

Planning Reform & Transfer Legislation Overview

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Presentation

- Background to planning reform
- Planning Act (NI) 2011
- Subordinate legislation
- Phase 1 public consultation:-
 - Development plan; SCI
 - Hierarchy of development;
 - Development management procedures;
 - Listed buildings & conservation area designation;
 - Councils' own applications.
- Next steps.

Planning Reform

- Planning Act (Northern Ireland) 2011
- Royal Assent 4th May 2011

Subordinate Legislation

Primary powers already established in 2011 Act

- Policy proposals and technical amendments
 - New proposals/procedures & two-tier system amendments
- Ensure continued service delivery
- Councils and DOE operating as planning authorities
 - Receive, manage and determine new applications
 - Manage what is already in the system
 - Commence development plan

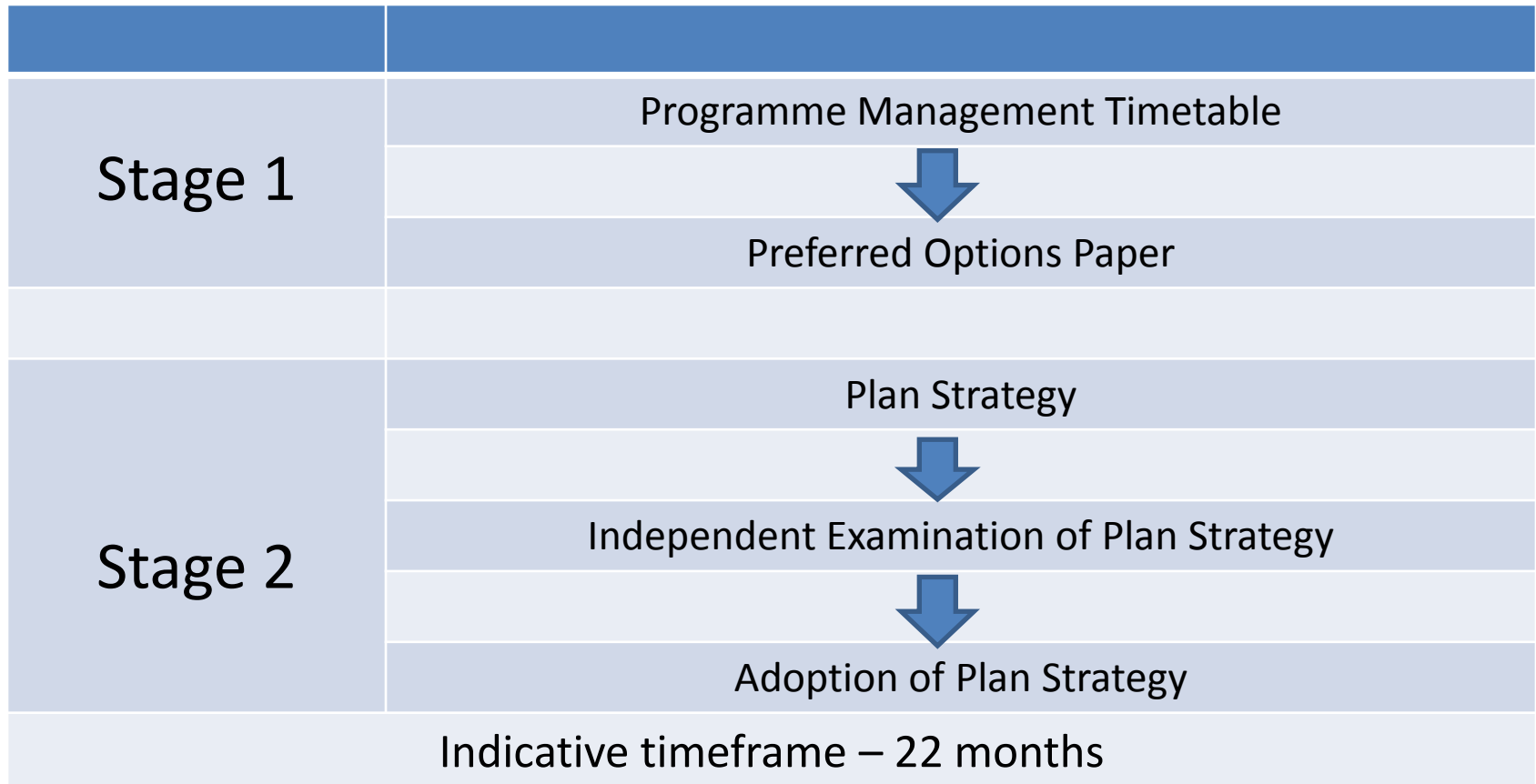
Scope of Subordinate Legislation Proposals – Phase 1

