

Planning Reform in Northern Ireland

Independent Report to the Minister for the Environment

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Introduction

In November 2007, I was appointed to provide an independent opinion to the Minister of the Environment in the Northern Ireland Assembly Government on the medium to long-term measures that could be taken to reform the land use planning system in Northern Ireland.

The interest in reforming the land use planning system forms part of a wider political agenda – Programme for Government – which seeks to build a peaceful, fair and prosperous Northern Ireland. Importantly, the Programme for Government recognises the powerful interactions between enabling sustainable economic growth and development, promoting social and community cohesion and securing the enhancement of natural and cultural environments.

Land use planning offers an important means of achieving these political and social ambitions. It seeks to achieve the orderly development of land to meet the needs of Northern Ireland, to secure the strategic mediation of the different economic, social and environmental values and interests involved in land and property development, whilst serving as an efficient and effective governance mechanism in the wider public interest.

This report sets out my independent opinion on what medium to long-term reform measures could be taken to put into effect the intended and appropriate reform of the land use planning system in Northern Ireland. The report points to the importance of not viewing the reforms as isolated events which are detached from global economic and environmental agendas, the political and economic aspirations in Northern Ireland, and the quality of its regional environment. Furthermore, the processes of institutional change associated with the emerging Review of Public Administration which will lead to land use planning becoming a local authority responsibility are important in the longer term.

The reforms of the land use planning system in Northern Ireland are intended to achieve a more efficient system of development management and forward planning, to be more effective in delivering the expected outcomes in terms of development and seek to promote a rounded balance of economic development, social stability and environmental priorities. Reform seeks to promote a new respect for the spirit and purpose of the land use planning system in a modern Northern Ireland through an appropriate ‘collegiality’ by all those involved.

In short, a new land use planning system will facilitate the wider public interest in Northern Ireland in meeting its future needs and aspirations. More importantly, reform seeks to sustain an active engagement in a new land use planning system so that it can realise its role as a pivotal measure by which Northern Ireland can achieve its stated economic, political, social and environmental ambitions.

Preparation of the report

In preparing this Independent Report I have drawn on evidence from a number of sources. I was able to read a number of background papers prepared by the Department of Environment Planning Service, and reports published by other departments, such as the Department of Regional Development. I have read academic research reports and policy papers relating to the performance of land use planning, and studies of the potential for integrating regional spatial planning with local land use planning in Northern Ireland. I have drawn on the differential experiences associated with the modernisation of land use planning in England and Wales, Scotland and Ireland. This evidence suggests the importance of a robust strategic context to the land use planning system, and the case for land use planning reform rests on making those forward planning and regulatory arrangements as effective, efficient and as transparent as possible.

A principal concern with land use planning rests on its appropriateness in a rapidly changing and uncertain world. Importantly, however, the land use planning reforms being put into place elsewhere seek to reflect the specific conditions of each jurisdiction and build on their individual strengths. A greater sensitivity to space and place is considered important, and I have borne this consideration carefully in mind in the preparation of this report.

I have benefited from a series of very productive meetings with a range of senior and operational staff in the Department of the Environment Planning Service. This included staff at its Headquarters and Divisional Offices across Northern Ireland. This has given me a tremendous insight into the different land use planning and property development contexts that prevail. I have also been privileged by meetings with senior staff in the Department of Regional Development, Department of Social Development, the Planning Appeals Commission, Environment and Heritage Service, and the Roads Service. These provided important insights into the particular institutional responsibilities for land use planning at present, the ways in which the land use planning system currently works, and how the reforms must take such institutional circumstances into account. This critical understanding is important as a key objective for the reform of land use planning is that of seeking greater efficiency, effectiveness and consistency in decision making across Northern Ireland.

Importantly, I was also able to meet with key stakeholders in the different aspects of the land use planning system including representatives from the business and property development communities, environmental and community planning groups, and with local government. It became very clear from these preliminary meetings that there is an almost universal recognition of the importance of land use planning in a modern Northern Ireland. The role of land use planning is held to be an important means of delivering the desired economic, social and environmental changes for Northern Ireland.

Whilst there are a number of concerns expressed about the perceived inefficiencies and delays in current land use planning practices there is a marked enthusiasm to strengthen it and address its perceived weaknesses. The stakeholders asserted that there is a valid case for reform of the land use planning system in order to secure efficiency gains in its decision making, and provide greater consistency and certainty for all those involved in planning and development in Northern Ireland. This general view was expressed across the private and public sectors, and is evident at the regional and local scales of involvement.

Current land use planning in Northern Ireland.

The various meetings and discussions I have engaged in demonstrate the highly differentiated nature of current land use planning activities across Northern Ireland. First, there is considerable diversity in its sub-regional economic, social and environmental characteristics. Moreover, there is a differentiated pattern and geography of land and property development pressures. These features need to be taken explicitly into account in the land use planning reforms. It suggests the need for robust strategic planning to guide the public interest and to allow for the mediation of local circumstances.

Second, my discussions and observations reveal a fragmented set of existing economic development agendas, social and community regeneration ambitions and environmental priorities. This is reflected in the divisions between Ministerial portfolios, Departmental responsibilities, within Departments and across Departments, and in the 'arms length' relations between agencies that fall within the broad remit of land use planning. The responsibilities, for example, with respect to regional development, community regeneration and land use planning sit in different Departments. Across this inter-departmental spectrum policy and operational activities are not necessarily fully integrated. This not only applies to putting policy priorities into practical effect, but also in the processes associated with critical learning about new planning and development issues. This will be important in achieving the necessary culture change in land use planning reform. Agencies engage with land use planning at a distance, and discussions tend to be very formal and administrative in character.

The land use planning world and its relationship with regional planning, community regeneration and environmental management is changing very rapidly and there is a very strong case for promoting a greater collegiality of understanding of planning options to promote the public interest in Northern Ireland. In order to establish a modern land use planning system in Northern Ireland these institutional arrangements should be reviewed so as to achieve more efficient governance, a better fit between the strategic regional and sub-national levels of decision-making, and to establish greater consistency and certainty for all decision-makers concerned.

