

To: Council Chief Executives

James House
Gasworks Site
2 - 4 Cromac Avenue
Belfast
BT7 2JA
Tel: 0300 200 7830

Email:

21 October 2025

Dear Chief Executives

REVISIONS TO THE REGIONAL POLICY FRAMEWORK FOR THE TWO-TIER PLANNING SYSTEM

The purpose of this communication is to highlight the importance of considering the SPPS, and any revisions to it, during plan-making and decision-taking processes.

Revisions to the regional policy framework for the two-tier planning system, including the Regional Development Strategy (RDS) and the SPPS are to be expected in response to changing circumstances, including Executive and/or Ministerial priorities. Any changes to the regional planning policy framework will be progressed in accordance with policy development best practice guidance and the Department's Statement of Community Involvement (2024). There was extensive engagement with stakeholders, including local government, during the formulation of SPPS (published September 2015) and with respect to the on-going review of it, on the subject of renewable and low carbon energy. The SPPS was published following Executive

Committee agreement to it, and any future revised SPPS also requires referral to the Executive Committee prior to its publication.

Having recently secured Executive agreement to revised regional planning policy on renewable and low carbon energy, the Department intends to publish an update to the SPPS, as soon as possible, once all necessary next steps have been completed.

Prior to introduction of the revised SPPS this correspondence is intended to serve as a helpful reminder of the respective roles the Department and councils perform in supporting the effective and efficient operation of our two-tier planning system and meeting the legislative requirement to *'take account of'* the regional policy framework in which planning authorities operate.

The role of the Department

The Department's statutory role and oversight powers are set out in the Planning (NI) Act 2011 and include areas such as responsibility for the formulation and coordination of regional planning policy, and its role in the adoption of local development plans (LDPs) prepared by councils. Under the provisions of the Act the Department must *'formulate and co-ordinate policy for securing the orderly and consistent development of land and the planning of that development'*. This includes the coordination of LDP policies prepared by Councils. Section 1 of the Act requires the Department to ensure that *'any such policy'* is in general conformity with the RDS. Furthermore, the Department must exercise its functions under subsection 1 with the objective of furthering sustainable development and promoting or improving well-being.

Section 2 of the Act requires plan documents to be submitted to DfI for it to cause an Independent Examination; requires DfI to consider the recommendations of the appointed commissioner/person in relation to tests of Soundness and, legislates that adoption of a development plan document can only take place in accordance with a direction issued by DfI.

The role of councils

When plan making, councils must *'take account of'* the RDS - and *'any policy or advice contained in guidance issued by the Department'* and *'such other matters as the Department may prescribe, or in a particular case, direct'*.

Properly and faithfully taking account of the SPPS overall, including any revision to it is, therefore, essential to support the achievement of regional planning objectives; the wider commitments and priorities of the Infrastructure Minister and Executive, and to ensure the delivery of a cohesive planning framework across the Region

The SPPS, including an amendment to it, is also a material consideration which must be taken into account in decision-taking, recognising that the relevance and weight of all material considerations is a matter for the relevant planning authority.

Whilst the specific approach will depend on local circumstances, the council should ensure that all officers and elected members fully understand the wider context for their work for the Region and the importance of taking account of the RDS and SPPS in the delivery of their local planning functions.

For your information, the Department intends to prepare a new Development Plan Practice Note on this issue in due course but in the meantime, I would be grateful if this correspondence and the Q&A at Annex A is brought to the attention of all your elected members and relevant officials, including Heads of Planning.

Yours sincerely

Kathryn McFerran
Director
Regional Planning Policy & Casework

cc: Heads of Planning
Planning Appeals Commission

Q&A:

Councils are at various stages in the preparation of their Local Development Plans (LDPs), however policy making is a continuous process and changes to regional policy are normal in response to changing circumstances and Executive priorities.

When new or revised regional policy is published it is important that council LDP teams respond appropriately. The purpose of this Q&A is to provide advice and guidance to councils on the implications of new or updated regional policy for LDPs.

What are the implications of new or revised regional planning policy for Local Development Plan Documents prepared by councils?

Policy contained in the SPPS is a material consideration in making decisions on planning applications and in preparing LDPs.

When preparing or revising development plan documents (Plan Strategy or Local Policies Plan) councils must 'take account of' SPPS policy. LDPs are important documents to address local planning issues and to ensure the response to higher-level government priorities and objectives is co-ordinated.

