~~Item No:~~

Belfast City Council

Report to:	Special Strategic Policy & Resources Committee
Subject:	Planning Reform Consultation
Date:	~~18th~~ 23rd September 2009
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Relevant Background Information

Committee will recall that in July 2009, DoE, published "Reform of the Planning System in Northern Ireland" consultation paper which set out proposals to reform the planning system in Northern Ireland. In addition to the full consultation document Planning Service produced and executive summary outlining the main elements of the consultation which has been appended for information (**Appendix 2~~3~~**).

The closing date for consultation responses to the Planning Reform consultation is 2nd October 2009.The purpose of this report is to seek Committee approval for a formal Council response. A draft response addressing the specific queries raised in the consultation document and broader issues arising from the proposals is appended to this report for consideration by Committee (**Appendix 1**).

Key Issues

~~**Planning Reform Consultation**~~

The reform proposals have been developed by Planning Service as the mechanisms to establish a new planning system whereby responsibility for the majority of planning functions will transfer to new councils as part of the Review of Public Administration (RPA). The transfer of the planning functions is an important element of basic RPA objectives which seek to create 'strong, dynamic and responsive local government'.

The implementation of the reform proposals will see the establishment of a new planning system through the introduction of new processes and changes in the general approach to development. The draft response has been developed to support the broader objectives established as part of the Councils ongoing engagement in the Review of Public Administration.

The specific principles underlying the appended draft response are:

- **full transfer** of the suite of local planning functions to enable the Council to effectively develop and implement the new statutory responsibility in a coordinated and effective manner;
- **clarity of roles and responsibilities** through the development of a streamlined planning led system with the clear emphasis on the local delivery and responsibility supported by a coordinated regional planning body;
- **functional integration** in terms of the potential for the new local authority responsibilities to contribute to the effective delivery of the proposed place shaping and community planning responsibilities; and
- **adequate resources** that reflect the level of transformation and additional responsibilities or requirements embodied in the reform proposals.

In providing the detailed response set out in Appendix 1 the objective is to secure a reformed mutually supportive planning system in which central government enables the new councils to deliver the local planning functions in support of the continued development of the region.

Whilst the consultation document poses a detailed set of eighty questions, there are a number of strategic issues which are not covered and a number of the issues suffer from an absence of detail or clarity. The draft response in addition to addressing the specific consultation questions seeks secure clarification of the strategic issues which may need to be addressed as part of an ongoing dialogue as part of the transitional and implementation arrangements.

The return of planning powers to local government is in many ways fundamental to the creation of a modern, effective and relevant local government sector in Northern Ireland, touching as it does practically every aspect of quality of life in terms of economic well-being, environmental sustainability and the creation of sustainable and successful communities.

The detailed comments set out within the draft response re-iterate issues previously raised in seeking the return of planning powers as part of the responses to the RPA consultation process. Through this previous engagement the Council outlined potential for the transfer of planning to bring to contribute to the new community planning role of councils, enabling a much more strategic and integrated approach to be taken to improving quality of life and well being.

The comments set out in the draft response should be considered in the context of this previous engagement and with the acknowledgment that all facets of public administration need to improve their abilities, through the reform process, to enhance the experience of the citizen and the future development of the city and region. The draft response, appended for the consideration of Committee, seeks to ensure clarity and maximise the potential benefits to be derived from the proposed reforms. The aspirations reflect the underlying RPA reform objective of minimising the future rates impact impacts of enhanced service delivery.

Resource Implications

Recommendations
Members are requested to: – consider the content of the proposed draft response to the Planning Reform consultation, as set out in **Appendix 1**, and if appropriate endorse this as the formal response for submission to the Department of the Environment;

Decision Tracking
Director of Improvement to ensure Submission of agreed Council response by 2nd October 2009 following consideration and agreement by the Committee

Attachments
Appendix 1: Draft Council Response **Appendix 2:** ~~Correspondence received in respect of the RTPI Planning Convention~~ ~~**Appendix 3:**~~ Summary of Planning Reform consultation document

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Appendix 1

Draft Response to the "Reform of the Planning System in Northern Ireland"

APPENDIX 1

Response to the 'Reform of the Planning System in Northern Ireland'

Summary

The Council is supportive of the need to reform the Planning System within Northern Ireland and welcomes the opportunity to submit its views on the *'Reform of the Planning System in Northern Ireland: Your chance to influence change'* consultation document.

The broad principles underlying the appended response are:

- full transfer of the suite of local planning functions;
- clarity of roles and responsibilities between central and local government;
- functional integration with proposed council functions ; and
- adequate resources for development and implementation

The response seeks to ensure that the opportunities arising from the reform proposals are maximised in the interests of enhancing the customer experience, improving social outcomes for the citizen and achieving an efficient public service.

General Issues and Omissions

There are a number of broad concerns on which the Council would welcome the opportunity to engage with the Department. The areas of concerns are listed below and the basis for the proposed engagement would be for the development and refinement of the transformation proposals, to ensure that the final proposals offer the opportunity secure the potential for effective integration and longer term sustainability.

It should be noted that the Department in bringing forward the reform proposals has failed to adequately address a number of areas of responsibility outlined in the proposed functions split between the new councils and the Department or new regional planning body (Appendix 2 of the Consultation Document). The Council would also seek early engagement in relation to the proposals for both these omitted processes and additional responsibilities within the Planning Order not currently addressed.

The Council would highlight, in particular, the potential weaknesses in the current reform proposals in relation to the general issues of:

- Civic Leadership;
- Place-Shaping/ Community Planning/ Regeneration;
- Clarity of Processes and Customer Focus;
- The Role of Stakeholders / Consultees;
- Resources;
- Processes and Timescales;
- Transition arrangements;
- Enabling Measure

Specific Issues

The main changes proposed in the reform document relate to the: Regional Planning Policy; Development Plan System; Development Management (Development Control); Appeals processes; Enforcement and Criminalisation; Developer Contributions and Enabling Measures. The Department in outlining the reform consultation proposals seeks detailed comments in respect of these issues through

eighty two questions incorporated within the document. The responses to the specific questions are included within the draft response.

In general terms the proposed reforms to Regional Planning Policy; Development Planning and Enforcement and Criminalisation would be supported. It should, however be noted that there would be caveats to this general support in relation to the detail of the proposed process; the potential relationships between the new councils and the future regional planning body; resources and the need for clarity of responsibility.

There would be significant reservations in relation to the remaining elements of the reform proposals. These concerns relate to a range of specific matters, in addition to the general issues outlined above, and are summarised below:

Development Management: Whilst the approach of Development Management and proportionate decision making is welcomed the proposal for a "Three Tier" system as outlined in the consultation is consider to be fundamentally flawed and would introduce uncertainty to the planning new system. Whilst the ability for the regional body to intervene in matters of regional significance is accepted the proposals that categories of planning applications are submitted to the regional body directly introduces an unnecessary element of uncertainty. It is suggested that all applications are submitted to the appropriate council with the new pre-application processes being used to identify the applications over which the minister may wish to exercise a power of call-in or scrutiny – this intervention could then take place early in the formal application process with the Department then taking responsibility for the individual application and the Council becoming a statutory consultee.

Appeal Processes: The majority of the proposals in relation to the appeals processes could be supported to improve the quality of decision making and the performance of the processes. There are concerns in relation to the potential legal implication of the proposed Local Member Review bodies and the potential for the introduction of third party appeals. It is suggested that both matters be kept under review to allow the introduction and establishment of the new planning system with the establishment of Local Member review bodies being at the discretion of councils.

Developer Contributions: There are concerns both in relation to the approach to developer contributions and the elements to which such potential resources would be applied. The emphasis should focus on local impacts and the provision of appropriate local infrastructure linked to the scale / impact of the proposal with the contributions managed by the new councils. Any contribution to broader infrastructure should be related to the provisions with the new Development Plan and provided in consultation with the appropriate statutory agency.

Enabling Measures: The reform proposals for the transition arrangements and the future status of the current development plans raise a number of issues. The need for capacity building and culture changes needs to be acknowledged, assessed, adequately resourced and incorporated into the transition process.

Conclusion

The Council reiterates its support for the reform of the planning system in Northern Ireland; however, the lack of detail in key areas in the consultation document makes it difficult to undertake an informed assessment of the likely impact of the proposals and the potential consequences for councils and citizens.

The Council therefore advocates the need for a closer working relationship with the Department to take forward the reform proposals and in order to facilitate this process, it is recommended that Belfast is selected as one of the pilot areas for transition working as referred to in para, 3.59.

In addition, the Council would seek clarification on how the Department intends to incorporate the detailed comments as well as those received from other stakeholders taking cognisance of the proposed role for the new councils as the statutory planning authorities.

Belfast City Council Draft Response to 'Reform of the Planning System in Northern Ireland'

1.0	**Introduction**
1.1	The Council is supportive of the need to reform the Planning System within Northern Ireland and welcomes the opportunity to submit its views on the *'Reform of the Planning System in Northern Ireland: Your chance to influence change'* consultation document. The comments outlined within this response seek to add value to the proposed reform programme through the consideration of both strategic and specific operational issues which could usefully be addressed through a constructive transitional process.
1.2	Through the response the Council seeks to outline a number of strategic comments in respect of the consultation proposals and the broader process. These strategic elements supplement the specific commentary in relation to the questions set out within the consultation document.
1.3	The broad principles underlying the appended response are: ▪ **full transfer** of the suite of local planning functions to enable the Council to effectively develop and implement the new statutory responsibility in a coordinated and effective manner; ▪ **clarity of roles and responsibilities** through the development of a streamlined planning led system with the clear emphasis on the local delivery and responsibility supported by a coordinated regional planning body; ▪ **functional integration** in terms of the potential for the new local authority responsibilities to contribute to the effective delivery of the enhanced Council responsibilities in respect of regeneration, place shaping and community planning; and ▪ **adequate resources** that reflect the level of transformation and proposed additional responsibilities, processes and requirements that are embodied in the reform proposals.
1.4	The council recognises the fundamental importance of developing an effective planning system and the associated benefits this can bring to both the city and region in terms of improving quality of life now and for future generations.
1.5	The return of planning powers to local government is in many ways fundamental to the creation of a modern, effective and relevant local government sector in Northern Ireland, touching as it does practically every aspect of quality of life in terms of economic well-being, environmental sustainability and the creation of sustainable and successful communities.
1.6	Many of the comments set out in this response reflect the issues previously raised in seeking the return of planning powers as part of the Council's ongoing engagement in the Review of public Administration. The Council considers that an effective local planning function offers the potential to bring to fruition the new community planning role for the new councils, enabling a much more strategic and integrated approach to be taken to improving quality of life.
1.7	The comments in this response should be considered within the context of the broader Council objectives and in the acknowledgment that all aspects of public administration need to improve their ability, through the reform process, to enhance the experience of the citizen and the future development of the city and region. The response seeks to ensure that the opportunities arising from the reform proposals are maximised in the interests of enhancing the customer experience, improving social outcomes for the citizen and achieving an efficient public service.

