

MODERNISING PLANNING PROCESSES

A Consultation Paper

**Planning Service
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Foreword

Planning is fundamental to delivering what people in Northern Ireland want– jobs, homes, better transport, lively communities, and sensitive care of the environment we live in. Improving planning means that the goals set out in the *Programme for Government* are easier to achieve. Good planning will promote appropriate development, not stifle it. It will also bolster productivity and competitiveness. At the same time it will contribute to sustaining and protecting the environment.



The planning system has not changed fundamentally in nearly thirty years. It is showing its age and is under pressure. That is why, since devolution in December 1999, I have worked to strengthen both the Planning Service and the planning system. Additional staff are being recruited and trained, and management structures strengthened. An ambitious programme to put in place an up-to-date and complete suite of Planning Policy Statements and Development Plans is now in place, as set out in the *Programme for Government*. New legislation is being prepared that, amongst other things, will strengthen the Planning Service's enforcement powers. We have also opened up the planning process to public scrutiny, well ahead of the implementation of the Freedom of Information Act 2000.

The forthcoming *Review of Public Administration* will provide an opportunity to look closely at the planning system's position within Northern Ireland's political and institutional framework. In advance of that, there is an opportunity to examine critically the way in which the planning process operates. I committed my Department to carrying out an internal review of operational planning processes in the *Programme for Government*, and this consultation paper is the fruit of that review. It follows hot on the heels of the publication of the English Planning Green Paper, but it focuses on the very different arrangements for the delivery of planning in Northern Ireland.

We need simpler, faster and more accessible processes that serve both business and the community if we are to deliver sustainable development and harness growth to build a better future. That is what this consultation paper seeks to achieve.

A handwritten signature in black ink that reads "Sam Foster". The signature is written in a cursive style with a horizontal line underneath.

Sam Foster MLA
Minister of the Environment

Executive Summary

Introduction

This consultation paper is designed to spark discussion on a range of ideas and options for improving the operation of planning processes in Northern Ireland. Most are capable of implementation within existing legislation, and as a whole the package is designed to work within the existing political and institutional framework.

This paper focuses on three separate and distinct, yet inextricably linked, aspects of the planning process, broadly:

- the development control process (the way in which individual planning applications are dealt with);
- the process of preparing planning policy for Northern Ireland as a whole; and
- the process of preparing development plans for local areas within Northern Ireland.

Dealing with Planning Applications

Chapter 4 puts forward ideas and options for improving the management of the development control process; for reducing regulation; for tackling delaying factors in the system; for improving consultation arrangements with local Councils; and for improving the handling of difficult or contentious planning applications.

In particular, it seeks views on:

- setting and monitoring targets for different types of planning applications;
- improving the way in which outline planning applications are handled;
- reducing regulation, by reviewing the scope of permitted development and critically examining the 'change of use' regulations;
- the development of Business Planning Zones in Northern Ireland;
- a range of measures for dealing with delaying factors in the processing of planning applications, most notably improving the speed and effectiveness of consultation arrangements with statutory consultees and local Councils; and

- improving the handling of major planning applications under Article 31 of the Planning (Northern Ireland) Order 1991 and Management Board Referrals.

In addition, the paper considers related issues, such as: the Quality Initiative; planning obligations; Crown Development; improved enforcement; third party appeals; e-planning; and planning fees.

Formulating Planning Policy

Chapter 6 reaffirms the commitment in the *Programme for Government* to provide full and up to date Planning Policy Statement coverage by the end of 2004, and seeks views on the range and priorities of proposed Planning Policy Statements. It seeks views on:

- ways in which community involvement in the preparation of Planning Policy Statements can be strengthened;
- setting targets for the completion of individual Planning Policy Statements; and
- the commissioning of a programme of research to underpin the development of planning policy, and the strengthening of linkages with sister Departments in England, Scotland, Wales and the Republic of Ireland.

Preparing Development Plans

Chapter 7 reaffirms the Department's commitment to move towards a planned system by sponsoring legislative proposals in the forthcoming Planning (Amendment) Bill, and its commitment to the target of completing development plan coverage for Northern Ireland by the end of 2005. It puts forward a range of proposals for streamlining the development plan preparation process; aligning the content of development plans with the Regional Development Strategy and Planning Policy Statements, and promoting a more inclusive plan preparation process in order to increase public and community involvement and ownership of development plans.

In particular, the Chapter seeks views on:

- the potential, beyond 2005, for further reducing the number of development plans by grouping them into larger development plan areas;

- more closely focusing development plans on locational issues and policies and land use allocations, and setting out planning requirements for major development sites;
- developing an agreed statistical base and methodology for assessing land use requirements with the development industry and other key participants;
- enhancing community and local Council involvement in the development plan preparation process;
- promoting a 'joined-up' approach within the public sector, including local Councils, to the management and preparation of development plans; and
- proposals to streamline the process of taking development plans from draft plan to final adoption.

1.0 Introduction

- 1.1 The purpose of this consultation paper is to initiate discussion which will lead to the development of a programme of improvements in the operation of planning processes in Northern Ireland, broadly within the existing institutional and legislative framework.
- 1.2 An effective land use planning system is vital to the interests of Northern Ireland. The aim of the Planning Service is to plan and manage development in ways which will contribute to a quality environment and seek to meet the economic and social aspirations of present and future generations. Planning helps to deliver what people want - jobs, homes, better transport, lively communities, sensitive care of our environment. The planning system has a crucial role to play in providing a framework which supports the policies and initiatives that contribute to the Northern Ireland Executive *Programme for Government*. Programmes such as those for sustainable development, economic competitiveness, promoting equality, targeting social need, improving health, developing new directions in transport, and promoting urban and rural regeneration depend on supportive planning policies and land use allocations.
- 1.3 The planning system exists to reconcile the benefits of development with the costs involved. In resolving the many competing demands for land and development, choices have to be made and balances struck. Often the issues are complex and the choices are not straightforward.
- 1.4 The planning system has to provide the means within which some 24,000 decisions per year are made. These are mostly uncontroversial, but some are difficult. It has to do so in a way which facilitates participation, openness and fairness on one hand, while on the other providing a service which is speedy, efficient and delivers the certainty which the community and the economy need. There is a tension between the demands for speed and the desire for openness, and a balance has continually to be struck between these objectives.

2.0 The Planning System

- 2.1 Our planning system has three main elements:
- a development control system;
 - a planning policy and development plan framework; and
 - an appeals and inquiry system.
- 2.2 The first two elements are mainly the responsibility of the Planning Service. Appeals and inquiries are dealt with by the Planning Appeals Commission which is an entirely independent body now sponsored by the Office of the First Minister and Deputy First Minister.
- 2.3 Since devolution, the Regional Development Strategy and related policy guidance are prepared by the Regional Planning Division of the Department for Regional Development under its own Minister (see para 5.2).
- 2.4 The development control system encompasses:
- the determination of applications for planning permission and of consents relating to advertisements, conservation areas, and listed buildings;
 - the determination under Article 31 of the Planning (Northern Ireland) Order 1991 of major planning applications;
 - the provision of pre-application advice; and
 - the investigation of alleged unauthorised development and taking appropriate action.
- 2.5 Planning policy covers:
- the formulation of Planning Policy Statements which contain planning policy on a variety of topics; and
 - the production of supplementary guidance which amplifies published planning policy.

- 2.6 Development Plans set out the proposed uses for land in an area, and provide the general basis against which planning applications are considered. Development Plans seek to ensure there is sufficient development land to sustain the growth of communities and the economy and to protect the environment.
- 2.7 These functions of plan and policy preparation and the determination of planning applications are mainly carried out by the Planning Service acting as an Executive Agency within the Department of the Environment.
- 2.8 The Planning Service is under the authority of the Minister of the Environment who is answerable to the local Assembly.
- 2.9 Consultation with local Councils is an essential part of the Northern Ireland planning system. The Department consults Councils on a wide range of planning issues and has established consultation mechanisms designed to ensure that elected representatives have a significant input to the decision making process.
- 2.10 The Planning Service also relies on advice and information from a number of Agencies and public bodies in carrying out all its main functions.

3.0 The Need for Change

- 3.1 The way in which planning processes operate has a key role in the effectiveness of the planning system and the way in which it is perceived by its customers. However, different customers have different expectations. Developers want to get ahead and their emphasis is on a system which produces speedy results. On the other hand, local people want to have their say on changes to their local environment, not only on major developments but, increasingly, on the cumulative effect of often smaller developments in changing the character of areas over time. For local communities the opportunity and time for participation can often be the overriding consideration.
- 3.2 Rapid changes in the context in which planning operates in Northern Ireland are seen as adding weight to the need for change:
- the development context is changing as a result of the peace dividend and economic growth, which is resulting in more planning applications;
 - the political context has changed with devolution and the wider Government agenda to improve the standard of services;
 - the planning policy context has changed following the formulation of the Regional Development Strategy; and
 - public expectations of the system are changing, underpinned in particular by growing concerns over the environment, equality, human rights and social needs issues; and by the desire for higher quality and more responsive services as stated in the *Programme for Government*.
- 3.3 There is a need both for adequate resourcing and for changes to processes in order to enhance the effectiveness of the planning system, particularly in the face of rising workloads. There have been calls from the Confederation of British Industry, for example, for further resources to be made available. Some additional resources have been provided and these have been allocated. The Planning Service also recognises the need for change to its processes in order to ensure that the planning system adapts positively to meeting the needs of Northern Ireland.

