Planning Service has recently released a consultation paper detailing its proposals to reform the planning system in Northern Ireland. There is general acceptance of the need for planning reform and many of the proposals are welcomed, however there are several issues that cause concern. This paper identifies 11 areas that we believe need to be addressed.

The consultation period provides an opportunity to highlight the issues identified in this paper and to make further comment based on your personal experiences. Written submissions must be submitted to Planning Service by 2 October. Planning Service is also hosting a number of consultation events across Northern Ireland at which you can have your say. Further details are available at www.planningni.gov.uk.

This document has been produced by the organisations below to identify the key issues in planning reform and to encourage participation in the reform process.
1. Purpose of the Planning System (Page 20 of consultation document)

The current reform process offers an opportunity to provide a clear statement on the purpose of the planning system and guidance detailing how this purpose relates to the determination of planning applications. We believe that identifying a **clear statutory purpose, to deliver sustainable development**. This will provide greater certainty and consistency and will help refocus planning on delivering quality outcomes. Greater emphasis should be placed on the shift from a narrow view of land use planning towards **spatial planning principles** which can contribute to the delivery of sustainable and cohesive communities and avoid the cumulative impacts of inappropriate development.

2. Culture Change (p.146)

The consultation paper identifies the need for a ‘culture change’ in attitudes, behaviour and mindsets of all those involved in the planning process. However, **greater detail on how this culture change will be achieved, resourced and supported is required**.

A programme of education to enable individuals and groups to better understand the role and purpose of the planning system is necessary if a genuine culture change is to be achieved. We also believe that a planning forum or expert advisory group should be established to engage a range of sectors in the planning process. Governance arrangements which set out the roles, responsibilities and opportunities for joint working between the various stakeholders are essential. This should improve and clarify connections between regional, local and neighbourhood priorities.
3. Evidence Based Policy and Decision-Making (Consultation questions Q1 and Q2)

For planning to contribute to the achievement of sustainable development and place shaping it must adopt an integrated and evidence-based approach to policy and decision-making. The linkages between the Regional Development Strategy, the Local Development Plan process and Planning Policy Statements (PPSs) must be clearly established. The proposals to weaken Planning Policy Statements, to ‘policy advice which will be interpreted by the new Councils in Local Development Plans’, is very worrying. We believe that PPSs should be strengthened to ensure coherence with strategic planning objectives across Northern Ireland. Planning Service should communicate the evidence on which the policies have been formulated to help people better understand their purpose.

4. Effective Consultation (Q33-Q36, Q44 and Q80)

More effective participation by all stakeholders in the planning process is vital. However, with no Third Party Right of Appeal (TPRA), the system of ‘frontloaded’ consultation will be undermined. Clear regulations are required detailing the pre-application and other consultation processes and how these will be tested. This should include:

- Pre-application consultation as a statutory requirement for regional and major developments;
- Neighbour Notification as a statutory requirement;
- Introduction of site notices;
- Minimum duration periods for consultation;
- Good practice consultation techniques;
- Procedures for advertising the consultation;
- Procedures to evaluate the quality and effectiveness of the consultation and consultation report; and,
- Details on how the findings of the consultation will be reported back to participants.

We welcome the introduction of the power to decline to determine applications where the consultation has not been carried out as required.
5. Community Planning (p.41)

There is now a clear opportunity to examine the linkages between the landuse planning system and the forthcoming community planning process. The integration of landuse and community planning processes can help achieve more sustainable and cohesive communities. Linking the two processes should result in a more coherent approach to the identification of need and delivery of services; more responsive evidence based policy making; improved connections between regional, local and neighbourhood priorities and policy; and, reduced delay, uncertainty and unnecessary overlap. Furthermore, in a society emerging from conflict and which remains deeply segregated along economic, social and cultural lines it provides a platform to address complex issues of multiple deprivation, contested space and community cohesion.