Legislation requires that a council must carry out annual monitoring of an adopted LDP and must review its contents every 5 years¹. A council may however prepare a revision of a development plan document at any time. A council must also prepare a revision if, following a review, it thinks that the development plan document should be revised. The Department may also direct councils to revise a development plan document.

However, changes in circumstances including new material considerations such as publication of new or revised regional policy may trigger the need for an earlier review and subsequent revision where appropriate. It is important to note that policy in adopted plan documents should not automatically be considered to require revision because it was made prior to the publication of new or revised regional policy. In these circumstances councils must demonstrate their LDP policies continue to 'take account of' regional policy. This is why it is important that councils assess the implications of new or revised policy for their plan policies.

¹ At the five-year review stage development plan documents may need to be revised in response to the findings of the review report.

What does it mean ‘to take account of’ regional planning policy in LDPs?

When preparing draft policies or reviewing policies in an adopted LDP, the legislative requirement to “take account of” the RDS and “any policy or advice in guidance issued by the Department”, such as the SPPS will depend on the individual circumstances of the case and the evidential context gathered by the council in support of their local policy approach.

Councils should meaningfully engage with the contents of regional policy, demonstrate its aims and objectives are understood, and show how the policies of their plan fit with those aims and objectives. Councils shall then prepare policies that respond to the needs of their area in ways that complement and support regional policy and therefore contribute to the achievement of wider regional goals and strategic objectives.

What is a good practice approach to Local Development Plans when new or revised regional planning policy is published?

The requirement to take account of new or revised regional policy is an ongoing obligation on councils and is dependent on the stage of LDP preparation.

- For those councils who are working towards publication of a draft, a development plan document must take account of new/updated regional policy in preparing the draft plan document.
- For those councils which have published a draft document, and those with an adopted plan document (Plan Strategy) in place, it is good practice to undertake a written assessment of the implications of the new or updated regional policy for draft or adopted policies.

The assessment should demonstrate the council has an awareness of the new or revised policy and understands its aims and objectives. It should identify significant differences or conflicts which the new or revised regional policy may introduce with draft plan policies or the policies of an adopted plan document. It should also consider whether policy approaches may need to be revised in response to the new regional policy. The SPPS must be read and applied as a whole. Ultimately it is the responsibility of councils themselves to weigh these matters and provide evidenced justification for policy approaches tailored in response to evidence of local circumstances. In some situations, departures from regional policy may be justified in response to local circumstances.

Any assessment carried out by the council should consider how the new or revised regional policy may influence the weight given to policies in the adopted plan document when making decisions.

Where the assessment concludes that LDP policy continues to take account of regional policy then due weight may continue to be given to the LDP policies in making planning decisions in accordance with Section 6(4) and Section 45(1) of the 2011 Act.

If the council's assessment concludes that LDP policy, no longer takes account of regional policy then due weight should also be attached to those policies in accordance with Section 6(4) and Section 45(1) of the 2011 Act. Correspondingly it would be expected that greater weight would be given to the new or revised regional policy position as a material consideration. If this is the position following assessment, a council will need to consider taking forward a revision to the development plan document under Section 14 of the 2011 Act.

In either situation, it will be for the council to document and justify the rationale and to do so in a transparent and reasoned way. It would therefore be good practice for the assessment to be made available on the council's website.

How does the Department's oversight role relate and complement the Local Development Plan Process for councils?

While the duty on councils is to 'take account of' the RDS - and other policy and guidance issued by the Department – to understand what that means in practical terms it is helpful to consider the duty in the context of the wider Planning Act 2011 and, in particular, the oversight role for DfI established in Sections 1 and 2.

Section 1 places a duty on the Department to 'formulate and coordinate policy for the orderly and consistent development of land and the planning of that development' and requires the Department to ensure that 'any such policy' is in general conformity with the RDS. As the coordination duty relates to the planning of development it therefore extends to the coordination of LDP policies prepared by councils. The Department must also exercise its functions under subsection 1 with the objective of furthering sustainable development and promoting or improving well-being.

Section 2 is also important because it legislates the oversight role for the Department. Most notably it requires plan documents to be submitted to DfI for it to cause an IE; requires DfI to consider the recommendations of the appointed commissioner in relation to Soundness and, most significantly, legislates that adoption of a development plan document can only take place in accordance with a direction issued by DfI.

While the requirement on councils to 'take account of' regional policy differs from the duty on the Department to secure 'general conformity' with the RDS the two obligations are nevertheless compatible. This is because general conformity does not require complete alignment and still permits councils to take account of regional policy by tailoring it to local circumstances. In undertaking its role in oversight and adoption the Department will be guided, at all times, by its Section 1 duties.