Stoneleigh,9 Rugby Street,Belfast BT7 1PX 12 March , 2013

For the attention of the Committee of the Environment.

I am a long term resident of the Ruby Road and Holyland area and I wish to add my name in support of the objections laid out below by the Belfast Holyland Regeneration Association.

Yours faithfully,

Rosana Trainor

The Belfast Holyland Regeneration Association represents the views of long term residents in the Holyland area of South Belfast. We work in partnership with a range of Agencies, including Belfast City Council, Planners and Universities, to identify suitable measures to help regenerate the area. We are committed, in doing so, to following all relevant statutory planning, consultation and approval processes.

We object to the proposed Planning Bill on the following grounds.

Clause 1 Statement of Community Involvement

We object that the Clause allows Planners to continue to determine policy on community involvement. It therefore fails to resolve the current weaknesses whereby neighbour notification is voluntary and Councils are consulted but do not have statutory authority to represent the public interest.

Elected representatives – not Planners – should be the arbiters of 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 repel objectors.

In our experience, Planners have consulted only neighbours nominated by developers on planning applications: and have arbitrarily rejected Council views on planning approvals without explanation, justification or accountability.

Any new regime must not allow Planners to determine their own policy on community involvement or to overrule Council on what is or is not in the public interest. They will only repeat the sins of the past.

In order to secure an appropriate level of community involvement, Clause 1 must:

- Make neighbour notifications 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.

Clause 2 General Functions of the Department and Commission

We object that Clause 2 allows Planners / Commissioners to set down policies on economic development (subject to taking account of policies and guidance issued by DoE, DRD and OFMDFM). We further object to allowing Planners / Commissioners to decide on matters to include as appearing to be relevant.

Planners and Commissioners are not qualified to develop or follow sound economic development policies. They operate within a limited framework of policies. They do not consider external policies - (e.g.) housing, health, education, community sustainability, regeneration, public services, public order or economic development. They do not regard these policies as 'material considerations' in making planning decisions: even though negative impacts can extend far beyond the Planning context.

In our experience, Planners persisted in approving applications to convert family dwellings to houses in multiple occupation in the Holyland and other areas of South Belfast. This was despite strong representations from Communities, Council and PSNI on the consequences. The additional annual cost to the 'public purse', in the Holyland alone, is now £3m (Browne Report, Belfast City Council, 2012). The amount covers extra day to day public services such as cleansing, wardening and policing following material demographic changes to the area. It does not cover costs of mass migration from an inner city area to outlying areas, or the consequent costs of (e.g.) parking and transport strategies to cater for people moving to outlying areas but still working in the city centre. Planners / Commissioners felt they were correct to continue to approve applications in the absence of appropriate planning policies, as the consequential impact on other public services was not recognised as a 'material consideration' under Planning Policy (the 'lemming policy').

That Clause 1 extends the range of policies to be taken into account in planning decisions (to DoE, DRD and OFMDFM), is still, in our view, far too restrictive: and remains a recipe for dysfunctionality. Planning decisions have repercussions across all Departments.

We have no confidence that Planners / Commissioners have the will or skill to embrace the extended range of policies specified in Clause 1: never mind the range of policies impacted by planning decisions.. We believe they will simply avoid addressing issues by excluding challenging matters on the grounds that they do not appear relevant.

In order to ensure Planning decisions comply with wider government policies, including economic development, Clause 2 must:

- Extend the definition of 'material considerations', in PPS1, to cover considerations which are outside the scope of Planning Policy but which are within the scope of wider government policy
- Define economic development and specify the scope of Planners / Commissioners authority and any limitations thereon.
- Introduce a procedure to ensure Planners and Commissioners assess planning applications against a checklist / matrix of government policies and policy owners
- Introduce a statutory requirement to consult with and follow policy owners' advice

- Require proportionate economic appraisals for planning applications, certified (say, by DFP) as being Green-Book compliant
- Introduce a statutory responsibility (say, on OFMDFM) to convene policy-owner forums to address cross-cutting issues.
- Make good design mandatory rather than 'desirable' as expressed in Clause 1.

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.

In order to ensure Planners understand their role in promoting economic development, Clause 3 must:

- Define economic development and its place in the context of land / building development.
- Clarify the distinction between sustainable development and (sustainable) economic development

Clause 4 Publicity, etc., in relation to applications
Clause 5 Pre-application community consultation

We object that Clause 4 and Clause 5 allow developers / speculators (rather than Planners or Council) to undertake and report on community consultation. This would be a dereliction of duty, as developers / speculators have a vested interest in ensuring their application is successful.

In our experience, developers / speculators only list as neighbours people they consider will not object to their application. We are familiar with incidences when objectors have been badgered / bullied into refraining from objecting.

In order to ensure community consultation is properly undertaken, Clauses 4 and 5 must:

- Require community consultation to be undertaken by Planners or Coumcils

Conclusion

Given the extremely short timescale for responses to the Committee and the extremely dense wording of the Bill, we have not examined all sections of the Bill in any great depth. We have, however, had sight of Professor Ellis's analysis for Friends of the Earth and have satisfied ourselves that we largely concur with the views expressed therein.

Further, our analysis (above) of Clauses 1 to 5, leads us to conclude that:

- Clause 1 perpetuates fundamental weaknesses in the current system.
- Clause 2 is beyond the competence of Planners: yet does not go far enough in promoting reform.
- Clause 3 does not define economic development: a fundamental oversight
- Clauses 4 and 5 skew the system in favour of developers / speculators: contrary to the public interest

For these reasons, we believe that the Bill is not fit for purpose in promoting reform or improving regulation.

Belfast Holyland Regeneration Association