1.8	The comments detailed in section 2 below should be read in conjunction with the detailed response to the consultation questions set out in section 3.
2.0	**General Issues and Omissions**
2.1	In progressing the proposed reform agenda through to the transition stages the Council would highlight the potential for the processes to be seriously undermined by the limited involvement of local government in the developmental stages of reform proposals. As previously stated the Council would welcome the opportunity to engage with the Department in the development and refinement of the transformation proposals to ensure that the final proposals offer the opportunity to secure the potential for effective integration and longer term sustainability. This engagement with the local government sector, as the organisations with the statutory responsibility under the proposed reforms, could ensure that the basic principle of the Review of Public Administration to create '*strong, dynamic and responsive local government*' is effectively integrated.
2.2	There are a number of areas of responsibility outlined in the proposed functions split between the new councils and the Department or regional planning body (Appendix 2 of the Consultation Document) that have not addressed within the detail of the reform proposals. The Council would seek early engagement in relation to the proposals for these omitted processes and responsibilities in addition to any elements of the current Planning Order not addressed.
2.3	The Council would highlight, in particular, the potential weaknesses of the current reform proposals as set out within the consultation document in respect of: a. **Civic Leadership:** The Council and individual Councillors are accountable to the areas the represent and have enhanced responsibilities for the longer term well being and sustainability within the district. In exercising the statutory functions the new councils should therefore be afforded the necessary autonomy to address local priorities with the role of any complementary functions, retained by central government, clearly focused on issues of regional significance or scope. The Council is concerned that the reform proposals could increase uncertainty and result in a situation where there could be increased central government intervention within a local government function. This could undermine the potential for the proposed reform objective of '*enhanced local political accountability*'. b. **Place-Shaping/ Community Planning/ Regeneration:** Whilst the consultation document makes limited reference to the community planning role of Councils, the potential synergies between the reform process and the other functions to be delivered by local government has not currently been captured in the reform document. The reform proposals offer the opportunity for councils to more effectively integrate the delivery of this range of functions at the local level to an extent that is not recognised in the consultation document. The reference to delivery agreements and master plans (3.45) highlights an area of omission in relation to clarification of planning related regeneration powers such as embodied within the current development scheme process. Clarification is required around the flexibility for the new councils to modify or refine adopted development plans (existing and proposed) to align with emerging or changing regeneration objectives. The potential for such plans or formal supplementary planning guidance although highlighted in paragraph 3.31 is addressed in the consultation document. The opportunity also exists to clarify the position with regard to the status of consultations that will be required for Community Planning and their relationship to the formal

development plan processes. There are significant opportunities to address the option for the proposed new plans and the first strategic documents through the Community Planning process.

It should be noted that Councils already have a duty to engage under Equality Legislation combined with the wellbeing and community planning responsibilities. There may be operational merit in combining community consultation on the local development plans with the Council's community planning function which would allow for resources to be shared and reduces the possibility of consultation fatigue in relation to the strategic element of the proposed plans.

c. **Clarity of Processes and Customer Focus:** The Council is concerned that the current proposals have not fully addressed the 'customer journey' through the processes and how the procedures could be simplified and enhanced to deliver the '*modern, streamlined planning process*' as aspired to within the reform objectives.

The reform proposals leave the regional planning function split across the two departments (i.e. DRD and DoE) with the majority of local planning responsibilities returning to local councils with the exception of regionally significant applications and a range of potential call-in powers that could be exercised by the Minister. This could lead to the system becoming more fragmented and increase uncertainty regarding the responsibility for leadership in relation to different elements of planning. The emphasis on a rationalised and streamlined planning system should translate into a clear separation of functions with a single regional planning body supporting the delivery of the proposed local planning system by the new councils.

d. **The Role of Stakeholders / Consultees**: Whilst the emphasis on the importance of the role of the statutory consultees in the development plan and development management processes is welcomed the Council would seek early engagement around the development of a framework that seeks to ensure the process is proportionate and manageable. The framework would also have to ensure the ongoing participation of the appropriate agencies in the development and review of the proposed new development plans.

The delivery of a robust and streamlined system is dependent on the development of a more balanced front loaded system that seeks to ensure that the issues are addressed at an early stage of the process. The integration of this change in emphasis will require the development of effective partnerships and relationships with stakeholders/ consultees that may usefully be informed by existing multi disciplinary activity and the Council on the basis of existing experience would welcome the opportunity to participate in the formulation of any new framework. A critical element of the work will be to establish processes for the management of performance and to address the balancing of potentially conflicting responses.

e. **Resources**: The stated objectives of the reform proposals are to support a more 'streamlined and enhanced planning system', will through the Development Plan, Development Management and associated proposals introduce increased front-end costs to the system (e.g. administrative and expert support costs) beyond those currently resourced. This deficit in resources also needs to be set within the context of the shrinking planning applications receipts linked to the broader economic downturn impacts on development.

The recognition of broad benefits of the proposed reforms, subject to the caveats set out in the response, necessitates early recognition, consideration and quantification of the additional resource implications. In the context of the broader RPA proposals the these requirements need to be highlighted as part of the Comprehensive Spending Review a processes in which the Council would seek early engagement to ensure that the costs reflect the transitional impacts on the existing and proposed councils.

f. **Processes and Timescales**: The Council would have concerns in respect of the number of

additional processes / procedures suggested as part of the reforms (Local member Review, the compulsory 'schemes of officer delegation', statements of community involvement, sustainability appraisal etc). These concerns relate to the number of processes proposed and the requirement for clarification of both their proposed scope and the associated mechanisms for the resolution of potential disputes or challenges.

The extent of the proposals for new processes needs to be set in the context of the comprehensive changes to the established development plan and development management and the initial complexity associated with the introduction and development of a completely new plan approach. The potential for discretion in the application of or the phased introduction of proposed processes should be considered and the Council would seek to explore the potential for the clarification and refinement of the proposals.

The Council would also wish to clarify the rationale for the level of additional scrutiny that is proposed to be introduced in the consultation document. Whilst the necessity for regional oversight is accepted the proposals include reserve powers that suggest the individual stages of process will be subject to central government scrutiny and/or call-in. The Council would suggest that this level of scrutiny and control be at odds with the principles behind the RPA and the objectives set out in the consultation document.

The issue of timing and the proposed timetables for the implementation of the reforms are critical omissions from the consultation document. Whilst the emphasis has been placed on the timescales for the new councils within the new system there are a number of initiatives that need to be initiated by the Department in advance of the transfer to the transition process to avoid a policy vacuum resulting in the inconsistent application of policy. The process for the reform of the planning policy statements will need to be initiated in advance of the planning reform implementation and the timescales for the completion of this activity and other ongoing processes required to support the introduction of the new system (baseline data collection, regional indicators etc) should be established alongside the requirement for the regional planning body to provide ongoing support as well as scrutiny.

g. **Transition arrangements**: The reform proposal transition arrangements and the proposed utilisation of the current development plan documents raise a number of concerns. Further clarification is required in relation to the proposals for the adoption or utilisation of the current plans which are at different stages and may have different weight across the new council areas. This transition position raises concerns in relation to the potential for inconsistencies and challenges within the new council areas or where existing plans are being combined.

   The new councils will have limited experience in statutory planning delivery requiring the development of significant capacity and expertise. There is an opportunity for the Department to prioritise the transition joint working from an early stage between council officers and planning officers. This approach could facilitate the exploration of potential synergies with the existing Council functions and the additional responsibilities proposed for transfer as part of the wider RPA process.

h. **Enabling Measures**: The availability of adequate resources will be critical to the development and implementation of the new system. The implications arising from the transition to the new councils and the fundamental changes in approach across all the elements of the proposed new system necessitates early and full engagement with the new councils.

