

Report on	Ulster Farmer's Union letter
Date of Meeting	5th October 2021
Reporting Officer	Planning Service Director
Contact Officer	Planning Service Director

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	For information
2.0	Background
2.1	The Farmers Union has written the Council expressing concerns on the Planning Advice Note (PAN) Implementation of Strategic Planning Policy on the Development in the Countryside (Appendix 1).
3.0	Main Report
3.1	The farmers Union have written to us expressing their concerns that the implementation of the Guidance Note will lead to less opportunities for farmers to provide family members a dwelling site and that this has implications this has for the vitality of the Countryside. They have asked the Council to support rural communities by requesting the Planning Advice Note be withdrawn.
3.2	Members are aware of the implications of the Panning Advice Note and all members across the parties have expressed their concern. Following a special Planning Committee the Chair and Vice Chair wrote to the Minister in setting out our concerns and requesting the Advice Note be withdrawn (Appendix 2).
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/A
	Human: N/A
	Risk Management: N/A

4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Action Taken
5.1	The Service Director has written to the Farmers Union advising of the Council's opposition to the Advice Note and providing a copy of the Chair/Vice Chairs letter calling for the withdrawal of the Planning Advice Note.
6.0	Documents Attached & References
6.1	Appendix One Letter from Ulster Farmers Union dated 20 th September 2021 Appendix Two: :Letter from the Chair/Vice Chair to the Minister dated 23 rd September 2021



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FOR THE ATTENTION OF CHIEF EXECUTIVE AND LORD MAYOR

Mid Ulster District Council - Dungannon
Dungannon Office
Circular Road
DUNGANNON
BT71 6DT

20th September 2021

Re: Planning Advice Note (PAN) 'Implementation of Strategic Planning Policy on Development in the Countryside'

The Ulster Farmers' Union (UFU) is the largest farming organisation in Northern Ireland (NI) representing approximately 11,500 farming families. The UFU represents farmers from all areas of NI, across all sectors and has a vision of a productive, profitable and progressive farming sector. In addition to representing farming families, UFU also represent rural dwellers and their interests.

The UFU has recently become aware of the Planning Advice Note (PAN) issued by Minister Mallon - *Implementation of Strategic Planning Policy on Development in the Countryside*. Whilst the primary legislation has not changed, what has changed is councils' freedom to interpret and apply policy to planning applications in their area. The UFU is greatly concerned by the potential effects of this PAN on rural dwellers and communities. Rural communities form a very valuable contribution to the economy and society, this guidance will have serious implications for them and generations to come. It is extremely disappointing that this guidance has not been publicly consulted, on despite one of the core strategic objectives of DAERA is to facilitate generational renewal on our farms.

This PAN guidance asks councils to change their approach to assessing planning applications under PPS 21. If followed, it would result in applications for clusters and infill dwellings being refused, and dwellings on farms would have to be visually linked to the farmyard with no consideration given to other suitable sites on the farm, nor issues around mortgages or values.

Under PPS21 CT10 dwelling on farms policy states that new farm dwellings must be *visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane*. Every application to planning should be looked at on an individual basis. It is not always possible to integrate or cluster a new development with existing buildings. Whilst a farmer needs to live on the farm, from a safety point of view it is dangerous to expect a family to dwell immediately beside or within the yard. This is a major worry for our members as more than one generation needs to be able to live on farm. If adhered to, this PAN will not allow farmers to build elsewhere on their farm outside the actual yard and will make an already difficult system almost impossible.

In addition, due to the expected proximity of the house to the farm, banks will not lend by way of a mortgage to self- builds on farm, as the property is not saleable in a forced sale situation. This means farmers are expected to borrow against their farm so that more than one generation can live on site. It's not viable most farm business to do this. In addition infill and cluster homes are prohibited by the guidance meaning farmers would be unable to mortgage a new build elsewhere on their land. Contradicting bank and planning policy will make building on farms and rural areas impossible for many people.

UFU support orderly, consistent and sustainable development of land, however this policy is too restrictive. The effect of this PAN is far reaching, not limited to farming families and has the potential to devastate rural communities. Schools, shops, churches, and other rural business and services rely on local people. If future generations cannot build on their family farm, or rural locations the rural population will decrease and theses businesses and services will not have sufficient numbers to stay open and eventually close.

