

## A collage of ten diamond-shaped images representing various leisure and tourism activities. The images include: a close-up of a person's face, a child running on a green path, a child on a wooden play structure, a child on a horse, a colorful umbrella canopy, a street scene with a bridge, a rocky coastline with a walkway, a field of pink flowers, a modern building, and a landscape view.

# Retention of Economic Development Land

[www.midandeantrim.gov.uk/planning](http://www.midandeantrim.gov.uk/planning)



**Mid & East  
Antrim**  
Borough Council

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## 1.0 Introduction

- 1.1 It is a top priority for the Council to grow and diversify the economy in the Borough. The planning system has a key role to play in achieving a vibrant economy and facilitating employment through supporting planning policies, the zoning of economic development land, and also the retention of existing economic development land.
- 1.2 This Supplementary Planning Guidance (SPG) provides additional advice and guidance specific to Policy ECD2 'Retention of Economic Development Land' in the Mid and East Antrim Borough Council Local Development Plan 2030 (LDP) – Plan Strategy.
- 1.3 This SPG seeks to ensure an effective and consistent approach to implementing planning policy when determining planning applications in the Borough and is intended to be used by applicants, the public, and by planning officers in the assessment and delivery of planning proposals on either:
- a) land zoned for economic development use in the local development plan; or
  - b) unzoned land in settlements that is currently used (or was last used) for economic development purposes.
- Each application is, however, considered on a case by case basis, and on its own merits. If you are in doubt as to whether this SPG applies to your land or premises, you are advised to contact the Council's Planning Department.
- 1.4 In order to aid the effective implementation of Policy ECD2, the Council considers it prudent to produce this guidance. It is aimed at providing further clarity to landowners, developers and agents to enable the efficient and effective delivery of economic development proposals, consistently with Policy ECD2. It does not introduce new policy. It aims to ensure that the existing policy is implemented and applied consistently and effectively through the development management process.
- 1.5 For the purposes of this SPG, economic development uses comprise those currently defined in Part B 'Industrial and Business Uses' of the Planning (Use Classes) Order (Northern Ireland) 2015. These are:
- B1 Business - (a) Offices (other than those that fall within A2)
    - (b) Call centres
    - (c) Research and development
  - B2 Light Industrial
  - B3 General Industrial
  - B4 Storage or Distribution

## **2.0 Policy Aims**

- 2.1 The LDP Plan Strategy highlights the importance of safeguarding economic development land which is in sustainable locations and suited to such purposes from being lost to other forms of development. This will help ensure there remains an adequate supply of economic development land in order to offer a range and choice of sites and provide opportunities and employment for a broad range of business types from small start-up businesses to small, medium and large enterprises.
- 2.2 This compliments the aim of the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) in relation to economic development which seeks to facilitate the economic development needs of Northern Ireland in ways consistent with the protection of the environment and the principles of sustainable development.
- 2.3 The SPPS also makes clear the importance of economic development land and buildings which are well-located and suited to such purposes being retained in order to ensure a sufficient and ongoing supply.
- 2.4 In order to support the diversity of the local economy and encourage employment generation, it is therefore necessary to retain existing sites for economic development and safeguard the supply of future economic development land to achieve this aim.



