Consultation Response to the Planning Bill 2013 on behalf of the Dundonald Green Belt Association.
Secretary: Mrs C Cosgrove. 32 Dunlady Manor BT16 1YP.

The Dundonald Green Belt Association
The Dundonald Green Belt Association was founded in 1987, in the wake of the publication of the draft Belfast Urban Area Plan. Over the past 26 years, the group has sought to promote the best interests of Dundonald and has submitted papers in response to many regional and local issues including the Regional Development Strategy and draft Belfast Metropolitan Area Plan and taken part in these public inquiries.

We wish to see clauses 2,6,10 and 20 removed from the Bill.

Clause 2: Promotion of Economic Activity
There should be **no** amendment to the general functions of the Department of Environment or the Planning Appeals Commission to include "promoting economic development".

It is not the job of the planning service to promote economic development. The job of the planning service is to manage the built environment. Its ability to do this effectively will be compromised if it takes on this additional and contradictory role.

Planning should not have to "carry the can" for the failure of the Department of Economic Development to create employment.

In 2011-12, the Northern Ireland planning service approved c.92% of planning applications. This does not indicate a system which is restrictive or a barrier to growth. If anything it indicates the opposite, that the system is too laissez faire.

Taking on the function of "promoting economic development" would push the system in the direction of the planning systems of the Irish Republic and Spain, potentially creating an unhealthily inflated construction sector and inviting that sector back into the familiar, destructive cycle of boom and bust.

In today's economic climate where developers are claiming to provide an economic benefit or jobs for the local area without a legally binding contract, there would be nothing to prevent a developer from withdrawing from the proposed scheme if economic circumstances change, for example Woodbrooke Village (Lisburn) or Millmount (Dundonald), now in its 14th year where the promised village centre has not been built or the 'spine road' completed. The promises that obtained the initial planning approval have not been delivered, notwithstanding the supposed 'guarantee' of article 40 agreements. Clause 2 would make the system even more open to abuse than it is at present.

Clause 6: Material considerations to include economic advantage/disadvantage
The key principle of planning is to consider issues related to the use and development of land. Clause 6 seeks to extend the issues which planners need to take into account to include weighting in favour of economic development.

Economic advantage or disadvantage is difficult to quantify. The Planning Department, instead of reducing paperwork and decreasing time for an application to be considered, would have to employ an 'economic division' to carry out an 'economic assessment'. No two economists agree on policy, therefore this clause could result in long discussions and perhaps legal action when a decision is made. At present planners have flexibility through imposing planning conditions. These must be applied to the use and development of land. There is no legal mechanism to ensure claimed benefits actually occur as these issues cannot be secured through planning conditions, because they are beyond the planning system, (see our Millmount example, above). The consequence could be that developers are likely to exaggerate economic development impacts knowing they cannot be held to account for their claims.

The overwhelming opposition to the consultation on the proposed PPS 24 indicates it is highly unlikely that the proposed Clause 2 would have public support. 77% of respondents to that consultation opposed the introduction. To introduce it now, against the background of such a decisive consultation response would be quite wrong.

The public perception is that the planning system is already overly weighted in favour of developers. This will deepen that perception, and indeed verify it as a correct assessment if the Department wants to increase public cynicism about planning in Northern Ireland. It will also, in the absence of transparency about who funds political parties in Northern Ireland, foster the perception that developers "buy" politicians, serving to bring politics in Northern Ireland further into disrepute.

Clause 10: Appointment of non Planning Appeals Commission personnel to oversee public inquiries

This clause is not required. The Planning Appeals Commission was established as an Independent Appellate Body and as such maintains the credibility of the planning service. This credibility would be put at risk if Department of Environment officers or Ministers directly appointed someone for an Appeal hearing. The independent process would be undermined.

Clause 20: Enforcement

This clause also threatens to undermine credibility by limiting the opportunities for enforcement action, already seen as a weak part of the Northern Ireland Planning System. Fixed penalty fines are all very well and allow swift action against those who fail to comply, but the Bill suggests that someone fined in this way for failing to comply with enforcement, would be exempt from any further prosecution. This is a dangerous suggestion and opens up an opportunity for those guilty of abusing the planning system, to be sheltered from prosecution.

Given the Department's poor record on enforcement, and the lack of meaningful penalties, including reinstatement, this suggestion of an amnesty for further breaches of planning or enforcement would leave the Planning Department open to ridicule.

I trust the Committee will consider the DGBA's views in their response to the Department.