

**PLANNING SERVICE PAPER ON AREA PLANS AND TRANSITION COMMITTEES
FOR SLB MEETING 23 January 2009**

Agenda Item: 6

Summary: This paper provides information on the current development plan programme and considers issues relating to the transfer of these functions to councils, including possible engagement in advance of the transfer in 2011.

Action required: To note and discuss.

BACKGROUND

1. At the December meeting of the SLB, it was agreed that Planning Service would provide information on the current development plan programme and consider the scope for transitional committees to become engaged in development planning in advance of transfer. This paper provides a brief summary of the issues for SLB consideration and discussion.
2. The Department has had an ambitious programme for the preparation of up-to-date development plans across the region and, until recently, was making considerable progress in this respect. Within the past six years Planning Service has published three adopted plans and five draft plans, including the Draft Belfast Metropolitan Area Plan 2015 and most recently the Draft Banbridge Newry and Mourne Area Plan 2015. Collectively these cover 18 of the existing 26 Council areas in Northern Ireland. Planning Service had also been preparing three further draft plans -- West Tyrone Area Plan 2018, Antrim/ Ballymena/ Larne Area Plan 2016 and Armagh Area Plan 2018. These plans cover a further 6 council areas. Of the two remaining council areas, Derry is covered by an up-to-date adopted area plan while Fermanagh Area Plan passed its notional end date at the end of December 2007. It should be noted that plans remain valid beyond their notional end dates and recent Planning Service Monitor figures demonstrate that there is currently a minimum of 5 years supply of housing land across each district council in NI regardless of whether their plans are out of date or not.

3. However, ongoing legal proceedings relating to the Strategic Environmental Assessments (SEA) of plans are now having a significant impact on the Department's plan programme. (See current plan programme at Annex 1)

RPA and Development Plans

4. In accordance with the RPA decisions, responsibility for preparing development plans for their areas will pass to the new district councils in 2011. Table 1 below provides an estimate of where Plans will be on transfer in 2011. It should be noted that this is a 'best guess' prediction for the purpose of considering transitional arrangements.

Table 1. Estimated Plan Coverage 2011

AREA PLAN	Plan Stage in 2011
Antrim, Ballymena Larne 2016	Issues Paper published – unable to progress due to legal proceed
Larne 2010	Adopted
BMAP 2015	Adopted
Ards & Down 2015	Adopted
Craigavon 2010	Adopted
Banbridge, Newry Mourne 2011	Adopted
Armagh 2019	Issues Paper published – unable to progress due to legal proceed
Dungannon South Tyrone 2010	Adopted
Cookstown 2010	Adopted
West Tyrone 2019	Issues Paper published – unable to progress due to legal proceed
Fermanagh 2007	Adopted
Derry 2010	Adopted
Northern Area 2016	Draft Plan published and IE completed ¹
Magherafelt 2015	Adopted

¹ Dependent on ongoing litigation

5. Annex 1 attached sets out the current position with the Plan programme. In summary, work is currently continuing on the following plans:
 - Magherafelt AP
 - Belfast Metropolitan AP
 - Ards & Down AP
 - Banbridge, Newry and Mourne AP

6. Further substantive work has, however, ceased on the following plans as a result of the ongoing legal action:
 - Northern AP
 - West Tyrone AP
 - Armagh AP
 - Antrim Ballymena Larne AP

7. In addition, the following plans reach their notional end dates before RPA takes effect and, to date, no formal work on the review of any of these plans has taken place:
 - Fermanagh AP 2007
 - Cookstown AP 2010
 - Craigavon AP 2010
 - Dungannon and South Tyrone AP 2010
 - Derry AP 2011

8. Due to the ongoing legal proceedings relating to plan SEAs it is not possible for DOE to commence and progress new plans. However, the legal proceedings will not affect the ability of the new councils to progress plans when powers have been transferred.

Transfer of Plan Making Function to Councils

9. It is envisaged that, on transfer of functions, all councils will have the power to prepare new local development plans for their area with immediate effect. This will apply regardless of the position with previous DOE plans for their area. Furthermore, all published adopted and draft plans will remain valid and in force until they are replaced by local development plans prepared by the new councils.

