

The Committee Clerk  
Room 416  
Parliament Buildings  
Ballymiscaw  
Stormont  
Belfast  
BT4 3XX

12 November 2013

Dear Sir/Madam

**RE: RSPB comments committee stage Local Government Bill for Northern Ireland**

Please find attached a copy of the RSPB response to the second stage of consultation for the Local Government Bill for Northern Ireland.

We are pleased to forward comment on the Bill as it paves the transfer of planning power from central to local government and toward a more sustainable community level planning system.

If there are any related queries please do not hesitate to contact the Assistant Conservation Officer.

Yours sincerely

**Assistant Conservation Officer  
RSPB Northern Ireland**

## **RSPB Northern Ireland comments on the Local Government Bill for the Environment Committee**

November 2013

### **Executive Summary**

We welcome the opportunity to comment on the Local Government Bill at the second stage particularly as it will transpose regulation regarding the future of our planning system as it transfers from central to local government as part of the on-going Review of Public Administration (RPA). We support legislation that promotes sustainability within decision-making and believe the Bill will be fundamental for the future well-being of people from all communities across NI.

### **Introduction**

The RSPB is the UK's lead organisation in the BirdLife International network of conservation bodies. The RSPB is Europe's largest voluntary nature conservation organisation with a membership over 1 million, around 13,000 of which live in Northern Ireland. Staff in Northern Ireland work on a wide range of issues, from education and public awareness to agriculture and land use planning. We have considerable expertise as a user of planning systems across the UK, both as applicant and consultee. In Northern Ireland we show our commitment to promoting good planning through the joint RTPI/RSPB Northern Ireland Sustainable Planning Awards, and by involvement with developers and the public on proposed development from windfarms to housing. We therefore welcome the opportunity to comment on the Local Government Bill as it will help shape the future of our planning system as it moves to local Councils with local development plans and community planning with community partners at the core of planning related decision-making.

### **RSPB recommendations for the Bill**

Our comments are numbered by clause and any omission of clause can be interpreted as a no comment.

We are also supportive of the written submission made by Community Places to the Environment Committee and in particular the recommendations made regarding Part 10 Community Planning and Part 13 Partnership Panel.

### **Positions of responsibility Part 3**

- Clause 10 (1) (f): We recommend a list of all external representatives is made public by the Council to help ensure open and transparent decision-making.
- Clause 10 (4): We recommend the reference to "other association" as a source of external representatives is more clearly defined to avoid a conflict of interest within future decision-making.

### **Code of conduct Part 9**

- Clause 56 (1) (6) & (7) – We would support the Department in their issue of a code of conduct for councillors and the provision of draft codes should existing versions be revised or withdrawn. We recommend the code of conduct is made public. We recommend any conflict of interest is avoided within the structure of the code of conduct to help ensure fair decision-making.
- Clause 57 – We would support such guidance and publication of same to the public.

### **Community planning Part 10**

- Clause 69 (2) (b) – We recommend sustainable development (SD) is defined within the clause and recommend the original definition used by the Brundtland Commission be referred to. The original definition was as follows: *“Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”*<sup>1</sup>
- Clause 69 (5) – We remain supportive of a statutory link between community plans and the local development plan and we remain supportive of spatial planning.
- Clause 70 (3) (c) – We suggest additional clarity regarding bodies and persons that the Department may consider as “appropriate” is provided. (Please see comments below for clauses 76 (2) (e) and 77 (2) (c)).
- Clause 71 (1) – We would support the production of community plans.
- Clause 71 (4) (a) & (b) – We suggest these clauses are tightened with insertion of a timeframe in which community plans should be produced and published. Therefore, in addition to community plans being published as soon as “reasonably practicable” we recommend a long stop date is inserted to ensure plans are published within a specific timeframe.
- Clause 72 – We would support regular reviews of community plans.
- Clause 73 (4) & (5) – We recommend any reviews and potential amendments of the plan and objectives are communicated to all community partners even when the amendments are not obviously directly linked to their function to ensure fair decision-making is maintained.
- Clause 73 (5) – We recommend additional clarity regarding what would constitute “a degree of consensus” to help ensure fair decision-making is maintained amongst the community planning partners when amendments to community plans are being reviewed or authorised.
- Clause 74 (1) & (3) – We would support regular monitoring of plan objectives and monitoring outcomes with publication of progress to the public. We therefore suggest an amended clause to reflect the monitoring of outcomes.
- Clause 76 (1) – We would support the facilitation of input to community plans from the community through the community planning partners but feel this clause needs to be strengthened to ensure

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<sup>1</sup> <http://www.un-documents.net/ocf-02.htm>

active participation from the community is encouraged with an assurance that their views will be taken into account and considered.

- Clause 76 (2) (e) – We would be concerned that some people may be excluded from feed-in to community plans/planning and recommend removal of “in the opinion of the council” from this clause to avoid misinterpretation. To help ensure inclusivity across Councils and communities we recommend two additional groups are added to 76 (2) so as non-governmental organisations (NGOs) and action groups are presented. We therefore recommend an amendment to the clause so it reads “other persons who are interested in the improvement of the district’s social, economic or environmental well-being including NGOs and local action groups.”
- Clause 77 (1) – We would support the issue of guidance by the Department on community planning and community plans adhering to best practice guidelines. We would support advice notes on spatial planning, green/blue infrastructure and concepts such as ecosystem services.
- Clause 77 (2) – We would support pre-consultation by the Department with Councils and related associations.
- Clause 77 (2) (c) - We recommend additional clarity is provided to define the persons or bodies that the Department would deem as “appropriate” to consult with. This is to help ensure consultations will occur with NGOs, local action groups and so on across Councils in a fair decision-making process.
- Clause 81 – We question the need for this clause as enabling alternative names for community plans across Councils could lead to confusion. We therefore suggest that this clause be removed.

*For further information, please contact Lynne Peoples (RSPB Assistant Conservation Officer) on 028 9049 1547 or email [lynne.peoples@rspb.org.uk](mailto:lynne.peoples@rspb.org.uk)*