   The successful integration of the system into local governance both in relation to the administrative and political process will require new means of working on the part of both the new councils and the Department. In order for the transition to be possible the enabling measures need to focus on the identification of the

	additional resource implications and early approval for the formal engagement. The scope of this longer term partnership should also include the formal participation of the councils in the reform process and the remaining work streams that will shape the system for which they will have ultimate responsibility. This approach could offer the opportunity to address the practicality of the proposals and the potential for the integration of elements of the new system within the broader community planning responsibilities, as highlighted above.
2.4	The above comments should be read in conjunction with the more specific issues outlined in the section below and in the detailed response to the series of questions set out in the formal consultation document.
3.0	**Planning Reform Document Comments**
3.1	In general terms the proposed reforms to Regional Planning Policy; Development Planning and Enforcement and Criminalisation would be supported. It should, however be noted that there are significant caveats to this general support in relation to the detail of the proposed process; the potential relationships between the new councils and the future regional planning body; resources and the need for clarity of responsibility.
3.2	There would be significant reservations in relation to the remaining elements of the reform proposals. These concerns relate to a range of specific matters, in addition to the general issues outlined above. The specific comments are set out both in the text below and in the more detailed responses to the specific questions posed in the consultation document.
3.3	The broader comments in relation to the relevant chapter headings are outlined below: • **Development Management**: Whilst the approach of Development Management and proportionate decision making is welcomed the proposal for a "Three Tier" system as outlined in the consultation is consider to be fundamentally flawed and would introduce uncertainty to the planning new system. Whilst the ability for the regional body to intervene in matters of regional significance is accepted the proposals that categories of planning applications are submitted to the regional body directly introduces an unnecessary element of uncertainty. It is suggested that all applications are submitted to the appropriate council with the new pre-application processes being used to identify the applications over which the minister may wish to exercise a power of call-in or scrutiny – this intervention could then take place early in the formal application process with the Department then taking responsibility for the individual application and the Council becoming a statutory consultee. The introduction of the pre-application front loaded process for significant developments therefore provides an opportunity for the application of a simple screening process to determine whether or not an application is considered to be of regional significance or meet any of the additional criteria that may trigger the need for Ministerial intervention under article 31 / call-in provisions.
	• **Appeal Processes**: The majority of the proposals in relation to the appeals processes could be supported to improve the quality of decision making and the performance of the processes. There are concerns in relation to the

	potential legal implication of the proposed Local Member Review bodies and the potential for the introduction of third party appeals. It is suggested that both matters be kept under review to allow the introduction and establishment of the new planning system with the establishment of Local Member review bodies being at the discretion of councils.
	• **Developer Contributions**: There are concerns both in relation to the approach to developer contributions and the elements to which such potential resources would be applied. The emphasis should focus on local impacts and the provision of appropriate local infrastructure linked to the scale / impact of the proposal with the contributions managed by the new councils. Any contribution to broader infrastructure should be related to the provisions with the new Development Plan and provided in consultation with the appropriate statutory agency.
	• **Enabling Measures**: The reform proposals for the transition arrangements and the future status of the current development plans raise a number of issues. The need for capacity building and culture changes needs to be acknowledged, assessed, adequately resourced and incorporated into the transition process.
3.4	The specific comments in respect of the consultation are set out in the table below reflecting the outline for responses set out in the 'Reform of the Planning System in Northern Ireland' consultation document.

QUESTION	YES / NO	BELFAST CITY COUNCIL RESPONSE COMMENTS
CHAPTER 2-		**PLANNING POLICY**
Question 1 - Do you agree that, in future, Planning Policy Statements should provide strategic direction and regional policy advice only, which would then be interpreted locally in Development Plans?	Yes	The Council welcomes the proposal for more focused Planning Policy Statements produced in a shorter timescale. The Council considers the current system as lengthy and does not necessarily reflect the unique land use requirements of the different district Council areas for Northern Ireland. The move from providing detailed operational guidance to more strategic direction and regional policy advice would be supported as this can be interpreted by the local authority in the development plan and adapted to local circumstances. The Council would request further clarity in regards to the role of local authorities in the production of the revised PPS's, as well as the anticipated timeframe for the overhaul of the documents as this will directly impact upon the local development plan process for the new councils. The Council would suggest a programme management scheme similar to that proposed for local development plans would be useful to show timescale and regular monitoring and review arrangements. Further clarification is requested in regards to the link between the revised PPS's and the Regional Development Strategy and the role of the different government departments in regional planning. The proposals for reform appear to leave Regional planning split across the two departments (i.e. DRD and DOE) with the majority of local planning returning to local councils. This could lead to the system becoming more fragmented and increase uncertainty regarding the responsibility for leadership in relation to regional planning. The

		Council would suggest that efforts should be taken to rationalise and streamline the whole planning system within Northern Ireland with the emphasis on the regional function supporting the delivery of the proposed local planning system by the new Councils.
Question 2 - Do you consider there are any elements of operational policy which should be retained in Planning Policy Statements?	Yes	The Council agrees that the revised PPS format should provide strategic guidance which allows local authorities to develop local plans and policies which will address local circumstances. Detailed operational policies should be contained in the development plan and be determined by the local authorities. Operational policies should be evidence based and link to existing Council polices to complement the role of local authorities in relation to areas such as air quality, contaminated land etc. The Council would suggest that clear guidance must be given which will support greater consistency in interpretation across the local council areas to meet regional objectives. The Council would recommend that consideration should be given to including appropriate operational guidance in the revised PPS's in relation to large scale infrastructure projects such as waste facilities or wind farms which will have a regional impact and are unlikely to be the subject of local policies across all the future Council areas. The Council would also suggest that consideration should be given to changing the name once the PPS has been revised to avoid confusion.
CHAPTER 3-		**TOWARDS A MORE EFFECTIVE DEVELOPMENT PLAN SYSTEM**
Question 3 - Do you think it appropriate to commence a 'plan led' system in advance of the transfer of the majority of planning functions to district councils under the Review of Public Administration?		The Council would support a plan led system which gives certainty to developers but have concerns that difficulties may arise in introducing a plan led system across the region in circumstances where the new councils will have different administrative areas that could include existing plans that are at different stages of the local plan development process. The Council would also request clarification on procedures for modification or amendment in circumstances where future Councils who do not fully support the existing local plan for their area. The Council would suggest a caveat which puts a mechanism in place for such circumstances such as reverting back to the policy of the Regional Development Strategy or Planning Policy guidance pending adoption of a new or amended plan. The Council would request that guidelines are drawn up to clarify support to be offered from the new regional planning body in relation to the potential legal challenges that could arise from the introduction of a completely new development plan system. There are likely to be significant challenges for a plan led system when it also is introduced with inconsistencies in up to date plan coverage. The weight attached to the development plan in addition to the proposals for the accelerated plan production process will have significant resources issues beyond the current levels of provision. This needs to be recognised in the document and reflected in the requirement for contextual support and guidance from the Department in relation to the maintenance of any existing development plans and the introduction of new style plans. The transfer of responsibility to Councils will also require a commitment to the transfer of the evidential baseline information and support in relation to the defence of adopted plans developed by the predecessor authority.

Question 4- Do you agree that the objectives contained in paragraph 3.6 are appropriate for local development plans?	**Yes**	The Council would suggest that further clarification and guidance in respect of each objective is given to allow them to be accurately reflected in the development plan The Council would support the emphasis on the potential for local plans in the role of place shaping in addition to the importance of health and wellbeing. The Council would recommend that the objectives should outline the need to develop evidence based positive planning polices which address the main issues and use this background to manage change. The Council would emphasis the need for the objectives to outline the importance of collaborative and integrated working between the different agencies that impact on or interact with planning. The Council would seek to work with the Department to clarify and define the key stakeholders required in order to fully assess the implications. A significant element of the evidence required for the proposed local plan process would not be under the control of the future councils responsible for their development. The Council would recommend early involvement to ensure the contribution to and engagement in the different stages of the development plan process is binding on all appropriate government agencies The Council would suggest that transport and the sustainable development issues are included in the overall objectives to ensure the plans are comprehensive. The Council would also request reference / clarification in relation to the delivery of the RDS/PPS objectives.
Question 5 - Do you agree that the functions contained in paragraph 3.7 are appropriate for local development plans?	**Yes**	The Council would suggest that further guidance is given on the interpretation of each function to ensure they are appropriate and consistently reflected in the local development plans throughout the region. The Council welcomes the reference to the new powers of well being and community planning and this should also be reflected in the revised Planning Policy Statements. However, the Council would suggest that the ability to deliver sufficient land to meet society's needs should be an aspiration and its delivery cannot be guaranteed. The Council would propose that Infrastructure assessment is included in the functions and that transportation is a component of a local development plan The Council would recommend that new plans should be legally binding on the various government departments who may be required to provide the evidential base for plan elements related to their functions The Council would suggest further consideration is given to the resource issue The Council would request clarity in relation to the processes for securing evidence such as information on which to assess land supply for employment purposes which might be considered on a sub regional basis. The role of the appropriate Department, in this case DETI, is not clear from the consultation document. The Council seeks clarity in relation to the role of the assembly in the proposed process and the mechanism for the exercise of the

		proposed oversight powers.
Question 6 - What are your views on the proposal that a district council's statement of community involvement must be in place before any public consultation on the local development plan?		The Council would support the introduction of a statement of community involvement but would have concerns in respect of the proposed level of Departmental scrutiny in the process requiring Councils to seek prior approval from the Department on the statement. The Council would seek further discussion on the basis for the assessment on which approval may be agreed and the introduction of a mechanism or process for appeal or challenge if central government endorsement is not given. Local Councils already have a duty to engage under Equality Legislation and will have both wellbeing and community planning responsibilities. The Council would suggest that there may be operational merit in combining community consultation on the local development plans with the Council's community planning function which would allow for resources to be shared and reduces the possibility of consultation fatigue in relation to the strategic element of the proposed plans. The Council would support early engagement with the community in the local development plan process to ensure an inclusive and effective process and to build confidence and transparency in the way the plan is prepared. The transfer of functions to local councils already creates a strong element of community involvement with elected members reflecting the views of the local communities they represent. The Council in fulfilling the broader statutory responsibilities will be required to maintain and develop participation techniques to target groups who do not generally engage in planning and work towards the achievement of consensus where possible.
Question 7 - What are your views on the proposal for a programme management scheme?		The Council would support the principle of project management in relation to the development plan process however the main issues relate to the processes that lie outside the control of the councils. The Council will be dependent on a number of government agencies for evidence and input into the process but the document does not detail the mechanism to tie in the relevant government agencies to the programme delivery. The Council would advocate early discussion with the Department and the relevant government agencies to agree on an appropriate mechanism. The proposed local development plan process introduces a number of elements and functions that would lie outside the control of the new Councils making a rigid programme management scheme difficult to deliver. Before the principle of a rigid statutory programme management process could be supported, the Council would request further dialogue on the mechanism for approving the different stages of the plan development and which parts of central government would be responsible - the Department of the Environment or the Executive. The Council would have reservations in relation to the high levels of scrutiny proposed through a number of measures including requiring agreement on the programme management scheme prior to agreement on resource and capacity building implications. The proposals for the new local development plan system along with a number of other reforms which will have significant resource and capacity implications for the new Councils which have not been fully assessed.

