

PLANNING REFORM CONSULTATION PAPER

POSTAL RESPONSE FORM

Once you have completed this form please return
by post to:

Planning Reform Consultation
Planning Service
1st Floor
Millennium House
17-25 Great Victoria Street
Belfast
BT2 7BN

Or by fax
(marked "Planning Reform Consultation Response")
To: 02890416960

All responses should be submitted to the
Department no later than 2nd October 2009



An Agency within the Department of the

Environment

www.doeml.gov.uk



RESPONDENT INFORMATION

Please Note that this form must be returned with your response to ensure that we handle your response appropriately.

In keeping with our policy on openness, the Department will make responses to this consultation paper publically available. When publishing responses received on behalf of organisations the Department will also publish the organisation's name and address. When publishing responses received on behalf of individuals the Department will not publish details of the individual's name and address.

Please complete in
BLACK ink and in

BLOCK CAPITALS,
one per box.

Example:

A	B	C	D
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1. Name/Organisation

Organisation Name

Title

Mr Ms Mrs Miss Dr Please tick as appropriate

Surname

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Forename

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2. Postal Address

P	O	S	T	C	O	D	E												

Phone:

CHAPTER 2 – PLANNING POLICY

Question 1

Do you agree that, in future, planning policy statements should provide strategic direction and regional policy advice only, which would then be interpreted locally in development plans?

Yes No

Question 2

Do you consider there are any elements of operational policy which should be retained in planning policy statements?

Yes No

CHAPTER 3 – TOWARDS A MORE EFFECTIVE DEVELOPMENT
PLAN SYSTEM

Question 3

Do you think it appropriate to commence a 'plan led' system in advance of the transfer of the majority of planning functions to district councils under the Review of Public Administration?

Yes No

Question 4

Do you agree that the objectives contained in paragraph 3.6 are appropriate for local development plans?

Yes No

Question 5

Do you agree that the functions contained in paragraph 3.7 are appropriate for local development plans?

Yes No

Question 6

What are your views on the proposal that a district council's statement of community involvement must be in place before any public consultation on the local development plan?

Question 7

What are your views on the proposal for a programme management scheme?

Question 8

Do you agree that a preferred options paper should replace the issues paper?

Yes No

Question 9

Do you agree with the proposal to introduce a local development plan process that comprises two separate but related documents to be published, examined and adopted separately and in sequence?


Yes No

Question 10

What are your views on the proposal to deal with amendments to the local development plan?

Question 11

What are your views on the proposal that representations to a local development plan will be required to demonstrate how their proposed solution complies with robustness tests and makes the plan more robust?



Question 12

What are your views on the proposal that representations to a local development plan will be required to demonstrate how their proposed solution meets the sustainability objectives of the local development plan?



Question 13

Should the Department give the examiner(s) the power to determine the most appropriate procedures to be used in dealing with representations to the local development plan?

Yes No

Question 14

Do you agree that the representations to the plan should be submitted in full within the statutory consultation period, with no further opportunity to add, or expand on them, unless requested to do so by the independent examiner?

Yes No

Question 15

What are your views on the proposals for counter representations?

Question 16

Do you agree that the basis for examining plans should be changed from an objection-based approach to one which tests the 'robustness' of plans?

Yes No

Question 17

What are your views on the recommended approach for examining local development plans?



Question 18

What are your views on the proposals to ensure regular monitoring and review of local development plans?



Question 19

Do you agree with the proposed content of local development plans as set out in paragraph 3.44?

Yes No

Question 20

Do you consider that the topic areas contained in paragraph 3.46 are appropriate for inclusion in local development plans?

Yes No

Question 21

Do you agree that district councils should be required to prepare sustainability appraisals as part of their local plan preparation process?

Yes No

Question 22

What are your views on the proposal that the Department should have the powers to intervene in the making, alteration or replacement of a local development plan by the district council?

Question 23

a) Do you agree that district councils should be given the power to make joint local development plans if they so wish?

Yes No

b) Do you consider that such powers would adequately deal with instances where neighbouring district councils would consider it beneficial to work together?

Yes No

Question 24

What are your views on the proposed transitional arrangements for development plans?

