



Derry City & Strabane  
District Council

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# Introduction

1. Development Management/ Implementation of the SPSS  
The local government perspective: Making local planning decisions, Appeals and Planning Committee experience.
2. Policy context.
3. Key Areas:
  - Economic Considerations
  - Retailing
  - Renewables
  - Development in the Countryside
  - Enforcement



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# Context

SPPS published Sept 2015 , directly superseded 3 PPS's:

1. PPS1 General Principles
2. PPS5 Retailing and Town Centres
3. PPS9 The Enforcement of Planning Control

- An existing suite of PPS's remains, including PPS21, A Planning Strategy for Rural NI Green Book, with interim transitional arrangements within SPPS.
- Councils officers - apply the SPPS and remaining retained PPS's for operational local planning decisions, until new LDP's have adopted a new Plan Strategy for their Council area.
- 'Contradiction in terms'
- Conflict between SPPS and any retained policy – SPPS will be afforded greater weight/determining weight, in assessment of individual planning applications



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# Economic Considerations

PPS1 - Prior to transfer /SPSS officers applied PFG, RDS , PPS1

Ministerial Statement – Sammy Wilson

SPPS - No direct paragraph or detailed policy, however:

Core Planning Principles, three pillars, highlight the need to “proactively facilitate development that contributes to a more socially economically and environmentally sustainable NI” and that “Planning authorities should therefore simultaneously pursue social and economic priorities alongside careful management of the environment”.

Para 3.3 - On the economy, tackling disadvantage by ensuring economic considerations are afforded appropriate weight in plan preparation and the taking of planning decisions.



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- Paras 6.79-6.98 Economic Development, Industry, Commerce
  - Zoned and Unzoned Industrial Land – not normally be granted for proposals that would result in the loss of land zoned for economic development use.
- In settlements, unzoned land - Councils may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits - outweigh the loss of land for economic development use.
- Planning Advice Note published November 2015 – 2 months following publication of SPPS.
  - Clarity and helpful with Planning applications/ PAD advice/ Planning Committees



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# Retailing

- Pre transfer and SPSS /Draft PPS5 – Withdrawn – Vacuum
- SPSS now clarifies ‘town centre first’ approach for the location of future retailing – For city and towns and requires that a sequential test be applied.
- Linkage between retaining and sustainability clear/ stronger, para 6.267 – 6.292
- Clear - Assessment of need – RIA
- However, is silent on some detail elements , for instance “ district centres” – LDPs will clarify position.



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# Renewables

- PPS18 - Remains and applies as a Planning Policy Statement.
  - SPPS - Change of emphasis on benefits /causing debate
    - Weight to be applied to Social, Economic and Environmental benefits, PPS18 advises significant weight whereas SPPS is less prescriptive and directs this weight is appropriate (evidential context and discretion of the decision-maker).
    - SPPS – 5.71 Community benefits cannot be considered as a material consideration in decision making.
    - Contradicts this under paragraph 6.225 of the SPPS – Wider economic and social benefits of all proposals for renewable energy projects are material considerations.
- PAC recent decision 2013/AO228 – Lisaherney – different stance to UK case law



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- Similar tension between PPS18 and PPS2 regarding active peat – Not resolved through SPPS.
- No specific policy on Solar Energy. However, policy tests exist for all renewable energy in 6.224 of the SPPS.
- DFI Review of Renewable Energy Consultation



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## PPS21 – Sustainable development on the Countryside

- SPPS broad, overarching, less prescriptive, no further clarity or change
- PPS21 still applicable - tension in Planning Committees /Delegated Schemes
- Reinforces clustering policy, promotes active farming test (CTY 10) and broadly covers Infill (CTY 8)
- DFI are reviewing Development in the Countryside





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# Enforcement

- SPSS superseded PPS9, the Enforcement of Planning Control
- Expectation that each Council should develop an Enforcement Strategy which sets out its policies and procedures for their own Council area.  
No replacement in SPSS
- Key Objectives of planning system for planning enforcement:
  - Bring unauthorised development under control where necessary
  - To remedy any undesirable effects of unauthorised development including, where necessary, the removal or cessation of unacceptable development; and
  - To take legal action, where necessary, against those who ignore or flout planning legislation.
- Credibility of Planning system not undermined.
- Councils Committees are operating Enforcement Strategies
- In practice, limited impact so far , PPS9 primarily procedural