		The various formal development plan processes will involve working with external agencies, including the Planning Appeals Commission, which are outside of direct local council responsibility. The Council would suggest that consideration must be given to ensuring their statutory engagement in order to facilitate the effective management and delivery of the process.
Question 8 - Do you agree that a preferred options paper should replace the issues paper?	**Yes**	The Council seeks clarification in relation to the role and benefit suggested for the preferred options paper - does evidence exist that it will lead to reduced representations at the public inquiry stage - the suggested benefits are not guaranteed as the preferred options paper at the outset of the process could still be vague and add another unnecessary stage to the programme. It may be difficult to gather an evidence base to support preferred options paper, in line with the proposed new council boundaries, in advance of the detailed work on the actual plan. In the absence of further clarification of the scope and extent of this pre-plan approach the Council has concerns in relation to the potential for this option paper element to become an additional plan stage and thereby lengthen the proposed formal plan timescales.
Question 9 - Do you agree with the proposal to introduce a local development plan process that comprises two separate but related documents to be published, examined and adopted separately and in sequence?	**Yes**	Whilst the Council recognise the need for a faster, more flexible plan making process clarification is required on a number of issues: The proposed status of the options paper and associated consultations as outlined above. Clarification or examples are needed on the strategic content of the document and the proposed evidential base to support the development. Clearer guidance is required on the engagement and role of the Department / Central Government generally, in respect of the public inquiry stage. The Council would seek to further explore the mechanisms for dealing with the Commissioners report following the public inquiry. The proposed option for the Department to issue the binding report that could direct the Council to adopt a plan, modified from that developed through participation in a full public inquiry process, is not considered appropriate. The Council would also have concerns in relation to the proposed robustness test of the inquiry evidence. Whilst the evidence may be provided by a number of government agencies that lie outside of local government control the Council will be required to asses and defend the robustness of this evidence.
Question 10 - What are your views on the proposal to deal with amendments to the local development plan?		The Council would support proposals to allow amendments to the local development plan but request further clarification on what would trigger a full review. Clarity is required as to whether examples such as regionally significant applications, approved by central government but contrary to the development plan, would trigger a review. The Council would suggest consideration is given to a development scheme inquiry process or supplementary planning guidance that could allow the modification of plans without a formal review.
Question 11 - What are your views on the proposal that representations to a		The Council would request more information on the scope and detail of the proposed robustness test especially in relation to the application at the site specific stage of the plan examination process.

local development plan will be required to demonstrate how their proposed solution complies with robustness tests and makes the plan more robust?		The Council has reservations in relation to the application of a test that it may be required to base decision on evidence supplied by outside bodies The Council would also seek clarification in relation to the inclusion of local factors such as the community plan and the strategic aspirations for the new councils in the robustness evaluations.
Question 12 - What are your views on the proposal that representations to a local development plan will be required to demonstrate how their proposed solution meets the sustainability objectives of the local development plan?		The Council agrees in principle but requires further information on the process and the mechanism proposed for the suggested application of the appraisal throughout the plan development process.
Question 13 - Should the Department give the examiner(s) the power to determine the most appropriate procedures to be used in dealing with representations to the local development plan?	**No**	▪ The Council considers that the responsible authority should take the lead role in deciding the procedures used in dealing with representations to the local development plan in consultation with the appointed examiners. The Council would also request clarity on the proposed role of the Department/ Regional Planning organisation in the inquiry process, in respect of their provision of evidence and guidance in relation to regional targets, allocations or indicators. It is unlikely that regional planning will be independent from the local plan process that seeks to deliver the regional spatial aspirations and the relationship needs to be clearly recognised.
Question 14 - Do you agree that the representations to the plan should be submitted in full within the statutory consultation period, with no further opportunity to add to, or expand on them, unless requested to do so by the independent examiner	**Yes**	The Council agrees with this process in particular at the site specific stage although more detail or flexibility may be required for the core strategy and this should be at the discretion of the examiner. Representations on the core strategy may raise the need for further information or highlight areas of omission that require further consideration.
Question 15 - What are your views on the proposals for counter representations		The Council would support the view that no provision should be made for counter representations at the core strategy stage but it may be appropriate at site specific stage.
Question 16 - Do you agree that the basis for examining plans should be changed from an objection-based approach to one which tests the 'robustness' of	**Yes**	The Council request further information on how the robustness test will be used on site specific polices. More detail is required on the test as it is not clear how it could be applied to different stages of the plan or incorporate local aspirations such as those arising from the community planning process.

plans?		
Question 17 - What are your views on the recommended approach for examining local development plans?		The Council has concerns in relation to the level of scrutiny proposed by the Department in the development plan process with the potential for this to contribute to delays. The Council considers that it is more appropriate for the local authority responsible for the plan development and the programme management to appoint and work with the examiner/ commissioner. The Council would request further exploration on the process for considering the inquiry advisory report. The Council considers the proposed process whereby the Department would have the option for issuing a binding report as inappropriate and suggests that the final step in advance of adoption should either be independent or carried out by Councils in consultation with the regional planning body.
Question 18 - What are your views on the proposals to ensure regular monitoring and review of local development plans?		The Council supports the need to regularly review and monitor local development plans to prevent the reoccurrence of the current situation with a large number of areas in Northern Ireland are without up to date coverage. However the Department must recognise the significant resources input this will require both by the new councils and those wider agencies involved in the process.
Question 19 - Do you agree with the proposed content of local development plans as set out in paragraph 3.44?	**Yes**	The Council agrees with the proposed content but consider it appropriate that Council have flexibility to balance the contents to reflect local circumstances during the plan making process where appropriate.
Question 20 -Do you consider that the topic areas contained in paragraph 3.46 are appropriate for inclusion in local development plans?	**Yes**	The Council agrees with the broad topic areas proposed but would request flexibility to adapt to local circumstances where necessary. As previously highlighted the Council would request further information on the processes to ensure the provision of the inputs from the various government departments responsible for specific plan elements, including baseline data and appropriate regional targets or priorities.
Question 21 -Do you agree that district councils should be required to prepare sustainability appraisals as part of their local plan preparation process?	**Yes**	The Council agrees with the need to prepare sustainability appraisals (SA) but request further details in relation to the assessment of the SA and the potential impact on plan development timescales. The Council would highlight that the quantification of some of the issues identified will be challenging and the application of the approach may need to evolve as baseline evidence is developed, through other processes.
Question 22 - What are your views on the proposal that the Department should have the powers to intervene in the making, alteration or replacement of a local development plan by the district council?		The Council has general concerns on the level of potential scrutiny or intervention proposed by the Department. The emphasis and focus should be on a supportive role and approach to engagement with the new councils responsible for plan development and a more positive stance should be outlined on where the Department can assist local councils rather than emphasis on powers to intervene.
Question 23 *a) Do you agree that district councils*	**Yes**	The Council considers that the power to make joint plans would be appropriate irrespective of whether they are statutory plans or

should be given the power to make joint local development plans if they so wish? *b) Do you consider that such powers would adequately deal with instances where neighbouring district councils would consider it beneficial to work together?*		supplementary guidance. Consideration should be given to the potential for supplementary guidance or plans such as sub regional plans which can address specific issues including the planning of key infrastructure elements across the new council areas, such as transport.
Question 24- What are your views on the proposed transitional arrangements for development plans?		The Council would request urgent clarification in relation to the progression of the draft BMAP plan which could be carried out jointly by the department and the Councils. The Council are concerned that the plan boundaries may not reflect the proposed new council boundaries increasing the uncertainty in relation to the development plan coverage for the new Council areas and any future adoption. It is not clear how the strategic elements of the plan will be disaggregated or the district allocations managed as part of the transitional arrangements. ▪ The Council would request information on the proposed processes to modify the existing plan to take account of changed governance boundaries or economic circumstances.
CHAPTER 4 -		**CREATING A STREAMLINED DEVELOPMENT MANAGEMENT SYSTEM**
Question 25 - Do you agree with the proposed introduction of a new planning hierarchy to allow applications for the three proposed categories of development to be processed in proportion to their scale and complexity?	No	The Council disagrees with the proposed new planning hierarchy as outlined in the document and does not support the thresholds or criteria outlined in Table 2 for major developments in respect of their use to define regionally significant applications. The Councils considers the thresholds are an unsuitable mechanism to determine the scale of potential applications to be considered across the different local authority areas. The proposed upper threshold for major development could be exceeded by a significant number of proposed developments in Belfast and potentially undermine the ability of the new Council to manage the process of development within the city. The Council would suggest that the hierarchy should be simplified and the call-in or article 31 process(s) clarified to reflect the very limited circumstances where it is proposed to reserve decision making to the Minister. As the reform proposals suggest that the Regional and Major applications will be subject to the same processes it would be more appropriate to introduce a simpler two tier system with the addition of more limited guidance on an up front process that could be applied to provide information to support a determination as to whether an application would be considered by the Minister. This could be linked to guidance or thresholds that would also need to consider the potential for incremental development having regional implications. The current proposals appear to mix a system of almost automatic referral, based on threshold, with a general power to call-in applications. This could undermine the proposed planning system through the introduction of uncertainty and run contrary to the aspiration for decision making to be exercised at the appropriate