The UFU has written to Minister Mallon, requesting that this PAN is withdrawn due to it's potential to displace people from rural areas, destroy rural communities and negatively impact the rural economy through closure of services and businesses. UFU ask that you support rural communities by also requesting that the PAN is withdrawn.

If you require any further information please do not hesitate to get in contact. I look forward to your response.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'David Brown', with a stylized, cursive script.

David Brown
UFU President



Comhairle Ceantair
Lar Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
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23 September 2021

Regional Planning Directorate
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Dear Minister Mallon

Planning Advice Note: Implementation of Strategic Planning Policy Advice for Development in the Countryside

As Chair and Deputy Chair of Mid Ulster District Council's Planning Committee, we are writing to express this Council's objection to the above Planning Advice Note.

Such was the level of concern at the ramifications of the Advice Note for our rural communities and our ability to make planning decisions which accommodate rural dwellings in a sustainable manner, that a special meeting of the Planning Committee was held on 7 September 2021 to discuss the matter.

The key area of contention relates to the introduction of new definitions of what comprises buildings on a farm and buildings which may be taken into account when assessing infill development.

The Advice Note states that the Committee "should not consider a group of buildings which constitute a dwelling and domestic garage only." If the Committee is required to apply this new advice, the consequences will be severe and far-reaching.

Many people on our farms live in houses, such as are described, simply because an old farmhouse which was not sited so as to be conducive to modern-day living, has been demolished.

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Often it is very easy to place a dwelling on a farm on sites which can achieve integration and also cluster such dwellings without leading to any change in rural character. More importantly, for many farming families these are the only opportunities they may have to live next to family members and benefit from family support.

The Committee believes this new advice represents a change or addition to existing policy and is unnecessarily restrictive, given that the key tests relate to integration and build up and are already set out in policy CTY13 and 14.

We would also draw your attention to the fact that there are many people living in our rural communities who do not have access to a dwelling on a farm but are from farming families. They all play a vital role in maintaining the vibrancy of their rural community and it is, therefore, very important that we do not act to further restrict access to sustainable sites to accommodate them.

We believe that asking the Planning Committee to exclude domestic garages and outbuildings because they are not deemed to be 'substantive' is restricting opportunities. In our experience, many garages and outbuilding are positioned fronting the roadside and can be nearly as large as a dwelling, particularly those which are older or meeting replacement criteria.

We are also strongly of the view that any analysis of buildings must go beyond simply counting the number which exist, and should instead be based on an assessment of the established character, the extent to which the proposal nestles with the ribbon and is book ended by existing development.

This guidance would effectively prevent local councils from bringing forward any policy which could facilitate only a single dwelling between a small gap of two dwellings where it integrates and is in keeping with rural character. It is very difficult to understand why this is unacceptable when the Department promotes two dwellings in a far larger gap between three buildings.

Since the introduction of PPS21, the extremes of unsustainable rural development have been curtailed and indeed, in Mid Ulster, the level of pressure for new development in the countryside is far lower than previously experienced in the first decade of this century.

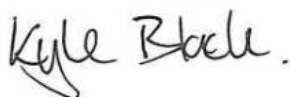
More importantly in Mid Ulster the proportion of new dwellings allowed in the countryside is lower than the proportion of people living in the countryside. There is no need, therefore, to place additional limitations on such development. In fact, there is a need to explore policy to provide additional sustainable opportunities for Mid Ulster's existing rural dwellers.

The question must also be asked about who is in the best position to make decisions for local areas? The transfer of planning powers to local councils has allowed planning decisions to be based on and tailored to local need. While other councils may face pressures in terms of accommodating rural development, we in Mid Ulster have the capacity to absorb new dwellings. To address the issue with a 'one size fits all' approach is not, therefore appropriate or reasonable and nor is it, in the view of the Committee, equitable or fair. Furthermore, we are concerned that the guidance could prejudice Mid Ulster's ability to progress its Draft Local Development Plan and receive a fair hearing at an independent examination.

We also believe that the implementation of this Advice Note has the potential to lead to legal challenges, a rise in planning appeals and complaints against the Council.

We, therefore, ask the Minister to withdraw the Planning Advice Note guidance.

Yours sincerely



Cllr Kyle Black
Chair of Planning Committee



Cllr Sean McPeake
Vice Chair of Planning Committee