

Armagh City, Banbridge &
Craigavon Borough Council

Local Development Plan 2035

Draft Plan Strategy

TECHNICAL SUPPLEMENT 18

Developer Contributions

September 2026



armaghbanbridgecraigavon.gov.uk



Armagh City
Banbridge
& Craigavon
Borough Council

Contents	Page No.
1.0 Introduction	3
2.0 Legislative Context	5
3.0 Policy Context	6
4.0 Preferred Options Paper	14
5.0 Stakeholder Engagement	18
6.0 Draft Plan Strategy Policy Approach	22
7.0 Consideration of Soundness	23

List of Tables

Table 1: Position of Adjoining Councils in regard to Developer Contributions
Table 2: Consideration of Soundness

1.0 Introduction

Purpose of this document

This Technical Supplement brings together the evidence base that has informed the preparation of the Armagh City, Banbridge and Craigavon Local Development Plan (LDP) 2035 draft Plan Strategy (dPS). It is one of a suite of topic based Technical Supplements that should be read alongside the dPS to understand the rationale and justification for the planning policies proposed within it.

The Council's Preferred Options Paper (POP), published in March 2018, provided an overview of the Key Issues of strategic significance affecting the Borough and the Preferred Options to address them. This Technical Supplement seeks to provide an update on the Council's progress in its approach towards developer contributions and the development of associated planning policy, since the publication of the POP.

In order to reflect the broad range of matters that were considered in the development of the Council's approach towards developer contributions and the formulation of the associated dPS planning policy this Technical Supplement has been organised into the following sections:

- **Sections 2 & 3** provide a summary of the Legislative, Regional and Local Policy Context that is relevant to the LDP, with particular emphasis on this topic area;
- **Section 4** outlines the relevant Key Issue and Preferred Approach as detailed in the POP, alongside a summary of POP Commitments and a brief summary of some of the POP responses that were received, with a focus on those offering suggestions in respect of policy development;
- **Section 5** provides an overview of the policy review, and the ongoing consultation and engagement that has been carried out in preparation of the dPS policy. Furthermore, it also details the approach of neighbouring councils to developer contributions, briefly outlining their position, followed by a brief consideration of any potential conflict;
- **Section 6** summarises how the dPS policy for developer contributions has been developed, taking account of account of regional direction, POP feedback, consultation and engagement, where it has been considered necessary and appropriate to do so.
- **Section 7** sets out how the dPS policy for developer contributions has been prepared in accordance with the tests for soundness set out in the Department for Infrastructure's (DfI) Development Plan Practice Note 6: Soundness (Version 2, May 2017).

The information and data presented in this Technical Supplement has been derived from a number of different sources however, where possible, the most recent datasets available have been utilised. It is important to note that this evidence base has been collated at a specific point in time and therefore it may be necessary for the Council to review and update it as the plan is progressed.

The notional end date of the plan period has now been amended to 2035. The Council will continue to work with key stakeholders to ensure that developer contributions in the Borough are managed in an appropriate and sustainable manner throughout and beyond the plan period of 2035.

Developer Contributions

The planning framework for development and land use over the plan period will be in line with the widely accepted term of Sustainable Development which is defined as ‘meeting the needs of the present without compromising the ability of future generations to meet their own needs.’¹

The LDP will therefore seek to further sustainable development through policies and designations which integrate and balance the social and economic priorities of our Borough alongside the careful management of our built and natural environment.

Effective coordination, planning and provision of infrastructure and services are critical in supporting the delivery of sustainable development. However new development can often create deficiencies in or add to existing pressures in regard to infrastructure and services that are needed to serve the development and support the local community, future residents and / or users. This could, for example, include new or improved roads and sewerage infrastructure, public open space or necessary community facilities.

The Strategic Planning Policy Statement (SPPS) establishes the principle that developers will be ‘expected to pay for, or contribute to, the cost of infrastructure that would not have been necessary but for the development or which needs to be rescheduled to facilitate the development’ (paragraph 5.68). As such, to offset the impact of new development, developers can be required to bear the reasonable or proportionate costs of works required to facilitate their development proposals through the provision of developer contributions. Additionally, developer contributions can be used to help manage the environmental impacts of new development by securing appropriate mitigation, compensation or monitoring.

Developer contributions can be secured through mechanisms such as planning agreements under Section 76 of the Planning Act (Northern Ireland) 2011, and infrastructure-related agreements under Article 122 of the Roads (Northern Ireland) Order 1993. The SPPS outlines the use of Planning Agreements and sets out a variety of examples where Developer Contributions may be required, including where earlier than planned implementation of a programmed scheme is required or where a proposed development is dependent upon the carrying out of works outside the site. The SPPS is discussed in greater detail in Section 3 ‘Policy Context.’

Guidance on the use of Planning Agreements is provided by Development Management Practice Note (DMPN) 21 ‘Section 76 Planning Agreements’, published by the Department for Infrastructure’. DMPN advises that the Local Development Plan (LDP) should be the point at which consideration of the potential need for, and use of planning agreements begins and recommends that policies on planning agreements, in line with the SPPS and legislation, are included in the Local Development Plan. The DMPN highlights that this creates an opportunity to involve the local community and development industry in the process of policy development and to clarify at the earliest stage the expected nature, scope and levels of contributions that may be sought.

Whilst Armagh City, Banbridge and Craigavon Borough Council has successfully secured developer contributions through Section 76 agreements on planning applications since the transfer of planning powers in April 2015, the development of a strategic planning policy in the dPS will assist the Council in continuing to utilise this tool in an appropriate, positive and proactive manner for the benefit of the Borough and to support the delivery of sustainable communities. In all instances developer contributions must only be required where they are necessary, directly related to the development and related in scale and kind to the development.