CHAPTER 4 – CREATING A STREAMLINED DEVELOPMENT MANAGEMENT SYSTEM

Question 25

Do you agree with the proposed introduction of a new planning hierarchy to allow applications for the three proposed categories of development to be processed in proportion to their scale and complexity?

Yes No

Question 26

Do you agree with the 3 proposed categories of development (regionally significant, major and local) and their respective definitions?

Yes No

Question 27

In relation to applications for regionally significant development, do you consider that the 4 legislative criteria (see paragraph 4.14), in association with a pre-application screening requirement, are sufficient to identify relevant potential developments?

Yes No

Question 28

Do you have any comments on the proposed thresholds for the different types of development categories, particularly in relation to the classes of major development described in table 2?

Yes No

Question 29

Do you agree with the proposed approach to urban/rural variation in setting the proposed housing thresholds for major development?

Yes No

Question 30

Do you agree that performance agreements should be in place before the submission of regionally significant applications?

Yes No

Question 31

What are your views on the suggested elements contained within a performance agreement, and setting a timescale specific to each individual application?

Question 32

Do you agree that this should be a voluntary (i.e. non-statutory) agreement?

Yes No

Question 33

Do you agree that developers should hold pre-application consultation with the community on regionally significant developments?

Yes No

Question 34

Do you agree pre-application community consultation should be a statutory requirement?

Yes No

Question 35

Do you have any views on what form the process for verifying and reporting the adequacy of pre-application consultation with the community should involve, particularly in relation to the elements indicated at paragraph 4.32?

Yes No

Question 36

Do you agree with introducing the power to decline to determine applications where pre-application community consultation has not been carried out or the applicant has not complied with the requirements of pre-application community consultation?

Yes No

Question 37

Do you agree that the Department should determine applications for regionally significant development in association with the proposed statutory screening mechanism?

Yes No

Question 38

Do you agree with the proposal to designate a district council as a statutory consultee where it is affected by an application for regionally significant development?

Yes No

Question 39

Do you agree with the proposed notification and call-in mechanism, including the pre-application and application stages indicated in diagram 2, for applications for regionally significant development?

Yes No

Question 40

Do you agree that if the Department decides not to call-in a notified application it should have the option to return the application to the district council, either with or without conditions, for the district council to grant permission subject to conditions that may be specified by the Department?

Yes No

Question 41

Do you agree with the proposal giving the Department the option to appoint independent examiners to hold a hearing or inquiry into applications for regionally significant development?

Yes No

Question 42

Do you agree that the Department should prepare hearing and inquiry procedure rules for use by independent examiners?

Yes No

Question 43

Do you agree that the processes for performance agreements should also apply to applications for major development?

Yes No

Question 44

Do you agree that the processes for statutory pre-application community consultation should also apply to applications for major development?

Yes No

Question 45

Do you support a power for district councils to hold pre-determination hearings, with discretion over how they will operate, where they consider it appropriate for major developments?

Yes No

Question 46

Do you consider that there are other circumstances in which district councils should have the scope to hold such hearings?

Yes No

Question 47

Where a performance agreement has not been reached, do you consider it appropriate to extend the non-determination appeal timescale for applications for major development to 16 weeks?

Yes No

Question 48

Do you agree that district councils, post-RPA, shall be required to introduce schemes of officer delegation for local applications?

Yes No

Question 49

Do you agree that, post-RPA:

a) the list of statutory consultees should be extended; and

Yes No

b) categories of development linked to the development hierarchy, that require consultation (including pre-application consultation) before applications are determined by the planning authority, should be introduced?

Yes No

Question 50

Do you agree, post-RPA, that statutory consultees should be required to respond to the planning authority within a specified timeframe?

Yes No

Question 51

If so, what do you consider the specified timeframe should be?

Question 52

Do you agree that the existing legislation should be amended and clarified to ensure that anyone wishing to demolish any part of an unlisted building in a conservation area/ATC/AVC requires conservation area consent or planning permission?

Yes No

Question 53

Do you agree that the planning authority should be able to require that, where possible, proposed development should enhance the character of a conservation area?

