



Chartered
Institute of
Environmental
Health

Comments on Planning Bill

March 2013

1.0 General comments

- 1.1 The CIEH welcomes the opportunity to respond to the Northern Ireland Planning Bill. However, given the criticality of planning in both sustainability and public health terms, we believe that this consultation should have been a public one.
- 1.2 While we recognise that the intention of the bill is to reorganise and simplify the planning process in Northern Ireland (NI), it is our opinion that there are parts of this Bill which undermine that overall aim.
- 1.3 We support the principal of local decisions in local areas. However, there must be a degree of consistency in the decisions. There is also we believe a significant challenge ahead in addressing the transition for local representatives from an advocacy role to that of decision making. Based on our experience of designing similar capacity building training in other jurisdictions we would, we believe, be well placed to assist the department with this task.
- 1.4 The aim of speeding up the planning application process is again, in principal, a good one. But there is also the need to balance this against sustainable and responsible decision making.
- 1.5 Sustainable development must be the underpinning philosophy for all planning decisions and this includes economic, social and environmental considerations. We believe this bill this is undermined by the addition of 'promoting economic development' to Clause 2. Adding this suggests a doubling up of the importance of economic development, which is already one of the three pillars of sustainability.
- 1.6 With the reorganisation of the planning system handing planning powers to councils, there is a risk that the 'promotion of economic development' may be afforded different levels of importance by different planners and anyone else involved in the process. It is our view that the inclusion of economic development, standing alone, is unhelpful, unnecessary and unbalanced.
- 1.7 Equally, there is a risk that social and environmental considerations are both interpreted and weighted differently across councils.
- 1.8 There is, we believe, a need for clear, integrated guidance and/or an assessment tool to assist in ensuring that sustainability is considered in planning decisions. There is in our opinion insufficient guidance available at present from any of the departments cited in the 2011 Planning Act. Again we could assist in the development of this.

2.0 Comments specific to clauses

- 2.1 What is 'good design', in Clause 2, and who judges this or in what way is it evaluated? Again this may be subjective, depending on the evaluator. There is some confusion as to whether 'good design' refers to environmental, aesthetic and/or other conditions.
- 2.2 CIEH welcomes the enhanced community involvement laid out in Clause 5. This enhances the idea of local decisions for local areas. Having said this, it is felt that Third Party Right of Appeal, which is notably missing from the Bill, should not be excluded, but should be maintained. To not do so erodes democracy.
- 2.3 We support clauses 7 and 8 in that they will prevent multiple, similar appeals or multiple planning applications for the same site. This will speed up the planning process and allow it to be more efficient.
- 2.4 CIEH notes that, in Clause 10, The Department will be able to appoint a body other than that PAC to determine appeals. This raises issues with regards to bias or perceived bias of these potential appointed bodies. This also raises problems with a possible lack of consistency regarding decision making given the variation in bodies or individuals. Going forward, there must be a system which would ensure consistency and a lack of bias in those chosen to deal with appeals. A reduction of the time to carry out an appeal from 6 months to 4 months is to be welcomed; however it must be made certain that the intended system has adequate resources to deal with the shortened turnaround time.
- 2.5 Clarification is required regarding what is a 'material/non material change', referenced in Clause 13.
- 2.6 CIEH welcomes that this clause aims to help preserve biodiversity, however in certain situations, e.g. tree diseases, there may be exemptions required. This may need to be addressed in the bill.
- 2.7 Care must be taken to ensure that it is understood fixed penalties are the first step towards prosecution and that further proceedings may follow if the breach is not rectified. We believe that there is a possibility that Clause 20 could be misinterpreted to mean that an offender will be exempt from further legal proceedings as long as they pay a fine. We also suggest that a date should be given by which a fine must be paid in full, as opposed to providing for discounted fines, as also laid out in Clause 20.

- 2.8 CIEH supports clause 23, that statutory consultees will be expected to respond to consultation requests within a specified time frame. While the concept of shortening the turn around time is positive, it is also important that the timeframes match resources available.

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