		level of governance. The Council would support the power for the minister to call in regionally significant applications in limited circumstances and where proposals are contrary to the development plan where the local authorities affected retain the opportunity to influence the decision and content from an early stage. The recent Barker Review of Land Use Planning in England and Wales (December 2006) clearly stated that there is a case for keeping the ministerial role of calling in planning applications to a minimum. The review also states that under a plan led system where local government is accountable for planning decisions; there seems little justification for central government intervening unless what is proposed involves a significant breach of the plan. The Council have concerns in relation to arrangements for calling in projects centrally which has the potential to undermine the local authority and local democracy. The work of the retained regional planning functions should be focussed on the provision of a strategic framework for the development of the region and the consideration the very limited number of regionally significant projects or infrastructure. ▪ The proposal that central government may approve and impose conditions on consents determined by Councils raises significant issues in respect of a process to manage situations where the local authority may not agree with proposed conditions. Greater clarification is required in relation to the proposed role of councils in the process for determination of regionally significant developments which impact on their area.
Question 26 - Do you agree with the 3 proposed categories of development (regionally significant, major and local) and their respective definitions?	No	The proposals for regionally significant development outlined in Para 4.14 in the report should not be considered as a separate tier. The basis for the system should be that all applications will be made to councils and the pre application processes initiated on that basis. The pre-application should determine whether the application –on submission- would be called-in for determination as regionally significant or by virtue of the other proposed provisions. The threshold proposed for major developments do not reflect the potential for similar developments to have differing impacts that depend on the locality within the region rather than the scale of the individual proposal.
Question 27 - In relation to applications for regionally significant development, do you consider that the 4 legislative criteria (see paragraph 4.14), in association with a pre-application screening requirement, are sufficient to identify relevant potential developments	No	The Council would support the stated aspiration of minimising the role of central government in the determination of individual development proposals. In circumstances where a proposed development is not contrary to the development plan, irrespective of the scale in relation to any notional threshold, there seems little justification for central government intervening under a plan led system other than in exceptional circumstances. The Council accepts that there will be circumstances that may merit the intervention of central government which could be considered as part of a screening process that relates to potential impact and the policy context rather than the simplistic threshold approach proposed.

Question 28 - Do you have any comments on the proposed thresholds for the different types of development categories, particularly in relation to the classes of major development described in table 2?		The Council disagrees with the thresholds and criteria outlined in Table 2 for major developments. The Councils considers the thresholds as unsuitable as the impacts arising from the scale of potential applications will vary dependent on the location within Northern Ireland. The proposed threshold for major development could potentially be exceeded for a significant number of proposed developments that may have little additional impact beyond an authority area and could comply with adopted development plans. The proposed thresholds suggests that a the concentration of the decision making role will remain within central government which is contrary to the desire to devolve responsibility to the appropriate local level. The level set for the threshold is also likely to create confusion with planning applications of similar scale being considered at both central and local levels, which are inconsistent with the overall aim of the reform process to simplify and speedup the planning process. The Council would request the opportunity for further exploration on the possible thresholds in particular in relation to functions such as waste facilities which are under local council's control.
Question 29 - Do you agree with the proposed approach to urban/rural variation in setting the proposed housing thresholds for major development?	**No**	The Council considers rationale for the urban rural difference is unclear. The variation suggests that Councils may have the capacity to make a decision on a 100 residential units in a town but that it may not be appropriate for the decision to be made by a council if the same scale of development is proposed for a village. The Council suggest that it may be more appropriate to consider whether or not such proposals would be in accordance with the local development plan. The introduction of any threshold system should be related to the potential impact and the justification for central government intervention linked to the consideration of broader issues or impacts beyond that of the local authority area.
Question 30 - Do you agree that performance agreements should be in place before the submission of regionally significant applications?	**Yes**	The Council considers the development and use of performance agreements would be a useful framework for the consideration of more complex applications.
Question 31 - What are your views on the suggested elements contained within a performance agreement, and setting a timescale specific to each individual application?		The Council supports the principle of performance agreements and the need to improve the overall quality and speed of the process for regionally significant applications. In recognition of the potential impacts for local authority areas from regionally significant applications local councils should be involved in the development of the agreements as well as participating as a consultee.
Question 32 - Do you agree that this should be a voluntary (i.e. non-statutory) agreement?	**Yes**	

Question 33 -Do you agree that developers should hold pre-application consultation with the community on regionally significant developments?	**Yes**	The Council would support pre application consultation with communities subject to clarification in regard to the guidelines around consultation requirements and the processes for addressing additional consultation requirements that may arise from modifications to proposals that occur during the formal application process.
Question 34 - Do you agree pre-application community consultation should be a statutory requirement?	**Yes**	The Council would agree that pre application consultation with communities should be a statutory requirement in respect of regionally significant applications to ensure the process is open and transparent and allow communities the opportunity to influence proposal at an early stage. The applicant should be responsible for the community consultation and further clarification of guidance in relation to the relationship with the formal statutory process including details on the statutory consultee is required.
Question 35 - Do you have any views on what the form and process for verifying and reporting the adequacy of pre-application consultation with the community should involve, particularly in relation to the elements indicated above at paragraph 4.32		The Council would recommend that provisions should ensure that the proposed options discussed at pre-application consultation stage mirror the submitted application to minimise the potential for uncertainty during the formal process. Information on the outcome of community involvement and the steps taken to address community concerns should be provided. Clarification should be provided in relation to the requirements and what is considered to constitute both the process and the definition of communities for the purposes of applications potentially broad areas of impact. Liaison with Councils in relation to the proposed arrangement may facilitate the development of effective consultation processes.
Question 36 - Do you agree with introducing the power to decline to determine applications where pre-application community consultation has not been carried out or the applicant has not complied with the requirements of pre-application community consultation?	**Yes**	The Council considers that community consultation should be a pre-requisite but request further guidance/ criteria on what the process should encompass. The basis for declining application on lack of community involvement in the absence of clear criteria could provide an area of uncertainty that would be subject to challenge and could introduce delays into the process.
Question 37 - Do you agree that the Department should determine applications for regionally significant development in association with the proposed statutory screening mechanism?	**No**	The Council would request further discussion and clarification in relation to the process for determining what constitutes a regionally significant application. Whilst the consultation response form does not seek views on the disjointed proposals set out in the document introduce greater uncertainty around the issue of regionally significant applications and article 31 processes. The maximum timescale for the Department to determine if an application is regionally significant should form part of the proposal to provide certainty to potential developers and Councils in relation to the timescale for proposals to move to formal application stages.

Question 38 - Do you agree with the proposal to designate a district council as a statutory consultee where it is affected by an application for regionally significant development?	**Yes**	The Council considers that all local councils affected by a regionally significant project should be given special status in the planning application process with extra weight given to them in consultation process.
Question 39 - Do you agree with the proposed notification and call-in mechanism, including the pre-application and application stages indicated in diagram 2, for applications for regionally significant development?	**No**	As outlined above the Council considers that all applications should be determined by the local authority except in a limited number of cases and for clear reasons such as the application is contrary to the development plan; the local authority has an interest in the development or the application is of truly regional significance in terms of the potential impacts significantly affecting more than one local authority area. The Council would also request clarification on the proposed level of objection arising from a statutory consultee or government department that would result in an application being called in by the Department.
Question 40 - Do you agree that if the Department decides not to call-in a notified application it should have the option to return the application to the district council, either with or without conditions, for the district council to grant permission subject to conditions that may be specified by the Department?	**No**	The proposed imposition of conditions on applications which local councils have to determine and enforce could provide uncertainty in relation to potential enforcement or statutory responsibilities. Further clarification is required in relation to the processes for addressing the situations where Councils may not agree with the condition and any appeal or arbitration process.
Question 41 - Do you agree with the proposal giving the Department the option to appoint independent examiners to hold a hearing or inquiry into applications for regionally significant development?	**No**	The Council requests that consideration is given to ensuring the Planning Appeals Commission is adequately resourced in order to progress with regionally significant applications and the other revised processes proposed as part of the reform agenda. It may be appropriate to consider the use of pool or part-time commissioners and consideration should only be given to using an independent examiner for less controversial appeals or specialist advice.
Question 42 - Do you agree that the Department should prepare hearing and inquiry procedure rules for use by independent examiners?	**No**	See above

Question 43 - Do you agree that the processes for performance agreements should also apply to applications for major development?	No	The Council considers that voluntary performance agreements for major applications may require a different threshold depending on the circumstances and the nature of the proposed development.
Question 44 - Do you agree that the processes for statutory pre-application community consultation should also apply to applications for major development?	Yes	
Question 45 - Do you support a power for district councils to hold pre-determination hearings, with discretion over how they will operate, where they consider it appropriate for major developments?	Yes	The Council suggests that the application of the process should be at the discretion of the local authority.
Question 46 - Do you consider that there are other circumstances in which district councils should have the scope to hold such hearings?	Yes	The Council considers that circumstances may arise for local applications and should be left to the discretion of the local council.
Question 47 - Where a performance agreement has not been reached, do you consider it appropriate to extend the non-determination appeal timescale for applications for major development to 16 weeks?	Yes	The Council considers 16 weeks a more reasonable basis for turnover but request clarification on Article 31 timescales and options in respect of non-determination
Question 48 - Do you agree that district councils, post-RPA, shall be required to introduce schemes of officer delegation for local applications?	Yes	The Council suggests that the decision as to the scope and extent of any scheme of delegation should be the responsibility of the new councils based on local circumstance and the views of the elected members in respect of the process for which they will have responsibility. The level and nature of objections to the proposed development should also be considerations.
Question 49 - Do you agree that, post-		The Council requests clarification in respect of the proposed list of statutory consultees and the expected commitments to service delivery in terms of their support/engagement in respect of the

RPA: *a) the list of statutory consultees should be extended and* *b) categories of development, linked to the development hierarchy, that require consultation (including pre-application consultation) before applications are determined by the planning authority, should be introduced?*		Development Management and Development plan processes. The Council suggests the approach to consultation with statutory consultees may require categorisation in relation to the type of application to ensure the consideration is relevant and proportionate. In order to be able to manage the application process the appropriate planning authority must have an opportunity to seek alternative source for the provision of appropriate specialist advice.
Question 50 - Do you agree, post-RPA, that statutory consultees should be required to respond to the planning authority within a specified timeframe?	**Yes**	The Council recommends that this requirement should apply to both the Development Plan and Development Management processes. The responses within the timeframe should also be reasonable and avoid a scenario of repetitive requests for additional information unnecessarily extending the consultation stages. The Council would request further detail and clarification on the duty to respond to consultation and the proposals for the management of alternative actions where consultee response performance fails to meet the timeframes.
Question 51 - If so, what do you consider the specified timeframe should be?		The Council considers that the current service level agreements do not always perform to satisfactory levels and the additional processes proposed as part of the reforms could have additional implications for existing and new consultees.
Question 52 - Do you agree that the existing legislation should be amended and clarified to ensure that anyone wishing to demolish any part of an unlisted building in a conservation area/ATC/AVC requires conservation area consent or planning permission?	**YES**	The Council would support the amendment and clarification of arrangements to ensure anyone wishes to demolish any part of an unlisted building in a conservation area, ATC/AVC must require permission.
Question 53 -Do you agree that the planning authority should be able to require that, where possible, proposed development should enhance the character of a conservation area?	**YES**	The Council would support the promotion of high quality design for proposed developments and in particular to enhance the character of a conservation area. The resource implications and capacity to carry out this function and assessment must be also considered.

