituents or groups, and your role as a planning committee member, **where your responsibility is to the whole community and not individual constituents or particular interests**. While you may wish to support the views of those you represent, you must accept that, if you wish to be a decision-maker as a planning committee

member, your primary duty is to act in the best interests of your council as a whole, in line with legislative and policy requirements. If you choose to be an advocate for or against a particular cause, you will forfeit your right to be a decision-maker in that cause (see paragraph 15. below).

9. If an approach is made to you by an applicant, agent or other interested party, including other councillors, in relation to an existing or proposed planning application, you can listen to the views expressed but you must not favour any person, company, group or locality, nor appear to do so. If you do express an opinion, you must make it clear that you will not be in a position to make a decision on a particular application until you have heard all the evidence, including the planning officer's report, at the planning committee meeting. If you are approached, having listened to the views expressed, you can:
  - make known to planning officers what representations from constituents and other interested parties you have received on a planning application (either written or verbal);
  - assist constituents in making their views known to the relevant planning officer;
  - seek factual information about the progress of a case;
  - advise those who are lobbying that they should contact the relevant planning officer so their opinions can be included in the officer's report to the committee; and / or
  - advise those who are lobbying to write or speak to a member who is not on the planning committee.

### ***Pre-application discussions***

10. Sometimes a potential applicant for planning permission will approach the council in order to discuss an application before submitting it to the council. Such pre-application discussions can be of considerable benefit to both parties and are generally encouraged. However, it would be easy for such discussions to become, or be seen to become, part of the

lobbying process. While you are free to attend any pre-application discussions, it should always be made clear at the outset that discussions will not bind the council to making a particular decision and that any views expressed are personal and provisional, as members will need to weigh all material considerations before reaching a view on any application in due course. The same considerations should apply to any meetings / discussions which occur before a decision is taken.

11. If you are a member of the planning committee and you receive a request to attend or organise a meeting to discuss a proposal, you must refer the request to the appropriate planning officer, so that officers can arrange the meeting and be present and all parties are given an equal opportunity to present their point of view. As a planning committee member, your role is to learn about the emerging proposal and identify issues to be dealt with in further submissions. A formal record of attendees, issues raised and advice given should be maintained of the meeting and placed on the file / electronic record. A note should also be taken of any relevant phone conversations and placed on the file / electronic record.
12. You should not meet developers alone or put yourself in a position where you appear to favour a person, company or group.
13. It is important that any approaches by lobbyists, whether informal or otherwise, are formally recorded and that any formal representations made to you form part of the public information leading to any decision. You should inform the relevant planning officer (as soon as possible but before the decision notice is issued) of any approach, which will be documented and placed on the planning file / electronic record for public viewing.

14. Where you will be participating in making the decision as a member of the planning committee, you should not organise support for, or opposition to, a planning application; or lobby other councillors to promote a particular recommendation on a planning application.

**Examples**

*A planning chair was suspended after lobbying other councillors to reject plans for homes to finance a stadium development. The councillor admitted he sent an email to other council members regarding his views on the application.*

*Councillor A was sentenced to 12 months in prison and banned from holding any public office for 5 years after he was found guilty of offering to influence a planning decision in favour of 2 developers.*

15. However, as a planning committee member, you may decide that you cannot remain impartial and that you wish to support your constituents' views regarding a particular planning application. If you decide to adopt such a position you cannot then take part in the decision-making of the planning committee in relation to that application. You should make this position clear as soon as possible to the chair of the planning committee and planning officials. You have the same rights as any other councillor: you can lobby other planning committee members (provided you make it clear that you are doing so as a local councillor / resident and not as a planning committee member) and you are free to speak at the planning committee on behalf of constituents or other parties, provided the public are also allowed to attend the meeting for the same purpose, after which you must leave the room while the members consider the matter and not take part in the voting. This should be recorded in the minutes.

### ***Political group meetings***

16. As planning applications must be determined on their own merits, **political group meetings or discussions must not be used to decide how councillors should vote on an application.** While you are free to discuss your opinion on planning matters at political group meetings, you must not comply with political group decisions where these differ from your own.

### ***Full council***

17. Some councils may opt to have the full council act as the planning decision-maker on certain planning applications (e.g. where a major development is significantly contrary to the local development plan, or contentious cross-boundary applications). The same rules apply when the full council is the decision-making body – if you have lobbied on an application (either for or against) you should declare it and not take part in the decision-making. However, if the application was discussed at the planning committee and you made your initial views known you are still entitled to take part in the decisions to be made by the full council so long as you make it clear you will only make a final judgement when all the relevant material considerations are before the meeting that will determine the application. The key principle is that you cannot lobby for or against a planning application and then be a decision-maker on that application, whether the decision is taken by a planning committee or the full council.
18. You must never seek to influence planning officers to provide a particular recommendation on any planning decision. This applies equally to all councillors, whether they sit on a planning committee or not.

