Dear Ms Kennedy,

Re. The Draft Planning Reform (NI) Order 2005-11-24

Here are some points we would like to make, by way of a public consultation:

The Cross Border Aquaculture Initiative Team (CBAIT) is a European Economic Interest Grouping (EEIG) developed to provide a range of support services for the sustainable development of the Aquaculture Sector, increasing volume, value and employment in the six counties of Northern Ireland and the six border counties of the Republic of Ireland.

We agree that NI's planning system needs to improve its performance to ensure that it responds to a growing and changing economy. We would like to point out that Aquaculture is one of those areas of the new economy that PS will be dealing with more and more in the future.

We also agree with the consultation paper that the effectiveness of the planning system has different expectations from different 'customers'. However, we feel that certainly in the case of our clients, rather than developers just having a desire to see a system producing 'speedy results', what is wanted is a system that would provide an applicant with a guaranteed and definitive timeline by which results from a PS opinion would be given to an applicant.

For example, in the aquaculture sector, a development proposal will be passed distributed to other agencies by the PS for consultation. The PS will not make a decision or even consider the project until all the responses have been received back from the consultees. This in effect means that the time an applicant can expect to receive an opinion from the PS is effectively open ended and not defined. The only option open to the applicant is to personally persuade the consultation agencies to make a quick response so that PS can then make a decision.

A more effective and equitable system would be to provide a definite time limit on the consultation period, so that the PS could proceed with processing applications and providing a decision to the 'customer' / applicant.

Although each case is site specific, when a client is trying to establish a new aquaculture business there can be a maximum of five licenses and assessments required, of which three is the minimum number of licenses that will be required. These licenses are namely; FCL, DCL, PP, EIA, and FEAPA. With each individual license each department that is in charge of the license consults with a number of other Departments. This effectively means that some departments (e.g EHS - Natural Heritage) can be repeatedly consulted on five separate occasions, regarding five different aspects of the same project. In each case the duration allowed for a response is open ended and results in the applicant / 'customer' persuading the relevant department to make a reply to allow the license to be processed.
This draft planning reform order is an opportunity for the PS to introduce a more effective way of dealing with applications by setting a timeline that will allow businesses to efficiently plan their start-up.

It is worth also noting that the number of consultee departments to be repeatedly contacted by the 'customer' / applicant is quite significant (i.e. DCAL / Roads Service / EHS (Natural Heritage) / EHS (Built Heritage) / DCAL / Water Service), it is also noteworthy that although Aquaculture is part of the DARD (Department of Agriculture and Rural Development) remit, DARD is not a consultee by the PS for this type of application.

A further point to be stressed is that other agricultural constructions are not subject to planning restrictions to the same degree as land based aquaculture operations which are of course a de facto agricultural activity. The PS should consider reviewing the way it currently deals with land based aquaculture applications, particularly how this type of activity may be treated as an agricultural operation.

Yours, on behalf of the Cross-Border Aquaculture Initiative EEIG

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