6. The Right to be Heard in Person (Q13, Q59a and Q59b)

Proposals in the consultation paper remove the fundamental right to be heard in person at appeals and inquiries. It is essential that measures to deliver more proportionate decision-making do not diminish the rights of citizens and communities to access to the planning process. The need to address the volume of appeals or representations requires a managerial solution rather than the removal of rights. The number of appeals decided by formal or informal hearings have substantially reduced in the period from 2004-2008 and the PAC has been able to successfully manage this workload within its resources. The removal of this right will have a disproportionate impact on people who are disadvantaged through low levels of literacy. Currently, one in four people of working age in Northern Ireland performs at the lowest levels of literacy competence. There is no justification for removing the right to be heard in person.
7. Third Party Rights of Appeal (TPRA) (Q67 - Q69)

We believe a **limited third party right of appeal** should be introduced in Northern Ireland. The following points set out a case for TPRA:

- TPRA would make planning authorities as accountable for their approvals as they are for their refusals.
- A limited TPRA supports the principles behind reform in terms of building public confidence, transparency in the system and upholding the public interest.
- A limited TPRA would ensure developers conduct genuine participation and meaningful pre-application consultation; ensure local authorities conduct genuine and meaningful participation; and enable communities to feel that their comments would be given more weight in pre-application consultations.
- Developers, through their right of appeal, have the unfair advantage of having the opportunity to influence how policy is interpreted by establishing precedents. Consequently, this informs subsequent decision-making in favour of developers. The public having no TPRA, have no such opportunity.
- Evidence from An Bord Pleanála demonstrates that 46% (1917) of formally decided appeals in 2008 were by third parties only. Of these, 99.3% were wholly or partially changed: 39.5% (758) were refused planning permission and 59.8% (1146) were granted with revised conditions. This supports the need for and impact of TPRA and refutes claims that they are ‘frivolous’.
- Evidence from the Republic of Ireland shows that community representatives are those most likely to lodge a third party appeal. These groups are more representative of communities than developers who already have a right of appeal. Therefore TPRA upholds the public interest.
- TPRA features in almost every European planning system and much of Australasia.
- If there is greater front loading of participation TPRA would only be used as a last resort. However, as there is still a lack of clarity concerning the implementation of the front loading process there is still a case for a limited TPRA.

We believe that the TPRA should be limited to those people who originally objected to the application and to certain predetermined public interest groups. Fees and rules should also be applied to deter frivolous or vexatious appeals. This will enhance local democracy by increasing the direct accountability of planning authorities to citizens.
8. Statement of Community Involvement (p.44, Q6 and p.149)

The Planning Service should act speedily to implement existing legislation relating to the Statement of Community Involvement. District councils should have their Statements of Community Involvement in place before any consultation on the plan takes place. There is a need for clarity on how the statement will be tested to ensure quality and consistency. This should be supported by appropriate capacity building to enable meaningful public engagement. Consideration should also be given to the introduction of a statement detailing the impact and outcomes of community involvement so as to build public confidence and to improve the transparency of the process.

9. Enforcement and Retrospective Planning Applications (Q70-73)

We support the introduction of banded fees for retrospective planning applications of regional or major significance. We would welcome powers requiring developers to notify the planning authority when they commence development and complete agreed stages for applications of regional or major significance. We support the proposals to link retrospective planning applications and enforcement notice appeals to prevent the appeals process being abused through ‘twin tracking’.
10. Community Infrastructure Levy (Q74-79)

We welcome the initiation of a debate on a Community Infrastructure Levy and support the introduction of a levy rather than reliance on contributions from developers through Article 40 agreements. The debate needs to consider a number of issues such as: whether social or affordable housing will be included in the definition of infrastructure; whether a levy would be based on the value or size of the development area or the needs of the community; and which types of development a levy would be applied to. Furthermore, the Department should consider whether a percentage of funds from the Community Infrastructure Levy should be used to offset any cost of the TPRA.

11. Advice and Capacity Building (Q80)

As the new planning system is introduced there will be a need to keep community and voluntary groups informed of the changes. When responsibilities transfer to councils the role of local councillors as advocates will change – they will be taking decisions, subject to checks and balances and Ministerial call-in powers yet to be determined. Community groups will require help to prepare for changes and there will be a need to further develop independent planning advice in response to these structural and functional realignments.
Key Questions for Consultation Events

- Why has Planning Service not used Planning Reform to clearly identify sustainable development as the statutory purpose of planning?
- How will we recognise that a culture change has occurred?
- Will ‘new-style’ Planning Policy Statements lead to planning postcode lottery?
- Are you sure that fast planning decisions will deliver quality outcomes?
- How will Planning Service ensure that the consultation reports are representative of the communities’ views?
- How will local plans and the forthcoming community plans be linked?
- Why has a managerial issue resulted in the proposed removal of rights?
- Why do developers have rights which communities do not?
- How will statements of community involvement be tested?
- How can communities get the most value from Community Levies?
- How will capacity building be developed and resourced to ensure that a culture change is achieved in all stakeholder groups?