- 3.4 In this Consultation Paper the Planning Service is putting forward proposals and inviting comments in respect of its policy-making, its plan-making, and its development control processes. These proposals have taken account of comments received over the years from the public, developers, elected representatives and key interest groups on the operation of the present system. Many of these suggestions have taken account of experience elsewhere in the United Kingdom and in the Republic of Ireland, and where necessary have been informed by drawing on the expertise of external consultants.
- 3.5 The emphasis of this paper is on identifying and seeking views on areas of possible change which can be undertaken quickly, and broadly within the present legislative framework. It is recognised that separate processes, such as the planned *Review of Local Administration*, may result in more fundamental changes.
- 3.6 This Consultation Paper focuses on five key challenges which the Planning Service has identified as central to public concerns:
- the need for more speedy decision making, particularly on major planning applications in order to facilitate economic development, job creation and social progress;
 - the need for greater consensus on the selection and prioritisation of planning policies;
 - the need for greater clarity in planning policy to act as guidance to the public and developers;
 - the need for faster progress on the achievement of full and up-to-date coverage of development plans; and
 - the need for effective participation by the public, including community groups, in the planning process.
- 3.7 This paper presents the proposals of the Planning Service as to how its processes might be changed in order to respond to these key challenges. These proposals are structured around the major work areas of the Planning Service:
- dealing with planning applications;
 - formulating planning policy; and
 - preparing development plans.

4.0 Dealing with Planning Applications

Background

- 4.1 The processing of planning applications is the area in which the community most regularly interacts with the Agency. The Planning Service is aware of concerns expressed by the general public, elected representatives, interest groups, applicants, developers, and the development industry with respect to the operation of the development control process. These concerns focus on two key areas:
- on one hand there is pressure for faster decision making, in particular for major planning applications which have significance for economic development; and
 - on the other, there is pressure for greater participation, transparency and accountability in the decision making process.
- 4.2 Clearly there are inherent tensions and difficulties for the planning system in satisfying both concerns. While the Planning Service accepts that both desires are legitimate, the challenge is to seek an acceptable balance between the need for faster decision making and the application of Government policies.
- 4.3 At the same time, the number of applications being submitted continues to increase, reflecting the general upsurge in economic activity in Northern Ireland.

Applications Received	
Financial Year	Planning Applications
2001/02 (projected)	24,500
2000/01	23,172
1999/2000	22,182
1998/99	20,550

- 4.4 In addition, the pressure for new and often contentious types of development within existing settlements, such as apartment development and second homes, has led to widespread public concern and a more active involvement in the planning process. Until recently additional resources had not been available to the Planning Service to deal with this growing workload.

- 4.5 The *Programme for Government*¹ commitments require a concerted effort by the Planning Service to reduce the numbers of applications in the system to levels more commensurate with an efficient and adequately resourced processing regime.

Applications Decided	
Financial Year	Planning Applications
2001/02 (projected)	21,100
2000/01	20,467
1999/2000	19,344
1998/99	18,245

- 4.6 The Planning Service was successful in obtaining £1.6m in additional resources for development control and development plans for 2001/2002. These have largely been deployed in assembling staff to deal with the increasing number of applications, and to put in place the team which is now preparing the Belfast Metropolitan Area Plan.
- 4.7 The Planning Service accepts its role as central manager of the planning process. However, other parties have an important role and responsibility in helping to ensure that the application process operates as efficiently as possible. These include agents, applicants, statutory consultees and local Councils. While the Planning Service seeks to manage those elements of the process directly within our control, we also look to the other parties involved in helping to provide their inputs expeditiously. This does not always happen. For example, at any time a large number of applications cannot be progressed by the Planning Service because further information requested from consultees and applicants/agents has not been provided. This consultation paper therefore offers for discussion and invites recommendations to improve the handling of planning applications.

1. Para 5.2.3 and Objective 2 Programme for Government 2001/02
 Para 5.5 and Objective 2.1 Programme for Government 2002/03

Proposed Approach

- 4.8 In order to assist in achieving improved decision making this Consultation Paper proposes:
- improving management of the process;
 - reducing regulation;
 - tackling delaying factors in the system;
 - improving consultation arrangements with local Councils; and
 - improved handling of
 - applications which are dealt with under Article 31 of The Planning (Northern Ireland) Order 1991, and
 - Management Board Referrals.

Improved Management of the Process

- 4.9 **In order to assist in the drive for greater speed, efficiency and ensure accountability, the Planning Service is applying and will develop, monitor and report on a number of its performance targets.**
- 4.10 Some of these are already stated in the Planning Service Corporate and Business Plan 2001/2004:
- to achieve a customer satisfaction level of 80% in relation to determination of applications;
 - to take 65% of minor¹ applications to local Councils within 8 weeks;
 - to take 60% of major² applications to local Councils within 8 weeks;
 - to issue 65% of decisions within 14 working days of final consultation with local Councils;
 - to reduce the proportion of invalid planning applications by 3% overall (see paras 4.35 - 4.37);

1-2. Corporate and Business Plan 2001/2004 Annex 2

- to issue responses to 94% of property certificates within 10 working days; and
- to reduce the percentage of planning appeals upheld by 5% to 42% overall.

- 4.11 Though the Planning Service has succeeded in reducing the percentage of appeals upheld, it is having difficulty continuing to meet targets to improve this performance. There may be a case for reviewing this target given the elements of judgement involved.
- 4.12 Very recently local authorities in England have been set new targets for handling planning applications in 2002/2003. These targets replace a long-standing target to decide 80% of all planning applications within 8 weeks. The new targets are to process 60% of applications for major commercial and industrial development in 13 weeks, 65% of applications for minor commercial and industrial development in 8 weeks, and 80% of applications for all other development in 8 weeks.
- 4.13 **Using the Great Britain approach, the Planning Service is seeking views on the merits of setting targets for the following: Article 31 cases; commercial; industrial, and residential applications.** Northern Ireland targets however will need to take account of our lengthier decision making necessitated by the distinctive features of our planning system, in particular the statutory duty to consult local Councils before making decisions.

Outline Planning Applications

- 4.14 Outline planning applications can be made for development involving the construction of buildings. This facility has removed the necessity to submit detailed plans at the preliminary stage of a proposal, allowing siting, design, external appearance, access and landscaping to be dealt with later in a separate submission for Reserved Matters. The Department is however empowered to require the submission of reserved matters at the outline stage if it considers the application should not be considered without them.
- 4.15 The character and form of outline applications has changed over the years especially arising from operational experience, environmental assessment requirements and recent legal judgements. As a consequence the Department acknowledges that there is a need for more careful and cautious assessment of many outline applications.

- 4.16 At the outline stage, particularly in respect of major applications, it has become increasingly necessary for the Planning Service to be provided with information on such matters as size and scale of the proposal, with sufficient information to enable the main or likely significant effects on the environment to be assessed, and to allow the mitigation measures of these to be described. All this contributes to a clearer public understanding of the nature and extent of major proposals.
- 4.17 **At outline stage the Planning Service therefore proposes where and when appropriate to require site analyses, appropriate details, indicative plans rather than illustrations and information on impacts. Where outline consent is granted, approvals will be conditioned to the plans submitted and, where appropriate, to related schedules of development, a design concept statement or for larger developments a concept master plan that will demonstrate how the entire area is to be developed including such matters as buildings, roads, movement patterns and open space.**
- 4.18 **Where it is intended that development should proceed in stages, the proposed stages should be indicated in the application for outline permission and tied into the permission given.**
- 4.19 Where staged developments are proposed in the context of a design concept statement or a master plan that is derived from the Quality Initiative (see paras 4.91-4.94), the details of the later stages will not always need to be approved in a comprehensive manner. Detailed provision however will need to be made in early stage detailed approvals for related infrastructure and land uses such as roads and open space.
- 4.20 **Where some details have been required to be submitted at outline stage, the Planning Service will make it clear in the conditions what is approved in the outline permission and what is still reserved.**

Reducing Regulation

- 4.21 If reducing regulation could be achieved, it would enable the Planning Service to redeploy some of its scarce staff resources, and would reduce delay in processing applications.

Permitted Development

- 4.22 Not all development requires planning permission. Certain types of development are exempt from the need to seek planning approval either because of their scale or nature. This is an accepted feature of planning systems in the United Kingdom and the Republic of Ireland. These exempted categories are defined in planning regulations. An example is the construction of small-scale extensions to existing dwellings. The Planning Service feels that, if there can be acceptable reduction of regulation, this should be pursued. It would enable development to proceed more quickly while freeing the scarce professional resources of the Planning Service to deal with more significant issues. Additions to the exempted categories could provide benefits for the citizen and the Planning Service provided this did not threaten the protection of amenity and interests of acknowledged importance.
- 4.23 **The Planning Service will critically examine the scope of permitted development and would welcome views on the principle and detail of extending these provisions.**

Use Classes Order

- 4.24 The Planning (Use Classes Order) 1989, as amended, defines categories of land use and changes of use which do or do not require planning permission.
- 4.25 The Use Classes Order works by placing uses into groups so that a move between uses within the same group is not development and does not require planning permission. The Planning (General Development) Order (Northern Ireland) 1993, as amended, further provides for changes between certain of the use classes to be permitted development.
- 4.26 **The Planning Service will also critically examine regulations covering 'change of use' and would welcome views as to how they might be amended.**

Business Planning Zones

- 4.27 Following the designation of Enterprise Zones, legislative powers to allow the establishment of Simplified Planning Zones were introduced in 1990 as a means of testing the effectiveness of alternative planning procedures in selected locations.