Land use planning reform must include creating a robust strategic planning framework which asserts what is understood as the public interest in the context of Northern Ireland as a whole, and thereby facilitate the positive articulation of local decision making by local authorities where economic, social and environment matters can be mediated in the localised public interest. Appropriate institutional working is an essential pre-requisite to implementing the new land use planning system within central government itself, and certainly is a requirement for deliberative action between central and local government where the execution of planning will take place. It will contribute also to the effective transfer of land use planning to local authorities in 2011. This would also promote better understandings with a diverse private sector and across the different localities of Northern Ireland.

Scope of land use planning reform in Northern Ireland

The nature and scope of the intended land use planning reform in Northern Ireland is ambitious. This is a result of the contextual ambitions associated with political agendas for achieving economic development, the implementation of the Review of Public Administration and its associated devolution of land use planning together with the extent of reforms themselves. In effect, these serve to create what may be considered to be a new land use planning system in Northern Ireland. This point alone suggests that what is being considered here in terms of land use planning reform goes beyond what has been attempted, for example, in England, Wales and Scotland. There the reforms seek to improve the efficiencies in decision making, effectiveness in delivery and to promote more active engagement in land use planning. Further, the reforms are able to build on a longer established local government experience with land use planning.

In Northern Ireland, however, the intended reforms to the land use planning system are primarily concerned to improve the efficiencies in its decision making, to secure greater effectiveness in the delivery of society and planning objectives, and to promote more active engagement by stake-holders in its various processes. These gains are paramount in devising a land use planning system appropriate to the needs of Northern Ireland, and will provide the foundations for the subsequent transfer of planning functions to local government.

A general criticism of the land use planning system in Northern Ireland is that it rests on its processes rather than its outcomes. First, this reflects the very distinct history of experience and anticipated rights to land and property development. This has contributed to what holds as a general understanding of the role of land use planning. What role does land use planning play? What does it seek to do? How does it operate? How can individuals become involved in its different processes? In short, the history of land use planning in

Northern Ireland has encouraged an assertion of private interests, and this has served to obscure an appreciation of what may be held to be planning for the wider public interest. This has tended to encourage a view that the principal purpose of the land use planning system is to inhibit private development aspirations.

There are practical aspects to this cultural fix. It manifests itself in a number of differentiated ways: the intense land and property development pressures in Belfast; the propensity to build single dwellings across rural areas of Northern Ireland; and the very defensive organisation against development proposals in suburban areas. This characteristic is important for a number of reasons. It has placed the land use planning system, including the Planning Appeals Commission, under undue administrative pressure, and any perceived delay or inefficiency then attracts further negative criticism of the land use planning system.

The established and inherited culture around land ownership has encouraged a tendency to patronage in the planning decision making process. This of itself introduces an unwarranted distortion of the efficiency and equity of the planning system which is seeking to mediate the public interest. Moreover, it can create even further negative views around what the land use planning system is seeking to deliver. The culture can create unhelpful signals in local land and property development markets which obscure the attempts by planners to anticipate future change in different localities.

The present land use planning system is both centralised and characterised by institutional and departmental fragmentation. This reflects the inherited form of government in Northern Ireland, and the specific relations between central government and local authorities. This is being addressed through the Review of Public Administration. The combination of centralised responsibilities and functions is compounded by perceptions of the roles of local councillors and the role of the independent quasi-judicial Planning Appeals Commission. Whilst the Commission may be seen as an important (and independent) appellant body offering a check and balance in the land use planning system, it is still viewed as part of the centralised apparatus of government and land use planning. Relating to a broader point concerning a lack of local understanding and engagement with land use planning there is a view that councillors' role is to counter the bureaucratic actions of the Planning Service – elected members simply act in an advocacy role – which may be asserting the right to develop or seeking to restrict a development proposal;

It is also held that a characteristic of the land use planning system is that it is subject to a democratic deficit and its procedures are complex. It is noted that representations to development plans and the associated inquiries are exposed to sectional land and property development interests. Indeed, it is felt that community interests and environment values are squeezed out of these cumbersome bureaucratic arrangements. This characteristic encapsulates the need for decision making procedures that necessitate appropriate

engagement – the reported ‘no shows’ at inquiries, the pressure of planning to produce decisions that can only be favourable to the protagonist all serve to erode the standing of the land use planning system and by extension what is held to be the public interest for Northern Ireland.

The reforms then need to address the specific management of the land use planning process. Linked to the above point, the land use planning process is seen as taking too long. As a consequence, community interests may not be sustained over time and this tends to result in a further erosion of the perceived legitimacy of, and confidence in, the land use planning system.

Finally, there are too many uncertainties for the land and property development sector. This reflects a broader criticism expressed across the board, although it is far more complex in nature. My attention was drawn to certain developers, for example, who approach the land use planning system well prepared and with the appropriate advice and resource. In such circumstances, this is then the efficiency of the planning decision making process. Using another argument the appropriate culture, in terms of a balance of rights and responsibilities is being demonstrated. In other instances, however, development applications are not sufficiently prepared and this introduces attendant delays into the decision making process. It is important to note that this is not the primary fault of the land use planning system but the manner in which it is being used. This also contributes to further delay and congestion in the planning process. Similarly, there is a case that delay and uncertainty can arise from the lack of an overall strategic planning framework for Northern Ireland. This would provide greater certainty both for the land and property development sector and the planning authorities. It returns to the notion of devising an appropriate understanding of Northern Ireland’s public interest.

Evidence from elsewhere

Throughout the UK there is a marked interest in seeking modernisation and reform of the individual land use planning systems. On the one hand, there is a general concern with the perceived inefficiencies in the decision making processes involved, the ineffectiveness of land use planning in delivering outcomes which are held to be appropriate to different localities, and the misunderstandings over the opportunities for engagement in the land use planning system.

It is not the intention here to document these in detail. There is considerable evidence that at present land use planning tends to create delays, uncertainties and costs for the land and property development sectors; it precipitates uncertainties and inconsistencies for the different stakeholders involved; it does not provide sufficient direction to land use and property development activities; it does not secure an appropriate balance to

social, economic and environmental values; and, as a consequence, it does not command sufficient support and confidence in its processes and outcomes. These are a number of generic points which can be identified and which vary according to regional and local circumstances and the stakeholders involved.

