



Subject:	Draft Development Plan Practice Note 11
Date:	15 th November 2022
Reporting Officer:	Keith Sutherland, Planning Manager (Plans & Policy)
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Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report and Summary of Main Issues
1.1	The purpose of this report is to advise the Committee of the Department for Infrastructure’s (DfI) recent draft guidance (DPPN11) on the adoption of Local Development Plan (LDP) documents and to seek agreement for the proposed response. DfI has requested comments on the draft DPPN by end of November 2022. A copy of draft DPPN11 is attached at Appendix 1 to this report. The proposed response is at Appendix 2.
2.0	Recommendation
2.1	The Committee is asked to: <ul style="list-style-type: none">• note the draft DPPN11 guidance document (see Appendix 1); and• approve the proposed response to DfI (see Appendix 2).
3.0	Main Report
3.1	DfI has recently issued draft ‘Development Practice Note 11- Receipt of Independent Examination Report and Adoption of a Development Plan Document (DPPN11)’ and has facilitated the submissions of comments on the draft document before it is finalised. The draft

	<p>guidance relates to the final stages of the local development plan preparation process, namely the DfI's consideration of the Planning Appeals Commission's (PAC) report and recommendations and the issuing of a direction to councils on adopting, modifying or withdrawing the LDP document. It also covers future LDP monitoring requirements. The informal consultation follows an earlier iteration from August 2021. A copy of the Council's response to that is attached at Appendix 3.</p> <p>3.2 In overall terms, draft DPPN11 provides limited practical guidance and is, effectively, a restatement of legislative requirements. However the latest version does appear to have taken on board some of the issues previously raised by the Council as it provides more information on timescales regarding the Department's consideration of the PAC's IE report. It suggests that the consideration although not prescribed should take approximately 12 weeks. There is also the introduction of a two-week period for fact checking on minor errors prior to the DfI issuing the direction for a council to adopt, modify or withdraw the draft Plan. This represents a welcome shift in the DfI position on the issue of access to the PAC report but unexplained proposal for this to be late within the 12 weeks undermines the potential value in respect of early identification of potential errors which could be translated into any Direction.</p> <p>3.3 The draft guidance also confirms that a council must comply with the DfI's direction, although there is no suggested timeframe for this step or recognition of the potential complexity. In the case of adoption (with or without modifications), the LDP documents must be adopted by resolution of the full council in order for it to take effect. The DPPN11 suggest that a flexible approach to the timeframe for adoption will allow for any associated consultation required in advance of adoption such as the preparation of Supplementary Planning Guidance (SPG). Whilst this flexible approach is welcomed it is important to highlight that the example used is confusing as the Department are conflating two separate processes given that SPG is non statutory and would not normally be a precursor to adopting the plan.</p> <p>3.4 The DPPN also cites that it is a matter for the planning authority to determine the weight to be given to the draft DPD or individual policies once the Department issues a direction to the Council. This appears to contradict paragraph 1.11 of the Strategic Planning Policy Statement (SPPS) which states that existing (DfI) policy will cease to have effect only after the Plan Strategy is adopted. Although this might be a temporary issue it could have significant consequences for an interim period, particularly given the Council's current experience with delay in achieving agreement in respect of the Direction issued in February 2022.</p> <p>3.5 As highlighted in the previous correspondence it says little about the other assessments that form part of the LDP process, such as the Sustainability Appraisal/ Strategic Environmental Assessment, Habitats Regulations Assessment or Equality Impact Assessment, which may require to be reviewed in the light of any DfI direction.</p> <p><u>Finance and Resource Implications</u> None.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u> None.</p>
4.0	Appendices
	<ol style="list-style-type: none"> 1. Draft DPPN 11 (October 2022 DfI). 2. Proposed response to DfI. 3. Council's response to Draft DPPN 11 (August 2021 DfI)

**Appendix 1 – Draft Development Planning Practice Note 11:
“Receipt of Independent Examination Report and Adoption
of a Development Plan Document” (DfI, October 20212)**

Appendix 2 – Proposed response to draft DPPN11 to DfI from Belfast City Council

Appendix 3 – Council’s response to Draft DPPN 11 (August 2021 Dfl)