Planning for Northern Ireland’s Future - an overview of planning & local government reform

Angus Kerr
Director Planning Policy Division
Executive’s Vision for Local Government

“...a strong, dynamic local government creating communities that are vibrant, healthy, prosperous, safe, sustainable and have the needs of all citizens at their core.”

Central to this vision is the provision of high quality, efficient services that respond to the needs of people and continuously improve over time.
How Vision will be Achieved

• Reducing number of councils from 26 to 11 – economies of scale

• Transferring some central government functions

• New powers created for local government – community planning and general power of competence

• New governance and performance management framework
New 11 Council Model

New local government districts

District index
11 new local government districts
- Antrim and Newtownabbey
- Mid and East Antrim
- Armagh, Banbridge and Craigavon
- Belfast
- Causeway Coast and Glens
- Derry and Strabane
- Fermanagh and Omagh
- Mid Ulster
- Newry, Mourne and Down
- North Down and Ards
- Lisburn and Castlereagh

This material is based upon Crown Copyright and is reproduced with the permission of the Chief Executive of Land & Property Services under Delegated Authority from the Controller of Her Majesty's Stationery Office, © Crown Copyright and database right (2012)
New local Government Responsibilities

• Functions to transfer from central government include:
  
  ➢ Planning (from DOE)
  ➢ Regeneration (from DSD)
  ➢ Local economic development and tourism (from DETI),
  ➢ Rural development (from DARD)
  ➢ Spot Listing to enable Councils to add a building to the statutory list on a temporary basis, subject to ratification by the DOE
  ➢ Authority to draw up local lists of buildings of architectural and/or historic interest

• Final package being reviewed, Executive decision soon
• Statutory duty of Community Planning
• General Power of Competence
Community Planning

Community Planning
↓
Co-ordination of Services/Delivery
↓
Citizen focused outcomes
Staged Approach

- Voluntary Transition Committees – in place
- Statutory Transition Committees – Spring 2013
- Councils in Shadow Mode – June 2014
- New Councils – April 2015
Delivery Structures

Northern Ireland Executive

DOE Minister

Regional Transition Committee/
Regional Transition Operational Board

Task and Finish Working Groups

Political Reference Group
Reforming Planning – An Overview

• Planning Act 2011
• Planning Reform & Transfer Project - structures
• Statutory Consultees
• Emerging issues
Planning Act 2011 – in brief

• Overarching framework for reform and modernisation.

• Planning will become a core function of the new 11 councils.

• Local government will prepare local plans.

• Will bring planning back to where it belongs – in the local community – bringing together family of planning functions.

• Spatial planning – place shaping – community planning.

• The Department’s role.
Planning Reform and Transfer Project

• Responsibility with Planning Policy Division.

• Project Board – headed by Ian Maye, SRO.

• Engagement/discussion with local government.


• Complex inter-relationships.
Emerging Issues

- Planning Bill (Irene)
- Single Planning Policy Statement (Lois)
Emerging Issues - Organisational Design

• Key to all other areas.
• Three options for Service Delivery / Organisational Design.
  ➢ Eleven council model
  ➢ Sub-regional
  ➢ Regional

• Implications for where staff are located.
• How to integrate into councils.
• Decision – ultimately local government’s – but with help!
Emerging Issues: Capacity Building & Training

Work already underway:
• High level awareness raising seminars / conferences
• Detailed scoping / mapping exercise to identify full needs of councillors, planners and officers.
• Reconcile / collate all offers of help from organisations with planning expertise.
• Pilots – preparatory plan work and Task & Finish Working Group.

Future work:
• Prepare a Capacity Building & Training Action Plan.
• Roll-out plan over the period 2014 and beyond.
• Ongoing events.
Emerging Issues: Finance & Funding

Aim is to have a fit-for-purpose planning function ready for transfer in 2015.

Steps to achieve stabilisation of organisation now:
- Work Force Model being refined
- Fees & Funding Review
- VER Scheme opportunities
- Stable organisation – end of year
Emerging Issues: Codes of Conduct

Councillor change of role – advocate to decision maker.

Code of Conduct in development for councillors (fits with wider LG legislation).

Consideration also being given to post-RPA Code of Conduct for Planners – starting basis existing codes.
Conclusion

Huge challenges ahead for both councils/Department.

Considerable legislative programme of work to be advanced.

Capacity building and training for all stakeholders on operation of new system is critical.

Reform is a good thing - bringing planning back to where it belongs – local government.
Planning Bill
Opportunities and Issues

Irene Kennedy
Bill Team Leader
Planning Policy Division
Planning Reform

Planning Act (Northern Ireland) 2011

Planning Bill
Planning Act (Northern Ireland) 2011

• Received Royal Assent May 2011 – raft of subordinate legislation will be required to bring the Act fully into operation.

• Some sections in operation from December 2011 – 5 year time limit for enforcement action and increased penalties for offences related to listed buildings and tree preservation orders.
Planning Bill - Opportunities

- Interim measure – Bill to apply reforms in the 2011 Act prior to the transfer of planning powers to councils.