There is a common theme associated with these arguments. It reflects a much deeper attitude or understanding about the role of land use planning in a modern society. Generally, land use planning is not well understood by everyone and this leads to misconceptions and misrepresentations. The reasons for this are complex, yet it tends to lead to polarised debates about the role of land use planning. The intended role of land use planning in a modern Northern Ireland is a clear one. Land use planning serves to ensure that land and property development serves the expectations of various communities and takes place in an orderly and measured way. This suggests that there is a task to be carried out which promotes a broader understanding of this function and the important role that land use planning plays in ensuring the public interest in Northern Ireland is met.

In the UK, for example, reforms of land use planning have taken place and are still being implemented. The overall objectives have been to realise efficiency gains in the performance of the planning system, to improve its effectiveness in mediating interests and securing better outcomes in terms of land use and property development and in enabling deeper civil engagement in the various aspects of land use planning. It is not the intention here to document the detailed reforms being put into place elsewhere but to highlight some of the key elements which are of interest to Northern Ireland. These may be catalogued as follows:

First, there is evidence of new critical understanding of the role of land use planning in modern society. This is bound up in the view that the earlier land use planning system tended to be negative, serving as a regulator of land and property development and not being sufficiently supportive of new investment and development proposals. It was seen as holding up or delaying development. Today, there is a wider recognition that land use planning can serve as an important tool to deliver proposals across the public and private sectors. In short, land use planning is now seen as having an important positive role, whilst ensuring the appropriate mediation of the different economic, social and environmental considerations involved in individual cases. The recent Stern Review of Climate Change, for example, made explicit reference to land use planning playing a leading role in ensuring the necessary mitigation and adaptation to changing environmental conditions.

A related point concerns the provision of infrastructure for land and property development. This is a very complex area and represents a key role for the land use planning system. There is a recognition that infrastructure must be considered at a regional or strategic level as well as the local or site specific. In general, the links between

infrastructure provision and land use planning have become weaker over time, and strategic considerations have tended to be obscured by other matters. Now, however, there is a new recognition that both strategic and local infrastructure issues need to be re-united with the land use planning system. More importantly, perhaps, there is now a recognition that economic development agendas, for example, rely heavily on infrastructure capacity and provision and land use planning has a critical role to play in facilitating both strategic and local aspects.

Second, there has been a deliberate turn to enhancing a strategic planning dimension to inform local development planning and the regulation of land and property development proposals. This reflects wider debates about the need to address major issues such as infrastructure provision, key projects such as waste and transport which cut across local jurisdictions, and which link land use planning to other public policy sectors, including health and education. It is an acknowledgement that local land use planning does not take place in a vacuum, but needs to be located within a wider strategic context.

It is now recognised that regional spatial planning would contribute to a more efficient and effective land use planning system by establishing a strategic context for local decision making and the implementation of local authority priorities. In practical terms, for example, a regional spatial planning framework could map out the assert regionally significant infrastructure projects which represent Northern Ireland's public interest, and provide a platform on which local authorities can build their own local planning strategies.

The experience in Scotland, in particular, is instructive here. The introduction of the National Planning Framework forms the bedrock of its modernised land use planning system. Importantly, such an approach seeks to understand land and property development pressures across Scotland as a whole, and link these to underlying structural changes in economic development, demography and travel. It sets out the nature of this change in relation to the built environment, communities and settlements and to the natural environment. The National Planning Framework has now been given statutory force, is scrutinised in the Scottish Parliament and will provide a robust regional strategic planning context for local land use planning decision making. There are similar regional spatial planning arrangements in Wales, the Republic of Ireland and in the regions of England.

Third, there is a related importance of strategic guidance. Central government issues planning policy statements in various forms. These all serve a common purpose – to provide strategic policy guidance on key thematic issues. These tend to be cross-cutting over space, and may impact on different areas in different ways. The reforms elsewhere recognise that such strategic policy guidance plays an important role in providing that robust framework for local land use planning decision making. Significantly, as new environmental and economic

challenges emerge, the policy guidance can provide an effective and flexible response to ensuring appropriate land use planning practices.

Fourth, reforms elsewhere have recognised that whilst the basic architecture of the land use planning is generally sound, it can be reconfigured to achieve more effective and efficient governance arrangements. In the context of development management, for example, a number of changes can be put into effect to facilitate these objectives. Front loading, improved pre-application discussions between potential applicants and land use planners, high quality development applications, a robust 'plan led' and regional strategic planning context all facilitate quicker and more confident decision making.

Moreover, there is an interest in encouraging developers to engage with the local community in which proposals are to be considered so as to prepare the way for a more streamlined land use planning process. In the context of development planning, there is an interest in up-front public engagement so as to expedite the process of agreement around the plan content. These changes suggest a more efficient administration of land use planning.

There is a particular interest in devising a proportionate approach to decision making – by classifying developments into different decision making domains. Reference may be made here to Scotland. Its new planning hierarchy rests on a distinction between national, major, local and minor scales of developmental decision-making. This seeks to devise an appropriate proportionality in scales of development, their strategic impacts and contribution to national policy objectives, and the decision-making arrangements involved.

The purpose of the new planning hierarchy, then, is to help identify and classify developments so that they can be dealt with in the most appropriate way. The current statutory period for the determination of all planning applications, for example, is 2 months yet this uniform approach and timeframe have proven to be insensitive to the diversity of development proposals going through the system. This is held to have contributed to administrative delays, and to have reduced investor confidence. Particularly with respect to major business and industry proposals which take longer to process than the majority of householder applications.

Underlying the proportionate approach is the argument that larger, more complex developments generally require enhanced scrutiny and engagement when compared with local developments which raise relatively more minor issues. In tandem, the hierarchical framework is intended to provide a more proportionate and prioritised approach for handling planning applications. Thus, by extending permitted development rights, it is anticipated that the new planning system could be relieved from the need to process very minor developments. Across the hierarchy, speed, efficiency and proportionality are thus promoted

alongside greater democratic accountability, and greater clarity and certainty on timescales and procedures for decision-making.