¹ Resolution 42/187 of the United Nations Assembly

2.0 Legislative Context

The key pieces of legislation relating to this subject area include the following:

The Planning Act (Northern Ireland) 2011

The Planning Act (Northern Ireland) 2011 (hereafter referred to as the 2011 Act) is the principal planning legislation in Northern Ireland, which underpins the reformed two-tier planning system that commenced on 1 April 2015. It introduced the plan-led system, where the LDP is the primary consideration for decision making on all new development schemes and proposals will be required to accord with its provisions unless, exceptionally other material considerations indicate otherwise.

Section 76 of the 2011 Act enables the relevant authority, that is either a council or, as the case may be, the Department to enter into a Planning agreement with any person who has an estate in land.

Section 76(1) of the 2011 Act provides that any person with an estate in land may enter into an agreement with the relevant authority to:

- facilitate or restrict the development or use of the land in any specified way;
- require specified operations or activities to be carried out in, on, under or over land;
- require the land to be used in any specified way; and/or
- require a sum or sums to be paid to the relevant authority or to a Northern Ireland government department on specified date / dates or periodically.

It is important to note that in addition to Section 76 of the 2011 Act, developer contributions can also be delivered through Article 122 of the Roads (Northern Ireland) Order 1993, in respect of infrastructure works.

The Planning (Local Development Plan) Regulations (Northern Ireland) 2015

The Planning (Local Development Plan) Regulations set out the sequence in which the Council's new LDP is to be prepared and provides detail on the content and procedure of each stage in the plan preparation process and independent examination.

3.0 Policy Context

Regional Policy Context

The key pieces of regional policy relating to this subject area include the following:

Programme for Government (PfG) 2024-2027 'Our Plan: Doing What Matters Most' (2025, Northern Ireland Executive)

The PfG 'Our Plan: Doing What Matters Most' outlines the NI Executive's priorities for making a real difference to people's lives across Northern Ireland. It is centred on three long-term Missions, People, Planet and Prosperity, underpinned by a commitment to Peace, aimed at delivering improved wellbeing, sustainability and a thriving economy.

- People: Supporting everyone at all stages of life to improve opportunities and enable success.
- Planet: Harnessing a green growth economy while ensuring a fair transition to a sustainable and decarbonised society.
- Prosperity: Improving economic productivity and ensuring an inclusive economy that works for all.

These Missions are supported by nine cross-cutting priorities, including growing a competitive and sustainable economy, delivering high-quality childcare, reducing health waiting times, ending violence against women and girls, supporting children with special educational needs, providing affordable housing, promoting safer communities, protecting the environment (including Lough Neagh), and reforming public services.

The PfG also includes a wide range of actions to deliver these priorities, such as multisector investment and reform, a Sub-Regional Economic Action Plan, development of a Climate Action Plan, the Climate Change Adaptation Programme, and implementation of the Lough Neagh Report and Action Plan.

Regional Development Strategy 2035 (RDS)

The Regional Development Strategy, 'Building a Better Future', is the Government's overarching spatial strategy for Northern Ireland up to 2035. The Strategy aims to take account of the economic ambitions and needs of the Region, and put in place spatial planning, transport and housing priorities that will support and enable the aspirations of the Region to be met. The RDS takes account of key driving forces such as population growth and movement, demographic change, the increasing number of households, transportation needs, economic changes, climate change and the spatial implications of divisions that still exist in our society.

The aims of the RDS include improving connectivity, protecting and enhancing the environment and supporting strong, sustainable growth for the benefit of all parts of Northern Ireland.

Strategic Planning Policy Statement 2nd Edition, 2025 (SPPS)

The SPPS sets out regional planning policies for securing the orderly and consistent development of land in Northern Ireland under the reformed two-tier planning system.

The SPSS sets out strategic planning policy for a wide range of planning matters, including the strategic context within which councils should bring forward detailed operational policies within LDPs. In doing so, the following five core planning principles should underpin delivery, within the context of furthering sustainable development.

- improving health and well-being;
- creating and enhancing shared space;
- supporting sustainable economic growth;
- supporting good design and positive place making; and
- preserving and improving the built and natural environment.

Under the SPSS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

The SPSS provides specific guidance for the use of Planning Agreements, Developer Contributions and Community Benefits paragraphs 5.66 - 5.71.

Planning Agreements

A planning agreement may be considered appropriate where what is required cannot be adequately addressed by the imposition of conditions and:

- is needed to enable the development to go ahead;
- will contribute to meeting the costs of providing necessary facilities in the near future;
- is otherwise so directly related to the proposed development and to the use of the land after its completion, that the development ought not to be permitted without it;
- is designed to secure an acceptable balance of uses;
- is designed to secure the implementation of development plan policies in respect of a particular area or type of development; or
- is intended to offset the loss of, or impact on, any amenity or resource present on the site prior to development.

A developer will be expected to pay for, or contribute to, the cost of infrastructure that would not have been necessary but for the development or which needs to be rescheduled to facilitate the development.

Developer Contributions and Community Benefits

Planning authorities can require developers to bear the costs of work required to facilitate their development proposals. Contributions may be required in a variety of circumstances including:

- where a proposed development requires the provision or improvement of infrastructural works over and above those programmed in a LDP;
- where earlier than planned implementation of a programmed scheme is required;
- where a proposed development is dependent upon the carrying out of works outside the site; and
- where archaeological investigation or mitigation is required.

Mechanisms to use in the delivery of developer contributions include planning agreements under Section 76 of the 2011 Act and under Article 122 of the Roads (Northern Ireland) Order 1993 in terms of infrastructure works.

The SPPS acknowledges that in some circumstances, community benefits may be offered voluntarily by developers to communities likely to be affected by a development. Community benefits can take a variety of forms including payments to the community; in-kind benefits; and shared ownership arrangements. Whilst the Department is committed to ensuring that local communities benefit from development schemes in their area, such community benefits cannot be considered material considerations in decision-taking and are distinct from developer contributions and planning conditions.