Yes No

Question 54

Do you agree that the normal duration of planning permission and consent should be reduced from five to three years?

Yes No

Question 55

Do you agree that a statutory provision should be introduced to allow minor amendments to be made to a planning permission?

Yes No

Question 56

Do you have any comments on the details of such a provision as outlined at 4.101?

Yes No

Question 57

Would you be in favour of enabling the planning authority to correct errors in its planning decision documents without the consent of the landowner or applicant?

Yes No

CHAPTER 5 – APPEALS AND THIRD PARTY APPEALS

Question 58

a) Do you agree that the time limit to submit appeals should be reduced?

Yes No

b) If so, what do you think the time limit should be reduced to – for example, 4, 3 or 2 months?

Question 59

Do you agree:

a) that the PAC should be given the powers that would allow it to determine the most appropriate method for processing the appeal;

Yes No

or

b) that appellants should be allowed to choose the appeal method?

Yes No

Question 60

Do you agree that parties to appeals should not be allowed to introduce new material beyond that which was before the planning authority when it made its original decision?

Yes No

Question 61

Do you agree with the proposal that the planning authority should be able to refuse to consider a planning application where a 'deemed application' associated with an appeal against an enforcement notice is pending?

Yes No

Question 62

Do you agree that the planning authority should have the power to decline repeat applications where, within the last two years, the PAC has refused a similar deemed application?

Yes No

Question 63

Do you agree that a time limit of 2 months should be introduced for certificate of lawful use or development appeals?

Yes No

Question 64

Do you agree that the PAC should be given a power to award costs where it is established that one of the parties to an appeal has acted unreasonably and put another party to unnecessary expense?

Yes No

Question 65

Do you think the new district councils should be able to establish local member review bodies to determine certain local planning appeals?

Yes No

Question 66

If so, what types of applications should this apply to?

Question 67

Should provision for third party appeals be an integral part of the NI planning system or not? Please outline the reasons for your support or opposition.

Yes No

Question 68

If you do support the introduction of some form of third party appeals, do you think it should be an unlimited right of appeal, available to anyone in all circumstances or should it be restricted?



Question 69

If you think it should be a restricted right of appeal, to what type of proposals or on what basis/circumstances do you think it should be made available?



CHAPTER 6 – ENFORCEMENT AND CRIMINALISATION

Question 70

Do you agree that a premium fee should be charged for retrospective planning applications and, if so, what multiple of the normal planning fee do you think it should be?

Yes No

Question 71

Do you think the Department should consider developing firm proposals for introducing powers similar to those in Scotland, requiring developers to notify the planning authority when they commence development and complete agreed stages?

Yes No

Question 72

Do you think the Department should consider developing firm proposals for introducing Fixed Penalty Notice powers similar to those in Scotland?

Yes No

Question 73

Do you think the Department should give further consideration to making it an immediate criminal offence to commence any development without planning permission?

Yes No

CHAPTER 7 – DEVELOPER CONTRIBUTIONS

Question 74

Do you agree that there is a case for seeking increased contributions from developers in Northern Ireland to support infrastructure provision?

Yes No

Question 75

If so, should any increase be secured on the basis of extending the use of individual Article 40 agreements with developers on a case by case basis?

Yes No

Question 76

Alternatively, should a levy system of financial contributions from developers be investigated in Northern Ireland to supplement existing government funding for general infrastructure needs, e.g. road networks, motorways, water treatment works etc., in addition to the requirements already placed upon developers to mitigate the site-specific impact of their development?