At the present time, the thinking around the nature of the planning and development hierarchy is still evolving. Some details are available through consultation papers and statements. National developments, however, are those which would make a significant contribution to regional sustainable economic development; strengthen the region's links with the rest of the world; deliver strategic improvements in internal connectivity; make a significant contribution to the achievement of climate change, renewable energy or waste management targets; are essential elements of a programme of investment in national infrastructure; or raise strategic issues of more than regional importance. In effect, regional developments are major infrastructure projects, which contribute to the regional public interest.

Importantly identification of a particular project as a national development is a means of asserting the need for such developments. Where applications for national developments fall within the scope of the Planning Act there will be then be a new process for their determination. This will give Scottish Ministers the opportunity to intervene, where necessary, to expedite decisions. Significantly, however, planning (and other permissions as are considered appropriate) will be required to deal with the siting and design of the proposed developments. Designation (in the National Planning Framework) establishes the need for a particular project, and any subsequent examination or inquiry will not be concerned with the principle. Here, the scrutiny by the Scottish Parliament will be all important in ensuring democratic and political legitimacy for the physical articulation of the national public interest.

Applicants for major developments would be required to carry out pre-application consultation in advance of submitting the planning application. This clearly has a resource implication, yet is compatible with the vaunted culture change which has driven this planning reform, and the assertion of creating a planning system that is more inclusive and transparent. Major developments would benefit from the opportunity of developers entering a 'processing agreement' with a local planning authority. This innovation is intended to facilitate the better project management and prioritisation of planning applications, and brings with it a different set of resource implications. The processing agreement has been developed in recognition of the argument that major developments generally require more than 2 months to progress and are differentiated in nature and context. A processing agreement would involve the applicant and planning authority agreeing a realistic timetable for the planning application to be efficiently determined, informed by the views of statutory consultees. A default position of 4 months for the determination of major developments is proposed.

The under-lying principle of the planning hierarchy is that decisions on local matters should be made locally. The Consultation Paper (Draft Regulations on the Planning Hierarchy, 2007) proposes that for all aspects of decision-making on most local developments these should be devolved to local authorities. It is axiomatic, then, that local developments are those developments that are not defined as national or major. It is proposed that in devising their schemes of delegation, local planning authorities would retain the powers to delegate to officers a full range of planning decisions, whilst elected members would continue to deal with complex or controversial cases.

Finally, experience elsewhere suggest the need for a broader culture change with respect to the need for new rights and responsibilities in the land and property development process and the land use planning system. Reference to a culture change suggests that, over and above the legislative and procedural changes to the land use planning decision-making arrangements, there needs to be a change in the way in which society perceives and articulates the value and purpose of planning as a social activity.

In essence, without a raised awareness and shared understanding of the relevance of planning to modern society, the potential of a new land use planning system will be undermined. During my meetings with key stakeholders it is evident that the case for a cultural change was broadly embraced, and is seen as involving a change in attitudes, behaviours and mind-set extended across the board by all those involved in the land use planning system – be they, architects, planners, business, builders and developers, politicians, educators or citizens.

This is an important starting point. The weakness of the land use planning to date rests on a misunderstanding of its purpose, remit and operation; ineffective relationships between the various stakeholders in using the planning system to mediate, determine and deliver acceptable outcomes; and a perceived inequality of opportunity to influence the direction of change. The ability of the planning system to protect the environment or direct development has been subject to capture by specific interests.

An inadequate strategic context to local planning decision-making may result in particular interests asserting their claims in a way that is unhelpful to the planning procedures in place. It is important then that the objectives of the land use planning are as clear and as unambiguous as possible whilst providing strategic leadership and respecting local circumstances. The nature and degree of cultural change required will differ across stakeholders and organisations and take time to bed in. It will require appropriate resourcing. In educational and professional development terms, new skills and capacities are required. As significantly, however, business, builders and developers need to recognise the value of working with planning and not against it. Politicians and elected members need to debate planning for the longer term, and seek to resolve the trade-offs that are inevitably involved.

This suggests that the intended reform of land use planning in Northern Ireland involves a more fundamental change in engaging with planning than simply reconfiguring its administrative arrangements. This is an ambitious programme.

Reform of the land use planning system

The principal intention of the reform of the land use planning system is to improve its efficiency and effectiveness in meeting the needs of different communities and localities across Northern Ireland. These are general ambitions and are part of a wider concern with devising governance arrangements which are appropriate to the management of change. There are a number of more detailed objectives of the land use planning reform process.

These are: to secure improvements in the operation of the land use planning system so that it supports meeting the future economic and social needs of Northern Ireland; and, that it manages development in a sustainable way particularly with respect to large, complex or strategic development proposals. Reform is intended to create a land use planning system which is delivered at the appropriate level; and, which takes account of regionally significant, major, local or minor development applications across Northern Ireland. Importantly, the planning reforms are to streamline arrangements so as to improve the effectiveness, efficiency and quality of the outcomes of the land use planning system; and to allow for full civic engagement in its decision-making processes to ensure confidence in the system. The latter is a particularly important element in the reform of land use planning. The intended planning reforms are significant in three principal respects.

First, reform represents the deliberate transition from the existing land use planning system to new positive management arrangements. Current land use planning may be characterised as broadly negative or regulatory in character, epitomised by the term development control. This is perceived as inhibiting land and property development proposals. The modern articulation of land use planning, however, is concerned with the positive management of land and property development so as to meet the strategic policy ambitions for the well-being of Northern Ireland. Thus, for example, development control would be replaced with development management. This would be more than a simple change in nomenclature and would represent a new way of enabling appropriate land and property development to be achieved in Northern Ireland's public interest. As all stakeholders engage with land use planning in a positive way so development can be delivered to the appropriate standards and in a way that takes account of the various social, environmental and economic interest involved.

Second, land use planning reform is inextricably bound up with the ongoing Review of Public Administration which would create new local authorities, provide a new set of relationships between central and local governance, and involve the transfer of land use

planning responsibilities to the new local authorities. This would represent a shift from a centralised land use planning system to decentralised arrangements where land use planning (with respect to both the existing development planning and development control responsibilities) will be more firmly located within local communities and decision-making. In effect, Northern Ireland will be adopting a model of local planning and governance already established elsewhere in the UK and the Republic of Ireland.