- 4.28 The main purpose is to allow greater freedom of action in stimulating and encouraging investment by:
- providing developers with more certainty by giving them in advance a statement of what type of development will be permitted in selected areas and what conditions must be met;
 - providing for speedier development because no planning application will be required; and
 - giving developers freedom, within the scheme limitations, to respond to market needs without the need for approval of matters of detail.
- 4.29 It continues to be argued that there is a need for some special arrangements to help to speed up and simplify the planning process in the interests of job creation, economic growth and tackling disadvantage.
- 4.30 **It is believed that there is merit in designating a limited number of Business Planning Zones in Northern Ireland.** Such zones would be specific to types of business that have a low impact on the surrounding area, such as clusters of high-tech industry. Low impact means that they would not add significantly to local housing demand, have large infrastructure requirements or require environmental precautions to be taken.
- 4.31 At the same time as designation we would provide general guidance and a planning scheme for each Business Planning Zone which indicates:
- the types of business to be exempt from planning control; and
 - the planning conditions which exempted developments are expected to meet.
- 4.32 There may be potential to define Business Planning Zones within existing or zoned industrial areas.
- 4.33 The use of Business Planning Zones and the scope of proposed exemptions from planning control would have to be carefully balanced against the need, in an increasingly competitive global market place, to ensure high quality employment locations as an attraction to incoming investors.

- 4.34 The Planning Service would welcome views on whether Business Planning Zones have a role to play in the Northern Ireland planning system and in what circumstances.

Dealing with Delaying Factors in the Processing of Planning Applications

Validation

- 4.35 On receipt, planning applications are checked to ensure that they contain all documentation necessary to properly describe the application, meet the legislative requirements for validation, and are accompanied by the correct fee to enable processing. If they are deficient, we write to applicants informing them of the matters which need to be addressed in order to make the application valid. In such cases, the application cannot be processed until the information requested is provided by the applicant. At 18% for 2000/2001, the proportion of applications received which are invalid remains at a high level.
- 4.36 The high level of invalid applications greatly delays the processing of submissions. **To deal with these problems the Planning Service proposes that it should:**
- **develop guidance and publish a checklist setting out clarification to applicants on the requirements for a valid planning application and offer assistance, if required, prior to the submission of an application;**
 - **revise application forms as necessary to clarify requirements;**
 - **work towards facilitating electronic submission of planning applications; and**
 - **return all paperwork and fees to applicants where applications are clearly invalid, in order to avoid the internal administrative difficulties presently resulting from the holding of large numbers of incomplete files.**
- 4.37 It is expected that these measures will reduce the number of invalid applications and free resources to deal with applications for which the paperwork is complete.

Twin Tracking

- 4.38 In the case of proposals for large or contentious developments, it is not unusual for developers to twin-track identical applications so that one can be appealed once the statutory period for determination of an application has been passed. The Planning Service views this approach as a negotiating ploy which is an unnecessary drain on very scarce resources.
- 4.39 **We would welcome comments on the view that current powers should be supplemented so that a substantially similar application for the same site cannot be submitted if a previous application is still being considered or is the subject of a planning appeal.**

Repeat Applications

- 4.40 Some developers use repeat applications to wear down opposition to undesirable developments. This is damaging to general confidence in the planning process and it places a selfish demand on very scarce resources.
- 4.41 **We would welcome comments on the view that once a planning application has been refused and not appealed, or appealed and the appeal dismissed, no substantially similar planning application for the same site should be accepted unless there is a material change in circumstances, such as a relevant new policy in a Development Plan.**

Publicising Planning Applications

- 4.42 The Planning Service recognises the growing interest and concern of the public in relation to development proposals. The Planning Service publicises planning applications in 2 ways:
- through press advertising; and
 - through neighbour notification procedures.
- 4.43 Planning applications are advertised in the local press with the exception of householder applications and submissions for Approval of Reserved Matters which deal with the detail of building operation proposals following approval in principle at outline application stage. The exclusion of advertising householder applications was based on the assessment that the development proposed was more likely to be of concern to individual neighbours who received notification under the Department's neighbour notification scheme.

- 4.44 With respect to applications for Reserved Matters, the Planning Service accepts that it is often the detail of proposals which most directly affects the amenity of residents and the general public. Issues such as the relationship of proposed housing to adjoining properties, the height and design of the buildings, the location of overlooking windows, are of concern to existing residents, and because of this the Planning Service frequently advertises Reserved Matters submissions. **The Planning Service proposes that all Reserved Matters submissions should be advertised.**
- 4.45 The neighbour notification scheme is non-statutory and is operated by the Planning Service as a matter of practice for the information of the public. The scheme sets parameters for properties regarded as 'neighbouring'. Under the terms of this scheme applicants for planning permission provide a list of neighbours to be informed. This is checked by the Planning Service and notification letters sent out. Administration of the scheme represents a considerable workload for the Planning Service. While the Planning Service does its best to avoid error, on occasion neighbours are not notified, especially in an urban situation when properties are tightly developed.
- 4.46 The Planning Service has considered alternative arrangements which might provide the necessary information on applications while easing the burden on a limited staff resource of administering the scheme, and reducing the potential for error. In Great Britain and in the Republic of Ireland, site notices are posted by the applicant at the location of planning applications to inform the public of relevant local proposals. This has the advantage of ensuring local people are aware of proposals, while the risk of error is considerably reduced. **The Planning Service invites views on the relative merits of advertising all householder applications and Reserved Matters submissions but replacing the present neighbour notification scheme with site notices. This would be used in preference to the present system of neighbour notification and non-advertising of householder applications and Reserved Matters.**

Policy Based Decisions

- 4.47 **Where applications submitted clearly do not meet the requirements of established policy, the view of the Planning Service is that stronger consideration should be given to refusal rather than to protracted negotiation.**

- 4.48 This represents a clearer response to the applicant and a better use of limited professional resources. Applicants would however retain the opportunity to submit amended proposals following further discussion, or to access appeal procedures through the Planning Appeals Commission.

Responses from Statutory Consultees

- 4.49 A key factor in the speed of processing planning applications is the effectiveness of consultation with other Departments, Agencies and public bodies. Following the creation of the Planning Service Agency in 1996, the Planning Service concluded Service Level Agreements with main consultees to seek to ensure commitment to agreed response times in relation to consultation processes. Success of Service Level Agreements has been limited, reflecting resourcing difficulties in other areas of the public service in Northern Ireland. Improvements to this aspect of the planning process will depend to some extent at least on the availability of resources for statutory consultees (see paras 4.122-4.125 on Resourcing).
- 4.50 **In order to improve the efficiency of consultation, the Planning Service will continue a comprehensive review of procedures jointly with key consultees. This will include consideration of the role of Information Technology in speeding up processes.**
- 4.51 A project with the Roads Service has been completed and a joint action plan agreed for implementation during 2001/2002. A similar project with the Environment and Heritage Service is under way. Further projects will be undertaken.
- 4.52 **The Planning Service will monitor jointly with other Agencies the implementation of agreed action plans and their success in improving the quality and timeliness of consultation replies. The performance of consultees in meeting agreed targets for response to consultation will be published at regular intervals.**
- 4.53 Major applications processed under the Article 31 procedure regularly require the submission of Environmental Statements and Retail and Traffic Impact Statements by applicants. Because of the scale and complexity of information presented, consultations with statutory agencies can be a longer process than with 'normal' applications. **Nonetheless the Planning Service accepts the need for speedy processing of these major applications and proposes to set a target for consultees to respond. We would welcome views on the practicability of setting a 10 week target for such consultation replies.**

- 4.54 While the Planning Service has concluded Service Level Agreements with key Government consultees, there are no equivalent agreements with the operational departments of local Councils. There are significant consultation linkages to Councils and other bodies, particularly on waste disposal, noise emissions, public health and sewage disposal arrangements for single houses in the countryside. **The Planning Service would invite views from Councils as to how effective Service Level Agreements with their operational departments could be achieved.**

Improving Consultation Arrangements with Local Councils

- 4.55 The Planning Service is required by statute to consult local Councils on all planning applications. This consultation takes place after other consultation responses have been considered, and the Planning Service has formed an opinion on how the application should be decided. The procedure is that the Planning Service provides each Council with its preliminary opinion as to the outcome of planning applications and seeks the Council's views. The vast majority of the Planning Service's opinions on planning applications are accepted by Councils. However, there is a significant minority of cases where there is a clear difference of opinion as to the outcome, and these applications are the focus of most discussion between the Planning Service and local Councils.
- 4.56 Where Councillors disagree with the Planning Service opinion they can request deferral of consideration of individual planning applications. A site or office meeting with the planning officer usually follows. In general, Councils do not offer a corporate view to the Planning Service on its opinion, but delegate to individual Councillors the right of requesting deferral.
- 4.57 Immediately following reorganisation of local government and the initiation of the present planning system in the 1970s, there was a more uniform procedure for Council consultation than exists at present. This made provision for one deferral for a site or office meeting, following which the Department reconsulted the Council and then issued the planning decision. Over the years, local practice has evolved in response to the wishes of individual Councils. As a result, there is at present a variety of arrangements including in some areas multiple deferrals. This can, on occasion, involve deferrals from a counter viewpoint where the Planning Service has changed its preliminary opinion in response to Council representation.

4.58 The Planning Service has responded positively to the wishes of Councils for deferrals and, in general, requests for meetings have been acceded to. The Planning Service view is that the deferral system is an integral and necessary part of the planning process. We recognise that locally elected Councillors have a knowledge of their constituencies, of the impact of proposed developments on their Council areas, and of the circumstances of applicants. This local perspective provides additional information which can lead to the Planning Service changing its preliminary opinion, although it is also relevant that Councils' consultative role carries with it no policy, administrative, legal or financial accountability for decisions. The present arrangements have drawbacks and a number of factors point towards the need for review:

- the practice of some Councils in requesting repeat deferrals has the effect of delaying the determination of planning applications. The delay that results impacts adversely on the achievement of the Planning Service's performance targets. For the individual applicants it can delay the final decision on applications and the ability to access the planning appeals procedure; and
- an assessment in 1997 by consultants for the Planning Service estimated that consultation arrangements with Councils in relation to development control costs in the region of £1 million per year. The effect of this is to reduce the staff resource available to meet the needs and demands of customers in general.