Planning Policy Statements (PPSs)

Planning Policy Statements (PPSs) set out the Department's policies on various aspects of land-use planning that apply across Northern Ireland. They must be taken into account when preparing development plans and are considered a material factor in determining individual planning applications and appeals.

Under the transitional arrangements outlined in the Strategic Planning Policy Statement (SPPS), councils will continue to apply the operational policies contained in the PPSs until their Plan Strategy has been formally adopted

The following PPSs are relevant to Developer Contributions:

- PPS2: Natural Heritage
- PPS3: Access, Movement and Parking
- PPS4: Planning and Economic Development
- PPS6: Planning, Archaeology and Built Heritage
- PPS7: Quality Residential Environments
- PPS8: Open Space, Sport and Outdoor Recreation
- PPS11: Planning and Waste Management
- PPS12: Housing in Settlements
- PPS13: Transportation and Land Use
- PPS15: Planning and Flood Risk
- PPS23: Enabling Development for the Conservation of Significant Places

Additional Guidance

Development Management Practice Note 21 (DMPN)- Section 76 Planning Agreements (DfI 2017)

DMPN 21 is designed to guide planning officers through the legislative requirements relating to the use of planning agreements (Section 76 of the Planning Act (Northern Ireland) 2011).

It sets out examples of when Planning Agreements may be considered including the removal of planning rights, comprehensive management of a site and the completion of specified works.

In order to make the agreement a matter of public record and ensure that all provisions are enforceable against successive owners of the site, planning agreements must be placed on the Planning Register as per Section 245 of the 2011 Act.

Relevant Consultations

Developer Contributions for Wastewater Infrastructure (March 2025)

In March 2025 the Department for Infrastructure (DfI) carried out a public consultation on Developer Contributions for Wastewater Infrastructure.

The consultation sought views on whether and how DfI should introduce developer contributions to help fund necessary improvements to wastewater infrastructure needed to 'unlock' housing development constraints and enable more homes to be built.

NI Water is currently precluded by law from accepting direct payments from developers for connections to the NI Water network for the provision of sewerage services in respect of a dwelling where the required improvement involves the upgrading of an existing NI Water asset. The consultation sought views on whether this position should change.

A consultation summary report, providing a high-level strategic analysis of the responses to the public consultation, was published in March 2026. The Department for Infrastructure will utilise this evidence to inform the next steps to be taken to progress its policy on developer contributions for wastewater infrastructure.

Other Strategies, Plans and Documents

UK Marine Policy Statement

The UK Marine Policy Statement (MPS) was published in September 2011 under the Marine Coastal Access Act 2009 and provides the policy framework for the marine planning system and taking decisions affecting the marine environment. The MPS provides the high-level policy context within which marine plans will be developed and 3 monitored and will ensure consistency in marine planning across the UK marine area. The MPS will contribute to the achievement of sustainable development in the United Kingdom marine area. Although the Borough does not directly connect to a coastline, waterways will have connectivity to marine areas, therefore the draft Plan Strategy has had regard to the MPS.

Draft Marine Plan for Northern Ireland

The draft Marine Plan for Northern Ireland has been prepared under the Marine and Coastal Access Act 2009 (MCAA) and the Marine Act (Northern Ireland) 2013 (The Marine Act) and within the framework of the UK Marine Policy Statement. Published in April 2018, it provides a framework of policies to be considered by public authorities taking decisions that affect or might affect the marine area. The Northern Ireland marine area is made up of an inshore and an offshore region. The marine area comprises all marine waters including seabed, subsoil, sea loughs and tidal rivers, so far as the tide flows at Mean High Water Spring Tide. Although the Borough does not directly connect to a coastline, waterways will have connectivity to marine areas, therefore the draft Marine Plan for NI has been taken into consideration in the preparation of the draft Plan Strategy

Everyone's Involved - Sustainable Development Strategy (2010, Northern Ireland Executive)

Everyone's Involved- Sustainable Development Strategy identifies six priority areas for action which provide the framework for the actions that Departments will take in support of sustainable development.

The Sustainable Development Strategy seeks to achieve 'an appropriate balance between the responsible use and protection of natural resources in support of a better quality of life and a better-quality environment.' It highlights that in all aspects of our lives, from development planning to waste management, that we must be aware of our environment as a finite resource and that we need to recognise the need to live within environmental limits,

acknowledging how our consumption of natural resources affects the ability of the natural environment to support us in the future

Developer Contributions for Affordable Housing in Northern Ireland (DSD, 2015)

‘Developer Contributions for Affordable Housing in Northern Ireland’ acknowledges that Northern Ireland is the only region in the United Kingdom that does not have a contribution scheme to provide affordable housing in mixed tenure development, delivered through the planning system.

The report makes several recommendations. Firstly, that targets and delivery mechanisms for a developer contribution scheme should be set locally as part of the Local Development Plan process. It recommends that regional policy should include a requirement that LDPs identify a local target for a developer contribution scheme which considers need and viability, amongst other considerations. It also highlights the need for flexibility to deal with individual schemes where viability is found to be an issue. It also recommends that thresholds for developer contributions are valid and should form part of a locally defined policy, and that the threshold can be reviewed once the development contribution scheme can be implemented.

Housing Supply Strategy 2024 – 2039 (2024, DfC)

The Vision of the Housing Supply Strategy seeks to ensure ‘Everybody has access to a good quality, affordable and sustainable home that is appropriate for their needs and is located within a thriving and inclusive community.’ It is centred upon the delivery of five key objectives including the creation of affordable options, prevention and intervention (including homelessness and housing stress), improving housing quality and low carbon housing.

