

A personal response to the Planning Bill 2013.

I make this response in a purely personal capacity and I give my consent for it to be shared with members of the committee. However, I do not consent to the publication of my name if these responses are made public.

1.0

Firstly, to try and introduce changes so central to the entire purpose of the Planning System without a full period of public consultation is anti-democratic and extremely disappointing.

Limited scrutiny by members of Environment Committee is not sufficient in this case and to introduce such fundamental changes to the Planning Act without a widespread programme of public involvement and community engagement is very worrying.

1.1

These clauses will change the very intention of the planning system from the sustainable regulation of land use to becoming another political tool to promote a particular interpretation of economic growth. The implications of the shift are enormous and I am greatly troubled by the backdoor fashion in which they have been introduced.

This intention to create an economic primacy consideration has already been rejected twice; once by Minister Attwood and once by the courts. These continued attempts to force it through even after rejection by 75% of the public consultation are extremely damaging to public faith in the institutions of Government. We already have one of the most permissive planning systems in Europe and to further load the die in favour of development will have huge negative impacts on communities and the environment.

2.0

I will now set out my response and reasoning with regard to particular clauses within the bill.

Clause 2 includes "promoting economic development" in addition to sustainable development. Even a cursory understanding of sustainable development would recognise that economic development is one of the three pillars to be considered and balanced. This clause introducing economic development effectively nullifies any concern for the long term sustainability of any development. All environment and social concerns can be trumped by the double counting of economic factors.

The Planning Bill should be amended to include the generally accepted definition of Sustainable Development from the Brundtland Commission

"Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

This is an overriding principle of governing with concern for the future and ensuring adequate resources for people to use in the present. This clause as it stands will dramatically reduce any chance of sustainable development and leave nothing sacred if someone can state that there will be greater economic development with their planning application.

2.1

Clause 6 changes what is deemed a material considerations by suggesting that this should now include the "economic advantages or disadvantages likely to result from the granting of or, as the

case may be, the refusal of planning permission.”

In my understanding every planning application approval will result in an economic advantage for the applicant and could conceivably be an economic disadvantage for businesses or even homes in the vicinity. I do not understand how the planning service thinks it will be able manage every one of these competing claims.

2.2

Every application refusal will result in economic disadvantage to the applicant and again potentially to the organisations in the vicinity. This is a completely unworkable proposition and should be rejected entirely. I would also appreciate a detailed explanation as to how the individuals who entered this clause ever conceived it would work in practice.

This clause also hugely increases the scope for objectors claiming economic disadvantage relating to house prices, to business competitors or even that the existing pristine environment was central to their business success.

2.3

Economic development and attendant considerations are such a broad concept that it will be very difficult to assess the full impact of any decision. Are all the potential benefits and disbenefits likely to be included and furthermore, to be accurate? Are all externalised costs such as pollution, health and aesthetic impacts going to be appropriately calculated and included?

Planners, applicants and objectors will have to employ an army of economists to make sense of all the claims and counterclaims.

By what measure is economic growth to be measured? Natural disasters such as flooding or mudslide increase GDP but will certainly not be welcomed by the population at large. Should planning facilitate such disasters in the interests of a narrow definition of economic growth?

If jobs are a main determinant of economic development then by what are they measured? Are 12 part time jobs in one application better than the 6 full time jobs promised by another? How will the planning service enforce these applicant's claims of future jobs?

2.4

The economic primacy is such an egregious change that it is not inconceivable that every major project proposed including unconventional oil and gas sites, incinerators, windfarms and all out of town shopping centres would be approved under the new rules. They would further economic development and thus have extra points for consideration. The planning service would be an exercise in rubber stamping development rather than making a balanced judgement having considered all relevant factors.

Summary of changes to the Bill.

3.0

I support the assertion by Friends of the Earth that the following overarching policy on sustainable development be included in Clause 2:

“It shall be the principal objective of local and neighbourhood plans to ensure sustainable patterns of development which improve the quality of life of all people, while respecting environmental limits and the ability of future generations to enjoy a similar quality of life.

The clause referring to economic development should be removed entirely.

3.1

Clause 5 should be amended to include Third Party Right of Appeal. This will provide another layer of insurance for the communities affected by applications and ensure a better process of community consultation from the outset.

3.2

Clause 6 should be removed from the Bill.

3.3

Clause 10 should be changed to prevent the Department from appointing Commissioners to hear Planning Appeals. The ability to pick your own judge is damaging to public faith in the system. Any hypothetical resource problems can be addressed without recourse to appointments of questionable independence.

3.4

Clause 20 regarding Fixed Penalty Notices should be rewritten to clarify that Penalty Notices are not the final sanction for planning condition breaches. Fines cannot be handed out in lieu of remedial action. Those breaking the conditions imposed cannot simply be allowed to pay a tax and carry on uninterrupted. This must be made explicitly clear in the Bill.

3.5

The Bill in its current form will create an unworkable mess of claim and counter claim. The only people likely to benefit will be economists and solicitors arguing the minutiae of these claims. The drafters have missed an opportunity to genuinely pursue sustainable development for Northern Ireland and put local communities at the very heart of a plan led system.

I believe that the suggestions and omissions I have recommended will help speed the system and ensure a fairer deal for everyone involved. The current plans remove any certainty in the system and could lead to chaos within an already struggling service.