



Briefing 09/40 August 2009

# Reform of the Planning System in Northern Ireland: Consultation

This briefing paper outlines the key proposals highlighted in the 'Reform of the Planning System in Northern Ireland: Your chance to influence change' Consultation Paper.

To: All contacts in Northern Ireland

For information: All Contacts in Scotland, Wales and England

## Key Issues

Planning system to be reformed

System to be more effective and efficient

Planning to contribute to overall objective of economic development

## 1. Introduction

The Department of Environment in Northern Ireland has recently released a consultation paper outlining their proposals for reform of the Planning System in Northern Ireland. The proposals follow the decisions made in the Review of Public Administration (RPA), which emphasised the need for planning functions to move more towards local government. The restructuring of the planning system, that is set to be achieved through this reform, has not been on a scale this large for over thirty years in Northern Ireland.

Proposals for a new planning system are part of the objective of achieving the Executive's aim of "*sustainable economic growth*." This briefing paper outlines the key proposals for reforming the planning functions including; changes to the procedures for developing plans, a new development management system and also changes to the appeals system.

The full consultation document is available at

[http://www.planningni.gov.uk/index/news/news\\_consultation/consultation\\_paper\\_final\\_200709\\_2.pdf](http://www.planningni.gov.uk/index/news/news_consultation/consultation_paper_final_200709_2.pdf)

## **2. Aims and Objectives of the Reform**

Reform for a new planning system is vital in meeting the goals of the Executive to increase the economic growth of Northern Ireland. The present system has been reviewed as slow and expensive to run, with a method of decision making that lacks consistency. The goal of reforming the current procedures is to have a system that facilitates the economic and social development of Northern Ireland. In order to do this there is a focus on decentralising the planning service to the new eleven District Councils. This is to allow local authorities to have more of an input in the decision making process of the planning system in their area as they are more aware of the needs and issues concerning their communities. Also by giving more responsibility to local authorities it aims to make the process faster and more efficient.

Following the implementation of the RPA, local government will have responsibility for the majority of key planning functions, including:

- local development planning;
- development management (excluding regionally significant applications); and
- enforcement.

Central government will retain responsibility for:

- regional planning;
- planning policy;
- determination of regionally significant applications;
- legislation;
- oversight;
- guidance for councils;
- audit;
- governance; and
- performance management.

There are various objectives that the reform seeks to accomplish by developing the new planning system:

- Changes to the Planning Policy Statements so that they provide guidance to be adopted at a local level;

- new development plan system that functions in a two-tier hierarchy;
- efficient development management process to handle planning applications;
- engaging more with stakeholders and local communities in the planning process;
- improve the methods used to deal with appeals in order to make it more effective;
- to ensure that the new process endorses sustainable development of communities whilst also protecting the environment.

### **3. Planning Policy**

Currently the Planning Policy Statements (PPSs) give guidance and outline the procedures for regional level planning however it is in a great level of detail, which may be difficult to apply to local levels. The proposals set out in the consultation document state that the PPSs should provide “*strategic direction and regional policy advice*” and are used just as direction for local development plans. However local authorities must ensure they are still in align with the policies set out in the PPSs.

In order to achieve this the Department of Environment proposes that PPSs should be more concise documents focused at a regional level and therefore they can also be produced faster. The PPSs would therefore highlight the main issues of planning in the region and provide the strategic objectives that need to be addressed but give autonomy to the District Councils to make more detailed local decisions.

### **4. Development Plan and Development Management**

The new development plan system is proposed to operate in a two-tier structure that is between Central Government and the Local Authorities. Central Government will continue to be responsible for regional planning, whilst the District Councils will take over local planning. The idea behind giving the new councils accountability for the local planning system is to engage the local communities and stakeholders more in the process.

The two tier system allows for faster delivery of plans and means that development plans can be more adaptable to meeting changes in the area. To achieve these objectives the Department proposes having two separate documents to form the local development plan, which consists of the Plan Strategy and the Site Specific Policies and Proposal.