4.59 In reviewing consultation arrangements, the Planning Service has twin objectives:

- to improve their efficiency by speeding the process; and
- to make the process more meaningful.

4.60 In looking at the potential for change, a number of factors are relevant:

- there is a need to foster a better understanding of the policy and resource constraints within which the Planning Service operates; and
- there is an obligation to let applicants have a decision as quickly as is reasonably possible.

Speedier Consultation with Councils

4.61 Although local Councils and the Planning Service have distinct and separate roles in the planning process, both parties have a joint responsibility to ensure the service to the public is provided as effectively and efficiently as possible. To this end, it is necessary that clear procedures for processing planning applications are established, taking into account that it is not feasible to accommodate the often differing preferences of all 26 Councils. **To enable the Planning Service to make the most efficient use of resources, it is proposed that we should apply a consistent procedure and practice for consultation.** The following arrangements, which are presently operated by many local Councils in Northern Ireland, are suggested:

- where Councillors disagree with the preliminary opinion, there should be only one deferral, for a site or office meeting with a planning officer;
- having considered the points raised, the Planning Service will reconsult the Council with the same or an amended opinion; and
- the Council can either agree or disagree with the Planning Service opinion, there will be no further deferrals and a decision will issue.

4.62 The Planning Service experience is that these consultation arrangements are operated by many Councils and work well. They provide a good model for effective decision making and for more efficient use of limited staff resources.

Delegation of Decision-Making

4.63 The Planning Service opinions on the outcome of the majority of applications are accepted by Councils. This applies in particular to 'householder' applications, comprising minor improvements to residential property such as garages, porches, extensions, and conservatories. These are generally non-contentious and many generate no public objection.

4.64 Although such applications generally meet with the approval of Councils, the Planning Service is nevertheless obliged to formally consult at the monthly Council meeting. This formality can delay the issue of planning decisions. In Great Britain and the Republic of

Ireland, Councils, as planning authorities, have power to delegate decision-making to officers in order to expedite the planning process. In most areas of Northern Ireland, the Planning Service has an arrangement with Councils to issue decisions during holiday periods and to inform Councils accordingly. **The Planning Service would wish to hear views on the potential to extend these delegated arrangements throughout the year for specified categories of minor applications.** This could mean, for example, agreement by Councils that the Planning Service could issue decisions on 'householder' applications and change of house types, to which no objection had been received, and then inform the Council at its monthly meeting.

More Efficient Consultation

- 4.65 The Planning Service welcomes opportunities to make the consultation process with Councils more meaningful by providing more information to Councils on the reasons for its preliminary opinion on the outcome of planning applications, including the relevant policy considerations. Various methods have been tried over the years to seek to assist Councillors in contributing to the consultation process, including presentation and discussion of current and developing policies, and 'clinic' arrangements involving the planning officer setting aside time before a Council meeting to provide information on specific cases. **The Planning Service wishes to explore with Councils other options, including electronic communication, to give improved explanations of planning opinions and to improve the efficiency of consultation procedures.**
- 4.66 The full range of material factors underlying the Planning Service opinion to the Council would therefore be available to Councillors to facilitate their consideration of the case at the Council meeting and at any subsequent site or office meeting. The Planning Service would like to explore whether the availability of this information to Councils could be substituted for current methods of consultation for a large range of applications.

Handling of Management Board Referrals

- 4.67 The Management Board Referral system affords local Councils a further separate opportunity to have cases reconsidered by the Management Board of the Planning Service if agreement cannot be achieved with the Divisional Planning Office. The original intention was that the Management Board Referral system should be used only in exceptional circumstances, where the Council is strongly of

the view that a decision contrary to the opinion of the Divisional Planning Office should be made. In general, as this procedure delays decision making, applications should be referred to the Management Board only where they raise an important issue of policy.

- 4.68 The Planning Service has sought, through amendment to its internal processes, to deal with Management Board Referrals more speedily without impairing the quality of their reassessment. The result has been a reduction in average time taken from 6 months to 2 months. Nonetheless this timescale, added to the deferral process, represents a significant delay in the processing of planning applications.
- 4.69 **The Planning Service believes that the Management Board Referral process should be reviewed, particularly in view of the enhanced local public accountability since devolution, and that revised criteria for the selection of cases for Management Board Referral processing should be established. We invite comments on how this aspect of the process can be improved.**

Handling of Major Planning Applications-Article 31 Cases

- 4.70 Article 31 of the Planning (Northern Ireland) Order 1991 enables the Department to treat certain defined classes of planning applications as 'major applications'. The use of Article 31 has been controversial. It is regarded by the development industry as a major source of delay in the planning system. In addition, by reserving the final decision making to the Department, it is seen as removing the applicant's right of appeal, although judicial review is available as a remedy.
- 4.71 The Planning Service acknowledges the concerns expressed over the time taken to process major planning applications. In response, measures have been taken to introduce new organisational and management arrangements with a view to improving performance. Dedicated teams have been set up at Planning Service Headquarters to deal with planning applications for mineral extraction, waste disposal, major retailing and major housing proposals. As from January 2001, these teams are dealing with all new Article 31 cases as well as a substantial proportion of cases already in the system.
- 4.72 Dealing with major cases in this way is designed to ensure a more focused approach. The setting up of dedicated teams provides a source of planning expertise in relation to important regional issues. This facilitates improved arrangements for giving advice to applicants through pre-application discussion in order to identify

and address relevant issues and thus to improve the quality of development proposals. The teams also provide a clear point of contact for developers, and for the public concerned over the impact of major proposals.

Reducing the Use of Article 31

- 4.73 The purpose of Article 31 in Northern Ireland was initially seen as paralleling the 'call in' procedures in England for consideration and determination by the Secretary of State of planning applications seen as having major significance. In the 1980s it was agreed that use of Article 31 should be considered in cases where there was a request from two thirds of the members of a local Council.
- 4.74 Article 31 can be applied where a planning application would:
- involve a substantial departure from the development plan for the area to which it relates;
 - be of significance to the whole or a substantial part of Northern Ireland;
 - affect the whole of a neighbourhood ; or
 - consist of or include the construction, formation, laying out or alteration of a means of access to a trunk road or of any other development of land within 67 metres of the middle of such a road, or of the nearest part of a special road.
- 4.75 In practice, over recent years, a high proportion of Article 31 cases has fallen into the category of 'affect the whole of a neighbourhood'.
- 4.76 The result of applying Article 31 has been to extend processing time, increase public uncertainty, reduce the effective influence of the local Council over the outcome, and remove the applicant's right to an independent appeal to the Planning Appeals Commission. It has also imposed significant resource costs on the Planning Service, to the detriment of general speed and efficiency.
- 4.77 The Planning Service accepts that too many applications are dealt with under the Article 31 procedure, though the number of applications treated as Article 31 has recently been reduced.

Year	Article 31 Applications Declared
2001/02 (to end December 2001)	8
2000/01	35
1999/2000	30
1998/99	56
1997/98	52

4.78 Decisions on whether to apply Article 31 to particular applications require judgements by the Planning Service in interpreting the statutory provisions. The Planning Service recognises that there is a need for greater clarity in those cases to which Article 31 is likely to be applied. **In order to focus on applications which are truly ‘major’ in their scale and significance, it is proposed that in interpreting the existing Article 31 provisions the following criteria are used:**

- **large developments involving industrial, mixed retail use, retail food and residential proposals;**
- **proposals having a significant environmental effect; or**
- **proposals of regional significance.**

Supplementary guidance would be issued to assist with the understanding of these categories. Views are invited on the suggested new Article 31 criteria.

4.79 Thirty-five Article 31 applications were declared in 2000/2001. It is intended that application of the proposed criteria will lead to a further reduction in the number of cases to which Article 31 is applied.

4.80 **We would also wish to hear views on replacing the existing Article 31 regulation (see para 4.74) with more exacting and precise requirements.** This may require statutory change in the longer term.

Choice of Process Route

- 4.81 When Article 31 is applied to planning applications, the Planning Service has the option of proceeding by way of Notice of Opinion either to approve or to refuse planning permission, or to ask the Planning Appeals Commission to hold a public inquiry and to make a recommendation as to the outcome of the application. There has been some criticism that the basis for decisions taken by the Planning Service on which process route to pursue is not clear.
- 4.82 **The Planning Service accepts the validity of this comment and proposes to publish the criteria upon which it will base decisions as to whether to proceed by Notice of Opinion or by public inquiry.**

Article 31 Performance Targets

- 4.83 The recent establishment of dedicated teams at Planning Service Headquarters to deal solely with Article 31 applications should help to ensure more focused processing of major applications. However, the nature and scale of the proposals means that a high proportion will fall within the scope of Environmental, Land Use and Traffic Impact Assessment procedures. These procedures also result in extended processing times – for the good reason of ensuring that the public is made aware of the complexity of issues and the full implications of potentially contentious applications. **The Planning Service will seek to ensure, in partnership with key consultees and applicants, that the process operates as efficiently as possible.**
- 4.84 There are a number of key stages in the Article 31 process but only the timescale for designation is covered by legislation. This is either a 2 month period, or more usually a period of 16 weeks following receipt of an Environmental Impact Statement.
- 4.85 **It is proposed to introduce further performance targets for the key stages following Article 31 designation. The proposed performance targets are:**
- **within 4 weeks from receipt of final consultation and final information a decision should be made to progress the application by either a Notice of Opinion or public inquiry route;**
 - **to either issue a Notice of Opinion or to request the Planning Appeals Commission to arrange a public inquiry within 2 weeks of the decision as above; and**
 - **following a public inquiry, to consider the report of the Planning Appeals Commission, and issue a decision within 15 weeks of receiving the report and recommendation.**