### 3.0 Zoned Economic Development Land

- 3.1 The retention of economic development land can not only make a substantial contribution to the renewal and revitalisation of our towns and beyond, it can also provide employment opportunities accessible to large sections of the urban population and the rural hinterland.
- 3.2 Policy ECD2 states that a proposal that would result in the loss of land zoned for economic development to other uses will not be permitted, unless the land has been substantially developed for alternative uses. It states that unless otherwise specified through Key Site Requirements in the adopted Local Policies Plan, an exception will be permitted for the development of a sui generis employment use where the applicant has demonstrated that all three of the criteria listed (a) to (c) are met. The onus is on the applicant to demonstrate that all three of the policy criteria are met in such cases. Further guidance on these matters is set out below.
- The proposal is compatible with the predominant economic development use;  
Sufficient detail of the proposed sui generis employment use must be submitted with the application to ensure the Council is fully satisfied that such a use would be compatible with the predominant economic development use on the zoned land. Policy ECD3 'Development incompatible with Economic Development Uses' may also be engaged to ensure such a use would not be incompatible with or prejudice the current or future operations of existing economic development uses.
  - The proposal is of a scale, nature and form appropriate to the location;  
The applicant is also required to submit sufficient information with the application to demonstrate to the Council's satisfaction why the proposal is appropriate to be located on zoned economic land rather than elsewhere. Policy ECD3 may also be engaged in this instance.
  - The proposal will not lead to a significant diminution of the economic development land resource in the town or the borough generally.  
The applicant is also required to submit sufficient information with the application to demonstrate to the Council's satisfaction that the proposal would not lead to a significant reduction in the value, importance or size of the economic development land offering in that town or in the Borough.
- 3.3 In the case of a planning application involving a departure from an LDP zoning for economic development, the Council should be fully satisfied that it has been clearly demonstrated how the special circumstances of a particular case outweigh the policy preference for retaining the zoned land for economic development use. In doing so, planning officers should clearly outline in their assessment of the application how *all* of the exceptions to policy criteria have been met.
- 3.4 It should also be noted that Policy ECD2 re-emphasises that retailing or commercial leisure development will not be permitted on land zoned for economic development, except where justified as acceptable ancillary development. When considering whether the proposal is an acceptable ancillary development or not, Council will consider:
- The nature of the use proposed and whether it is considered as ancillary to the functioning of the wider zoning;
  - Existing ancillary uses already operating (or approved) within the zoning; and
  - The size of the economic development site and its ability to sustain the proposed use.

## 4.0 Unzoned Land in Settlements

- 4.1 The existence of redundant business premises and derelict industrial land can be an important resource for the creation of new job opportunities in areas of high unemployment and social deprivation, particularly small businesses, and can help reduce the demand for greenfield sites.
- 4.2 Policy ECD2 states a development proposal on land or buildings not zoned in a local development plan but currently in economic development use (or last used for that purpose), which will result in the loss of such land or buildings to other uses, will only be permitted where the applicant has demonstrated that one or more of the three policy criteria are met:
- A proposal for a specific mixed-use regeneration initiative which will bring substantial community, environmental or economic benefits that are considered to outweigh the loss of land for economic development use.  
The Council should be fully satisfied that it has been clearly demonstrated by the applicant how the special circumstances of a particular mixed-use regeneration proposal outweigh the policy preference of retaining the land or building solely for economic development use. To enable this assessment, sufficient information must be submitted with the application clearly outlining how the community, environmental and economic benefits of the proposal directly help to achieve the social, environmental, and economic objectives of the LDP Plan Strategy to the extent that those direct benefits of the initiative are so substantial so as to outweigh the loss of economic development land. For instance, the redevelopment of an existing industrial site or storage or distribution site with a mixed-use scheme, as a specific regeneration initiative to meet the needs of a particular locality and providing a significant element of employment or community uses are integrated into the overall development scheme. Such a mixed-use scheme should be designed so as to minimise the possibility of conflicts of uses arising. For example, where the proposal lies adjacent to other economic development uses and involves an element of residential development, it may be appropriate to separate/buffer that residential element from any existing industrial uses with an alternative more compatible business use, community use, or sui generis use that may be more acceptable adjacent to residential areas. This will not only protect residential amenity but will also help prevent the possibility of redevelopment on the adjacent industrial site for alternative uses on the grounds that it is no longer acceptable in land-use terms. Alternative development uses will not be permitted if it would detract from, or conflict with, the economic development uses of other nearby economic development buildings or sites. This is to avoid the 'domino-effect' of a site that has been redeveloped or reused for non-economic development uses giving rise to circumstances under which it is considered appropriate to 'release' the next door site, when previously it would not have been justified under the terms of this policy. Policy ECD3 may also be engaged in this instance.
  - A proposal for a compatible sui generis use of a scale, nature and form appropriate to the location may be considered acceptable.  
It is acknowledged that certain sui generis uses can be more difficult to accommodate within an urban area than other uses, and that a previously developed economic development site within a settlement may offer the best possible location for some uses. The flexibility offered by this criterion is aimed at providing a suitable alternative location for such uses which may be unable to meet the exceptional circumstances policy tests for locating on zoned land. Policy ECD3 may also be engaged in this instance.
  - If it can be demonstrated that the site is considered unsuitable for modern economic development purposes and there is no market interest in the site following one year of continuous active marketing.