Third, the new land use planning system will serve as an important local delivery mechanism for regional strategic planning implementation which seeks to represent and secure the wider public interest in Northern Ireland. Elsewhere in the UK and in the Republic of Ireland, changes are being made to land use planning arrangements to reinforce the strategic spatial planning dimension. Whilst these are taking different forms the generic purpose is to link broader political objectives relating to economic development, community regeneration, environmental management and sustainable development to the circumstances in local communities. This would be achieved through an efficient, effective and transparent administration of land use planning.

Here, it is important to assert that a regional spatial planning framework would provide a context for local authority decision making so as to secure greater consistency across Northern Ireland as whole. Regional strategic planning would provide an important role in interpreting the broader high level policy objectives into spatial planning action. It would articulate a practical overview of the implementation of the Regional Strategy and its constituent regional spatial development strategy, and set out practical steps to secure its implementation in space and places of providing a strategic framework in which local planning processes can act in a consistent manner. Regional strategic planning would provide practical guidance for public sector investment tailored around specified regional infrastructure investment ambitions and intentions, provide a clear indication of public sector support for this regional public interest and, importantly, promote public and private sector collaboration and to explain the nature of any strategic trade-offs that might be involved. In practical terms, regional strategic planning would provide the practical context to development planning by local authorities and to inform development management and establish a longer term action plan for infrastructure investment and provision.

Suggested medium and longer term reforms in Northern Ireland

Drawing on the evidence available, discussions with key stakeholders and experience elsewhere in devising appropriate modern land use planning for the modern world suggests a number of ways forward for Northern Ireland. My thinking is driven by the case for securing greater consistency and confidence in the land use planning system. It seeks to secure efficiency gains through front-loading the system across the board – and

that of greater effectiveness by raising standards, creating appropriate dialogues and executing robust enforcement of land and property development in the public interest.

The proposed reforms rest on the creation of a planning hierarchy in Northern Ireland. Devising a hierarchy would involve a stronger, more strategic regional planning framework within which the autonomy and discretion of local authority land use planning can be discharged. This would seek to allow appropriate economic development, community and environmental interests to be accommodated through a cascade effect. It seeks to assert a Northern Ireland wide public interest whilst allowing for the local mediation of environmental, social and economic matters. It seeks to allow for an appropriate balance of regional and local perspectives on agendas for economic growth, land and property development, environmental management and sustainable development. In this way, strategic regional and local planning considerations would be integrated to achieve consistency and confidence in the system.

A planning hierarchy would provide a proportionate framework for development planning and development management. This would allow for a more effective allocation of the planning resource to different categories of land and property development proposals. It would allow for the regional and major development proposals to be dealt with appropriately, whilst minor and local proposals could be processed more expeditiously. This would allow efficiency gains to be achieved, and would promote the overall effectiveness of the new land use planning system. It would rest on front-loading of stakeholder engagement in both the preparation of development plans, and in the processes of development management. It is important that all involved in the new land use planning system work to achieve efficiency in the decision making arrangements.

There are four aspects of the proposed direction of reform.

1. A new land use planning hierarchy

Land use planning does not operate in a vacuum. A criticism of the current land use planning system, for example, is that it is not sufficiently connected to the political and economic ambitions for Northern Ireland. Here it is important that land use planning acts as a delivery vehicle for the politically agreed priorities which essentially assert and reflect Northern Ireland's public interest. The Programme for Government must therefore be the starting point which informs the spirit and purpose of the new land use planning system. Its emphasis on economic development priorities with social and environmental well-being establishes an important direction for land use planning. Across Northern Ireland, the Programme for Government sets out what is understood as the public interest. There is a clear need for such priorities to be asserted in the context of the land use planning system,

and the wider political frame should provide a clear steer where different interests need to be mediated in different localities across Northern Ireland.

In this new political and policy context, land use planning must provide a positive framework to expedite the wider public interest in practical terms in Northern Ireland. Moreover, this must be achieved through more efficient decision making and effective outcomes whilst ensuring appropriate engagement and debate, and with reference to existing and emerging social needs and environmental designations. To achieve this new role, the land use planning must be configured around a new strategic framework which provides for greater certainty and consistency for all those involved in the land use planning system, and which clearly links to the regional and local interests involved.

Thus, there is a case for a robust and confident Regional Strategy. This would provide a high level integration of the political ambitions and priorities for economic development, sustainable development, environmental management and community cohesion. This would be more than a simple catalogue of those concerns, but would seek to demonstrate the potential trade-offs and weightings which would be necessary in Northern Ireland's overall regional public interest. It would show clearly what the different institutional responsibilities were, and point to the joint working and integrated activities required to facilitate that regional public interest. This would set the context for the operational activities of the land use planning system.

A new regional strategy should be able to adapt to the changing global and international circumstances in which it operates, embrace a wider, higher level connectivity between different public policy areas and institutional capacities, and seek to mediate between them so as to provide guidance for decision makers on the ground. A new Regional Strategy would map out a broad spatial development strategy for Northern Ireland providing broad brush indicative planning for the management of economic, social and environmental change. This would articulate the broad areas for investment and development to meet Northern Ireland economic development ambitions.

A Regional Strategy needs to set out a robust Regional Spatial Planning agenda. This would translate the Regional Strategy into strategic action plans which will inform the preparation of local development plans by local authorities. It would inform the development management decision making at the local level so that individual development proposals are not assessed in isolation from a critical understanding of what is taking place elsewhere. Significantly, and crucially, Regional Spatial Planning would assert regionally significant infrastructure projects which are important to Northern Ireland. These would seek to articulate the Regional Strategy into effective action agendas. This hierarchy would provide a regional strategic framework within which local authorities would set out their local planning and development aspirations. The test of the Regional Strategy and the Regional Spatial

Planning arrangements is that of regional significance. Such infrastructure projects would take forward the overall map of Northern Ireland's sustainable economic development within the strategic priorities for social and environmental well-being. This framework envisages a strategic cascade for positive land use planning in Northern Ireland.