- 4.86 The Planning Appeals Commission will continue to determine the timescales for key parts of the process, including:
- the scheduling of hearings or public inquiries;
 - the duration of hearings or inquiries; and
 - the timescale for receipt of the Planning Appeals Commission's report.
- 4.87 Following discussion with all parties, the Planning Appeals Commission provides a final programme for the inquiry/hearing at the last pre-inquiry/hearing meeting.
- 4.88 At present, on receipt of the inquiry report, the Planning Service consults Government Departments and public bodies which were party to the public inquiry prior to making a final planning decision, either accepting or rejecting the Commission's recommendation. This can take some considerable time. **Views are invited as to whether this consultation procedure should continue to be applied.**
- 4.89 During this stage of the process consideration of the case by the Planning Service is strictly limited to the issues considered at the public inquiry as reflected in the report and recommendation of the Planning Appeals Commission. Should new information of a factual nature arise following receipt of the inquiry report, the Planning Service practice is to re-consult all parties prior to taking the final decision. Furthermore, if considered necessary, the inquiry will be reopened to facilitate parties in considering any new information. These procedures have timetabling and resource implications.
- 4.90 When the Department announces its decision it has not been the practice in the past to give reasons. **However the Department intends to give such written reasons in the future.**

Supporting the Quality Initiative

- 4.91 The Quality Initiative was launched in January 1996. Its aim has been to raise awareness of the importance of good design and quality in the built environment, and specifically to lift the quality of new residential developments. In May 2000 the Planning and Road Services jointly published *Creating Places - Achieving Quality in Residential Developments*. Also published at that time was *Improving the Quality of Housing Developments in Northern Ireland*. This was jointly sponsored by the Construction Employers'

Federation, the Northern Ireland Housing Executive, the Planning Service and the Roads Service. In June 2001 the Department published Planning Policy Statement 7 – *Quality Residential Environments*, which embedded the approach into planning policy.

- 4.92 The Quality Initiative process requires creative thought at the initial and formative stage. The onus is on the agent to show how the specific site circumstances influence the concept design. **The Department intends to progressively train and develop staff in the utilisation of design, civic design and landscape design skills in order to maintain and develop the aims and objectives of the Quality Initiative.**
- 4.93 **The Planning Service will continue to take a proactive approach to explaining new policies and promoting the Quality Initiative. It will endeavour to respond positively to the requests from groups of agents to discuss current policies and initiatives, where this will assist the submission and processing of applications.** It is intended that applications which accord with policy should proceed more quickly through the planning system.
- 4.94 For major applications the Department normally expects the developer to fund any necessary new infrastructure required to enable them to proceed. This is usually achieved through the drawing up of a formal legal agreement between the Department and the applicant.

Planning Obligations

- 4.95 **It is proposed to amend the current legal provisions relating to the use of Planning Agreements.** The reason for changing the term ‘agreement’ to ‘obligation’ is to distinguish the new provisions from the existing planning agreement provisions. The main purpose of the change is to broaden their application, to remove the scope for interpretation by the Courts, to introduce provisions relating to their modification or discharge, and to provide for a right of appeal.
- 4.96 **We further propose to monitor work and assess conclusions reached on the recent Department for Transport, Local Government and the Regions Consultation Paper on *Reforming Planning Obligations: delivering a fundamental change*, which contains proposals for extensive reforms and improvements to the handling of planning obligations in England.**

Crown Development

- 4.97 In general, developments undertaken by or on behalf of the Crown do not require planning permission. This is in accordance with the normal common law principle of Crown immunity. However, under a longstanding agreement, Government Departments consult the Planning Service where the proposed development would require specific planning permission if it were to be undertaken by anyone other than the Crown. In practice such 'consultation' follows closely the normal planning application procedure.
- 4.98 In line with proposals in Great Britain, we are committed to the principle of removing Crown immunity from planning control, subject to certain safeguards relating to the national interest, such as security and defence. **We propose to introduce legislation when an opportunity arises.**

Appeal Period

- 4.99 Both local communities and developers need greater certainty about whether an appeal will be made when a planning application has been refused or approved with conditions. At present the applicant has 6 months to decide whether to lodge an appeal. **We think this is too long and propose to reduce this period to 3 months.**

Improved Enforcement

- 4.100 In March 2000 the Department set out its approach to enforcement through the publication of Planning Policy Statement 9 on Enforcement. This sets out the policy for dealing with unauthorised development and its approach to listed buildings, conservation areas, hazardous substances, trees and advertisements.
- 4.101 Following the Report of the Northern Ireland Affairs Committee, the Planning Service placed dedicated enforcement teams in each Division. Since then on occasions these teams have been reduced in order to assist in processing planning applications. Recently the Planning Service has started to secure further resources for development control. When necessary resources have been deployed, the dedicated enforcement teams will be fully reconstituted.
- 4.102 Enforcement is a key element in providing a credible approach to the application of planning policy. The Planning Service accepts that the integrity of the process is damaged when people act outside the system and proceed with development rather than first obtaining planning permission.

- 4.103 The public perception of the enforcement process is often that the Planning Service is inactive in the exercise of its powers. This misconception arises because the enforcement process is protracted, complex, and strongly governed by legal procedures. Furthermore, quite often a solution is arrived at through discussions and negotiations before the formal enforcement processes are fully worked through. **The Planning Service accepts that the provision of further information to the public could prevent such misconceptions. We therefore intend to improve the feedback of information to parties both directly and indirectly involved in enforcement cases.**
- 4.104 **The Planning Service will shortly be sponsoring a Planning (Amendment) Bill for introduction to the Northern Ireland Assembly before the Summer recess in 2002. The proposed Bill will simplify, streamline and strengthen the Department's existing enforcement powers.**
- 4.105 The Bill also proposes the introduction of some entirely new enforcement powers such as Contravention Notices, Breach of Condition Notices and an express power to apply to the Court for an injunction to prevent a threatened breach of planning control. In addition the Bill proposes increasing, from £5,000 to £20,000, the maximum level of fine that can be imposed on summary conviction for breaching an Enforcement Notice and to allow, for the first time, for a person to be convicted on indictment for this type of offence. With certain modifications, these provisions will apply to tree preservation orders, listed buildings, buildings in a conservation area, and hazardous substances.
- 4.106 **As it is often argued that greater deterrents against unauthorised development are needed, the Planning Service invites views on what further steps should be taken within existing and proposed legislation.**

A More Open and Transparent Process

- 4.107 The Planning Service is aware of the concern of the public that more information should be provided on the progress of planning applications in which they have an interest. The public wish to know when applications reach key stages, especially when consultation with the local Council takes place. This helps to assure them that their views are fully considered before a decision is taken.

4.108 In addition, people wish to be informed of changes made to proposals often in response to matters raised by objectors. There is also concern that the final outcome of applications does not appear on occasions to members of the public to reflect their concerns expressed to the Planning Service. The consequence is a desire for an explanation as to the policy and other factors which have led to the planning decision.

4.109 The Planning Service acknowledges the weight of these concerns which are also regularly endorsed by elected representatives. The need for greater transparency in the process is accepted, and this is reinforced by the desire of the Planning Service to adopt processes which incorporate increased safeguards for people's human rights.

Enhanced Transparency

4.110 **In order to meet concerns relating to the openness and transparency of this process, the Planning Service has recently undertaken:**

- **to make available to the public on request the replies of consultees and the report of the Development Control Officer in order to inform the public of the Department's consideration of the application;**
- **to remove the current anonymity afforded to objectors to planning applications in order to ensure greater transparency in the public representation process;**
- **to notify third parties of the key stages in the planning process;**
- **to reconsult third parties and the public where changes are made to the planning applications; and**
- **to provide reasons to third parties at the end of the process.**

4.111 On present estimates these procedures will cost the Planning Service some £0.4m per annum. Experience will show whether the greater transparency leads to faster processing by reducing enquiries, or to slower processing because it encourages enquiries and provides an opening for potential litigants.

Third Party Appeals

- 4.112 Some people argue that there should be a right for third parties to appeal against a decision to grant planning permission. In this context 'third parties' means people who feel disadvantaged by a planning approval, primarily objectors to the proposed development.
- 4.113 It is suggested that if it is reasonable to allow an independent appeal on planning refusals, there is an equal case for allowing a similar redress on planning permissions. Proponents of third party appeals recognise that it could not be unlimited because there must be some mechanism to prevent frivolous appeals.
- 4.114 There are clearly advantages and disadvantages to any system of third party appeals. At present the Department is not persuaded that the likely benefits of third party appeals are significant enough to justify a case for a third party right of appeal system.
- 4.115 **While the Department believes that the right way forward is to make the planning system more accessible and transparent, nevertheless we will continue to review the need for third party appeals.**

E-planning

- 4.116 The Planning Service website www.doeni.gov.uk/planning currently provides the public with information about the planning system and access to planning policies and development control advice. This includes an electronic planning application form (which can be completed on computer, printed and submitted with other documents) and associated guidance. Consultation documents, including draft Planning Policy Statements, Development Control Advice Notes and Development Plan Issues Papers are now routinely available on-line. Planned enhancements include more planning forms, draft Development Plans and adopted Development Plans, including associated map based information.
- 4.117 In terms of interactive electronic services, the Planning Service is currently procuring an on-line 'Property Certificate' system for the provision of information to the conveyancing community. The present paper based service provides a 'one-stop shop' for the provision of information by the Planning Service, Roads Service, Water Service and Environment & Heritage Service. It is hoped that the new system will not only provide this service on-line but enable the range of information providers to be extended.

- 4.118 **By 2005, the Planning Service intends to make it possible to submit a planning application and pay for that application on-line.**
Associated services will include on-line access to information about current planning applications and feed-back to applicants and agents about the status of their application. 'Back-office' improvements in the planning application process, which are already being piloted, include electronic consultation with other Agencies and public bodies about development proposals.

