

PLANNING BILL COMMITTEE STAGE

THE PLANNING BILL SHOULD STATE A CLEAR PURPOSE FOR THE REFORMED PLANNING SYSTEM

THE BILL MUST SECURE SUSTAINABLE DEVELOPMENT THROUGH LAND USE PLANNING

STATUTORY LINKS ARE REQUIRED BETWEEN LOCAL DEVELOPMENT PLANS, COMMUNITY PLANS AND WELL-BEING

THE BILL SHOULD INTRODUCE THIRD PARTY RIGHTS OF APPEAL

THERE IS AN URGENT REQUIREMENT FOR GUIDANCE FOR DISTRICT COUNCILS

THERE IS AN URGENT NEED FOR A NEW PLANNING POLICY STATEMENT THAT SUPPORTS AND ARTICULATES THE PURPOSE OF THE PLANNING SYSTEM TO DELIVER SUSTAINABLE DEVELOPMENT

KEY RECOMMENDATIONS:

-  The Bill should set out the Department of the Environment's responsibility to **'secure proper planning, community wellbeing and sustainable development'** and the formulation and co-ordination of policy.
-  The Bill should be strengthened to require the Department to exercise its functions **'with the objective of securing sustainable development'**.
-  There must be a **statutory link between a District Council's Local Development Plan and its responsibility for Community Planning.**
-  **Limited Third Party Rights of Appeal should be introduced.** This would greatly increase public confidence and ensure high standards of decision making.
-  **Guidance for Councils** should be provided as quickly as possible and a programme of subordinate legislation should have high priority in the next Assembly.
-  **A new Planning Policy Statement 1** should be prepared to support and articulate the purpose of the planning system to deliver sustainable development.

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BACKGROUND AND POLICY OBJECTIVES

1. Land use planning must balance environmental, social and economic issues and this requires a reformed modern, efficient and effective planning system.
2. The proposed reforms seek to manage development in a sustainable way, improve the quality of service delivery, allow full and open consultation and actively engage communities.
3. The Bill provides the legislative basis for the reforms and gives effect to the Review of Public Administration (RPA) changes which will transfer most of the functions and decision making responsibilities related to local development planning, development management and planning enforcement to district councils
4. The Bill aims to establish a new framework for a reformed and transferred planning system which will be supported by a substantial programme of subordinate legislation and guidance.

KEY ISSUES FOR CONSIDERATION AT THE COMMITTEE STAGE

1. Definition and purpose of planning

The Bill would be strengthened by a much clearer articulation at the outset of the functions of the Department of the Environment which would set out the purpose of the planning system. Clause 1 (1) should therefore set out the Department's responsibility to **'secure proper planning, community wellbeing and sustainable development'** and to formulate and co-ordinate policy to secure these objectives in an orderly and consistent way.

2. Sustainable development

While the reference at section (2) (b) to sustainable development is welcome, the current wording – 'with the objective of contributing to the achievement of sustainable development' – is weak. The requirement should be for the Department to exercise its functions 'with the objective of **securing** sustainable development'. A **climate change** objective for planning should be included in the Bill.

3. Links between Local Development Plans, Community Plans and the Power of Well-being

Given that the reform of planning is intended to take place in parallel with the reform of local government, it is essential to have a **statutory link between a Council's Local Development Plan and its responsibility for Community Planning**. The Bill does not provide for this crucial link and this should be addressed.

4. Third Party Rights of Appeal

The draft Planning Bill makes no provision for Third Party Rights of Appeal. **A very strong case has consistently been made for the introduction of Third Party Rights of Appeal and the opportunity to do so at this stage should not be lost**. This would greatly increase public confidence in the planning system and ensure high standards of decision making.

5. Urgent requirement for guidance

Much of the detail throughout the Bill is deferred to subsequent guidance or subordinate legislation. For example, in Part 2 the Bill requires Councils to set out a Statement of Community Involvement but it is unclear how this intent would be translated consistently across all local council areas. The time required to put the necessary guidance into place is of concern, especially with great pressure on Departmental funding and staffing resources. Guidance should be provided as quickly as possible and a programme of subordinate legislation should be a high priority in the next Assembly. In particular, **a new Planning Policy Statement 1 should be prepared as a matter of urgency to support and articulate the purpose of the planning system to deliver sustainable development**.

6. Enforcement

Without full and committed enforcement even the best legislation is ineffective.