The emphasis on regional strategic thinking is important in promoting the expected efficiency and effectiveness outcomes, and in securing greater consistency and certainty for Northern Ireland's well-being. The regional institutional capacity would be further enhanced by two further elements: Strategic Projects and Strategic Planning Policy Statements. Both of these currently exist and would form part of the strategic planning framework for Northern Ireland.

An important innovation in Northern Ireland's prevailing land use planning system is the establishing of the Strategic Projects Group in the Department of the Environment planning Service. This is to be applauded as it represents an important way of ensuring effective implementation of key infrastructure and development projects which are of regional strategic importance and providing for the handling of an individual land and property development proposal which raises regionally important matters. This would provide an important support to the new local planning authorities, and create consistency around the management of regionally strategic developments. Such institutional capacity asserts the importance of strategic thinking and priorities in the new land use planning system.

A critical element of the existing land use planning system is the catalogue of Planning Policy Statements. These are an essential element of a modern land use planning system. Experience elsewhere in the UK reveals how effective such strategic policy guidance can be in responding to new land use planning issues, in responding to changing circumstances by revising priorities, and in supporting decision making with respect to development proposals.

It is proposed that the Planning Policy Statements include statements of best practice to guide local planning authorities in the translation of the strategic priorities into effect. It is also recommended that the Statements set out the evidence on which the policy has been formulated and prioritised. This would promote a better understanding of what the strategic land use planning is seeking to achieve. It is imperative therefore that the Planning Policy Statements retain their role in the reformed land use planning system, and indeed, are strengthened to provide the robustness for local authority planning activities..

Local authorities will assume responsibility for the preparation of development plans. This is the critical articulation of the local public interest, and will be informed and supported by the regional strategic planning arrangements noted above. The preparation of the new local development plans will be informed by the existing statutory development plan

documents, and go on to represent the interests of the new local jurisdiction. It is important that the new local development plans offer short, concise statements of the local public interest. Their purpose is to guide the decision making for land and property development proposals. They will benefit from the robust regional planning and policy framework established at central government level, and to which they will have contributed with respect to their own identities.

The new local development plans will need to provide a clear statement of intent for the localities which they serve. The tendency to providing over-detailed and lengthy documents must be resisted. New formats of development planning could be explored. A development plan, for example, could comprise a strategic statement of the planning and development objectives for the area in question, based on a clear understanding of links to other local authority policies, infrastructure capacity, and the weighting of social, environment and economic development priorities appropriate to local circumstances. The strategic statement would include the policies appropriate for the locality, and indicate broad intentions for presumptions in favour and against development which are held to represent the local public interest.

Complementary elements of the development plan might include master planning for those areas where change, investment and development is to be encouraged, and the preparation of supplementary planning guidance for the development plan to address planning and development issues across the local authority jurisdiction. This is an opportunity to devise new forms of development planning which are 'fleet of foot' in setting out the anticipated development morphology for an area, and which can respond to changing circumstances as required. The purpose of the local development plan is to provide strategic leadership and indicative guidance so as to inform the development management responsibilities of the local authority.

Development management then provides the execution of the new land use planning hierarchy. Its purpose would be to provide the positive arrangements to facilitate appropriate decision making in the local public interest, informed by the regional public interest, the development plan and other material considerations. Development management would seek to deliver the intended efficiency, effectiveness and civil engagement objectives of the reforms. This would be better achieved through a proportionate approach to development management, which categorises land and property development proposals into an appropriate decision making framework. This would distinguish between regionally significant, major, and local scales of development proposal and trigger appropriate decision-making arrangements

Each category of land and property development proposal would be dealt with appropriately so as to address their particular implications, scale and complexities for the

local public interest. By explicitly acknowledging the differentiated impacts of scale and complexity and targeting the land use planning resource accordingly, then greater efficiencies would follow. Different arrangements for pre-application discussions, key consultations decision-making, and appeal would prevail at each level.

At the regional level, a specific development proposal would be of strategic significance for Northern Ireland as a whole. This would follow the current provisions set out under Article 31. The developer would be expected to engage with regional interests and local communities early in the development application process. Key consultees would be included in a team approach within the Department of the Environment. In light of the strategic significance of such strategic land and property development proposals, there could be the possible option of a public inquiry by the Planning Appeals Commission. The report would go to the Department of the Environment.

At the major level, for example, pre-application discussions may involve a development agreement between the developer and planning authority over the time period for a decision. The developer would be expected to engage with local communities early in the process to explain the development proposal, and address issues and representations with respect to the local public interest. Key consultees would be included in a team approach to development management in ensuring that all the likely implications of the development proposal are taken into account. Given the likely complexity of such development proposals the appeal route may be through the traditional Planning Appeals Commission.

At the local category of development proposal developers would be encouraged through best practice to have local engagement with communities to explain and discuss the nature of the development scheme. Councils would be encouraged to delegate decisions on non-contentious proposals to officers. More contentious applications would go to planning committee, and in the future there may be scope to consider whether appeals against decisions might be dealt with by a local review boards rather than the Planning Appeals Commission. Within this category for very minor applications the extension of permitted development rights would divert applications from the development management process should be considered so as to secure a proportionate approach to decision making.

The emphasis on strategic thinking and proportionate planning would provide a more streamlined land use planning system with the regional and local public interests being brought together into a coherent framework. The three components of the regional strategic planning framework would ensure greater consistency and fluency with the higher level public policy community and allow this to be translated in a more certain way into practical action at the local levels. Regional spatial planning in this way provides a context within which local authorities can then determine their own priorities within their own

circumstances. Importantly, this approach would seek to facilitate the appropriate balance of regional strategic policy priorities with local autonomy and responsibility.

2. New land use planning processes

Here the emphasis would be on 'front loading' the system. This approach would make the Northern Ireland arrangements similar in thinking to the Scottish model which seeks to achieve efficiency gains by early discussion, engagement and agreement. The position in the Republic of Ireland is very different, and its arrangements favour engagement on a relatively more reactive basis which takes place later in the equivalent regulatory process. The proposed reform of land use planning in Northern Ireland is seeking to devise a positive set of arrangements to promote efficiency early in the decision making process.