Planning Aid

- 4.119 Individuals and community groups often wish to engage effectively with the planning process but lack the resources to fund independent and impartial advice. Planning Aid was launched in Northern Ireland during 2000 to help people to participate in the planning process. Although not presently providing funding, the Department supports the aims of Planning Aid.
- 4.120 Funding is currently provided to Community Technical Aid, a group that provides professional advice and support to community groups which are unable to afford the full costs of engaging the planning process.
- 4.121 **Views are invited on how best to assist groups to become involved in the planning process, including funding.**

Resourcing

- 4.122 The fee paid by applicants for planning permission strikes a balance between the regulation of development in the wider public interest, which is supported generally by taxpayers, and the wish of the planning applicants to pursue their development proposals. In order to deliver a fundamental improvement in performance planning needs to be better resourced.
- 4.123 A fundamental review of the fee regime is already underway to ensure that it better covers the cost of the service including the scope of activities covered by fees, for example, preliminary enquiries; statutory consultees; consultation responses; and enforcement.

- 4.124 Clearly any increase in fees must be matched by a better service and address the concern about the loss of skilled professional planners. It could also address the current difficulties in properly resourcing a pre-application discussion facility. This could result in the effective provision of this facility, providing assistance with the requirements of making a planning application, resulting in better quality applications.
- 4.125 We will be undertaking further consultation on this review of planning fees, probably in late 2002. **In the meantime any comments on increasing planning fees to help finance better performance are invited.**

5.0 Developing Modern Policies and Plans

- 5.1 The Planning Service acknowledges the importance to the planning system of having comprehensive coverage of locational and operational planning policies. Following the report of the Northern Ireland Affairs Committee, the Planning Service has been active in putting into place a new and comprehensive framework as the basis for decision making.
- 5.2 This framework consists of:
- **The Regional Development Strategy** now finalised by the Department for Regional Development. It sets out the long-term over-arching strategic framework for the future development of Northern Ireland up to 2025. The Regional Development Strategy will provide important guidance for the preparation of planning policy and development plans;
 - **Planning Policy Statements** which set out planning policies, mostly for specific land uses. These policies apply to all of Northern Ireland and will progressively replace the policies contained in *A Planning Strategy for Rural Northern Ireland*. The Department of the Environment and the Department for Regional Development have programmes to prepare Planning Policy Statements;
 - **A Planning Strategy for Rural Northern Ireland Policies** which remain extant except where they have been replaced by Planning Policy Statements. These apply to all areas of Northern Ireland outside Londonderry, the Belfast Urban Area, and the adjoining towns of Carrickfergus and Bangor;
 - **Development Plans** prepared for individual or groups of local Council areas. Development Plans set out locational planning policies and land use proposals for specific locations; and
 - **Supplementary Planning Guidance** in the form of Development Control Advice Notes and Design Guides.
- 5.3 Progress on the provision of this policy framework, while steady, has been slower than the Departments would have wished. We are now striving to make more rapid progress towards completion of a series of Planning Policy Statements, and the achievement of a full and up-to-date development plan coverage as set out in the *Programme for Government 2002/03*¹. This strengthened policy framework,

1. Para 5.5 and Objectives 2.2 and 2.3

together with the Regional Development Strategy, and new supplementary planning guidance will provide the basis for a system of planning that:

- is more easily understood;
- provides greater transparency, clarity and consistency of decision-making;
- enables faster handling of individual planning applications;
- affords greater environmental protection and supports nature conservation;
- gives greater certainty to the public and developers;
- facilitates better decision making; and
- leads to quality development.

6.0 Formulating Planning Policy

- 6.1 The Planning Service and the Department for Regional Development develop planning policy through the preparation of Planning Policy Statements in consultation with the public, elected representatives, and key interest groups. Planning Policy Statements have a critical role in setting out operational policies to complement the strategic planning guidance provided by the Regional Development Strategy and in the establishment of the framework for locational policies contained in development plans.

Developing Policies Distinctive to Northern Ireland

- 6.2 Though not applicable to Northern Ireland, Departments in Great Britain publish planning policy guidance for their local authorities. The Planning Service takes the view that, while these provide important conceptual statements of thinking on planning policy, it is necessary to adapt them to the needs and conditions of Northern Ireland. The preparation of our Planning Policy Statements provides a process for developing planning policies distinctive to Northern Ireland.

An Accelerated Programme of Planning Policy Statements

- 6.3 The Planning Service accepts that improved progress towards full coverage of Planning Policy Statements will bring considerable benefits both in the speed and clarity of decision making on planning applications, and in the preparation of development plans. **The Planning Service reaffirms its Planning Policy Statement commitments as outlined in the *Programme for Government 2002/03*¹.** We will liaise closely with the Department for Regional Development in their preparation to ensure the development of a cohesive suite of Planning Policy Statements.
- 6.4 **The Planning Service will review, or undertake the preparation of, the following Planning Policy Statements:**
- **General Principles;**
 - **Planning and Nature Conservation;**
 - **Roads Considerations;**
 - **Industry, Commerce and Office Development;**
 - **Open Space, Sport and Recreation;**

1. Para 5.5 and Objective 2.3

- Telecommunications;
- Planning and Waste Management;
- Public Services/Utilities;
- Minerals;
- Community Facilities;
- Flooding;
- Advertisements; and
- Tourism.

6.5 On devolution, the Department for Regional Development assumed responsibility for the preparation of Planning Policy Statements on:

- Retailing;
- Housing and Settlements;
- Transportation and Land Use; and
- The Countryside.

The Planning Service invites comments on the range and priorities of proposed Planning Policy Statements listed above.

6.6 The Planning Service notes the support for the layout of the most recent Planning Policy Statements which consists of a clearly stated policy and an accompanying explanation. **We propose to use this format in future Planning Policy Statements and to bring existing Planning Policy Statements into this style as and when they are reviewed.**

Strengthened Community Involvement

6.7 The Planning Service accepts that the preparation of planning policy must incorporate a wide-ranging and inclusive consultation process. Effective participation is critical in ensuring that people in their communities are able to play a meaningful role in the development planning process and have ownership of the policies of Government. Strenuous efforts have been made to make the process of preparing

Planning Policy Statements more transparent, to ensure that they do not impact adversely on equality grounds, and to undertake extensive consultation prior to the finalisation of policy. **A period of 4 months is set aside for public consultation on draft Planning Policy Statements. This is a substantial period which affects timescales of reviewing or preparing new Planning Policy Statements. However, we propose that this should be maintained in order to afford sufficient time for the community and elected representatives to formulate a comprehensive response.**

- 6.8 To strengthen participation in the preparation of Planning Policy Statements, the Planning Service wishes to promote greater involvement of key interest groups and the public at the earliest possible stage. Through early consultation we hope to achieve greater consensus on emerging planning policy with potential time savings later in the policy preparation process. **It would be possible to set up, for each Planning Policy Statement, a working group consisting of representatives of key interest organisations to advise the Planning Service on issues relevant to the preparation of policy. This would have implications for policy preparation timescales so views are sought on the trade off between participation and timescales necessitated.**
- 6.9 The Planning Service has successfully piloted the use of external arrangements using consultants to draw in the views of the public and community sector to the preparation of development plans.
- 6.10 **The Planning Service will examine the potential for using external consultants in order to draw in the views of the wider community in the preparation of Planning Policy Statements.**
- 6.11 Some interest groups want to know how their comments have been taken into account by the Planning Service and we recognise this concern. **In order to ensure greater transparency in the preparation of Planning Policy Statements, the Planning Service will summarise the comments received on draft Planning Policy Statements and will publish a commentary indicating the Department's response.** Again this may have implications for resources, timescales and throughput associated with policy preparation.

Timescale for Preparing Individual Planning Policy Statements

- 6.12 The time taken to prepare individual Planning Policy Statements will vary according to topic. In setting a timescale for each Planning Policy Statement, the Planning Service is concerned to strike a

balance between making rapid progress to prepare planning policy while giving the public a proper opportunity to contribute to the process.

- 6.13 **We believe the Planning Service should work to a clear target for the completion of Planning Policy Statements. We will seek to complete each Planning Policy Statement within 18 months of preparation commencing, subject to the availability of resources.**

Keeping Planning Policy Up-to-Date

- 6.14 At a time of rapid social and economic change it is important to ensure that planning policy is kept up-to-date and relevant in meeting the region's needs and that it meshes coherently with other aspects of Government policy. We believe that the Planning Service must accept the importance of:
- keeping abreast of changes in national policy, policy within these islands, European policy and wider international changes;
 - monitoring local social and economic trends;
 - revising policies to take account of changing circumstances; and
 - ensuring the policies take account of legal developments.
- 6.15 Monitoring of emerging trends is important in ensuring that planning policies remain responsive to Northern Ireland's needs. Key regional interest groups and other Government Departments and agencies are an important source of specialist advice.
- 6.16 It is important to ensure that planning policy reflects local conditions and needs. In the past, resource constraints have precluded fully effective liaison with policy makers in Great Britain and the Republic of Ireland and the commissioning of research specific to Northern Ireland in order to inform the development of local planning policy. This is a significant gap which must be filled in order to ensure that planning policies remain up-to-date and relevant. **We propose the commissioning of a programme of research to underpin the development of policy.** It is also necessary to strengthen linkages with Departments in England, Scotland and Wales; and the Department of the Environment and Local Government in Dublin, in order to keep abreast of policy development in Great Britain and the Republic of Ireland. **We therefore propose to develop and strengthen such linkages.**

Supplementary Planning Guidance

- 6.17 In explaining the approach of the Planning Service to specific land uses, procedures or to particular locations, publication of supplementary planning guidance has a key role in providing advice to the public when making or being affected by planning applications.
- 6.18 Supplementary guidance published by the Planning Service has to date generally related to specific land uses. Fifteen Development Control Advice Notes have been published on topics such as Environmental Impact Assessment; Hazardous Substances; Creches and Nursing Homes. The Planning Service has now afforded greater priority to this work and has expanded its programme for the preparation of Development Control Advice Notes including review and updating some advice. During the 2001/2002 business year we will issue two Development Control Advice Notes in final form: *Development Control Advice Note 4 – Restaurants, Cafes and Fast Food Outlets*, and *Development Control Advice Note 8 – Small Unit Housing*. In the year 2002/2003 the Development Control Advice Note programme includes a total of 7 projects.
- 6.19 **The Planning Service recognises the value of supplementary planning guidance in providing advice and will continue to issue Development Control Advice Notes on topics in line with its programme contained in its Corporate and Business Plan and as need is identified.**

7.0 Preparing Development Plans

- 7.1 Development plans have a key role in allocating lands for development to facilitate economic and social progress in Northern Ireland. The plan preparation process facilitates the choice of locations for growth which accord with major Government policy objectives for promoting sustainable development, supporting economic development, achieving social progress, and targeting social need.