The Housing Supply Strategy acknowledges that if its objectives are to be achieved, it is likely that a wider range of sources for financing will be needed including developer contributions.

Local Policy Context

The key pieces of local policy relating to this subject area include the following:

Existing Area Plans

The existing 4 statutory Area Plans covering the Borough provide the policy framework against which development proposals are considered.

- The Armagh Area Plan (AAP) 2004
- The Armagh Area Plan Alteration No 1: Countryside Proposals
- The Banbridge, Newry and Mourne Area Plan (BNMAP) 2015
- The Craigavon Area Plan (CAP) 2010
- The Dungannon and South Tyrone Area Plan (DSTAP) 2010

Due to the varying ages of the extant Area Plans, there are inconsistencies in approach with regards to a number of planning issues as well as the degree of emphasis in respect of the principles of sustainable development. However, the existing Plans are an important consideration in the LDP process, and as such have been considered in the development of the draft Plan Strategy.

Whilst the statutory plans do not include any specific policies in relation to this topic, the Banbridge Newry and Mourne Area Plan, Craigavon Area Plan and Dungannon and South Tyrone Area Plan highlight that, where appropriate, planning agreements under Article 40 of

the Planning (Northern Ireland) Order 1991² may be used to enable developers to proceed. They also urged developers to liaise early in the preparation of their proposals with the relevant Department, Agency or service provider.

Additionally, both the Craigavon Area Plan and Dungannon and South Tyrone Area Plan highlight that many development sites will require the improvement of existing infrastructure and/or the provision of additional supplementary infrastructural works to enable the development to take place e.g. transport infrastructure, water and sewerage or land drainage and acknowledge that it is government policy that developers (for both public and private sector developments) should bear the cost of works required to facilitate their development proposals.

The Craigavon Area Plan and Dungannon and South Tyrone Area Plan also specifically refer to the use of Article 40 Planning Agreements in order to secure protection and conservation of Sites of Local Nature Conservation Importance, including the provision of appropriate mitigation.

The SPPS's transitional arrangements provide for continuity until such times as a new LDP for the whole of the council area is adopted to ensure continuity in planning policy for taking planning decisions. All of the extant Plans will be superseded following the adoption of the new Local Development Plan.

The LDP provides an opportunity to streamline and make consistent the local policy approach in line with wider government policy, towards developer contributions.

Other Council Documents and Strategies

City / Town Centre Masterplans

Whilst the Area Plans provide the statutory planning framework for land use proposals, City / Town Centre Masterplans are non-statutory documents which focus on regeneration initiatives and public realm improvements in our town centres.

City / Town Centre Masterplans set out a vision for a particular City / Town Centre and identify key proposals for realising that vision over a set period. Prior to the publication of the Council's Place Plans, Armagh had a City Centre Masterplan in place, Banbridge Town Centre Masterplan 2016 set out the regeneration objectives for Banbridge and Dromore Town Centre Master Plan defined a vision of how Dromore town centre could be transformed 2015-30. The Masterplans informed the direction of the Place Plans and had been considered during the POP and early policy development but have since been superseded by Place Plans for each respective settlement.

The Craigavon, Lurgan and Portadown Place Plans are still in the development stage, with a draft document for public consultation anticipated in early 2027. Regeneration strategies for Craigavon, Portadown and Lurgan are contained within the Craigavon Integrated Development Framework (CIDF) until the publication of the respective Place Plans.

'Our People, Our Place, Our Future'- The Councils Corporate Plan 2023 – 2027

The Corporate Plan 2023-27 sets out the vision, values and priorities of the Council and represents its aspirations and dedication to continuous improvement. It is the roadmap for

² The ability of the planning system to secure developer contributions is long established and was previously included in Article 40 of the Planning (NI) Order 1991. Developer contributions are now secured through Section 76 of the Planning Act (Northern Ireland) 2011.

delivering Council's Community Plan 2017 – 2030 and sets out the Council's commitment to uphold the highest standards of service delivery, facilities, projects, and programmes for the benefit of our people, our place and our future.

The Vision of the Corporate Plan is to create “*a happy, healthy and connected community, a vibrant and sustainable economy and appealing places for living, working and learning*” aligning with the aspirations of the Community Plan.

The priority of the Corporate Plan is to improve economic, social and environmental well-being through place shaping in order to attract visitors, investors, and to encourage people to be active, with a focus on promoting health and wellbeing. The Council aims to improve participation in arts and culture and strengthen the Borough as a visitor destination as well as supporting the growth of our local economy, by securing investment in infrastructure and connectivity, and providing opportunities in skills development.

The Corporate Plan also acknowledges the LDP as the spatial outworking of the Corporate Plan in recognition that the implementation of the LDP is one way which the Council's ambitions can be achieved.

Connected: A Community Plan for Armagh City, Banbridge & Craigavon Borough 2017-2030

Councils across Northern Ireland have a statutory responsibility to participate and lead in Community Planning. The Local Government (Northern Ireland) Act 2014 and the Planning Act (Northern Ireland) 2011 create a statutory link between the Community Plan and the LDP. It outlines that the LDP will provide ‘the spatial expression of the Community Plan.’

The Council's Community Plan is an overarching strategy for the Armagh City, Banbridge and Craigavon Borough. ‘Connected’ was launched on 4th May 2017 and updated in 2025. It provides a strategic framework for collaborative working, helping to integrate other local and regional strategies and the delivery of positive change for communities.

The Community Plan will be taken into account throughout the preparation of the LDP, which will provide the spatial reflection of the Community Plan.

The Community Plan 2030 Vision is ‘We have a happy, healthy and connected community, a vibrant and sustainable economy and appealing places for living, working and learning.’