Question 54- Do you agree that the normal duration of planning permission and consent should be reduced from five to three years?	**Yes**	The Council considers that there would be merit in reducing the duration of planning permission from five to three years. The Council would suggest that measures are introduced to address or counteract any potential increase in technical starts.
Question 55 - Do you agree that a statutory provision should be introduced to allow minor amendments to be made to a planning permission?		The Council suggests a more transparent and proportionate approach is required for minor amendments following planning approval, or for the level of detail required in order to achieve planning approval would be welcomed. The current system appears to require disproportionate levels of bureaucracy, effort and cost, for minor amendments.
Question 56 - Do you have any comments on the details of such a provision as outlined at 4.101?		Whilst the proposed process should ensure clarity in relation to the translation of the changes onto the planning register the "application" process suggested in the penultimate bullet point of 4.101 should be proportionate. The Council suggests that the process should ensure that there is no ambiguity between the original application and the modifications. It should be clear that the approved modifications have superseded the original consent rather than offering and the potential of an alternative option for implementation.
Question 57 - Would you be in favour of enabling the planning authority to correct errors in its planning decision documents without the consent of the landowner or applicant?	**Yes**	
CHAPTER 5 -		**APPEALS AND THIRD PARTY APPEALS**
Question 58 - Do you agree that the time limit to submit appeals should be reduced? If so, what do you think the time limit should be reduced to - for example, 4, 3 or 2 months?	**Yes**	The Council considers that the time limit to submit appeals could be reduced from six months in order to ensure a balance between the timescale for the applicant to consider the potential for alternative courses of action and the potential to provide certainty and speed up the appeals process. A maximum period of 3 months could be appropriate although consideration would need to be given to the scale of the proposal and whether or not the timescales should be proportionate to the scale and complexity of application – linked to the hierarchy. .
Question 59 -Do you agree: *a) that the PAC should be given the powers that would allow it to determine the most appropriate method for processing the appeal; or* *b) that appellants should be allowed to choose the*	**No**	The Council considers that the planning authority (local council/department) in conjunction with the appellant should be allowed to request the method preferred for the appeal and their views should be taken on board by the Planning Appeals Commission. The Planning Appeals Commission should consider guidance and criteria to advise on the most appropriate method.

appeal method?		
Question 60 - Do you agree that parties to appeals should not be allowed to introduce new material beyond that which was before the planning authority when it made its original decision?	**Yes**	The Council agrees with the position outlined in the consultation document. Parties involved in the appeal may not raise matters that were not in front of the planning authority when it made its original decision. However the Council would suggest that this would be subject to two caveats: the appeal body would still be required to have regard to the development plan and any other material consideration in reaching its decision; and parties to the appeal would be allowed to submit additional material if they could demonstrate that this could not have been submitted earlier. Clear guidance and strict criteria must be applied to the latter caveat.
Question 61 - Do you agree with the proposal that the planning authority should be able to refuse to consider a planning application where a 'deemed application' associated with an appeal against an enforcement notice is pending?	**Yes**	The Council considers this a more efficient approach in dealing with retrospective planning applications and enforcement notice appeals.
Question 62 - Do you agree that the planning authority should have the power to decline repeat applications where, within the last two years, the PAC has refused a similar deemed application?	**Yes**	The Council agrees with this approach however further clarification and guidance will be needed to determine what constitutes a similar application.
Question 63 - Do you agree that a time limit of 2 months should be introduced for certificate of lawful use or development appeals?	**Yes**	The Council agrees with this approach to align and simplify the appeals process
Question 64 - Do you agree that the PAC should be given a power to award costs where it is established that one of the parties to an appeal has acted unreasonably and put another party to unnecessary expense?	**Yes**	The Council would support the powers to introduce award of costs but only in exceptional cases where it can be proven that a party has acted in a vexatious or frivolous manner. The award of costs could be an appropriate measure to ensure that both planning authorities and applicants follow the correct procedures in making decisions in relation to applications and the appeal processes. The Council considers that power of the PAC to award costs should be carried out in consultation with central government to ensure consistency across the province
Question 65 - Do you think the new district councils should be able to establish local	**Yes**	The Council would support the establishment of Local Member Review bodies to determine certain minor planning appeals. However consideration should be given to the following issues: Costs will be incurred convening meetings of the Local Review

member review bodies to determine certain local planning appeals?		Body to consider appeals and there will also be an increase in workload for members involved. There may however be potentially reduced costs for the Planning Appeals Commission and the reallocation of resources should be considered. Members and supporting officers will need training to participate in the proposed role and the requirements for cross councils participation. The Council considers that the proposals for local development plan and development management should be allow to bed in before consideration is given to local member review bodies The Council would have concerns that the decision for recourse lies with the High Court this could have major resource issue. It may be more appropriate for the right of appeal to revert back to the PAC.
Question 66 - If so, what types of applications should this apply to?		The Council consider it would be appropriate for local member review bodies to cover minor planning appeals. Clarification on the definition of the minor applications will be required and this should be developed in consultation with local authorities.
Question 67 - Should provision for third party appeals be an integral part of the NI planning system or not? Please outline the reasons for your support or opposition.	**No**	The Council considers that the transition to a plan led system and the increased emphasis on formal consultation processes should provide the context for transparent decision making with the opportunity for the Department to intervene where proposals represent a significant departure from an adopted development plan or policy. Issues in relation to the decision making process could be dealt with through recourse to the local government ombudsman where authorities do not adhere to the processes stipulated within the act. The Council would suggest that the potential for the introduction of third party appeals should be kept under review until the introduction of the proposed processes and the transfer to local government.
Question 68 - If you do support the introduction of some form of third party appeals, do you think it should an unlimited right of appeal, available to anyone in all circumstances or should it be restricted?		See comments above. The Council considers that any proposed system should be restricted in application to control the volume of appeals by the selection of categories. These could address where: the planning application is contrary to the development plan; the local authority has an interest or the decision goes against recommendations. However the issues of grounds of appeal; time limits; fees; costs and eligibility would all need to be considered in more detail.
Question 69 - If you think it should be a restricted right of appeal, to what type of proposals or on what basis/circumstances do you think it should be made		See comments above.

available?		
CHAPTER 6 –		**ENFORCEMENT AND CRIMINALISATION**
Question 70 - Do you agree that a premium fee should be charged for retrospective planning applications and, if so, what multiple of the normal planning fee do you think it should be?	Yes	The Council would support the introduction of a premium fee for retrospective planning applications to act as a deterrent that focuses on the obligation to seek approval for proposals of clarification prior to the commencement of development. The fee should be proportionate to the level of the development and the level of uncertainty surrounding the form of development and associated provision for permitted development.
Question 71 - Do you think the Department should consider developing firm proposals for introducing powers similar to those in Scotland, requiring developers to notify the planning authority when they commence development and complete agreed stages?	Yes	The Council supports proposals for introducing new powers requiring developers to notify the planning authority on commencement of development and key stages. The Council considers that this could be linked to existing local council functions such as building control and provide clearer timescales for the commencement of monitoring and enforcement.
Question 72 - Do you think the Department should consider developing firm proposals for introducing Fixed Penalty Notice powers similar to those in Scotland?	Yes	The Council would support the proposal for introducing fixed penalty notices but discretion of use would lie with the Council and restricted to where a breach is considered minor. Further clarification will be needed on the thresholds set for receiving a FPN and level of the fine.
Question 73 - Do you think the Department should give further consideration to making it an immediate criminal offence to commence any development without planning permission?	Yes	The Council would support further consideration on making it an immediate criminal offence to commence any development without planning permission however the power to do so should be left to the discretion of the Council and judged against the seriousness of the offence. In conjunction the Council would also support increase priority given to enforcement.
CHAPTER 7 –		**DEVELOPER CONTRIBUTIONS**
Question 74 - Do you agree that there is a case for seeking increased contributions from developers in Northern Ireland to support infrastructure provision?	Yes	The Council views it is as appropriate to seek contributions from developers based on certain scales of development however the Council considers that the definition of infrastructure needs to be broadened to reflect the local nature of development impacts and the opportunity for local mitigation measures of incremental benefit. Delivery of a majority of the infrastructure will lie outside the control of local authority however the Council reiterate the importance of a broaden definition of infrastructure provision that reflects the importance of local infrastructure and facilities including open

