

Consultation Response to Environment Committee on the Planning Bill 2013.

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Clause 1: Statement of Community Involvement

Clause 1 must

- Make neighbour notification of planning proposals a statutory requirement
- Give Councils statutory authority to determine what is in the public interest
- Require Planners to obtain Council agreement on planning decisions

Planners should not arbitrarily reject Council views on planning approvals. They should not determine policy on Community Involvement.

Clause 2: Promotion of Economic Activity

There should be no amendment to the functions of the Department of Environment or the Planning Appeals Commission to include "promoting Economic development". Instead of increasing the effectiveness of the planning system, this clause would increase the paperwork and time required to process applications.

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 to include weighting in favour of economic development. Again this would slow up the process of consideration of applications. A new 'economic division' would be required to carry out an 'economic assessment' and as no two economists agree on policy, it would open the door to delay and perhaps legal action.

There would be no limit to what a developer could promise in 'economic development' and local jobs unless an agreement was legally binding and within a limited time frame.

Clause 10: Appointment of non Planning Appeals Commissioner 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. It is vitally important that the professional standards of the PAC are not diluted by bringing in non PAC personnel with various different areas and levels of expertise.

Clause 20: Enforcement

Given the Department's lamentable lack of enforcement, low staffing numbers and minimal penalties being imposed for lack of compliance, this clause would further undermine the credibility of the planning service. The Bill suggests an amnesty for further breaches of planning. This is a ludicrous suggestion as developers could find it financially beneficial to pay the small fixed penalty and then continue as if nothing had happened. They could ignore Tree Preservation Orders or carry on knocking down property early on a Sunday morning without fear of further prosecution. Planning permission on a site must include all trees and hedges until these are considered under 'reserved matters'.

I wish to thank the Committee for the opportunity to comment on clauses which were not previously available for consultation and hope that my views will be considered by the Committee in their response to the Department.