The Community Plan aims to achieve the vision through three strategic themes of *Community*, *Economy* and *Place* and nine shared outcomes, as follows:

1. *Community*: Connected | Healthy | Welcoming
2. *Economy*: Enterprising | Inclusive | Skilled
3. *Place*: Creative | Revitalised | Sustainable

The three cross-cutting themes at the centre of the Community Plan are: *Connectivity*, *Equality* and *Sustainability*. These form the foundation of and underpin the Plan. The Community Plan identifies strong strategic alignment, including with the Programme for Government.

Due to the close relationship between the two plans, the LDP Vision will be based on the Community Plan Vision; citizen focused and aspiring to improve the quality of life for everyone. However, within the LDP, emphasis will be placed on land use and the creation of quality places.

Recovery and Growth Framework (2021)

The ABC Recovery and Growth Framework was launched in February 2021 and focuses on how the Council can create the right social and economic conditions to help the borough recover from the covid pandemic and drive sustainable long-term growth for the region.

It sets out a series of aims which will meet the needs of companies within the borough, such as boosting tourism and footfall in towns, and delivering support to business of all sizes, as well as longer-term interventions which will boost efficiency and competitiveness.

The Framework emphasises the regional focus on driving economic investment for Northern Ireland around key sectors such as; agrifood, health and life sciences and advanced manufacturing, where the borough already excels and which, with support to improve skills, connectivity, and productivity, can become global exemplars.

It addresses the need for a specific focus on the case for investment in sustainable roads and rail infrastructure, for urban regeneration and rural development; for education and training to upskill the talent pool; for support of technological developments including Industry and investment in manufacturing research & development; and a commitment to driving regional competitiveness through the development of a start-up and innovative business ecosystem.

These targeted actions are aimed at accelerating the borough's recovery and set it on a path of renewed inclusive growth and prosperity.

4.0 Preferred Options Paper

The Council published its Preferred Options Paper (POP) in March 2018. The main purpose of the POP was to promote focused debate on key issues of strategic significance likely to influence the direction of future development within the Borough, so to inform the next stage in the LDP process, the Plan Strategy.

The POP outlined the vision and strategic objectives of the Plan, along with 38 Key Issues and the possible options available to address them, including the Council's Preferred Option. The Key Issues emerged from our evidence base; from engagement with Elected Members and Section 75 Groups; and from formal and informal consultation with Statutory Consultation Bodies. In order to inform the POP, a preliminary review of operational planning policy was also carried out, with a commitment to complete a more detailed policy review in advance of the Plan Strategy.

The POP did not cover every issue, policy and proposal that will be included in the LDP, instead focusing upon the main planning issues that had been identified through the work undertaken in developing the evidence base for the LDP, including consultation with statutory consultees and council officials, workshops with Elected Members and through the Community Plan process.

A total of 201 responses, from members of the public and statutory consultees, were received during the 9-week public consultation period, these included a wide range of comments in relation to the POP, supporting documents and the POP consultation process.

Key Issue

- Key Issue SOC 7 'Facilitating development through Developer Contributions'

This Key Issue and the preferred option to address it are discussed in further detail below.

Preferred Option

The preferred approach to SOC 7 was to provide strategic planning policy on developer contributions and identify sites where developer contributions would be appropriate in the Local Policies Plan.

Summary of POP Commitments in Respect of SOC 7

The POP detailed the following commitments in respect of SOC 7 'Facilitating development through Developer Contributions':

- The development of planning policy which would clarify the types and thresholds for which developer contributions would be required and the level of contribution.
- The identification of sites in the Local Policies Plan where developer contributions would be appropriate.

POP Representations in respect of the Preferred Approach to SOC 7

Of the 201 representations received, only 37 made comment in respect of Key Issue SOC 7 'Facilitating development through Developer Contributions'. Whilst 76% of the responses received were generally supportive of the preferred approach towards developer contributions,

16% were categorised as being unsupportive. Only 8% of the responses received were deemed to be unclear or non-committal.

A number of the responses offered suggestions regarding types of development / infrastructure developer contributions should be secured for, including infrastructural improvements, community facilities (POP ref 079), interpretation of the historic environment, archaeological investigation and mitigation (POP ref 80), active travel measures, maintenance of soft SuDS (POP ref 113) and road schemes (POP ref 98).

Some of the responses emphasised the importance of engagement, a number of which highlighted that the Council should work with infrastructure providers throughout the LDP process to help inform policy / guidance development and justify the level of contribution sought / ensure they are feasible (POP ref 102 & 113).

One of the responses (POP ref 111) cautioned against the application of developer contributions in respect of public sector developments where wider societal benefits are the driving force rather than profit. In such cases the respondent considered that the delivery for the greater economic good is community benefit in itself and that the imposition of additional cost may adversely affect and inhibit project deliverability. Another respondent (POP ref 174) suggested that Housing Associations should be exempt from providing developer contributions, as these are charitable and not for profit organisations.

The issue of viability was also raised in a number of responses, highlighting concerns that financial contributions could prejudice the overall feasibility of development proposals and as such acknowledging viability as an important factor to consider in the development of the policy / LDP approach towards developer contributions / planning agreements. One respondent suggested that viability of contributions should be assessed to ensure that viable sites are zoned for development and considered that to zone land without an understanding of the financial implications and requirements of open space, highway improvement and affordable housing etc. could undermine the deliverability of the site. (POP ref 112).

Whilst a number of the responses acknowledged that more detail on the nature, scope and thresholds of developer contributions would be welcomed / required in the plan, one of the respondents (POP ref 135) expressed concern that the use of thresholds to solely clarify when developer contributions are required, including the anticipated level of contribution and any exemptions if necessary, could result in situations where developments (under the threshold, and therefore not subject to the contribution requirement) could create deficiencies in or add to existing problems with regard to infrastructure needed to serve the development. Furthermore, the respondent considered that the use of thresholds could also potentially result or contribute to the intentional promotion of piecemeal development so as to avoid 'hitting the developer contribution threshold.' The respondent also highlighted that prices could vary substantially as a result of unexpected market forces and as such there could be situations where developer contributions do not meet the necessary costs.