### ***Local development plan***

19. As a planning committee member your role in relation to the local development plan is to provide input to the local

development plan and to then clear the plan before it is ratified by the full council. You are likely to be lobbied by interested parties, including land owners, developers and community groups, both in connection with preparing policy, designating environmental and other policy areas, and especially with regards to the zoning of land. If you are approached, having listened to the views expressed, you can:

- make known to planning officers what representations from constituents and other interested parties you have received on the local development plan; and / or
- assist constituents in making their views known to the relevant planning officer.

You must not attempt to influence planning officers to zone land which would be to your advantage or the advantage of any individual or group (through, for example, persistent lobbying) or make public statements about pending policies and proposals in the draft plan prior to public consultation.

The same principle is equally applicable to all councillors.

20. As a member of the planning committee you will be given the opportunity to both present arguments in favour of or against proposals. However, this should be done in the interests of the public good and not to represent any private interest.

Once a decision is made members of the planning committee are advised to respect the decisions of that committee and not to actively seek to undermine their decisions. All local development plans will be subject to a public examination, allowing developers, land owners and residents the opportunity to present their views on the draft plan. A planning official will be available to present the corporate view of the planning committee. Whilst it would not be appropriate for a member of the planning committee to represent an objector by presenting a view contrary to that presented by the planning committee, it is reasonable for councillors not on the planning committee to advocate the position of an objector if

they so wish. However, again this should be subject to any general codes of conduct for council members.

### **What this means for non planning committee members**

#### ***Development management***

21. As a councillor you can encourage developers and others to engage with the council and residents in the planning process. Councillors who are not part of the decision-making process can make representations and address the relevant planning committee. You can also make known to planning officers what representations from constituents and prospective developers you have received on a planning application, attend public meetings / events, and assist constituents in making their views known to the relevant planning officer.
22. While you are free to lobby other councillors who are on the planning committee about a particular planning application (this should be to pass on your views and concerns or the views and concerns of your constituents) you should refrain from excessive lobbying: i.e. applying pressure on other councillors to obtain a commitment to vote in a certain way. You must not take any payment to lobby your council on a planning matter (this applies to all councillors).

#### ***Local development plan***

23. You are free to pass on your views and those of your constituents with regard to the local development plan. However, you must not put undue influence on planning officers to include policies and proposals, such as the zoning of land in the local development plan, which would be to your advantage or the advantage of any individual or group (through, for example, persistent lobbying), or make public statements about pending policies and proposals in the draft plan prior to public consultation.

## What this means for all councillors

### ***Schemes of delegation***

24. Each council is obliged to draw up a scheme of delegation which allows decision-making for local, generally non-contentious, applications to be delegated to a council's planning officers to act on the council's behalf in implementing its planning policies. Councillors should not lobby or pressure planners to come to a particular decision on those applications / consents which are delegated to them.

### ***Enforcement***

25. As a councillor you may also be the person who is first made aware of an alleged unauthorised development and you might - quite properly - wish to refer the matter to the council for further investigation and possible enforcement action. Once the initial referral has been made to the appropriate department for investigation, you should advise all subsequent inquirers to deal directly with the relevant department / officer, and you should not lobby for a particular outcome. This does not prevent you from seeking factual information about the progress of the case (subject to any data protection legislation).
26. You must not organise support or opposition, lobby other councillors, act as an advocate or put pressure on planning officers to either take or not take investigative or enforcement action. This applies equally to all councillors, whether members of the planning committee or not.

### ***Examples***

*A council's deputy leader and head of planning were jailed for 2 and 5 years respectively for taking bribes from a developer to process a planning application.*

*A councillor who was caught on a hidden camera taking money was jailed for accepting a £500 bribe in return for attempting to ensure that a planning application would go through.*



## DECISION-MAKING

27. Paragraph 8.1 of the Code details the rules you should follow when participating in meetings or reaching decisions regarding the business of your council.