It is important that all intending householders and developers engage with the planning system as early as possible. At the local level, a greater understanding of land and property development agendas, relations between builders and developers and land use planners, the nature of conflicts and the infrastructure capacity could be better achieved by establishing local forums made of the appropriate interests. These could provide a very useful sounding board to explain particular issues and concerns, and would defuse polarised debates and stand-offs which may take place from time to time. Such discussion groups would provide valuable intelligence to the land use planning system about the broad intentions of developers, and encourage the latter to engage more directly with the communities in which they are and intended to be active.

At all levels of the proportionate planning system there is a clear role for pre-application discussions, at the very minor level this could simply be between the developer and neighbours. Certainly for the major land and property development proposals these would be an essential part of the new land use planning system. Yet, smaller householder development proposals would benefit from earlier engagement with the planning system this would promote a better understanding of what is required in a positive development management regime. Improved understanding of what is required by prospective applicants should be accompanied by higher quality applications so that their validity allows them to proceed more efficiently through the system. This makes the very important point that land use planning reform is not simply about changes to the planning system. It is about changed attitudes and behaviours by all concerned – at whatever level in the proposed planning hierarchy. I return to this point below with respect to cultures and capacities in the land use planning system.

Public engagement in the processes of development planning and development management is an essential part of the process of change. Reference has been made to the front-loading of involvement by developers and householders. This should apply to the

preparation of development plans. It is suggested that new ways of promoting engagement go alongside the new land use planning system. There is a tendency to promote development plans, for example, in a relatively passive way. More attention should be made to championing the importance of such local statutory documents and precipitating courteous and informed debates about the future well-being of localities and communities. There should be more attention paid to explanation and debate. More often than not, polarised opposition to proposals whether in plans or individual development applications arise because of a lack of understanding of what is being considered.

In this context, the importance of a culture change to enable the land use planning reforms to take place is critical.

3. Changing rights and responsibilities in land use planning

If land use planning is to be considered important as a delivery mechanism for promoting the public interest in Northern Ireland, and if the reforms and the transfer of responsibilities are to be treated seriously and with respect for the idea of a broader public interest, then an active engagement with culture change is required. This will involve necessary changes in the rights and responsibilities associated with land, environment and the public interest which will be required in facilitating the reforms and in enabling a new land use planning system to operate. There has also to be an active acknowledgement of the capacity issues associated with the implementation of the transfer of local land use planning functions to local authorities.

In Scotland, reference to culture change has been linked to the idea of realising potential in planning and is the subject of a more deliberate campaign of awareness raising and discussion about the new roles to be played by all those involved in planning and development. This is an important pre-requisite for the land use planning reforms, and subsequently their implementation.

It is recommended that considerable energy be devoted to promoting the idea of land use planning reform. This will take place through the conventional consultation processes. Yet, it needs to be addressed on a much wider canvas. First, there needs to be a widely case programme of education about the role and purpose of land use planning at large. There needs to be a societal recognition that the land use planning system is a force for good, and for achieving the overall well-being of Northern Ireland. There needs to be a deeper appreciation by civil society of what land use planning seeks to do.

This should then prepare individuals, builders, developers or households, as well as the various environmental and social interests involved of the difficult trade-offs that are involved in managing development in the wider public interest. There needs to be a real appreciation of the complexities involved, and that land use planning sometimes encourages

development and sometimes discourages development. The reference point is the perceived public interest – whether at the regional, local or site-specific levels. A programme of education and understanding of land use planning is a necessary starting point for the reforms.

4. Capacities in implementing planning reform

Capacity issues across all stakeholders and the promotion of a better understanding of the spirit and purpose of land use planning. There is a real issue around capacity in the land use planning system. There are a number of aspects to this as was pointed out by several stakeholders. Capacity concerns relate to the ability of the land use planning system to deliver the requirements around regional spatial planning, development plan preparation and development management. At a generic level, this rests on the resource required to put the land use planning reforms into effect.

There is a need to take into account from the outset, the issues associated with implementation of the land use planning reforms. On the one hand, there will be a transitional phase which must allow for a number of contingencies including the introduction of the Review of Public Administration, the promotion of local government learning and involvement, and active engagement by the public at large and by stakeholders in land and property development activities, and in the new devolved planning communities. In the latter context, for example, there will be a learning process as the existing relations between development management and development planning are reconfigured. This confirms the need for a strong strategic context to guide local authority land use planning.

There needs to be a strong vertical integration between the regional economic, social and environmental objectives for Northern Ireland, the associated regional spatial planning priorities around infrastructure projects and thematic policy guidelines and local development planning. There needs to be robust horizontal integration between the strategic and local planning processes and the decision making associated with development management, infrastructure provision and enforcement in specific localities.

The period of transition needs to be taken into account. Many aspects of the planning reform process can be put into effect as good practice and can be promoted across the new land use planning system. Reference to pre-application discussions is a case in point, and would contribute to streamlined decision making. Proportionate arrangements by categories of development which attract appropriate time and energy is another approach that can promote advances in the short term. Others, however, such as those relating to strategic or spatial planning agendas, the new development plans and the development management arrangements will need to be phased in so as to ensure their efficient and effective fit. Care

would need to be taken to avoid a radical change in planning structures leading to protracted or uncertain decision making.

At a more specific level, it includes issues relating to the management of the land use planning system, links to planning schools in Northern Ireland and elsewhere to ensure a sustainable supply of graduate planners, Continuing Professional Development and training for the ongoing skill enhancement of elected members planning offers and their continuing engagement with best practice promoted by central government or local planning authorities. These are related to the broader proposals for championing the new land use planning through media debates, education and political leadership.

Evidence from Divisional Planning Offices and the Strategic Projects Group in the Planning Service demonstrates convincingly the advantages to be gained from creating teams to manage the land use planning system. These provide for mutual support and learning, and can offer opportunities for inter-departmental working in the administration of planning. Planning teams would also encourage mentoring and professional development of younger planners and promote greater confidence in their professional working. This would complement a necessary programme of ongoing training and continuing professional development so as to enhance the capacity of local planning departments.

