

Dear Sirs,

The following is a response to your call for comments on the Planning Bill currently under consideration.

Hollywood Conservation Group response to the proposed Planning Bill 2013.

Introduction

The Hollywood Conservation Group has some 200 members representing a large section of the community. It was founded to preserve the unique features of the town and ensure future development enhances rather than spoils the area.

While we agree with some of the aims of the proposed Planning Bill, we object to it on the following grounds

Clause 1 Statement of Community Involvement

We object that this Clause continues to allow Planners to determine policy on community involvement. It allows them to concentrate on major projects and virtually ignore minor ones which are just as likely to arouse confrontation and conflict. The policy which has to be prepared within one year must make it a statutory requirement that discussions with neighbours have taken place before applications are submitted. The elimination of problems at such an early stage will reduce conflict and time absorbing objections at a later stage thus promoting the object of a faster process.

Councils may be consulted but currently do not have statutory authority to represent the public interest. Elected representatives and community based groups, rather than Planners, should decide what is in the public interest. Planners have much too narrow a remit to determine what is 'in the overall public interest': their chosen term to reduce the number of objectors.

Clause 2 General Functions of the Department and Planning Appeals Commission

While agreeing that good design should be included in the criteria to be considered, we object that this clause allows Planners/Commissioners to set down policies on economic development. Currently they take account of policies and guidance issued by DoE, DRD and OFMDFM. We further object to allowing Planners/Commissioners to decide on which matters to include as appearing to be relevant. This could lead to heritage and environmental factors being overruled by spurious arguments of economic benefit.

There appears to be no developed definition for economic benefit or sustainable development. The increase in the value of a parcel of land as a result of a planning decision will bring economic benefit the owner but may adversely affect many more householders in the neighbourhood through a reduction in value, thereby creating an overall negative benefit for a larger area. The inclusion of these phrases will lead to many further time wasting legal challenges thereby obstructing the declared aim of this bill.

Clause 3 Meaning of Development

We object that Clause 3 does not make a distinction between land/building development and economic development. Nor does it define economic development or the scope of Planners' role in promoting economic development. We welcome the decision to ensure that parts of listed buildings cannot be demolished at will. Again the definitions of economic development and sustainable development are not tightly defined and will probably prove to be a lucrative source of work for the legal profession and wasted time for the planning staff who get involved.

Clause 4 Publicity

We support any effort to ensure all proposals, including listed building consent, are publicised as widely as possible rather than in the most obscure way but hope that the Department will take all comments into consideration no matter how small the organisation making the comment.

Clause 5 Pre application community involvement

We believe that this form of consultation is essential for all applications but the clause appears to limit the need for community consultation to large projects. If the requirement is applied to applications from individuals as well, much friction could be resolved at an early stage thus speeding the processing of such applications.

Clause 6 Determination of planning applications

We believe that far from streamlining the process, adding the criteria of economic (dis)advantage will create excessive amounts of paperwork both for the applicant and the planning staff having to deal with the application. The use of outside consultants to assess the application is unlikely to be of any benefit as we have never heard of a case where such consultants have failed to agree with an applicant.

Clause10 Public enquiries

We disagree with the proposal to allow the appointment of a person other than the PAC to hold a public enquiry. This will allow further legal expertise, which is normally of the adversarial style, to replace any attempt at finding a compromise where there are disagreements on a proposal.

Clause 16 Increase in certain penalties

While we agree that the penalties need to keep pace with inflation, we would point out that they are only a deterrent if they are imposed with widespread publicity.

Clause17 Conservation Areas

We approve of all measures which will improve the appearance of Conservation Areas.

Clause20 Fixed penalties

We object to this clause because it threatens to undermine the creditability of the planning system. It appears that once a fixed penalty fine has been paid there is no opportunity for further action by the enforcement authorities. From this follows the opinion that once someone who has abused the planning system has paid a fixed

penalty he can proceed to drive a coach and horses through the regulations with immunity

Clause 21 Power of PAC to award costs

We strenuously object to this clause as it creates further obstacles for small voluntary groups to overcome in their usually justifiable objections to major projects by large, well financed, developers. Experience has shown that PAC cases can get bogged down by unnecessarily highly paid lawyers who fail to accept that PPS documents are written by Planners for Planners and introduce unnecessary alternative definitions of words and phrases for the benefit of their clients. Small voluntary groups will not want to risk their private means while pursuing such cases.

In summary, we believe that the Bill creates more ambiguities than the current position and fails to solve any of the criticisms of present situation and should therefore be dropped.

Hollywood
15 March 2013

Conservation

Group

John S Moore, Chairman of the Hollywood Conservation Group