### What this means for planning committee members

#### *Development management*

28. The important thing to remember is that planning applications should be determined on their own merits and that **decisions on planning applications cannot be taken until all the evidence has been presented at the relevant planning committee meeting and properly considered**. You should not clearly express your intention to vote in a particular way before the planning committee meeting: rather you should make it clear that you are willing to listen to all the considerations presented at the meeting before deciding on how to vote. If you have clearly made up your mind on a planning application in advance of the planning committee meeting you must not take part in the debate and the vote, otherwise you may leave the planning committee's decision susceptible to challenge by judicial review. This guidance is equally applicable to other meetings where planning decisions are taken, such as the full council.
29. This does not mean that you cannot have your own opinions about a planning application. It simply means that you should be open to listening to all the arguments and changing your mind in light of all the information presented at the planning committee meeting. You should always consider whether a reasonable onlooker, with knowledge of the relevant facts, would consider that you were biased. For example, if you state that, 'wind farms are blots on the landscape and I will oppose each and every one that comes before the committee', you cannot claim to have retained an open mind

on the issue or that you are prepared to determine each application on its own merits. If, however, you state, 'many people find wind farms ugly and noisy and I will need a lot of persuading that any more wind farms should be allowed in this area', you should not be accused of having pre-judged the application as you are willing to have your mind changed.

30. Planning decisions can only be made on valid planning grounds (see Annex B). These are called material considerations and include all the fundamental factors involved in land use planning. Material considerations vary depending on the circumstances of each case and include the design of buildings, impact on neighbourhood, local development plans, published planning policy and representations from the public and elected representatives. Planning officers will provide the planning committee with a report with a recommendation on a particular proposal based on their professional opinion, taking into account all relevant material considerations, including information on representations received about the proposed development. This report forms the basis on which your decisions are made, although, as a councillor, you are not necessarily bound to agree with a planning officer's recommendation. This is acceptable where planning issues are finely balanced as there should always be scope for members to express a different view from officers. A planning committee can accept or place a different interpretation on, or give different weight to, the various arguments and material planning considerations.
31. However, if you propose, second or support a decision contrary to an officer's recommendation you will need to clearly identify and understand the **planning reasons** (which must fairly and reasonably relate to the application concerned) for doing so. The reasons for any decisions which are made contrary to the planning officer's recommendation **must be formally recorded** in the minutes of the planning committee

meeting and a copy placed on the planning application file / electronic record.

**Examples**

*A planning committee chairman was severely criticised by the Local Government Ombudsman after he used his casting vote to approve plans submitted by a friend and colleague (another councillor), contrary to the officer recommendation to refuse permission. The Local Government Ombudsman said the only councillors who should have considered and voted on the application were those whose relationship with the councillor would not lead a member of the public to think that their decision, because of the relationship, would be biased. She found that reasonable weight was not given to the material policies while substantial weight was given to considerations of, at best, questionable relevance to the application.*

*The Local Government Ombudsman found that one council's failure to record a reason for the planning decision was maladministration and recommended two complainants be paid £250 each.*

32. Councillors who reject a planning application that officers have advised them to accept risk being overturned on appeal (to the Planning Appeals Commission), with costs awarded against the council if no sound reasons for the decision have been given (for example, refusals based on the strength of public opinion and not the planning policies).
33. If the planning committee decides to approve an application against the officer's recommendation to refuse, the planning committee should be aware that, while there is no right to third party appeal, there is the possibility that the decision could be subject to judicial review.

**Local development plan**

34. The local development plan-making stage sets out how the council sees the area as developing and outlines the policies

against which individual proposals will be assessed. All councillors have a vital role in facilitating engagement with their communities in the production of planning policy by encouraging them to express their views on the plan-making process.

35. In law, planning applications should be determined in accordance with the local development plan, which is your council's policy in relation to what type and scale of development is appropriate and where it should be located. Failure to adhere to the plan may open your council up to challenge, unless material considerations indicate otherwise. If you propose, second or support a decision contrary to the local development plan you will need to clearly identify and understand the **planning reasons** for doing so, clearly demonstrate how these reasons meet the test of soundness (in particular, how the proposal has taken account of the Regional Development Strategy, the Community Plan and other relevant plans, policies and strategies and how it makes the plan's policies and proposals more coherent and effective) in order to justify overruling the local development plan. The reasons for any decisions which are made contrary to the local development plan **must be formally recorded** and a copy placed on the planning application file / electronic record.

## **DISCLOSURE AND DECLARATION OF INTERESTS**

36. Section 6 of the Code refers to section 28 of the 1972 Local Government Act which sets out the duty required of councillors to declare any pecuniary interest, direct or indirect, in the course of a meeting. **You must not speak or vote on a matter in which you have a pecuniary interest.** If such a matter is to be discussed by your council, you must withdraw from the meeting whilst that matter is being discussed. You must also declare any significant private or personal non-pecuniary interest in a matter arising at a council meeting. A

significant interest is one where you anticipate that a decision on the matter might reasonably be deemed to benefit or disadvantage you to a greater extent than other council constituents. Again, you must withdraw from any council meeting when the matter is being discussed. Paragraphs 6.6 – 6.11 of the Code detail under what circumstances dispensations to speak and vote may be granted.