		spaces and public realm.
Question 75 - If so, should any increase be secured on the basis of extending the use of individual Article 40 agreements with developers on a case by case basis?		The Council considers that the Article 40 approach has been underused in Northern Ireland and it also presented an element of uncertainty to developers. The Council would support a revision to the method of obtaining developer contributions which would be linked to policies and infrastructure needs identified as part of the local development plan process.
Question 76 - Alternatively, should a levy system of financial contributions from developers be investigated in Northern Ireland to supplement existing government funding for general infrastructure needs, e.g. road networks, motorways, water treatment works etc., in addition to the requirements already placed upon developers to mitigate the site-specific impact of their development?		The Council would support further consideration given to a levy based system but its introduction may be dependent on the introduction of up to date local development plans. Priorities for infrastructure could be identified in the Investment Strategy for Northern Ireland 2008-18 or through a master planning approach for site specific issues. The levy approach should, however, focus on the potential for local actions to address the impacts on the affected neighbourhoods and services in parallel with the consideration of broader infrastructure issues.
Question 77 - What types of infrastructure should be funded through increased developer contributions, e.g. should affordable housing be included in the definition?		The Council considers that the definition of infrastructure should be broadened to include contributions to open space, play facilities and civic amenity centres. The provision of social housing and the development of mixed tenure communities is also a priority for many areas and should also be considered for inclusion.
Question 78 - If such a levy system were to be introduced in Northern Ireland should it be on a regional i.e. Northern Ireland-wide, or a sub-regional level?		The Council would consider that developer contributions should be used to improve the infrastructure on the basis of a sequential consideration working up from consideration of the local area to the more strategic sub regional level. Clarity would be required in relation to the mechanisms for the allocation of the levy or article 40 resources in respect of the agreed policies or infrastructure proposals.
Question 79 - If such a levy system were to be introduced should all developments be liable to make a financial contribution or only		The Council would support a levy system which covers private residential and commercial developments triggered by a certain threshold. The level and threshold should be determined by the local councils as part of the Development plan processes.

certain types or levels of development e.g. residential, commercial, developments over a certain size?		
CHAPTER 8 –		**ENABLING REFORM**
Question 80 - The Department invites views on how we (and other stakeholders) might ensure that all those involved in the planning system have the necessary skills and competencies to effectively use and engage with a reformed planning system.		The Council recommends that the Department should work closely with the new councils and the relevant government departments to agree a way forward to deliver planning reform. The Council suggests that consideration should be given to: resource and capacity issues; developing the skills and capacity of planning officers; developing the resources and capacity within local government to integrate the administrative and political processes; developing the context for effective relationships between elected members and planning staff; and the mechanism for the engagement and involvement of relevant government department in the planning process and developing working relationships with local councils.
Question 81 - Post-RPA, do you agree that central government should continue to set planning fees centrally but that this should be reviewed after 3 years and consideration given to transferring fee setting powers to councils?	Yes	The Council agrees that central government should continue to set planning fees but in conjunction with local council to take account of the new functions and resources required to carry out these functions.
Question 82 - Do you agree that central government should have a statutory planning audit/inspection function covering general or function-specific assessments?	Yes	The Council agrees that central government should have a planning audit/inspection function to help support the introduction and enhancement of the functions. However, this should be carried out in conjunction with monitoring of the statutory consultees performance involved in the development plan and development management process with the objective of enhancing performance and identifying areas for support. The Council would state that the emphasis from central government should be in providing assistance to local councils in areas of poor performance rather than highlighting poor performance.

4.0	**Conclusion**
4.1	Belfast City Council reiterates its support for the reform of the planning system in Northern Ireland; however, the lack of detail in key areas in the consultation document makes it difficult for us to undertake an informed assessment of the likely impact of the proposals and the potential consequences for councils and citizens in the future.

4.2	The Council advocate the need for a closer working relationship with the Department to take foreword the reform proposals and in order to facilitate this process, it is recommended that Belfast be considered as one of the pilot areas as referred to in paragraph 3.59.
3.3	The Council would seek clarification on how the Department intends to incorporate the comments detailed in this report, as well as those received from other stakeholders, into the final reform package and the implementation arrangements.

Appendix 2

"Reform of the Planning System in Northern Ireland"
Planning Service - Executive Summary

Executive Summary

1. In November 2007, the then Minister of the Environment, Arlene Foster, announced that she intended to take forward a programme of planning reform, with the key aim of developing proposals that would enable the planning system to play its part in delivering the Executive's Programme for Government (PfG) priorities and, in particular, by contributing to growing a dynamic, innovative and sustainable economy, while promoting inclusion and equality of opportunity. Professor Greg Lloyd, an expert on planning, was appointed to provide the Minister with an independent opinion on the direction that planning reform would need to take to best achieve its aim and to work with officials to develop proposals for the key measures necessary to deliver an improved planning system.

2. This consultation paper sets out the measures the Department of the Environment (the Department) proposes to take to reform the planning system in Northern Ireland and to make the changes required to implement the decisions taken under the Review of Public Administration (RPA), which will see the majority of planning functions returning to local government. Together, these proposals represent the most fundamental change to the planning system in Northern Ireland in over 30 years.

3. The paper also sets out certain related issues on which the Department is seeking views, including criminalisation of development without planning permission, developer contributions and enhancing the capacity of the planning system.

Stakeholder Engagement

4. In order to fully inform the proposals the Department has been involved in a number of different engagement activities, including a major conference in November 2007, attended by approximately 200 delegates and addressed by the Environment Minister. A questionnaire developed for the conference was posted on the Planning Service website for 10 weeks, with over 240 responses submitted and considered. Officials have also been engaged in research and have been in liaison with their counterparts in planning throughout the UK and Ireland. In addition, a series of meetings, involving Professor Lloyd, have been held with internal and external stakeholders, including other government departments, the Planning Appeals Commission, representative bodies such as Community Places, Northern Ireland Environmental Link, the Construction Employers Federation, the Institute of Directors, the Confederation of British Industry, the Northern Ireland Local Government Association and others.

5. The planning system is fundamentally about ensuring the effective and efficient use of land in the public interest, contributing to achieving sustainable development in cities, towns and rural areas. Land use and development involves a complex interaction and analysis of economic, environmental and socio-economic issues and, with the return of devolved government in Northern Ireland, the Executive has made it clear that the top priority for the next three years is sustainable economic growth.

6. Reform is therefore needed to ensure that we have a modern, efficient and effective planning system, and is critical to supporting the Executive in delivering on its key priorities. The planning system needs to provide confidence to investors, developers and the public alike. It needs to be more responsive to the many and varied challenges we are facing today, including promotion of economic growth, enabling sustainable development, securing

environmental protection, addressing climate change and demands for more social and affordable housing and, of course, ensuring effective use of resources and improved service provision.

Aims and Objectives for Reform

7. The reform programme aims to bring about improvements in the planning system to ensure that it:

- supports the future economic and social development needs of Northern Ireland and manages development in a sustainable way, particularly with regard to large, complex or strategic developments;
- is delivered at the right level with the appropriate managed processes for regionally significant, major, local and minor applications;
- has streamlined processes that are effective, efficient and improve the predictability and quality of service delivery; and
- allows full and open consultation and actively engages communities.

8. The reforms are set in the context of the overall objective of improving the Northern Ireland economy, while promoting social inclusion, sustainable communities and personal health and well-being, as well as promoting viable and vital towns and city centres and helping to create shared spaces that are accessible to all and where people can live, work and socialise. We must also balance this with protecting the environment and heritage and contributing to sustainable development.

Scope of the Reforms

9. This reform of the planning system is intended to be comprehensive: it encompasses the development plan process, development control, enforcement and planning policy, together with other support-type functions. It also covers a significant time period, from the short-term through to 2011 and beyond. It is focused on the planning system, not just the Planning Service, and on the roles and responsibilities of all of the participants, including planners, developers, agents, consultees, representative bodies, elected representatives, communities and individuals. In addition, the major structural reform of the planning system required to deliver the RPA will see decision-making on planning applications and local development planning become the responsibility of the new district councils. This will make planning much more locally accountable, giving local politicians the opportunity to shape the areas within which they are elected. It will also improve the decision-making processes by bringing an enhanced understanding of the needs and aspirations of local communities.

10. In advance of these proposals, the Planning Service has been taking forward a series of projects, pilots and trials aimed at having an immediate impact on speeding up the planning process (e.g. new pre-application discussion arrangements with applicants, and a joint pilot scheme with Derry City Council to streamline non-contentious applications[2] which, by the end of March 2009, had been rolled-out to all district councils). In the medium to longer term, the reform proposals that will be brought forward will require more significant changes, in many cases underpinned by new or amended legislation.

11. Chapter 1 provides background to the reform programme: the purpose of the planning system; why we need to reform it; the impact the RPA will have; and the Department's vision for a reformed planning system. The remainder of the consultation paper covers the areas set out below.

Planning Policy

12. The Department is considering the need for a reform of its arrangements for planning policy, particularly in relation to the future role and status of planning policy statements (PPSs) in light of the proposed transfer of key planning functions to the new district councils in 2011. The Department is proposing that PPSs should move from providing operational guidance and advice to providing strategic direction and regional policy advice, which would then be interpreted locally in development plans, and that the content and process associated with PPS production should reflect the desire to produce shorter, more focused documents, in a shorter timescale.

Development Plan

13. Fundamental to reform is the provision of an effective, up-to-date development plan system. The Department proposes to introduce a new local development plan system which will operate within the two-tier planning system envisaged under the RPA, whereby planning functions will be administered by both district councils and the Department. The proposals are intended to:

- speed up the plan preparation process;
- ensure more effective participation from the community and other key stakeholders early in plan preparation; and
- ensure a more flexible approach that is responsive to change and capable of faster review.

The new local development plan system will provide more clarity and predictability for developers, the public and other stakeholders. It will also assist the new 11 district councils to target action to tackle social need and promote social inclusion.

Development Management

14. Enhancing the ability of the system to deal speedily with key planning applications that have real economic and social benefit is central to delivering the vision of a planning system that is fit for purpose and which will underpin a modern and prosperous Northern Ireland. The Department proposes to adopt a concept of development management for handling planning applications, with a greater emphasis on facilitating and shaping development and away from mainly controlling it.