Consideration of Preferred Option SOC 7A

Development Management Practice Note 21 'Section 76 Planning Agreements' (paragraph 6.1) states that the LDP should be the point at which consideration of the potential need for and use of planning agreements begins and as such recommends that planning authorities, in line with legislation and the SPPS, include policies on the use of planning agreements in their LDP.

As such, the Councils preferred approach towards Key Issue SOC 7 'Facilitating development through Developer Contributions' was to provide strategic planning policy on developer contributions and identify sites where developer contributions would be appropriate in the

Local Policies Plan. In accordance with Regulation 11 of the LDP Regulations³ the feedback submitted at POP stage in response to the preferred approach Key Issue SOC 7 has been carefully considered by the Council in advance of the preparation of the draft Plan Strategy. The Council notes the relatively high level of support for the preferred approach and welcomes the broad range of comments, suggestions and critique.

The Council acknowledges the range of suggestions regarding the types of development / infrastructure for which developer contributions should be secured. The Council considers that the types of infrastructure and works that may need to be addressed through developer contributions are not exhaustive. They may include costs/ contributions relating to the provision, maintenance and improvement of infrastructure, services and facilities or mitigation to offset environmental impacts of a proposal. The strategic planning policy and associated Justification and Amplification (J&A) will emphasise the variety of infrastructure / development for which developer contributions may be required and the circumstances in which they may be sought. However Supplementary Planning Guidance (SPG) / A Guidance Framework on planning agreements and developer contributions will be developed by the Council in the future which will explore this matter in more detail. Once adopted, this framework, alongside Development Management Practice Note 21: Section 76 Planning Agreements, will be a material consideration in the determination of relevant planning applications.

It is noted that several respondents highlighted the importance and value of engagement with infrastructure providers throughout the LDP process. It is agreed that engagement is an important and necessary element of policy and guidance development and as such the Council engaged with several Key Statutory Consultees in respect of the draft strategic planning policy, prior to publication of the dPS. Further engagement on the draft strategic policy will be carried out as part of the public consultation on the draft PS, which will be carried out in accordance with Regulations 15 and 16 of the LDP Regulations. Engagement with stakeholders will also be a key component in the preparation of the LPP, and in the development of SPG, during which the council will liaise with infrastructure providers, other local authority departments and consultees to undertake a robust assessment of infrastructure requirements, provision of services, the funding implications and timescales involved, from which the levels of provision can be discussed.

Whilst there was a high level of support for the preferred approach towards developer contributions the concerns / suggestions regarding the application of thresholds are also noted. Feedback included the inclusion of exemptions for certain types of development such as public sector developments, development proposals being under the threshold and resulting in infrastructural deficiencies / exacerbating existing infrastructural problems, intentional piecemeal development to avoid thresholds and the impact of fluctuating market forces on costs (leading to developer contributions not meeting the necessary costs).

The Council will consider such issues, and if / how they may be addressed, in more detail as the SPG is developed. Where it is appropriate and necessary to do so, the Council will seek to provide guidance on all relevant and important matters to ensure that the process is fair, transparent and not abused. In all instances, planning agreements will be directly related to the proposed development, with either a functional or geographical link, and related in scale and kind to the proposed development.

In specific regards to thresholds, the POP committed to bringing forward a planning policy which would clarify the types and thresholds for which developer contributions would be required and the level of contributions. However, following consideration of POP feedback the Council has reviewed its position towards the application of thresholds. Whilst the draft strategic policy will set out examples of the various types of infrastructure for which a developer would be expected to provide or contribute towards, the level of contributions will

³ Planning (Local Development Plan) Regulations (Northern Ireland) 2015

be related in scale to the development. As such a more fluid approach towards thresholds would help to ensure that the level of contributions are proportionate in terms of the scale and impact of the development. Rather than applying rigid thresholds, the SPG will provide indicative thresholds to offer some level of certainty for developers and other stakeholders involved in the development process at an early stage in regard to the levels of contributions that may be sought. The precise level of contributions will then be negotiated on a case-by-case basis, prior to being secured through Section 76 Planning Agreement. The SPG will seek to provide further clarity on this issue.

The Council also notes the feedback regarding viability and acknowledges concerns that developer contributions may prejudice the overall feasibility of development proposals. Whilst it must be highlighted that the ability of the planning system to secure developer contributions is long established⁴ and developer contributions have been previously negotiated within the Borough, the Council acknowledges that development proposals need to be viable in order to proceed. Whilst the SPG does not offer any direction in relation to the impact on / consideration of viability, it is important that negotiations take cognisance of viability and address it in an appropriate manner to ensure the proposed development is not prejudiced. The Council's SPG will further clarify how the issue of viability in respect of developer contributions will be considered.

Several of the POP responses referred to land use zoning, suggesting that the viability of contributions should be assessed to ensure that only viable sites are zoned for development and highlighting that zoning without an understanding of the likely level of contributions could undermine the deliverability of the site. Whilst the Council acknowledges such feedback, the LPP will be the point at which such matters will be considered. The LPP will be consistent with the adopted PS and will set out the Council's detailed policies and proposals (zonings and designations) regarding the future development of the Borough. It will detail settlement development limits, land use zonings and environmental designations as well as contain appropriate proposals for individual places. As such the LPP will identify sites where developer contributions would be appropriate, which will provide a high level of certainty for developers and other stakeholders involved in the development process at an early stage.

