

Response to Consultation on the Draft Guidance on the Planning Element of the Councillors' Code of Conduct

Comments by

Northern Ireland Environment Link

21st November 2014

Northern Ireland Environment Link (NIEL) is the networking and forum body for non-statutory organisations concerned with the environment of Northern Ireland. Its 62 Full Members represent over 90,000 individuals, 262 subsidiary groups, have an annual turnover of £70 million and manage over 314,000 acres of land. Members are involved in environmental issues of all types and at all levels from the local community to the global environment. NIEL brings together a wide range of knowledge, experience and expertise which can be used to help develop policy, practice and implementation across a wide range of environmental fields.

These comments are made on behalf of Members, but some members may be providing independent comments as well. If you would like to discuss these comments further we would be delighted to do so.

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NIEL supports the current reform of the planning system and welcomes the publication of draft guidance on the planning aspect of the Councillor Code of Conduct. NIEL, and the Planning Task Force it coordinates, supports the consultation response submitted by Community Places. In developing a further iteration of the Code, the following areas in particular should be addressed:

- Paragraph 1 should be amended to state that the guidance “**will**” be taken into account during any investigation of complaints by the Commissioner.
- Throughout the code ‘public good’ should be replaced by ‘public interest’ as it is more widely recognised and understood in a planning context. A clear definition of ‘public interest’ should be provided along with clear examples.
- With regards to lobbying and access to councillors, clear structures should be put in place to ensure public confidence in the planning system.
- Paragraph 9 should be amended to require councillors who are members of the Planning Committee to always inform planning officers of the representations they have received on planning applications.
- To ensure that political group meetings (as dealt with at paragraph 16) are not seen to be used to decide how councillors vote on planning applications, members of the Planning Committee should absent themselves from discussion of planning applications at these meetings.
- The last sentence of paragraph 17 is fundamental to upholding the democratic credentials of the planning system. It should therefore be afforded added emphasis - *“The key principle is that you cannot lobby for or against a planning application and then be a decision-maker on that application, whether the decision is taken by a planning committee or full council.”*
- In para 22 ‘financial reward’ should be extended to ‘financial reward or reward in kind’ OR ‘financial or other reward’.
- In para 25 ‘might - quite rightly’ should be extended to ‘should - quite rightly’.
- In relation to paragraph 39, further explanation, through use of examples, is required to clarify what is meant by ‘*substantial land*’.
- If a councillor works as a lobbyist for a developer he/she should **not** be on a planning committee given the inherent conflict of interest.
- To ensure the Code is being adhered to, there is a need for clearer guidance and information around the mechanisms for monitoring.

In planning terms the role of the councillor is changing dramatically from ‘advocate’ to ‘judge’. In light of these new found responsibilities councillor conduct is fundamental to the delivery of a fair, effective and fit-for-purpose planning system. A failure to uphold and enforce this Code would undermine the principle of community planning and the democratising potential of de-centralised planning powers. It is imperative that councillors understand their duty to act in the public interest as ‘regional’ stewards of a precious and diminishing land resource.