A Plan-Led System

- 7.2 In determining planning applications the Planning Service assembles and assesses the range of material considerations such as the Regional Development Strategy, Planning Policy Statements, development plans, supplementary planning guidance, the views of consultees, the views of local Councils, comments received from the public and relevant site characteristics. Consideration is given in the decision-making process to all the relevant material considerations. The weight afforded to each can and does vary depending on the particular circumstances of each case.
- 7.3 The Department gave an undertaking to the Northern Ireland Affairs Committee, prior to devolution, to give consideration to the introduction of a plan-led system. In a plan-led system, prime importance is given to the development plan in the determination of a planning application. This means that if a planning application is submitted that is in accordance with the development plan, it is likely to be approved. If other material considerations indicate otherwise, such primacy however does not mean that the development plan must be strictly adhered to on every occasion. Following the issue of a consultation paper on legislative change there was support for a plan-led system. The Planning Service is presently sponsoring proposals for a Planning (Amendment) Bill to introduce this change (see also paragraphs 4.104 - 4.106).

Streamlining the Process

- 7.4 In the past it has often taken longer than anticipated to prepare development plans. The Planning Service accepts the need for change in the preparation of development plans and has been reviewing the process in a positive and innovative way in order to:
- streamline procedures in order to speed up plan preparation and the achievement of full plan coverage;

- align the content of the development plan with the Regional Development Strategy and Planning Policy Statements; and
- promote a more inclusive process in order to increase public and community involvement and ownership.

7.5 Specifically, the Planning Service has:

- reviewed the role of the development plan in the hierarchy of policy documents;
- conducted a thorough review of the development plan system with the assistance of consultants (David Lock Associates);
- reviewed the coverage of Area Plans;
- considered how local Council districts can be grouped together;
- agreed to work with other Government Departments and Agencies to secure joined-up Government;
- encouraged Councils to develop their own ideas on how they see their Council areas developing;
- reviewed procedures for the management of each development plan; and
- drawn on the experience of the process used in the preparation of the Regional Development Strategy.

An Accelerated Development Plan Programme

7.6 The Panel for the Public Examination into the draft Regional Development Strategy highlighted the crucial role of the development plan in supporting the implementation of the Strategy. The Panel's report recommended that the Planning Service should seek to complete development plan coverage of Northern Ireland by 2005. **This challenging target was accepted by the Planning Service and has been included in the *Programme for Government*¹.** This will have resource implications for the Planning Appeals Commission which will need to be further explored.

1. Para 5.2.3 and Objective 2 Programme for Government 2001/02
Para 5.5 and Objective 2.2 Programme for Government 2002/03

Fewer Development Plans

- 7.7 The Area Plan is the basic building block of the Northern Ireland development plan system. Area Plans provide the detailed locational policies for local areas, within the overall context of the Regional Development Strategy. Practice until recently has been to prepare Area Plans for individual or small groups of districts. As a result, before 1992 Northern Ireland had 18 Area Plans. This large number and the time taken to follow the statutory development plan process have contributed to extending the timescale needed to achieve full development plan coverage.
- 7.8 The Planning Service has recognised the benefits in grouping local Council areas for development plan purposes. A key factor in making efficiencies in both financial and manpower resources is to reduce the number of plans. The Panel for the Public Examination into the draft Regional Development Strategy recommended amalgamation into a limited number of sub-regional plans, in order to speed plan preparation. The Planning Service view is that, in considering groupings, the potential for time and resource savings has to be balanced against the increased number of local issues raised plus the likely extension of the public inquiry process which would result from the creation of overly large plans of a sub-regional scale.
- 7.9 Nonetheless, the Planning Service has already undertaken groupings and the development plan programme published in the Planning Service Corporate and Business Plans 2001/02¹ comprises a number of plans consisting of several local Council districts, including:
- The Belfast Metropolitan Area Plan comprising the administrative districts of Belfast City, Carrickfergus, Castlereagh, Lisburn, Newtownabbey and North Down Borough Councils;
 - The Ards/Down Area Plan 2015;
 - The Newry and Mourne/Banbridge Area Plan 2015;
 - The Antrim/Ballymena/Larne Area Plan 2016;
 - The Northern Area Plan 2016 comprising Ballymoney, Coleraine and Limavady Boroughs and Moyle District; and
 - The West Tyrone Area Plan 2017 comprising Omagh and Strabane Districts.

1. See Annex 3 Development Plan Programme.

- 7.10 The remaining districts have their own plans either current or under preparation.
- 7.11 **The Planning Service will consider the potential for further grouping into larger development plan areas in light of any changes which might emerge in the future as a result of the proposed Review of Local Government Administration.**

Changing Role and Content

- 7.12 The absence of full Planning Policy Statement coverage has meant that to date Area Plans have been used to state and implement operational as well as locational policy. The development of the planning policy framework in Northern Ireland through the preparation of the Regional Development Strategy and the programme of Planning Policy Statements will mean that it is no longer necessary to include detailed operational policies in Area Plans. **We propose that future Area Plans, including those currently under preparation, should be more closely focused on locational issues and policies, land use allocations, and that development plans should not repeat statements of operational policy covered elsewhere except by cross-reference.**

Improving Locational Policy and Guidance

- 7.13 The increased focus on locational issues will allow consideration to be given, in consultation with elected representatives and communities, to the inclusion in plans of policies distinctive to the needs of local areas. **The Planning Service also proposes where possible to set out planning requirements for major development sites, particularly in the context of the Quality Initiative. We propose, in doing so, to give greater guidance to developers to ensure that they bring forward proposals acceptable in planning terms and responsive to the views of local communities.**

Developing an Agreed Statistical Base

- 7.14 Participants in the planning process have a tendency to develop their own methodologies for assessing future development needs and their own approach to the analysis of statistical information. This can result in considerable time being spent debating technical matters at the early stages of plan inquiries. The Statistics and Research Agency of the Department of Finance and Personnel is a source of expertise within Government which may be able to assist in

these areas. **In the plan process, the Planning Service will seek to agree, with the development industry and other key participants, methodologies for assessing future land use and transport requirements, and accepted sources of statistics for key parameters.** The purpose is to ensure as much agreement as possible on matters such as population change and mean household size, in advance of Area Plan public inquiries.

Enhanced Community Involvement

- 7.15 Public consultation in the preparation of development plans has in the past focused on 3 stages:
- at the launch of the plan process comments were invited through press advertising;
 - preliminary proposals were published later which set out the views of the Planning Service on specific locations for development and recommendations for planning policy; and
 - following consideration of comments, a draft plan was published and a public inquiry held into objections.
- 7.16 The public, however, tended to wait until the preliminary proposals were published before providing any comment. In order to develop a more constructive dialogue with elected representatives, key interest groups and the wider community, the Planning Service has on a pilot basis introduced the publication of an issues paper as a substitute for preliminary proposals. It is proposed that the Planning Service continues with this process to replace the ‘preliminary proposals’ stage of plan preparation. **We therefore propose that in its place the Planning Service should continue its new practice of focusing consultation on the future development of an area in a development plan around an issues paper produced early in the process, which will deal with broad planning issues rather than detailed proposals.** The idea is to promote wide discussion on matters such as where development should be located; which settlements to plan for; which areas have been growing too fast; housing distribution; new industrial locations; which areas should be protected; which areas are in need of regeneration. Views expressed through this consultation process can therefore be more transparently incorporated into development plan proposals and greater involvement of local people in influencing future change in their areas is facilitated.

7.17 The Planning Service is concerned to develop a process which engages the community more fully at all stages in the preparation of development plans, but particularly in the early stages. The objectives are to promote public participation; to engage the community in debate as to the future of local areas; and to develop greater ownership by the public of the process and the final proposals. **With this in mind, we have also piloted in a number of areas processes to enhance the development plan process. We propose to:**

- **encourage Councils to adopt a more positive role in the planning process by engaging in ongoing discussion with the Planning Service on the future development of their areas;**
- **engage key interest groups (for example, the business community, environmental groups) positively through workshops; and**
- **use external arrangements through consultants in order to draw in the views of the public and community sector including representatives of Section 75 Groups (Northern Ireland Act 1998).**

Promoting a 'Joined-Up' Approach

7.18 The Planning Service places high priority on a 'joined-up' approach aimed at achieving a high degree of integration with the public sector on planning issues. Government policies, Departmental strategies, Council initiatives and local regeneration strategies have important spatial implications for local areas.

7.19 The development plan has a key role in providing an integrating and supportive spatial framework in order to facilitate cohesion and the implementation of the range of public policies.

7.20 **The Planning Service wishes, through the establishment of a Steering Group for each Area Plan, to achieve tighter project management, increased accountability for programme delivery, and a greater degree of participation by key consultees in the preparation of plans.** The Steering Group, involving the Roads Service, Water Service, Rivers Agency, Environment and Heritage Service and others, and chaired by the appropriate Divisional Planning Manager, will be responsible for managing inputs from Departments and other public bodies in order to meet deadlines.