Council considers that the retention of previously developed economic development sites for such continued use is important and should not be lost to alternative uses without evidence to demonstrate that the site is no longer suitable for modern economic development purposes. The total loss of a previously developed economic development site can only be justified where it has been robustly demonstrated that the provision of an economic development element cannot be made viable. Evidence must be provided to show that all possibilities to provide an economic development element have been exhausted and demonstrated to be unviable. The onus will therefore be on the applicant to submit sufficient information along with the planning application to demonstrate both why the site (of the proposal) is no longer considered suitable for economic development purposes, and also that there is no market interest in the site for economic development purposes following one year of continuous active marketing. Annex A of this SPG provides detail on the minimum action required when actively marketing a premises or a site for economic development purposes, and the information which must be submitted as part of the relevant planning application.

## 5.0 Other Planning Considerations

- 5.1 The 2011 Planning Act established a plan-led planning system which gives primacy to the LDP in the determination of planning applications unless other material considerations indicate otherwise. In particular, Section 6 (4) of the 2011 Act provides: 'Where, in making any determination under this Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
- 5.2 All applications for economic development use will be assessed against the relevant economic development policies within the LDP Plan Strategy, including Policy SGS6 which highlights the importance of the economic development zonings being complemented by the protection of unzoned land in settlements currently or last used for economic development use. All proposals must also meet the General Policy GP1 and accord with other relevant provisions of the LDP.
- 5.3 Consideration should also be given to the regional and strategic framework provisions of the RDS 2035 including RG1 'Ensure adequate supply of land to facilitate sustainable economic growth'.
- 5.4 The Council will also have regard to published supplementary planning guidance as well as any other material considerations which are relevant to the particular case.
- 5.5 The flexibility permitted under Policy ECD2 is envisaged to principally relate to firm proposals for acceptable alternative uses which outweigh the policy preference of retaining land zoned for economic development use in the LDP, as well as unzoned land in settlements that is currently used (or was last used) for economic development purposes.



## Glossary of Terms and Abbreviations

<b>Economic development uses</b>	Those uses currently defined in Part B 'Industrial and Business Uses' of the Planning (Use Classes) Order (Northern Ireland) 2015. These are: B1 Business - (a) Offices (other than those that fall within A2), (b) Call centres, (c) Research and development. B2 Light Industrial. B3 General Industrial. B4 Storage or Distribution.
<b>Sui Generis</b>	When no planning use classes order category specifically fits, the use of the land or buildings is described as sui generis, which means 'of its own kind'. Examples of sui generis uses given in Section 3(4) of the Planning (Use Classes) Order (Northern Ireland) 2015 include amusement centres, fuel stations, car sales yards, restaurants, swimming pools, skating rinks, gymnasiums, churches (these examples are not exhaustive).
<b>Commercial Leisure</b>	Not confined to a specific planning use class grouping, but rather primarily relates to a range of leisure, entertainment and recreation uses which may include some sui generis uses and some D class uses within the Planning (Use Classes) Order (Northern Ireland) 2015. Examples of commercial leisure include swimming pools, skating rinks, gymnasiums, indoor bowling, soft play amusement centres, cinemas, nightclubs, casinos and bingo halls (these examples are not exhaustive).
<b>LDP</b>	Local Development Plan
<b>Plan Strategy</b>	The first part of the Local Development Plan, the adopted Plan Strategy, was adopted on 16 <sup>th</sup> October 2023 and contains the new planning policies which replaced the Department's Planning Policy Statements (PPSs).
<b>Local Policies Plan (LPP)</b>	The second part of the Local Development Plan, the LPP is prepared by Council following adoption of the Plan Strategy.
<b>RDS</b>	Regional Development Strategy 2035 (DRD, 2010)
<b>SPPS</b>	Strategic Planning Policy Statement for Northern Ireland (DOE, 2015)
<b>Pre-application advice</b>	Depending on the classification of the development proposal, this may be in the form of Pre-Application Discussion (PAD) or more informal advice upon request.