### **What this means for planning committee members**

37. The Code requires you to declare any pecuniary (financial) interest and withdraw from the meeting (for example, a planning application submitted by yourself, partner / spouse or family member). Where you have a significant private or personal non-pecuniary interest (e.g. a planning application submitted by a close friend, close associate, or body or organisation of which you are a member) you should declare this and you should ask yourself whether that declared interest might prevent you from taking part in any discussions or voting. In making this decision you should ask yourself whether a member of the public, knowing the facts of the situation, would reasonably think that you might be influenced by it. If so, you should leave the room for the duration of that item. Otherwise you are free to take part in the discussions and vote. **It is your own personal responsibility to determine whether you have any such interest and whether such an interest might be viewed as influencing your decision.** If in doubt you should seek advice from appropriate council officers (e.g. senior planning officers) or a legal representative.
38. If you submit your own planning application, you have the same rights as any member of the public to explain your proposal to an officer but you should not seek to improperly influence the decision. You may make written representations to officers about the proposal but you may not address the

planning committee (an agent could do this on your behalf). Again, you should declare your interest and leave the room during the debate and the vote.

39. If you have substantial land, property or other interests which would **require you to declare an interest and prevent you from voting on a regular basis** you should not sit on a decision-making committee that deals with planning applications. This is not intended to stop landowners etc. from sitting on planning committees; rather it is intended to ensure the efficient operation of the planning committee by limiting those who would be regularly called upon to declare they have an interest which would prevent them from voting. It is not so much the scale of any land or property holdings but the extent to which they might affect your ability to carry out the duties of a planning committee member in an efficient manner.
40. If you work as a lobbyist for a developer you must declare this as an interest and you must not then be involved in any decision-making process relating to, or potentially affecting, that developer. You must not act as an agent for people pursuing planning matters within your council even if you are not involved in the decision-making on it.

### **What this means for non planning committee members**

41. The rules in relation to the disclosure and declaration of interests apply to all councillors, whether they sit on a planning committee or not.

### Summary of dos and don'ts

#### **You must:**

- act in accordance with the councillors' mandatory Code of Conduct at all times;
- act in the public interest with regards to planning matters;
- act fairly and openly and determine each application on its own merits;
- report any approaches by lobbyists and any representations made to you to the relevant planning officer;
- declare any relevant interests and decide whether that interest prevents you from taking part in the decision-making process.

#### **You must not:**

- give grounds to doubt your impartiality;
- use your position improperly for personal gain or to advantage any individual or group, including relatives, friends or close associates;
- where you will be making the decision, express an opinion that may indicate you have already made up your mind about a particular application before you have heard all the evidence and arguments at the committee meeting;
- vote on applications in accordance with political group meetings;
- lobby for a particular outcome on a planning application (if you intend to take part in the decision-making process);
- seek to pressure/influence planning officers to provide a particular recommendation on a planning application;
- seek to pressure/influence planning officers to either take or not take enforcement action;
- seek to pressure/influence planning officers to include policies and proposals, such as the zoning of land in the local development plan, which would be to your advantage or the advantage of any individual or group.

### **Glossary of planning terms**

#### ***Northern Ireland Commissioner for Complaints***

The 2014 Act gives the Northern Ireland Ombudsman, in his capacity as the Northern Ireland Commissioner for Complaints, responsibility for the operation of the enforcing mechanisms of the Councillors' Code of Conduct. The 2014 Act extends the functions of the Commissioner's Office to include the investigation of, and adjudication on, failure to comply with the Code.

#### ***Local development plan***

The local development plan is central to the planning system. It sets out each council's policies for how places should change; where homes and businesses should be located; and how roads, schools etc. will be provided. The local development plan forms the basis for public and private investment decisions, providing a degree of certainty as to how land will be developed. In law, planning applications should be determined in accordance with the local development plan unless other material considerations indicate otherwise. This means that where land is zoned for a particular use, the planning committee should ensure it is reserved for that use; for example, housing on land zoned for housing should be approved unless the design and layout fails in terms of the environmental, open space and access standards, or its design and layout has a detrimental impact on the character of the area or neighbouring amenity.

Local development plans allocate appropriate land for different types of land use and, as well as setting out the main planning requirements which developers are expected to meet in respect of particular zoned sites, they may also show designations such as conservation areas, areas of outstanding natural beauty, sites of local nature conservation importance and so on.