- Testing reforms in advance of transfer
  - Faster Processing of Planning Applications.
  - Simpler and Tougher Enforcement.
  - Enhance Environmental Aspects.
  - Fairer and Faster Appeals.
  - Enhanced community involvement
  - Promotion of economic development.
Faster Processing of Applications

- Option of appointing persons other than the Planning Appeals Commission to conduct Inquiries and Hearings into major planning applications.

- Statutory Duty placed on Consultees to respond to consultations within a prescribed timeframe.

- Power to make Non-Material Changes to Approved Planning Permissions.
Simpler & Tougher Enforcement

- Introduction of Fixed Penalty Notices.
- Raising Penalties for a range of Offences from £30,000 to £100,000.
- Conservation Area Consent will cover partial demolition of unlisted buildings in Conservation Areas.
- Multiple Fees for Retrospective Planning Applications.
Enhanced Environmental Aspects

- Department and PAC will be required to carry out functions with the objective of (a) furthering sustainable development and (b) promoting or improving well-being.

- Where possible, proposed development in a Conservation Area should enhance the character and appearance of the Area.

- Consent will be required for felling dying trees covered by a tree preservation order.
Faster & Fairer Appeals

- Reducing the time period during which an applicant can submit an appeal against a planning decision from 6 to 4 months.

- Introducing a time period for certificate of lawful use or development appeals.

- Restricting the introduction of new material at appeals.

- Allowing the Planning Appeals Commission to award costs in planning appeals.
Enhanced Community Involvement

- DOE to prepare and publish within one year a Statement of Community Involvement.

- Publicity arrangements for planning and listed building consent applications to be set out in subordinate as opposed to primary legislation.

- Strengthened community consultation during the pre-application stages of major planning applications.

- Grant aid to non-profit organisations for furthering an understanding of policy.
Economic Development

- Department in formulating and co-ordinating policy must do so with the additional objective of promoting economic development and achieving good design.

- In future Department, Councils, PAC and Independent Examiners when carrying out any development plan function must do so with the objective of promoting economic development and achieving good design.

- A material consideration includes the economic advantages or disadvantages likely to result from the approval or refusal of planning permission.
Economic Considerations in Practice

- Not the same as PPS 24.

- The Bill does not state the weight to be given to any material consideration.

- Appropriate weight to be given to all relevant material considerations, as informed by law and policy practice.

- Further elaboration required through Single Strategic Planning Policy Statement.
A Single ‘Strategic Planning Policy Statement’ (SPPS)

Lois Jackson
Planning Policy Division

DOE
Department of the Environment
www.doeni.gov.uk
Background to SPPS

• Being prepared as part of wider reform of the planning system.

• Planning Act 2011 sets framework for transfer of planning functions from the Department to local councils.

• Provisions include for enhanced community involvement; a proportionate approach to development management; and a new plan-led system.
Overview and Purpose of Single ‘Strategic Planning Policy Statement’ (SPPS)

• Purpose is to provide a comprehensive consolidation of planning policy including review of some elements were necessary.

• Signals a new approach to the preparation of regional planning policy.

• Will include an Executive Statement on the Purpose of Planning.
Single Strategic Planning Policy Statement (SPPS)

Aims:

- Shorter, clearer and more focused regional planning policy.
- Collation of policies in one document.
- Making Regional policy more accessible and intelligible.
The Situation in Northern Ireland

Existing Policy Framework:

- The Regional Development Strategy (RDS) 2035 responsibility of DRD.
- Planning Policy Statements (PPSs) DOE
- PPS 1 ‘General Principles’ (1998)
- Development Plans
Hierarchy of Planning Documents in the North

Regional Planning Guidance

Planning Policy Statements

Development Plans

Supplementary Planning Guidance
Policy Position in other Jurisdictions

- Major programmes of Planning Reforms underway.
- Scotland, England and Wales have introduced an over-arching single policy document.
- Long established two-tier system.
Scottish Planning Policy (SPP) Feb 2010
• A consolidation of existing planning policy documents.
• Review announced September 2012 and aligns with review of the National Planning Framework (NPF3).

National Planning Policy Framework (NPFF) England (March 2012)
• Aims to strengthen local decision making.
• Reinforces the importance of up-to-date plans.
• Focuses on ‘Achieving Sustainable Development’.

Planning Policy Wales (February 2011)
• Planning Policy Wales (PPW) Originally published in 2002 set the context for planning in Wales.
• PPW is more detailed than Scotland’s SPP and England’s NPFF and supplemented by Technical Advice Notes

The Republic of Ireland (ROI)
• Uses a defined hierarchy of plans, namely the National Spatial Strategy; Regional Planning Guidelines; and Development Plans
• NSS sets out policies of spatial planning adopted by the Government at national level.
Preferred Approach for the North

• Consolidating existing Planning Policy into one document.

• To simplify and provide clarity for the new local councils.

• In line with approach taken by Scotland and England.
Suggested Transitional Arrangements

• Post-transfer, operational policies from existing PPSs to be retained until local councils have brought forward new plans.

• This provides continuity in decision taking until new plans are in place.

• Allows time for Local Councils to bring forward new plans and local operational policies tailored to local circumstances, in conformity with SPPS.
Next Steps and Timescales

• Establish Steering Group and technical advisory group
• Draft Policy Development
• Stakeholder Engagement
• Develop public consultation draft SPPS end 2013
• Carry out public consultation
• Issue final publication end 2014
Discussion / Questions