

Clause 1: Statement of community involvement.

Agree.

Clause 2: General functions of the Department and the Planning Appeals Commission.

Since most developments have an economic agenda to the developer/applicant, we have concerns that although the three elements in this clause are to be considered together ('furthering sustainable development', 'promoting well-being' and 'promoting economic development'), 'economic development' will become the over-riding precedent and ultimately be given greater weight in planning decisions. We are not sure what is meant by 'well-being' or how it can be promoted. Planning decisions should be about planning (i.e. use of land, environment, ecology, built heritage etc.) Does the Planning Service employ an economist to give advice on 'economic development'? If not, how can they come to a realistic decision?

Clause 4: Publicity etc, in relation to applications

Agree.

We assume that the applications will still be advertised in the press, on the Planning Service website and through neighbourhood notification (which could be expanded a little, since presently, not all neighbours affected by a new development are notified. A notice board at the proposed development site could perhaps be considered)

We are concerned that some 'streamlined' approvals maybe decided too quickly before time for consultation.

Clause 5: Pre-application community consultation.

Agree.

We appreciate that this clause to consult the community is intended to prevent delays to development by objectors' concerns etc. following the advertisement of an application. Can we be sure that the community concerns will be taken on board and not that the developer/applicant will treat the exercise as a mere formality and then proceed with his development. Will there still be an opportunity to object if the community feel their concerns have been ignored or has this now been eliminated? Possibly there should be an impartial observer to monitor the community and developer views and write a report. This will be helpful when the planners/council make their decision (which is often subjective).

Clause 6; Determination of planning applications.

It is unclear how economic advantages/disadvantages could be assessed, especially since an application could have economic advantages to the applicant but disadvantages to the immediate neighbourhood. (e.g. a large supermarket versus local shops). We also have concerns, as in clause 2, that the perceived economic aspect would take precedent.

Clause 7: Power to decline to determine subsequent applications.

Strongly agree.

We also think that a subsequent application for a site which immediately follows an approval given for that site (whether or not it has been to the PAC) should be refused. This could be a means of upgrading an application by stealth to something which, if it had been submitted originally, would have been unlikely to succeed.

Clause 10: Public enquiries: major planning applications.

The PAC is an independent body. What are the criteria to appoint another person to hold a public enquiry? If appointed by the DOE will that person be truly independent? Would it not be preferable for the PAC itself to appoint another suitable person?

Clause 11: Appeals: Time limits.

Agree.

Clause 12: Matters which may be raised in an appeal.

Agree.

Clause 13. Power to make non-material changes to planning permission.

Any changes should be advertised (or those who could be affected by the change should be notified) before permission for changes are given. This could be a way for an applicant to get permission for something which would not have been passed in the original application.

Clause 16: Increase in certain penalties.

Agree.

There should be a reasonable mandatory minimum level of fines/penalties to act as a deterrent, clearly defined and therefore not left to the discretion of the magistrate/court. Fines should also be proportionate to the scale of the development and the potential value to the applicant, without an upper ceiling to act as a positive deterrent. (Whereas a £100,000 fine could be a serious matter for the small developer, for a big development it could be considered to be merely an additional expense, not punitive and therefore not a deterrent).

However, since we know that the Planning Service does not have the facility to monitor developments once permission has been granted, how will the planners/councils actually know that the terms of the planning approval have been complied with? They should not have to rely on residents for information.

Clause 17: Conservation areas.

Agree.

Areas of Townscape character must also be included.

We are concerned that 'established residential areas' (PPS 7 2nd addendum) will no longer be considered of value especially if there is to be a revision of all the PPS documents into a single document.

Clause 18: Control of demolition in conservation areas

Agree.

Clause 19: Tree preservation orders: dying trees.

Agree

Dead or dying trees offer a habitat for many small creatures and plants and unless they are in a dangerous condition should not be felled.

However, since we know that the Planning Service does not have the facility to monitor developments once permission has been granted, how will the planners/councils actually know that a dying tree with a TPO has been felled?

Clause 20: Fixed penalties.

If offenders have not complied with an enforcement notice, and thus an offence has been committed, it does not seem appropriate for them to be exempt from going to court or to be able to pay a reduced fine.

Clause 21: Power of planning appeals commission to award costs.

Agree

Clause 22: Grants.

Agree.

Clause 23: Duty to respond to consultations

Agree.

(Apart from the unnecessary delay caused – it is bad manners and poor business practice).

Clause 24; Fees and charges

We do not think that retrospective planning applications should be an option at all.

This response has been submitted by the Lagan Valley Group Residents' Association

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