## ***Soundness***

To be 'sound' a core strategy should be justified, effective and consistent with regional policy: i.e. the document must be founded on a robust and credible evidence base; it must reflect the most appropriate strategy when considered against the reasonable alternatives; and it must be deliverable, flexible, and able to be monitored.

## ***Development management***

Development management is the processing of planning applications and other consents. The main role of the planning committee is to consider applications made to the council as the local planning authority and decide whether or not they should be approved.

## ***Material considerations***

There is no statutory definition of what constitutes a material consideration but there are two main tests for deciding whether a consideration is material and relevant:

- it should serve or be related to the purpose of planning. It should therefore be related to the development and use of land; and
- it should fairly and reasonably relate to the particular application.

Generally a material consideration is a planning issue which is relevant to the application and can include national, European and council policies, comments by the public and by organisations the council has consulted, the design of the proposed development, and the effect of the plan on the environment.

In many respects it is easier to identify what is not a material consideration or is not relevant to planning, and therefore what should not form the basis of a decision on a planning application. The matters below are not considered to be material considerations:

- the protection of private interests, e.g. loss of views or competition between businesses;
- moral considerations, e.g. sex shops, betting offices or religious objections to licensed premises;

- political considerations or ideological dislikes, e.g. construction of private schools or hospitals;
- the cost of the development;
- the applicant's lack of ownership of the site (planning permission relates to the land and not to the person seeking planning permission);
- issues covered by other legislation, e.g. building safety which is the responsibility of building control.

Valid planning matters that should be taken into account include:

- the local development plan;
- regional planning policy;
- emerging policies in a local development plan that is not yet approved or adopted;
- the planning history of the site, particularly any recent appeal decisions relating to the same land;
- the suitability of the site for the proposed development;
- the suitability of the type of development proposed in terms of compatibility with neighbouring property and the locality;
- design issues, including the use of materials, the height, scale, bulk and layout of the development;
- potential loss of privacy or overshadowing of adjoining properties;
- the potential adverse impacts on adjoining property from noise, odours, fumes, etc;
- the economic benefits of the development through the creation of new jobs or possibly loss of local employment;
- the impact of the development on the built or natural heritage of an area.

This list is not exhaustive but it does represent the considerations taken into account in most planning decisions. The relative weighting given to these various considerations is a matter for judgement in each case. Arguably, the most difficult planning decisions are those where the planning merits of the case are in favour of granting permission, but there are large numbers of local public objections to the proposed development. It is for you as an elected member to decide how important these material considerations are, bearing in mind the provisions of your local development plan.

## ***Conditions***

Most applications are granted permission subject to conditions. Conditions enable developments to proceed where it would otherwise have been necessary to refuse planning permission. While the power to impose planning conditions is very wide, it needs to be exercised in a manner which is fair, reasonable and practicable. Planning conditions should only be imposed where they are:

- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

## ***Schemes of delegation***

Section 31 of the Planning Act (NI) 2011 requires each district council to introduce schemes of delegation. Schemes of delegation allow decision-making for local, generally non-contentious, applications to be delegated to a council's planning officers to act on the council's behalf in implementing its planning policies. The details of each delegation scheme, which will only relate to applications within the category of local developments, will be for individual district councils to determine (a scheme of delegation cannot include major or regionally significant applications).

This means that the majority of planning applications (and other consents such as listed buildings, advertisements etc.) should be determined by planning officers rather than by the direct consideration and vote of the planning committee; however, such decisions are still, legally, decisions by the council.

### IMPACT ASSESSMENTS

1. Under section 75 of the Northern Ireland Act 1998, the Department carried out screening for equality impact and is satisfied that the proposed guidance will not lead to discriminatory or negative differential impact on any of the section 75 groups.
2. A partial Regulatory Impact Assessment has not been carried out as there are no costs associated with this guidance document. The Department considers that the guidance contained in this document is fully compliant with the Human Rights Act 1998.
3. It is not considered that this guidance would have a disproportionate impact on rural areas or any implications for the anti-poverty and social exclusion strategy.
4. The Department welcomes views and comments on whether the conclusions contained in any of the above assessments are correct.
5. The Department will continue to monitor and review the effectiveness of the guidance issued and will revise the guidance as and when needed.
6. The proposals are being subjected to 8 weeks of public consultation. The standard 3 month consultation period is not considered necessary in this case given the narrow range and limited impact of the proposals involved.

## **Freedom of Information Act 2000 – Confidentiality of Consultations**

1. Please note that the Department may publish responses to this consultation document or a summary of responses. 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 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. If you do not wish information about your identity to be made public please include an explanation in your response.
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 web site at: <http://www.informationcommissioner.gov.uk/>)

### List of Consultees

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



Institute 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's 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  
 Men's 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