The supply of new planners needs to be considered as part of the overall reform of land use planning. It is important, for example, and as a first step, that material dialogues take place with the planning schools in Northern Ireland (Queen's University Belfast and the University of Ulster). Discussions should take place around the promotion of land use planning as a career to attract young people, and to encourage a better understanding of the opportunities afforded graduates by the new land use planning system across Northern Ireland.

Conclusions

In general, it is widely recognised that the land use planning system has served its purpose well. It has ensured that, by and large, land and property development has taken place in an orderly and appropriate manner. Appropriate allocation of residential, retailing, commercial and industrial land has taken place. Attention has been paid to standards of siting, design and layouts of proposed developments. At the same time, the land use planning has attempted to provide opportunities for civil engagement and participation in its decision making processes. The safeguarding of environmental and natural heritage forms an integral part of the land use planning system. It seeks to mediate the various interests involved. The worst excesses of unregulated land and property development or unmanaged economic or urban growth have been avoided. Valuable natural and built environments have been protected and managed in the public interest.

Yet, as the pace and complexities of change and development have increased so the land use planning requires modernisation to ensure that it can continue to discharge its statutory responsibilities and meet the expectations of different communities. It is important to acknowledge that the broad context within which land use planning operates has changed dramatically.

There are now emergent views and political priorities concerning economic development, the environmental issues associated with climate change and sustainable development, social and community concerns regarding infrastructure provision and the provision of affordable housing. In short, the agendas that the land use planning system faces have been transformed in recent times. A complicating factor is that none of these issues stand alone – thus sustainable development and climate change are as much an economic and social justice matter as being simply environmental in nature. The challenge for society as a whole and for land use planning in particular is how to reconcile these very complex and layered questions.

The outcome of the Review of Public Administration is critical to the execution of the planning reform agenda as it will create a new institutional framework for the devolution of land use planning to local authorities. Moreover, it will create a new set of working relations between and within the Northern Ireland Assembly Government, its different Departments, local authorities and the operation of land use planning decision making on the ground. Here then particular attention needs to be paid to the intended implementation of the Review of Public Administration and how this maps to the preparation of the new local development plans and the associated development management functions. These are inextricably interlinked. These also require a new understanding of the spirit and purpose of land use planning in seeking to secure and reflect the public interest in Northern Ireland.

This deliberate shift in thinking will have to take place at a number of scales, in different land and property development, community, environment and economic development sectors, and by different stakeholders or advocates with respect to promoting or resisting development proposals. New strategic relations will be required so that the Northern Ireland public interest is asserted alongside more local considerations.

It is important to reflect that the arguments for reform of the land use planning are not confined to Northern Ireland. Elsewhere in the UK, and perhaps accentuated by devolution, considerable energy is being expended on seeking to reform and modernise different aspect of land use planning. In general terms, the justification for such reforms are broadly the same, and there are lessons to be drawn from the different experiences, yet any reform in Northern Ireland has to explicitly take account of its very particular characteristics.

Whilst many key stakeholders recognise that reform of the land use planning system is a legitimate ambition to address the various criticisms of its current performance there is a

countervailing aspect. My very strong impression is that all stakeholders are aware of the need for a robust land use planning system, are very supportive of the planning reform agenda, and moreover are committed to working with it. It is clear that all stakeholders acknowledge the advantages to flow from reforms and that these have to be supported as much as possible.

There is a tremendous sense of goodwill which is evident within the different communities of interest and this requires careful nurturing. It is an opportunity to build on such goodwill and positive thinking so as to be able to use it as an asset in facilitating change and to ensure that it is not disappointed and becomes a negative force which weakens the momentum of land use planning reform in Northern Ireland.

The land use planning reforms will have to make a demonstrable and acknowledged difference – and it will have to address a number of critical features of the existing system, and anticipate implementation of the reformed system. There are two critical dimensions. These may be considered as the ‘before’ and ‘after’ of the intended land use planning reform.

First, critical attention has to be paid to changing and challenging existing practices, assumptions, behaviours, and attitudes to the right to land and property development. This is long established and carries with it powerful cultural arguments and expectations, yet in runs counter to what a modern society needs in terms of ensuring orderly and managed land and property development which serves the overall public interest. In practical terms the land use planning reforms will enable positive patronage to prevail as energies are put into the forward planning processes and the front-loaded development management arrangements.

In particular, there is a need to promote a wider appreciation of the public interest in land use planning, and the need to mediate between competing interests and economic, community and environmental values in different localities. The management of the reform process is important here, and the different ways that must be deployed to address it. Care needs to be taken in promoting a parallel but integral process of education at large through the media, through appropriate debates and political engagement.

In effect, land use planning needs to be placed higher on the political agenda. It needs to be championed as a means by which Northern Ireland, its constituent places and individual localities can promote well being and the public interest. It has to be debated loud and clear as land use planning deals with difficult issues and trade-offs – such as the elusive relationships between economic development and employment creation versus environmental protection and enhancement. There needs to be a concerted programme of discussion and debate which seeks to avoid polarised positions, but which promotes an explicit and engaged recognition that different scales of interest are being addressed. Here, the concern is with the economic stability of Northern Ireland. There, mediating the

environmental requirements for sensitive locales. Land use planning can then become the mechanism for mediating those difficult decisions.

Finally, with the broader shifts in thinking and behaviours and with the proposed move to local authority planning, the proposed land use planning reforms can achieve the intended efficiency, effectiveness and engagement outcomes. It is important, however, to recognise that the context in which land use planning operates and will operate is very complex and subject to uncertain global and international pressures. These are now forming a familiar catalogue of issues. Changes in global financial markets, climate change and the risks of flooding and coastal erosion, food price inflation and the implications for agriculture are all potentially catastrophic for national, regional and local communities. Their common characteristic is that they will all impact on the environment and land use and housing, industrial and commercial developments in some way. Responding to these pressures, adapting to their regional and local impacts and preparing new ways to secure a broader social well-being will fall in considerable part to the land use planning system. The role of land use planning in the modern world has never been more critical in enabling the clear articulation of the Northern Ireland public interest.