15. As part of this new development management approach, the Department is proposing the creation of a 3-tier hierarchy of development (consisting of regionally significant, major and local) so that greater resources can be directed at those applications with economic and social significance, through more proportionate decision-making mechanisms, tailored according to the scale and complexity of the proposed development. In conjunction with this, the Department proposes to introduce new processing arrangements for types of applications within the 3-tier hierarchy. These will improve the predictability

of timescales and ensure effective engagement with the community and other stakeholders. Proposals are also included in relation to permitted development, the role of consultees, the partial demolition of unlisted buildings in conservation areas/areas of townscape or village character, and miscellaneous changes to planning permissions.

Permitted Development (including householder and small scale renewable energy generation)

16. Permitted development rights currently allow certain, often minor, non-contentious types of development to proceed without the need for a planning application as planning permission is deemed to be granted. The introduction of development management will include a rationalisation of how planning permission is given for such minor developments. The Department proposes to achieve this by simplifying and streamlining processes for applications for minor development, and by extending the range of minor developments for which planning permission is given without a planning application: for example, by extending permitted development rights within the curtilage of a dwelling house, and providing specific permitted development rights for small scale renewable energy generation.

Role of Consultees

17. The Department is re-examining the arrangements by which planning authorities (whether district councils or the Department) will consult other bodies on applications for planning permission, approval and consent and the process by which consultee bodies will be required to respond to such consultations.

Enhanced Development Management in Conservation Areas, Areas of Townscape or Village Character

18. Protecting those areas that have been identified as architecturally or historically important is a key role of the planning system. As part of this role, a number of conservation areas and areas of townscape or village character have been designated, or are proposed, across Northern Ireland. To ensure these areas are fully protected the Department is proposing to strengthen control over the partial demolition of unlisted buildings in conservation areas, areas of townscape or village character and to place greater emphasis on the enhancement of conservation areas.

Miscellaneous Changes to Planning Permissions

19. The Department is seeking views in relation to changing the duration of planning permission and some consents; enabling non-material changes to planning permissions (i.e. minor changes that do not significantly change a scheme that was originally granted planning permission) to be made; and allowing the planning authority to correct errors in planning decision documents without the consent of the applicant/landowner.

Appeals and Third Party Appeals

20. The Department is examining measures for improving the appeal system: for example, reducing the time limit for lodging an appeal from six months to two, giving the Planning Appeals Commission the legislative powers to determine the most appropriate appeal method, and establishing local member review bodies (comprised of councillors) to hear certain appeals.

The Department is also inviting views on the issue of third party planning appeals.

Enforcement and Criminalisation

21. The Department is reviewing enforcement provisions to ensure they are sufficiently robust and considering whether any new proposals, similar to those recently introduced in Scotland, should be developed for Northern Ireland. The arguments for and against introducing a criminal offence for commencing development without planning permission are also considered.

Developer Contributions

22. The Department is seeking views on the contribution that the development industry might make to the provision of infrastructure (such as roads, water and sewerage) necessary for Northern Ireland's economic and social improvement.

Enabling Reform

23. In order to properly reform the planning system there are a number of related areas which will need to be addressed: for example, culture change, capacity, funding, engaging communities, audit and inspection arrangements.

Culture

24. The reform proposals represent the most substantial changes to the planning system in over 30 years. For the full impact of these changes to be realised, and a new planning system created, it is clear that a change in culture for all those involved in the system is required. The development of a shared understanding amongst stakeholders on the role and nature of the planning system is extremely important, both in terms of what planning is expected to deliver and what it is not. A key element of such an approach is an enhanced appreciation and acceptance of both the rights and responsibilities of all stakeholders.

Capacity

25. Another key area will be building capacity, both within the existing Planning Service and working with stakeholder bodies, councils, consultees, developers, agents and the public to deliver reform, including the new roles and responsibilities emerging from RPA implementation. It is particularly important that all planning staff continue to develop and enhance the necessary skills and competences required to take forward planning reform.

Funding

26. The implementation of the RPA, in conjunction with the reform programme, will inevitably have implications for the funding of the planning system, and for the fee structure. We need to assess how these proposed reforms will impact on funding and what revisions may be required as a result. Consultants will be engaged to research and provide recommendations in relation to the future funding of the planning system in light of both the reform initiatives and the decisions made as a result of the RPA.

Engaging Communities

27. Ensuring that openness, transparency and the opportunity for effective engagement continues in the future planning system is at the core of the reforms being proposed and is critical to ensuring integrity and confidence in the planning system.

Audit/Inspection

28. The role of audit, inspection, performance management and monitoring of the planning system will be critical in ensuring that planning functions are carried out, and are seen to be carried out, in a clear, fair and consistent manner and that best practice is applied across the new district councils. The Department is proposing that central government should have a statutory audit/inspection function and that it should collate, analyse and possibly publish Northern Ireland-wide planning information on performance, application numbers, local development plan preparation etc.

Outcomes of Reform

29. The anticipated outcomes from the proposed reform programme are:

- a more responsive planning system delivered at a local level, with enhanced local political accountability;
- a streamlined development plan system, with a more meaningful level of community involvement;
- a more effective development management system, with a greater focus given to economically and socially important developments;
- a system more capable of discharging the statutory obligations to have due regard for the need to promote equality of opportunity;
- improved efficiency of processing and greater certainty about timescales;
- a change in the culture of the planning system: seeking to 'front load' the development plan consultation process, make plans more strategic in nature, and to facilitate and manage
- development, rather than mainly controlling undesirable forms of development;
- stronger collaborative working across a range of stakeholders; and
- a better match of resources and processes to priorities and improved value for money for all users of the planning system through more proportionate decision-making mechanisms.

30. These proposals lay the foundation for an improved planning system which the Department believes will encourage the investment Northern Ireland needs for economic growth, creating jobs and opportunities for all, while promoting fairness, inclusion, equality of opportunity, and protecting the best of our natural and built environment. They aim to improve confidence and trust in the system and move it from a system that is seen as reactive and bureaucratic to one that is more positive and dynamic.

31. Some of the proposals are at a more advanced stage of development than others. Some require legislative change and others require changes to policies, procedures and processes. The Department intends to work closely with all who have an interest in the planning system and welcomes your views and comments on the proposed measures. This consultation paper

provides anyone who wishes an opportunity to comment on the proposals, as well as on certain related issues where the Department is seeking views. The consultation process plays an important part in informing and framing the new planning system.

32. There are a number of consultation questions throughout the document and, for ease of response, these are summarised in a separate consultation response document. We would appreciate you taking the time to provide us with your comments. The consultation exercise runs until 2nd October 2009.

Assessments

33. Government bodies are required to screen the impact of new polices and legislation against a wide range of criteria, including equality and human rights. There are also requirements introduced either by the Executive or as a result of UK government or international obligations for environmental, rural, regulatory and health impact assessments. The results of the Department's initial screening exercises are highlighted below.

Equality Impact Assessment

34. A draft Equality Impact Assessment (EQIA) at a strategic level has been prepared as part of the Department's Section 75 statutory duties in response to the Programme for Government (PfG) proposals. It is intended that the draft EQIA at a strategic level will help establish a foundation for subsequent Section 75 activities that will continue to ensure that due regard for the need to promote equality of opportunity and regard for the desirability of good relations are mainstreamed within each stage of development and implementation of the reform programme up to and beyond 2011. The draft EQIA at a strategic level is being published at the same time as, and in conjunction with, this consultation paper and we would welcome your views on the draft assessment. A copy of the draft EQIA at a strategic level is available on our website at http://www.planningni.gov.uk.

Rural Proofing

35. Rural proofing is a process which ensures that government policies are examined carefully and objectively to determine whether or not they have a different impact in rural areas. The Department has considered the guidance on rural proofing provided by the Department of Agriculture and Rural Development and has completed the checklist developed by the Rural Development Council.

Regulatory Impact Assessment

36. Government procedures require that a Regulatory Impact Assessment must be prepared for all proposals (legislative and non-legislative) which are likely to have a direct or indirect impact (whether benefit or cost) on businesses, charities, social economy enterprises and the voluntary sector. This includes proposals which reduce costs on business and others, as well as those that increase them.

New Targeting Social Need

37. New Targeting Social Need (New TSN) requires all government departments and relevant agencies to tackle social need and social exclusion by targeting efforts and available resources on people, groups and areas in greatest objective social need. The proposed reforms of the planning system have been examined to determine the extent to which New TSN applies. The

proposals are intended to make the planning system more effective and efficient and thus ensure that it is fit for purpose in terms of playing its role on delivering on the Executive's Programme for Government commitments.

38. The proposals relating to planning policy, reflecting the desire to produce shorter, more focused planning policy statements, will help make them more accessible to all and will enable government policies to be applied more quickly on the ground through the development plan and development management systems.

39. It is proposed that district councils will be required to prepare a statement of community involvement which will set out procedures for involving local communities in the preparation and revision of local development plan documents and for consulting on planning applications.

40. In relation to development plans, the proposals for a more streamlined development plan system aim to ensure a more meaningful and effective approach to enabling interested parties and the local community to engage early in the plan process. These proposals, combined with the fact that responsibility for development plans will be transferred to local government under RPA, will enable district councils to target action to tackle social need and promote social inclusion.

41. Similarly, the development management proposals are designed to allow for more proportionate decision-making mechanisms and should therefore enable district councils to focus resources on those development proposals which are of the greatest economic and social benefit in their areas. The proposals also allow for increased community engagement at an earlier stage in the process and, as such, facilitate and encourage the inclusion and consideration of the views of communities with the greatest social need who might otherwise be excluded.

Other Assessments

42. The policy areas have also been screened in terms of their potential impacts on crime, community safety, health, human rights, state aid and environmental issues. At present, it would appear that the proposals will apply uniformly to all groups with no adverse impact in these areas.

43. The Department welcomes views on whether the conclusions contained in the above assessments are correct.

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