



Report to:	Strategic Policy and Resources Committee
Subject:	Local Government Reform and Transfer of Planning
Date:	18 May 2012
Reporting Officer:	Peter McNaney
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1.0	<u>Relevant Background Information</u>
1.1	The transfer of planning related functions to local government as part of the wider RPA reform process presents both its challenges and opportunities. Working in partnership with the planning service and Environment Minister, the Council must ensure that planning is fit-for-purpose and adequately resourced at point of transfer. It is equally as important that adequate capacity exists to support the effective delivery of planning when transferred to councils.
1.2	The integration of planning with other key place-shaping functions such as regeneration, local economic development and community planning will significantly enhance the ability of the Council and members to support sustainable development locally and improve the quality of people's lives.
2.0	<u>Key Issues</u>
2.1	Members will note that the Planning Act (Northern Ireland) 2011 is now enacted and represents the most significant changes to the planning system in the last 30 years. The Act in addition to reforming the operation of the current system will, when brought in force, also transfer the majority of planning functions and decision making responsibilities to local government.
2.2	The proposed transfer will encompass the three main areas of planning - local development plans, development management and enforcement . At the point of formal transfer, the Council will no longer be a consultee in the planning process ; but become the regulatory planning authority , responsible for drawing up its own development plans and making the vast majority of planning decisions. The transfer of planning will also require the introduction of new governance arrangements for councils, including a new ethical standards regime and a system of checks and balances to underpin the planning decision-making process
2.3	The Environment Minister has stated that the <u>formal transfer</u> of planning related functions to councils will take place in 2015 when the new 11 Councils become operational. The extent of the required preparatory work for transfer alongwith the relatively short lead in time to Shadow Authority status (i.e 2014) emphasises the need for the process to be effectively managed. The cultural, structural and procedural changes required by the Council to support this transition cannot be underestimated and need to be addressed as a matter of priority.
	Moving Forward
2.4	In anticipation of the Act being brought into effect the Council needs to prepare for the transition from a consultative body within the planning process to taking on responsibility for

the professional delivery of statutory planning and enforcement. It is therefore suggested that a number of interim actions require consideration:

A. Organisational Change within the Council

Significant organisation change will be required to support a move from the reactive consultative role to a proactive decision-making role in planning. Consideration will therefore need to be given to how the statutory planning function will be integrated within the Council along with the associated governance and operational arrangements required to support the enhanced role. Consideration will also need to be given to the future role of the Town Planning Committee within this context.

To begin this process, it is intended that a report be submitted to the Town Planning Committee seeking Members views on the broader changes alongside the potential to review or refocus the current monthly meeting schedule of the Town Planning Committee. The changed focus could seek to balance consideration of (i) operational/routine business and (ii) strategic /developmental business.

B. Capacity Building

Members have previously highlighted the need to develop a structured capacity building programme for Council (Members and officers) to prepare them for their new roles within the planning process, and to develop the organisational capacity to administer this important statutory function. This work needs to address how DoE Planning Service is linked into a capacity programme. The Environment Minister recently indicated that some financial resources may be made available to support the implementation of a capacity programme -albeit no timescales for delivery have been identified.

The roll-out of a foundation learning programme aimed at equipping Members with a shared understanding of the current planning system; alongside an exploration of the short, medium to longer term changes proposed would be a critical initial stage addressing the respective roles or relationships between the various stakeholders in the planning process. This work would enable specific areas of concern and key developmental requirements to be identified and linked to the Members' Development Programme.

Appendix 1 sets out some initial proposals regarding a capacity programme which has been prepared in liaison with the Belfast Planning Manager. This is intended to be brought before the Town Planning Committee for consideration.

Given the significance and potential impact of planning on both the governance and operational aspects of the Council, consideration will need to be given as to how any developmental initiatives can be extended to all Members; linked to the Members' Development Programme and focused capacity events. It is suggested that the suggested foundation programme be open to all Members.

C. Working with the Department of Environment

It is vital that the Council builds a strong co-operative relationship with the Department to effectively manage the transfer of the planning function. Critical to this will be agreement between the Council and the Department on the staffing levels which will be required to deliver an effective planning service for the city at the point of transfer.

In discussions with the Department, it is recognised that a dedicated resource will be needed to facilitate this work and build organisational capacity within the Council. The present Divisional Planning Manager for the city is due to retire in October 2012. It is proposed that negotiations take place with the Department to determine whether it might be possible to consider retaining the present postholder on a part-time basis – 20 hours a week – and second him to the Council to assist with the transfer of the planning function.

3.0	Resource Implications
3.1	The Council presently has an RPA related budget to support capacity related activities for Members linked to planning and to match fund any resources to be made available by DoE. This budget could complement potential resources available under the Members' Development Programme.

4.0	Recommendations
4.1	<p>Members are asked to:</p> <ul style="list-style-type: none"> (i) note that a report is to be submitted to the Town Planning Committee setting out initial proposals for Members consideration on (i) refocus the Committees dual monthly meetings and (ii) an initial capacity building programme linked to planning; (ii) agree that the initial capacity foundation programme be extended to all Members (iii) note that a budget has been allocated to support Members development activities linked to planning and RPA (iv) agree that the Chief Executive approach the Department to seek a secondment resource from the Planning Service to assist with preparation work for the transfer of functions.

5	Documents Attached
Appendix 1 – Initial Capacity Programme	

APPENDIX 1: INITIAL CAPACITY PROGRAMME

Phase I: Foundation Learning Programme	Timescale
<p>Familiarisation session supported by:-</p> <ul style="list-style-type: none"> - Planning Practitioners - technical insight into both current and reformed planning system - Professional body (e.g. RTPI) – independent perspective on planning and planning reform - Political perspective on planning process, including relationship with communities, based on exploring good practice elsewhere 	June /Aug 2012
<ul style="list-style-type: none"> - Enhancing professional development through attendance at RTPI conferences and other professional training events 	Ongoing
Phase II: Skills Development	Timescale
<p>Some of the more specific areas which may need to be addressed as part of a capacity programme may include:</p> <ul style="list-style-type: none"> - Understanding of the governance and decision making processes around planning including relationships with existing statutory functions; understanding of the hierarchy of planning policy documents – the Regional Plan, the Area Plan and the local plan - Familiarisation of the statutory obligations in administering the planning function - Understanding of the consequences of non-compliance with statutory obligations - Familiarisation of the regulatory changes underway and the potential impact for the Council and elected Members both post and pre-transfer of function - Working in an enforcement and regulatory environment - Planning and strategic policy development 	May 2012 – January 2013