10. If there are any draft plans that have not been adopted on transfer of powers the Department will urgently complete the adoption of the plan. It should be noted, however, that at the same time, the newly constituted councils will have the power to create new local development plans for their respective areas. In the period up to the transfer of functions Planning Service will work to ensure that as few plans as possible fall into this category.
11. In parallel with the transfer of planning functions to councils, the Environment Minister is also committed to an extensive reform of the planning system. One of the most fundamental aspects of planning reform will be the proposals for a new local development plan system which takes account of both the transfer of functions under RPA and the need for a more streamlined and effective plan system. The new local development plan system will be designed to speed up the plan preparation process, ensure more effective participation from the public and other key stakeholders early in the plan preparation process, and provide a more flexible approach that is responsive to change and capable of faster review. It is intended that the new local development plan system will be in place for the transfer of planning powers to councils in 2011.
12. The Department is proposing to introduce a more flexible and faster approach by establishing a local development plan that consists of two separate but related documents: a Plan Strategy document, incorporating the vision, the objectives and the growth strategy for the area and general policies; and a Site Specific Policies and Proposals document, incorporating the detailed site specific plan policies and proposals for the relevant topic areas. These two documents, which together would form the local development plan, would be published, examined and adopted separately.
13. The proposals for reform of the planning system, including the development plan arrangements, will be subject to a public consultation shortly. The consultation paper is at an advanced stage of preparation and, subject to progress through the Executive process, will be published during February 2009.

Way Forward for Plans in Advance of Transfer of Functions

14. We are at an early stage in our deliberations in terms of the most appropriate way forward with the development plan programme in advance of the transfer of functions and welcome this opportunity to hear views from the SLB. There are several factors that will influence any final decision on the way forward. Clearly, the outcome of the forthcoming consultation process on planning reform will be important in any decisions on the way forward for development plans. We also want to hear the views of the local government sector, RPA transitional committees, other RPA implementation bodies and SLB. Any implications arising from the future decisions on the proposed service delivery models for the planning function post RPA will also need to be considered, as will the final report from the Boundaries Commissioner (expected later this year).

15. A possible approach may be for Planning Service to enter into early discussions with the **RPA Transition Committees** or **Transition Management Teams** for some of the proposed new councils and work in association with them in order to carry out preparatory plan work for their new areas based on the new local development plan system to be introduced in 2011. As well as contributing to moving the development plan programme forward in advance of transfer, there would be many benefits in working in this way, including:
 - early capacity building for councillors, existing council staff and planning service staff;
 - building of effective working relationship for existing development plan staff with future council colleagues;
 - fostering of a closer working relationship between the Department and local government; and
 - early opportunity to assess the initial stages of the new development plan system and address any problems that might arise.

16. However, any progress in this area would be subject to the availability of resources and would need to take account of the work priorities and demands in Planning Service and, indeed, take into account the similar challenging demands being faced by the Transition Committees. It would, therefore, be important to be realistic about

what we might be able to achieve in advance of transfer.

17. Due to the timing of the planning reform consultation and post-consultation analysis, along with the time likely to be required for the RPA Transition Committees/ Transition Management Teams to be set up and to agree their work programme, it is unlikely that Planning Service or the Transition Committees would be in a position to engage in any significant way before late Summer 2009 or early Autumn. However, we are keen to provide briefing to the Environment Minister on the options for moving forward with the plan programme in advance of RPA so we would welcome the views of the SLB to inform the way forward.

Angus Kerr
Planning Reform Team

ANNEX 1

Current Development Plan Progress Schedule

This schedule identifies the recent development plans published to date and reflects target dates for future publications.

