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committee.environment@niassembly.gov.uk

Planning Bill: IoD response to the Environment Committee consultation

The Institute of Directors (IoD) is a non-party political organisation representing the views of around 40,000 individual business leaders in the UK with over 900 members in Northern Ireland. Members are drawn from the private, public and voluntary sectors.

The IoD has taken a keen and active interest in the evolution of Planning Reform and very much welcomes the opportunity to submit views on this draft Bill to the Committee on the Environment.

Background

For a number of years the IoD has lobbied successive Ministers and planning officials vigorously for major reform of the planning system in Northern Ireland. We gave a comprehensive response to the Department's consultation exercise: 'Reform of the Planning System in Northern Ireland – Your Chance to Influence Change' - back in September 2009 and have closely monitored progress on the matter since. While we were encouraged to see that many of our proposals, aimed at achieving good planning decisions taken within realistic timescales, were subsequently imported into the Planning Act, we were disappointed to note the absence of any recognition in legislation of the need to take full account of the economic impact of development proposals in the process of determining planning applications.

The Current Bill

As we understand it, the primary objective of the Bill is to accelerate the implementation of the reforms contained within the 2011 Planning Act. We also understand that the primary motivation for this is to ensure that the provisions, relating to: faster processing of planning applications; simpler and tougher enforcement of planning offences; enhancement of the environmental aspects of planning; fairer and faster consideration of planning appeals; and enhanced community involvement in the planning process, are fully embedded in the planning regime before the transfer of responsibility for planning matters to district councils. We welcome this, having argued in the past against the 'big bang' approach whereby major reform and transfer of function would be introduced at the same time.

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The matter for consideration in the context of the Committee's consultation is, therefore, not the question of whether these reforms should be implemented at all (given that they have already been given legislative authority through the Planning Act), but whether it is right that they should, all or in part, be implemented in advance of the original timing proposed by the Planning Act. As we have already stated, we agree with the proposal to accelerate implementation so we do not take issue with this aspect of the Bill.

However, the Bill goes beyond proposing the acceleration of the implementation of these reforms by introducing two additional provisions: promoting economic development and promoting good design. It is on these issues that the Committee will pay special attention and on which it is particularly keen to hear views. The first of these proposals - promoting economic development – is likely to prove the most controversial.

Economic considerations

As we have previously stated, IoD has pressed long and hard for economic considerations to be included in the menu of factors of which planners must take account in determining planning applications. Indeed, we are surprised that it has taken so long for this to happen given that building the economy has been the touchstone of successive Programmes for Government.

We are aware, however, of scaremongering by those opposed to this provision to the effect that it will represent a form of charter allowing developers to ride roughshod over all other considerations, not least those relating to the protection of the environment. On the contrary, there is nothing in the draft Bill to suggest that this consideration will eclipse all others. This point was stressed by Minister Attwood in the Assembly on 22 January when he said "I want to make it very clear that, whatever else the Bill proposes, it does not state, as PPS24 suggested, that economic considerations should be given determinative weight."¹ The Bill merely states that, when it comes to the material factor of economic impact, an assessment should be made of the economic advantage and/or disadvantage.

We believe, therefore, that it is axiomatic that this provision should be included in the Bill. The key question, however, is how the proposed assessment will be made, who will make it and what form it will take. In this regard, the Minister has stated that, beyond the law, there will be a requirement to have further policy if not guidance². It is therefore crucial that careful thought is applied to the design of this policy and guidance and we in the IoD would be very happy to contribute to this process.

¹ Official Report -22 January 2013

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Good design

As to the second of the new proposals, we support the **principle** of promoting good design. However, as with promoting economic development, it is in the execution of the principle that the acid test of effectiveness lies. Good design is, by its nature, subjective and more consideration needs to be given to how decisions on what constitutes good design in relation to individual developments might be reached in a fair and objective manner.

Stakeholder event

Finally, we look forward to having the opportunity to amplify our views on these issues to the Committee at the proposed stakeholder event on 18 April.

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² Official Report – 22 January 2013