## Annex A - Active Marketing

This guidance on active marketing applies where an applicant is proposing an alternative non-economic development use on a site that is currently used (or was last used) for economic development use; and is seeking a policy exception under criterion c) of 'Unzoned Land in Settlements' in Policy ECD2 of the Local Development Plan 2030 (LDP) – Plan Strategy. It is guidance and not policy. The Council will normally expect applicants to have taken account of the guidance set out herein or to have explained why, on the facts of a particular case, the guidance set out below is not applicable or relevant.

In such cases, the onus is on the applicant to submit sufficient information along with the planning application to demonstrate to the satisfaction of the Council:

- why the site (of the proposal) is no longer considered suitable for economic development purposes, and also
- that there is no market interest in the site for economic development purposes following one year of continuous active marketing.

This guidance sets out what is ordinarily expected from an applicant when actively marketing a site for economic development purposes. However, it is recognised that any such exercise should be proportionate to the size and characteristics of the site/property and the scale of the proposed alternative use. Where possible, applicants are advised to seek pre-application advice from the Council on the detail of their marketing strategy and the information which should be submitted as part of any forthcoming planning application.

Marketing evidence primarily requires demonstration of an active marketing campaign to ascertain the demand for an economic development use on the site. This must have been for a continuous period of at least 12 months and whilst the site/premises were vacant. A lesser financial return on investment relative to other development uses will not be sufficient to justify the site not continuing to be available for economic development use. This includes the potential to refurbish or redevelop the site in whole or in part for modern economic development purposes. Before considering release, the Council will need to be satisfied that either refurbishment of the buildings or redevelopment of the site for economic development uses are not viable. A statement appraising the extent and nature of options for the site should be submitted with the planning application, including a development appraisal or residual valuation for each option, prepared by a chartered surveyor. Options could range from limited refurbishment to partial or full demolition and rebuild depending on the nature of the site.

Marketing should be through a commercial agent and at a price that genuinely reflects the market value. The site/property should have been marketed in a manner that would genuinely test the market and bring it to the attention of any likely interested parties. It should be demonstrated to the Council's satisfaction that marketing has been unsuccessful for all relevant floorspace proposed to be lost through the redevelopment or change of use proposal.

Active marketing would generally be expected to include the following as a minimum:

- Registration of the site/property with at least one commercial property agent who has a proven track record in dealing with comparable sites/properties in the region.
- Contact information posted in a prominent location on-site, in the form of an advertising/agency board, for the full duration of the period of active marketing.
- Site/property details/particulars available to inquirers on request, to include as a minimum detail on condition; age; size/floorspace; accessibility etc.
- Marketed for the appropriate/lawful use or uses as defined by the relevant planning policy, including details of tenure; current/last use and planning history.
- Marketed at a reasonable price in relation to use, condition, quality and location.

- Advertised via a range of media including at least three of the following; local newspapers; targeted sector/property specific mailings; social media; property websites; agent's window; commercial magazines and other specialist publications.
- Registration of particulars with the Council's Economic Development Team.
- Evidence of a marketing strategy, and how this strategy was adjusted and the price lowered throughout the marketing period in the event of a lack of interest in the site.

Sufficient detailed information, including relevant photographic evidence and copies of any mailings and adverts (including publication dates), are required to be submitted alongside any planning application showing how the above has been addressed.

In addition, information should be submitted regarding:

- the number and details of enquiries received;
- the number of viewings;
- the number, type, proposed uses and value of offers received;
- reasons for refusal of any offer received, and/or reasons why any offers fell through;
- the asking price and/or rent that the site or property has been offered at, including a professional valuation from at least three agents to confirm that this is reasonable;
- the length of marketing period (including exact dates); and
- the length of the vacancy period.

All this information should be submitted in the form of a marketing report which will then be considered by the Council when determining the planning application.

The Council reserve the right to secure independent advice to review the marketing evidence provided. It should be noted that the submission of a marketing report would not necessarily result in planning permission being granted, as any planning application would need to be determined with regard to all of the policies in the Local Development Plan and any other material planning considerations. In the case where the Council consider the marketing to be inadequate, the planning application will not be recommended for approval.