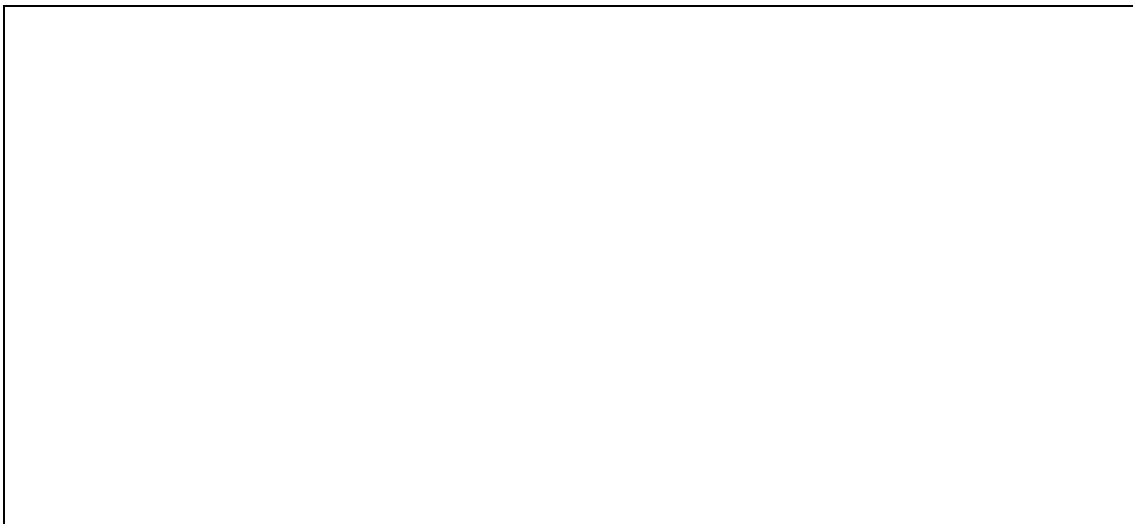
Yes No

Question 77

What types of infrastructure should be funded through increased developer contributions, e.g. should affordable housing be included in the definition?

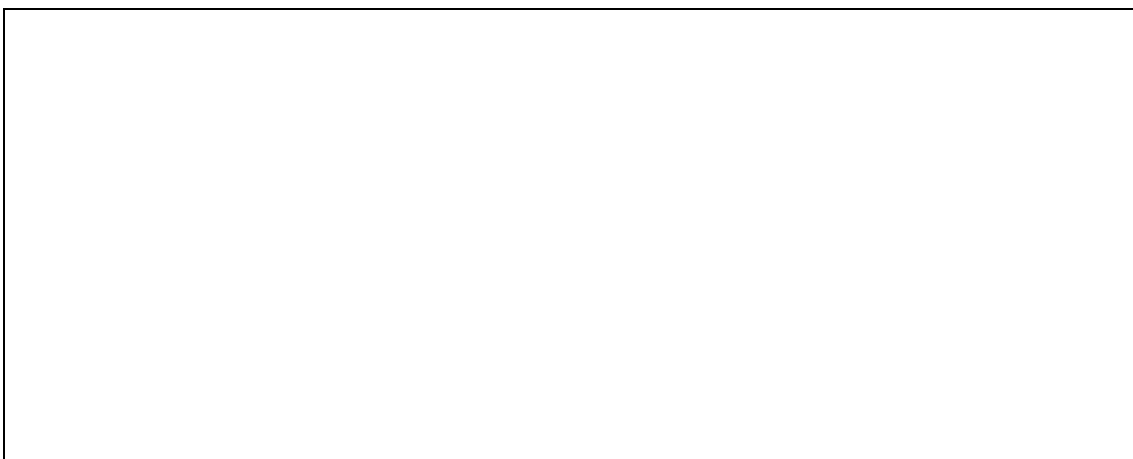
Question 78

If such a levy system were to be introduced in Northern Ireland should it be on a regional i.e. Northern Ireland-wide, or a sub-regional level?



Question 79

If such a levy system were to be introduced should all developments be liable to make a financial contribution or only certain types or levels of development e.g. residential, commercial, developments over a certain size?



CHAPTER 8 – ENABLING REFORM

Question 80

The Department invites views on how we (and other stakeholders) might ensure that all those involved in the planning system have the necessary skills and competencies to effectively use and engage with a reformed planning system.

Question 81

Post-RPA, do you agree that central government should continue to set planning fees centrally but that this should be reviewed after 3 years and consideration given to transferring fee setting powers to councils?

Yes No

Question 82

Do you agree that central government should have a statutory planning audit/inspection function covering general or function-specific assessments?

Yes No

THANK YOU FOR TAKING THE TIME TO COMPLETE THIS QUESTIONNAIRE.