Development Plan	Development Plan Stage			Comments
	Issues Paper	Draft Plan	Adopted Plan	
Ards & Down Area Plan 2015	Published December 2000	Published December 2002	-	Public Inquiry (PI) closed on the 1st February 2007. Planning Service received the Planning Appeals Commission (PAC) Report on 14th March 2008 and is currently considering it and preparing the Plan for adoption, which is anticipated to take place during this business year.
Magherafelt Area Plan 2015	Published December 2000	Published April 2004 (Revision May 2005)	-	Latest position – DMAP will now proceed to Independent Examination (IE). The first pre-examination meeting was held by the PAC on 27/08/08 and the second was held on 11 December 2008. Stage 1 of the IE is scheduled to commence on Monday 2nd February 2009.
Banbridge / Newry & Mourne Area Plan 2015	Published March 2001	Published August 2006(Revision March 2007)	-	Latest position – The Planning Service lodged a formal request for an IE to be conducted with the PAC on 27 Nov 2008 .

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Development Plan	Development Plan Stage			Comments
	Issues Paper	Draft Plan	Adopted Plan	
Northern Area Plan 2016 (Ballymoney, Coleraine, Limavady & Moyle)	Published August 2002	Published May 2005	-	<p>The SEA of the Plan has been the subject of 2 legal challenges. After a number of hearings and judgements and the Depts lodgement of an appeal the Court determined that matters should be considered by the European Court of Justice and the case has yet to be heard.</p> <p>Latest position – Following legal advice, the Department has determined that progress towards an IE for DNAP should be put on hold until the outcome of this challenge is known.</p>
Belfast Metropolitan Area Plan 2015 (Belfast City, Carrickfergus, Castlereagh, Lisburn, Newtownabbey & North Down)	Published January 2002	Published November 2004 (Amendment No.1 Addenda & Revisions February 2006)	-	<p>Public Inquiry closed on the 2nd May 2008. The timetable for the Plan Adoption will be dependent on the receipt of PAC Report. The PAC have given a preliminary indication that the report will be delivered to the Department by early summer 2010, but hope to provide a firmer date in the future.</p>
Antrim, Ballymena & Larne Area Plan 2016	Published May 2002	-	-	<p>Planning Service has temporarily ceased to carry out any further substantive work on the preparation of the Antrim, Ballymena and Larne Area Plan 2016 pending the outcome of the legal proceedings.</p>

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Development Plan	Development Plan Stage			Comments
	Issues Paper	Draft Plan	Adopted Plan	
Armagh Area Plan 2018	Published April 2004	-	-	Planning Service temporarily ceased to carry out any further substantive work on the preparation of the Plan pending the outcome of the legal proceedings.
West Tyrone Area Plan 2019 (Omagh & Strabane)	Published 18 October 2005	-	-	Planning Service temporarily ceased to carry out any further substantive work on the preparation of the Plan pending the outcome of the legal proceedings.
Cookstown Area Plan 2010	-	Published November 1999	June 2004	Adopted by HQ.
Craigavon Area Plan 2010	-	Published April 2000 (Revision Nov 2000)	August 2004	Adopted by HQ.
Dungannon and South Tyrone Area Plan 2010	-	Published May 2000	March 2005	Adopted by Omagh DPO.
Craigavon Town Centre	Published 23 March 2005	Published	31 June 2008	The Plan was adopted on 31 June 2008.

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Development Plan	Development Plan Stage			Comments
	Issues Paper	Draft Plan	Adopted Plan	
Boundaries and Retail Designations Plan 2010		20 December 2005		The SEA of the Plan is the subject of a JR.
Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015	Published 15 August 2005	Published 27 June 2006	15 Dec 2008	Adopted by BMAP team
Coleraine Borough Houses in Multiple Occupation (HMOs) Subject Plan 2016	Published 3 April 2006	-	-	It is now unlikely that this Plan will progress in advance of the resolution of the current court appeal taking place in relation to other draft Plans.
Fermanagh Area Plan 2007	-	-	March 1997	Under consideration for review.
Larne Area Plan 2010	-	-	March 1998	Plan intended to be superseded by the Antrim, Ballymena & Larne Area Plan 2016.
Derry Area Plan 2011	-	-	May 2000	For future consideration.