⁴ Provision was previously included in Article 40 of the Planning (NI) Order 1991; however developer contributions are now secured through Section 76 of the Planning Act (Northern Ireland) 2011.

5.0 Stakeholder Engagement

Internal Stakeholders

Planning Officers in Development Management and Enforcement Sections

Consultation was carried out with planning officers in the Planning Department's Development Management and Enforcement Sections as part of the policy review process; to establish any difficulties they experienced in the application of existing planning policies and to provide an opportunity to critique the draft policies. Officers' views were taken into consideration in finalising draft policies prior to being presented at Council Members workshops.

Other Council Departments

Representatives from relevant Council departments have been engaged to ensure that due account has been taken of Council's Community Plan, as well as other Council strategies and initiatives.

This engagement was undertaken by way of individual meetings with council departments, in particular the Community Plan Team to ensure account was taken of the Council's Community Plan.

A meeting also took place with a 'Project Management Team.' The Project Management Team was comprised of Officers from a range of council departments, including Community Plan, Tourism, Economic Development, Environmental Health and Environmental Services.

Elected Members

Section 8 (7a) of Part 2 (Local Development Plans) of the Planning Act (Northern Ireland) 2011 requires the Plan Strategy to be adopted by resolution of the Council. As such, Elected Members have been engaged throughout the LDP process, including the preparation of the draft dPS policies.

Engagement with the Elected Members has been facilitated through a series of workshops held between 2019 and 2026. That engagement included the draft developer contributions policy set out below:

- Policy DC1- Developer Contributions

No questions were raised or comments made by Elected Members in relation to the Draft Developer Contributions Policy.

External Stakeholders

Government departments and agencies

Section 8 (5) of Part 2 (Local Development Plans) of the Planning Act (Northern Ireland) 2011 requires the Plan Strategy to take account of the RDS, any policy and guidance issued by the Department and other relevant government strategies and plans. As such the Council has engaged key consultees representing relevant central government departments and agencies in the preparation of the draft Plan Strategy policies.

Cross Boundary Context and Consideration of Neighbouring Council Approaches

In developing draft-planning policies for developer contributions, consideration has also been given to the approaches of adjoining Councils.

The Borough adjoins the boundary of five neighbouring Council areas:

- Antrim and Newtownabbey Borough Council (by Lough Neagh);
- Newry Mourne and Down District Council;
- Mid Ulster District Council;
- Lisburn and Castlereagh City Council; and
- Monaghan County Council, in the Republic of Ireland.

The Preferred Options Papers (POPs), supporting evidence base and draft Plan Strategies / Plan Strategies (where they have been published) of adjoining Councils have been taken account of, in addition to regional guidance, to identify any cross-boundary issues / conflict.

Table 1 below outlines adjoining Councils position in regard to developer contributions.

Adjoining Council	Position
Antrim and Newtownabbey Borough Council	Antrim and Newtownabbey Borough Council (ANBC) published its Local Development Plan- draft Plan Strategy on 28 June 2019 for a four-week period of pre-consultation. A formal period of public consultation also ran from 26 July 2019 to 20 September 2019. The Draft Plan Strategy was submitted to DfI on 8th March 2021. The Planning Appeals Commission (PAC) have now completed their Independent Examination of Antrim and Newtownabbey Borough Councils Draft Plan Strategy, with hearings held during May and June 2022. ANBCs dPS strategic policy 1.13 – 1.17 ‘Delivering Sustainable Outcomes’ sets out the Councils approach towards developer contributions. It directs that developers will be expected to provide and meet the costs of infrastructure and other works required to facilitate and sustain their proposals and details a number of examples for which contributions are required. The strategic policy also states ANBC Council may require developers to agree a financial guarantee or bond to ensure that necessary works are undertaken to complete decommissioning, restoration, aftercare or mitigation measures etc in regard to specific developments, such as minerals workings or renewable energy schemes. In addition, the strategic policy states that the Council intends to bring forward supplementary planning guidance to explain

	how developer contributions will be implemented and the scale of contributions likely to be required. On 3 July 2025 ANBC adopted their Local Development Plan 2030 - Plan Strategy, in accordance with Section 12 of The Planning Act (Northern Ireland) 2011 and Regulation 24 of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015.
Newry, Mourne and Down District Council	Newry Mourne and Down District Council (NMDDC) published its Local Development Plan 2035 draft Plan Strategy in June 2025. The consultation period was carried out over a twelve-week period, from Friday 27 June 2025 to Monday 22 September 2025. NMDs draft Plan Strategy includes a Strategic Policy SP3 'Developer Contributions and Planning Agreements'. The policy sets out that all new development may be subject to developer contributions where proposals either individually or in combination result in a need for new, extended, or improved public services, community facilities and infrastructure or where mitigation is required.
Mid Ulster District Council	Mid Ulster District Council published its Local Development Plan 2030 – Draft Plan Strategy on 22nd February 2019, the Council re-consulted on its Draft Plan Strategy, which closed at 5pm on 24th September 2020. The draft Plan Strategy has now been submitted to the Department for Infrastructure on 28th May 2021. The dPS states that it is reasonable to expect that developers will contribute to the cost of provision of necessary facilities or infrastructure and/or set land aside for development and use by the local community Policy GP1 - General Principles Planning Policy, criteria (j), directs- in relation to Planning Gain and Developer Contributions - that in determining an application appropriate weight will be given to proposals and/or developer contributions which include a planning agreement, or which will provide local infrastructure, community facilities and other benefits which may be intended to offset the loss of, or impact on any amenity or resource. Additionally, the policy states that developer contribution offers of community benefits outside of a planning agreement will not be accorded any weight in the determination of a planning application.
Lisburn and Castlereagh City Council	Lisburn and Castlereagh City Council (LCCC) published its draft Plan Strategy for formal consultation on Friday 8th