This approach will assist in streamlining the process, producing a more meaningful consultation and achieving a greater degree of involvement and ownership of the Area Plan process.

- 7.21 **It is proposed to formalise and strengthen this approach by enlarging the membership of the Steering Group beyond central Departmental interests to include representation at official level of the relevant local Council(s).**

Streamlining the Process from Draft Plan to Final Adoption

- 7.22 The period between the publication of a draft plan and its final adoption by the Department as the statutory development plan has been increasing in recent years. Growing public interest in the preparation of, and concern about the content of development plans; greater use of legal representation by all parties; growing numbers of contentious issues as the pace and scale of new development has increased; have all contributed to increasing numbers of objections and lengthening timescales, particularly at the public inquiry stage of the plan preparation process. As a result, the time from publication of the draft plan to final adoption has in general been in excess of two years in recent plans.
- 7.23 Lengthening timescales result in uncertainty and delay in bringing on stream lands needed for housing and economic growth in the interests of the broader community. The planning process must seek to strike a balance between the necessary protection of the rights of the individual and the need to provide for development required for the community as a whole.
- 7.24 In striking this balance there are areas where some changes need to be considered in the management of the process in order to produce cumulative savings in the overall plan preparation timescale.

Publication of the Plan

- 7.25 The Planning Service practice until very recently has been to publish draft plans in a high quality 'finished' format. Following the public inquiry, the Department published an adoption statement setting out the changes made to the draft plan. The final plan was therefore represented by these two documents. This delayed the publication of the final plan and made its interpretation by the public quite difficult.

- 7.26 **The Planning Service proposes that at draft stage the plan should be published in a reduced format, and that the 'quality' document should be published at final plan stage, with the changes proposed at adoption incorporated into the final plan publication.** This proposed approach will mean earlier publication of draft plans, and a more clearly understood final plan consisting of one document and not two as has been the case.

Earlier Publication of Technical Supplements

- 7.27 The Planning Service accepts that the public are entitled to be informed of the technical and statistical data which support proposals and policies contained in development plans. Our practice has been to publish this information as Technical Supplements covering the range of land use topics. However, on occasions, resource constraints have meant that these supplements have not been available at the time when draft development plans were being published. The Planning Service accepts that this background information is important in assisting the public to understand the plan's proposals and in preparing representations and objections.
- 7.28 **We will therefore seek to make necessary background information available as early as possible in the plan preparation process and, at the latest, will publish Technical Supplements at the same time as the draft plan. The Planning Service will endeavour to establish for each plan a website on which background information can be made available as the plan progresses.**

Seeking to Resolve Objections

- 7.29 The duration of public inquiries can be reduced through the resolution of objections prior to the opening of the inquiry. **The Planning Service will continue its practice to seek to resolve objections by negotiation where the circumstances and issues involved lend themselves to this approach, and will, in future, table for the presiding Commissioner at the start of each inquiry a statement of objections concluded or resolved.**

The Public Inquiry

- 7.30 As noted above, the time taken for development plan public inquiries has lengthened in recent years. The role of the Planning Service is to decide whether to cause a public local inquiry to be held by the independent Planning Appeals Commission for the purpose of considering objections to development plans and for the Planning Appeals Commission to prepare a report for the Department. The management and duration of inquiries is not within the jurisdiction of the Planning Service.

- 7.31 Nonetheless, the timescales for preparing development plans are influenced strongly by the duration of public inquiries and it is appropriate to consider the public inquiry stage in this document. The Planning Service offers the following suggestions to initiate a debate on the scope and desirability for streamlining the public inquiry process.

The Duration of Public Inquiries

- 7.32 Delivery of the development plan programme, as set out in the *Programme for Government*¹, will require commitment by all parties to the streamlining of the public inquiry process. **To achieve this, the Planning Service is currently reviewing, with the Planning Appeals Commission, existing programming processes with the aim of bringing forward recommendations to better manage the process for the benefit of all users of the planning system.**

Dealing with Objections

- 7.33 The content of development plans consists of two broad areas:
- a plan strategy centred around the overall strategy for change proposed in the plan area; and
 - planning policies and specific development proposals for particular localities.

While a formal public inquiry is accepted as necessary where site specific issues are concerned, there may be other means of dealing with broader strategic matters.

- 7.34 The preparation of the Regional Development Strategy incorporated a Public Examination on the model used for Great Britain for structure plans. This provided an informal opportunity for the discussion and testing in public, before a panel, of matters arising from consideration of the draft Strategy. This then enabled the Department for Regional Development to decide whether any changes to the draft Strategy were needed. It was widely acknowledged to have been successful in affording the opportunity for debate of strategic issues by all parties including Government, elected representatives, interest groups and the general public. At the same time, the timescale facilitated rapid progress on key development issues for Northern Ireland as a whole.

1. Para 5.2.3 and Objective 2 Programme for Government 2001/02
Para 5.5 and Objective 2.2 Programme for Government 2002/03

- 7.35 While the Planning Service accepts that a Public Examination is not an appropriate way to deal with site specific matters, it would welcome discussion on whether a Public Examination might provide an appropriate format for consideration of more strategic issues in development plan inquiries. A further option may be to examine the scope for applying informal hearing procedures (Commissioner-led discussion) for site specific objections.

The Adoption of the Final Development Plan

- 7.36 Following receipt of the report of the public inquiry from the Planning Appeals Commission, the Planning Service consults other relevant Departments and public bodies who have been involved; considers the recommendations of the Planning Appeals Commission; and adopts the final plan with or without modifications.
- 7.37 The Planning Service accepts the need for efficiency in the management of this stage of the process. **On receipt of the report of the Planning Appeals Commission, the Planning Service will publish a target date for adoption of the plan designed to achieve a speedy conclusion of the process.**
- 7.38 While the Department accepts the recommendations of the Planning Appeals Commission in most instances, there have been occasions where, in the public interest, recommendations have not been accepted. As the Department is final decision taker in the plan making process, it has been practice to delay release of the Planning Appeals Commission report until final adoption of the plan. The Department's concern has been that, should early publication of the report prompt correspondence from objectors or those with an interest, this could cause greater delay and could be regarded as prejudicial to the Department's consideration of, and decisions on, the recommendations. It could also result in either an advantage or disadvantage to individuals, possibly leading to additional processes, litigation and delay.
- 7.39 **The Planning Service, however, has received representations advocating that the report of the Planning Appeals Commission should be made publicly available as soon as possible after submission to the Department. The view of the Planning Service, for the reasons given above, is that this would not necessarily be helpful to the plan preparation process. The views of the public are sought, however, before a final decision is taken on this issue.**

8.0 Equality of Opportunity (Screening Analysis) and Human Rights

8.1 Section 75 of the Northern Ireland Act (1998) ('the Act') requires the Department, in carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

8.2 The Department must also have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

8.3 Schedule 9 to the Act requires the Department to set out in an Equality Scheme how it proposes to fulfil the duties imposed by Section 75. The Department's Equality Scheme was approved by the Equality Commission in February 2001.

8.4 Under this Equality Scheme, the Planning Service is committed to carrying out equality impact assessments on Development Plans and selected Planning Policy Statements and Development Control Advice Notes, which, following screening, have been identified as having potential impact on the promotion of equality of opportunity.

Aim of Consultation Paper

8.5 The main aim of this consultation paper is to initiate discussion which will lead to the development of a programme of change in the operation of planning processes, which will benefit all interested parties, including representatives of Section 75 Groups.

Screening Criteria

- 8.6 The main proposals in the document have been reviewed against the following 4 screening criteria:
- is there any evidence of higher or lower participation or uptake by different groups;
 - is there any evidence that different groups have different needs, experiences, issues and priorities in relation to the particular policy;
 - is there an opportunity to better promote equality of opportunity or better community relations by altering the policy or working with others in government or the community at large; and
 - have consultations with relevant groups, organisations or individuals indicated that particular policies create problems that are specific to them?
- 8.7 As a result of the screening exercise the Department has concluded that there are no negative differential equality impacts anticipated from the application of any of the proposals.
- 8.8 Positive equality impacts are likely to result from the improved processes proposed. For example, the proposed reduction in the application of Article 31 is likely to have a positive impact on certain sections of the community and addresses criticism previously put forward by the Travelling Community.
- 8.9 The Department considers that an equality impact assessment is therefore not required for the proposals. Views on these conclusions will be welcomed and the Department will be happy to discuss any aspect with individuals and representatives of Section 75 Groups.

Human Rights

- 8.10 The Planning Service believes that the proposed improvements to processes are compatible with the Human Rights Act 1998.

9.0 Responses to this Consultation Paper

- 9.1 This consultation paper presents the preliminary views and proposals of the Planning Service as to how its processes might be changed in order to respond to these key challenges. These preliminary views and proposals are structured around the three major business areas of the Planning Service: development control, planning policy provision and development plan production.
- 9.2 The Planning Service presents these proposals, together with the reasoning behind them, in order to stimulate debate on planning processes and ways in which they might be improved, and to invite public comment.
- 9.3 As previously stated this paper is seeking views on areas of possible change which can be undertaken quickly, and broadly within present legislative provisions.
- 9.4 The consultation paper is available on the Planning Service website at **www.doeni.gov.uk/planning**
- 9.5 Comments should be sent to Harry Baird, Room 326, Clarence Court, 10-18 Adelaide Street, Belfast, BT2 8GB, no later than 14 June 2002. These can be sent electronically to:
modernising.planning@doeni.gov.uk
- 9.6 All responses received in relation to this consultation paper will be available for public inspection unless it is specifically indicated that the response is confidential.

