

PLANNING BILL

CONSULTATION

Response From

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Introduction

ARENA Network, Business in the Community plays a key role in advising Northern Ireland's Business community on Corporate Responsibility and Sustainability.

With over 850 members across the UK, including over 250 of these in Northern Ireland, we work in partnership with our members to deliver the best outcomes for our economy and our planet.

The information and opinions provided in this document are that of ARENA Network, Business in the Community. ARENA Network, Business in the Community challenges its members in terms of acting responsibly and keeping sustainability as a key boardroom item. Whilst our members are committed to this type of action in addition to complying with their legal responsibilities as producers, manufacturers and employers, they also strive to demonstrate innovation in the workplace.

1 – General comments

ARENA Network recognises the need to make the planning process in Northern Ireland more efficient, enabling decisions to be reached in a timely manner reflecting our members' experiences of the planning process in both the rest of the UK and the Republic of Ireland. To this end the overarching aim of the bill is to be welcomed.

However there are significant elements of the Bill (in particular Articles 2 and 6) that ARENA Network cannot support. In addition, the truncated public consultation process undertaken concerning changes as significant as those proposed in the draft legislation cannot be regarded as helpful.

ARENA Network understands that the transfer of large elements of the planning process to the new councils will require significant resources and capacity building both within the councils and also within those businesses that will be subject to the new regime. ARENA Network can play an important role in building understanding of the new regime in both the private sector and beyond.

2 – Consideration of Articles

Clause 1

The provision of a timescale for the Department to prepare and publish a statement of community involved is to be welcomed.

Clause 2

There is a lack of clarity around some of the language used and therefore the concepts/processes they describe in this clause. For instance there is no definition given for 'sustainable development'. 'Promoting or improving well-being' is not defined nor any explanation as to how this is to be evaluated. This lack of precision is also reflected in the use of terms such as 'furthering' and 'promoting' (are these interchangeable?) and 'good design' ('good' in terms of what? Evaluated by whom?).

The introduction of 'promoting economic development' as an objective is unnecessary, as economic considerations are inherently part of sustainable development. The inference of having this objective is that disproportionate weight may be given to economic considerations. It sets up the economy in competition with the environment, which is a false approach, as economic development appraisal must include a consideration of environmental considerations (natural capital etc.).

Clause 3

No comment.

Clause 4

No comment.

Clause 5

The principle of increasing community engagement is to be welcomed. However there is a concern that the period of 12 weeks given in the Article will unnecessarily increase the length of time of the planning process. ARENA Network propose that a period of 28 days is stipulated in the legislation rather than 12 weeks.

Clause 6

The insertion of the reference to 'economic advantages or disadvantages' is unhelpful and may skew the balance of the process towards economic considerations rather than all material considerations. The use of the phrase 'economic advantages or disadvantages' is too vague and may be the source of significant litigation from objectors, slowing the planning process down.

Clause 7

This will assist in increasing the speed and efficiency of the planning process.

Clause 8

This will assist in increasing the speed and efficiency of the planning process.

Clause 9

The proposed change is to be welcomed and will help promote biodiversity.

Clause 10

The introduction of the idea of a person appointed by the Department appears to weaken the independence of the process. It would be preferable if they were appointed by the PAC rather than the Department.

Clause 11

This will assist in increasing the speed and efficiency of the planning process.

Clause 12

This will assist in increasing the speed and efficiency of the planning process.

Clause 13

This will assist in increasing the speed and efficiency of the planning process.

Clause 14

This article provides for appropriate control for mineral sites and landfill facilities.

Clause 15

No comment.

Clause 16

The increase in penalties is to be welcomed

Clause 17

No comment.

Clause 18

No comment.

Clause 19

No comment.

Clause 20

The introduction of an administrative penalty will help speed up and increase the efficiency of the planning regime.

Clause 21

The introduction of the power of the PAC to award costs is to be welcomed.

Clause 22

No comment.

Clause 23

No comment.

Clause 24

The provision for charging multiple fees for retrospective applications is to be welcomed.