	November 2019, and it was submitted to the Department for Infrastructure on 22nd March 2021. Independent examination of the dPS began on 28th March 2022 and the public hearing sessions completed in May 2022. In accordance with Section 12 of the Planning Act (Northern Ireland) 2011 and Regulation 24 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, LCCC adopted its Plan Strategy on 26th September 2023. Strategic Policy 07 'Section 76 Planning Agreements' directs that development will be required to deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale, impact of the development and the sustainability of its location. The policy also details a number of examples for which contributions are required, and the accompanying amplification text acknowledges that the Council will negotiate planning agreements on a site-by-site basis where these are necessary to make the development acceptable in planning terms. Additionally, it states that planning agreements will be directly related to the development and fairly and reasonably related in scale and kind to the development. On 26th September 2023 LCCC adopted their Local Development Plan 2030 - Plan Strategy, in accordance with Section 12 of The Planning Act (Northern Ireland) 2011 and Regulation 24 of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015.
Monaghan County Council	Monaghan County Council adopted its County Development Plan 2025 - 2031 on 26 May 2025. The Plan acknowledges that the development contribution scheme which is applicable to any development taking place within County Monaghan has the lowest rates nationally. The requirement for developer contributions are referred to throughout the Plan, including the transportation policies such as NRP 7 and LRP 3, and contributions towards mitigation works. Development Contribution Scheme Guidelines for Planning Authorities (DECLG, 2013) is one of the guidelines that was considered as part of the Plan preparation.

Table 1- Adjoining Councils Position – Developer Contributions

The Council has responded to the neighbouring Council Preferred Options Papers and Draft Plan Strategies, as they have been published.

Although there are some differences in the approaches / draft policy wording of adjoining Councils dPSs, it is not considered that there are any significant conflicts with Armagh City, Banbridge and Craigavon Councils Draft Plan Strategy insofar as it relates to developer contributions.

6.0 Draft Plan Strategy Policy Approach

As analysed above, the Council's draft developer contributions policy and relevant draft policy provisions within the suite of General Policies and Design and Placemaking Policies has evolved from a review of extant regional planning policies, other key policy and guidance documents, the POP, responses to the POP and a series of engagements with key stakeholders, including the following:

- Key statutory consultees.
- Elected Members of the Council.
- Officers from the Development Management section of the planning department; and
- Officers from other relevant departments of the Council.

In preparing the draft policies, the Council has taken account of a range of relevant matters, including the following:

- The RDS and SPPS (in particular paragraphs 5.66 - 5.71).
- The suite of relevant Planning Policy Statements, as set out in the Regional Policy Context, along with extant development plans within Armagh City, Banbridge & Craigavon Borough.
- The Council's Community Plan, ongoing council initiatives and the neighbouring council context.
- The adopted /draft Plan Strategies of neighbouring councils – the draft policies are not considered to conflict with any of those.

The draft policies have been subject to a Sustainability Appraisal (SA), the findings of which are set out in the accompanying SA Environmental Report.

In conclusion, the draft policies are founded on a robust evidence base which includes baseline information contained in this Technical Supplement, the POP, responses to the POP and subsequent engagement with consultees.

7.0 Soundness

The LDP has been prepared in accordance with the tests of soundness set out in the DfI's Development Plan Practice Note 6: Soundness (Version 2, May 2017). The draft Plan Strategy, insofar as it relates to the developer contributions policy, is considered to be sound, as it satisfies the relevant tests of soundness, as summarised in table 2 below:

Table 2: Consideration of Soundness

Procedural Tests	
P2	Policy DC1 Developer Contributions has evolved from the POP and has taken account of responses to the POP and the POP Consultation Report.
P3	Policy DC1 Developer Contributions has been subject to Sustainability Appraisal, including a Strategic Environmental Assessment. Further details are included in the Sustainability Appraisal Report.
Consistency Tests	
C1	Policy DC1 Developer Contributions has taken account of the RDS.
C2	Policy DC1 Developer Contributions has taken account of the Council's Community Plan.
C3	Policy DC1 Developer Contributions has taken account of existing planning policies as contained within the SPPS, in particular paragraphs 5.66 - 5.71.
C4	Policy DC1 Developer Contributions has taken account of the existing development plans within Armagh City, Banbridge and Craigavon Borough, ongoing Council initiatives and the neighbouring council context, including the Republic of Ireland.
Coherence and Effectiveness Tests	
CE1	Policy DC1 Developer Contributions has taken account of the emerging LDPs of our neighbouring Councils in Northern Ireland and neighbouring council in the Republic of Ireland (Monaghan County Council) and are not considered to be in conflict with those.
CE2	Policy DC1 Developer Contributions is founded on a robust evidence base which includes the baseline information contained in this technical supplement, the POP and responses to it and subsequent consultation with consultees, including DfI.
CE3	Ongoing monitoring of the Plan will determine whether the strategy and policies are being implemented effectively, remain appropriate and continue to support the Plan's objectives. Monitoring findings will inform the future review of the Plan and any necessary policy intervention.
CE4	Policy DC1 Developer Contributions will be reviewed at Plan Review stage. Where appropriate, the need for flexibility has been built into the strategic approach and draft policies to allow for changing circumstances. Local Policies Plan stage will provide further opportunity to review existing and introduce new local policies, provided this is underpinned by robust evidence base and is consistent with the adopted Plan Strategy.

INTERESTED IN DEVELOPMENT

in the Armagh City,
Banbridge and
Craigavon Borough

Please contact

ABC Planning Department - Local Development Plan Team
at Armagh City, Banbridge & Craigavon Borough Council

☎ 0300 0300 900

✉ ldp@armaghbanbridgecraigavon.gov.uk

🌐 armaghbanbridgecraigavon.gov.uk

📘 Find us on Facebook and Twitter