The Department explains the need for a development management system to make the planning system process more effective and efficient in order to meet economic and social development needs. The proposals are:

- a faster and more effective process to dealing with applications will be established
- a three tier hierarchy for planning applications which covers: regionally significant development, major development and local development proposals
- emphasis on involving the community and incorporating their views into developing plans
- development of a process for handling applications for minor development and extend the classification of minor development
- greater focus on protecting conservation areas and ensuring that new development is in accordance with the historical character of the area
- introduce new legislation which allows the Department to make non-material changes to planning permission

## **5. Appeals and Enforcement**

The Department also wish to reform the appeals system, shortening the length of time an appeal is allowed to be lodged from six months to two months. This is to ensure a faster and more responsive system for dealing with appeals. However this is likely to increase the number of appeals coming in, therefore it has also been proposed that a Local Member Review Body should be formed. This is to allow Local Authorities to deal with minor appeals and reduce the load from the national body; the Planning Appeals Commission (PAC).

The Department is reviewing the enforcement procedures for dealing with development that takes place without planning permission. There is consideration of increasing the penalty fees to act as an incentive to apply for permission.

## **6. Enabling Reform**

To enable reform there are various factors that need to be taken into consideration. The document states that there must be a change in culture, which partly requires a change in attitude among stakeholders. There is also a focus on enhancing capacity in terms of further developing the skills and competencies of staff and stakeholders to facilitate the reform of the planning system.

The Department has proposed to get expert advice on funding of the planning system and the fee structure. A separate consultation paper will be issued on funding. Quality of the new planning system is a key focus; therefore it is proposed that there should be a Central Government audit/inspection function.

Community engagement is noted as being at the core of the reforms and states that it is critical to ensuring integrity and confidence in the planning system.

## **7. APSE Consultation**

APSE will be sending a joint response to this consultation document on behalf of its members. We encourage all interested parties to send comments to be included in this response by 18 September 2009 by e-mail to [pbrennan@apse.org.uk](mailto:pbrennan@apse.org.uk)

The consultation period will run until 2 October, 2009.

## **8. APSE Comment**

APSE welcomes the move to transfer many elements of the planning service from central Government to the new councils as part of RPA. The Association realises there will be challenges as the transfer takes place and appreciates the difficulties of maintaining a service during transfer.

APSE understands the benefits of local councils developing local frameworks and plans based on detailed council knowledge of the local community. Clearly the impact of an effective planning system is significant on local economic development and it is appropriate that the local council is responsible for this in its role as 'place-shaper for the local area. As noted in the foreword, 'Local representatives will become the decision-makers on the majority of planning applications and will set the context for these decisions through their new local development plan functions'.

The consultation paper refers to ongoing improvements such as Electronic Planning Information for Citizens project and the Modernising Planning Processes programme which reiterate the fact that the service must be delivered through the changes that RPA and planning reform bring. The changes detailed in this paper are part of an ongoing process but it is important that councils ensure that they are focussing on the day to day delivery of the service as well as any changes taking place.

APSE is concerned that a lot of work will have to be completed prior to the transfer of functions in May 2011 including legislative changes and new policy preparation. Not only will current staff delivering the planning service have to incorporate the changes to the planning process into their work but they will also have to become familiar with the environment in local government and the relationships with new colleagues, councillors and other partner bodies.

APSE expects the relationship between the new councils and the remaining Planning Service will be a close one due to the fact that the staff will have

experience of working for the same organisation. APSE would call for the Department of the Environment to foster this relationship prior to and following transfer to ensure that the difficulties such as delays to processing applications do not develop.

The issue of community engagement is highlighted as critical to the process and APSE welcomes this. Community planning is a key feature in the development of RPA and it will be vital in ensuring that the new councils are effective and representative. Community engagement in the planning process must be made to work both to ensure the planning system is robust and so that it can be seen to contribute to wider community engagement.

**Phil Brennan**  
**Principal Advisor**