- Development plan
- Front loaded elements – SCI, pre-app consultation
- Hierarchy of development
- Procedures – how it will work
- Listed Buildings
- Managing council planning applications
- Technical SRs

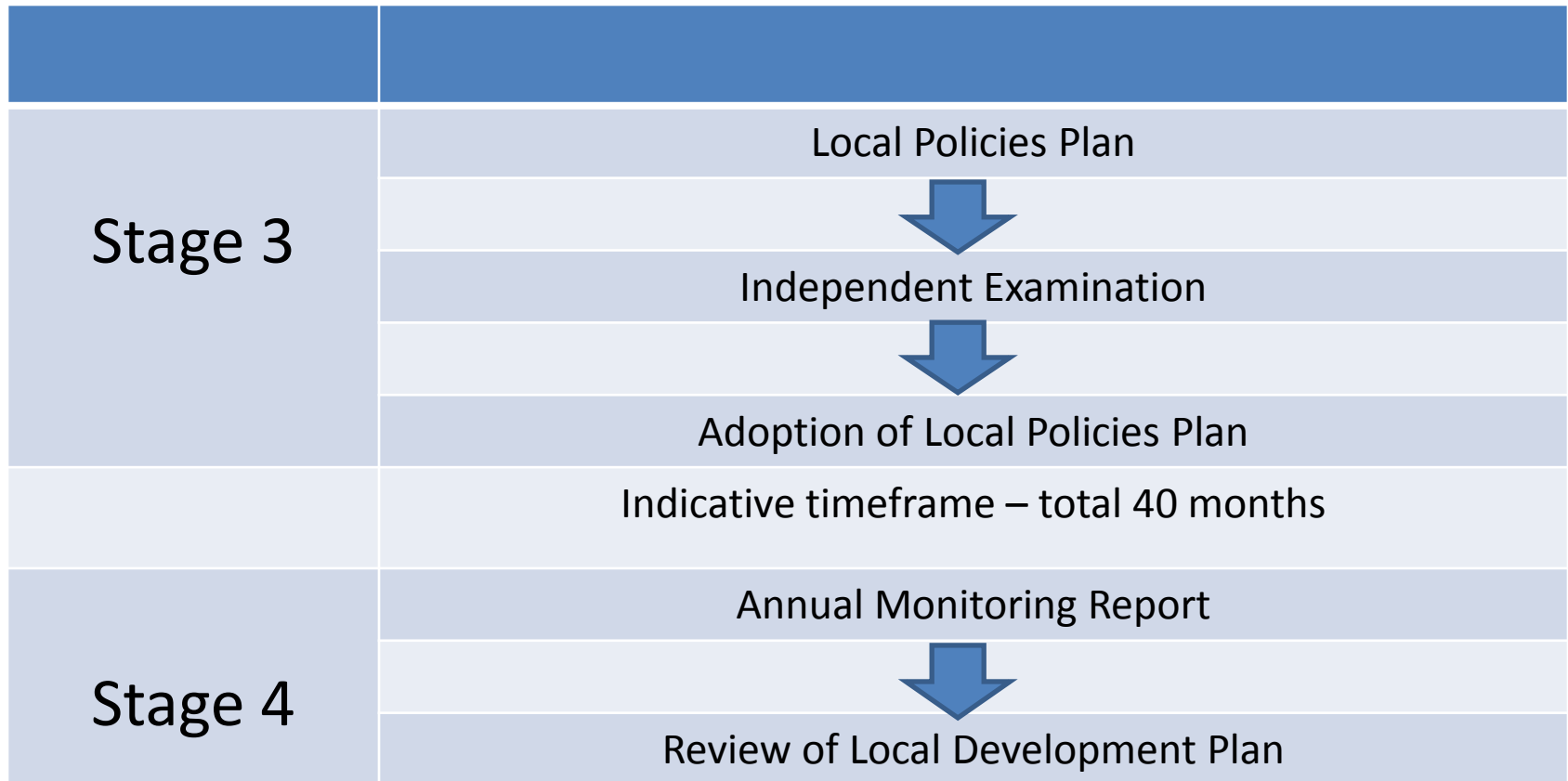
New Development Plan System

- New plan-led system to provide greater certainty for all
- Streamlined and flexible Plan system
- New 2 document approach (Plan Strategy and Local Policies Plan)
- Overall timeframe reduced
- More effective participation from public and stakeholders early in process
- Move away from objection based examination to “soundness” approach
- Monitor and review

Development Plan Process



Development Plan Process (contd.)



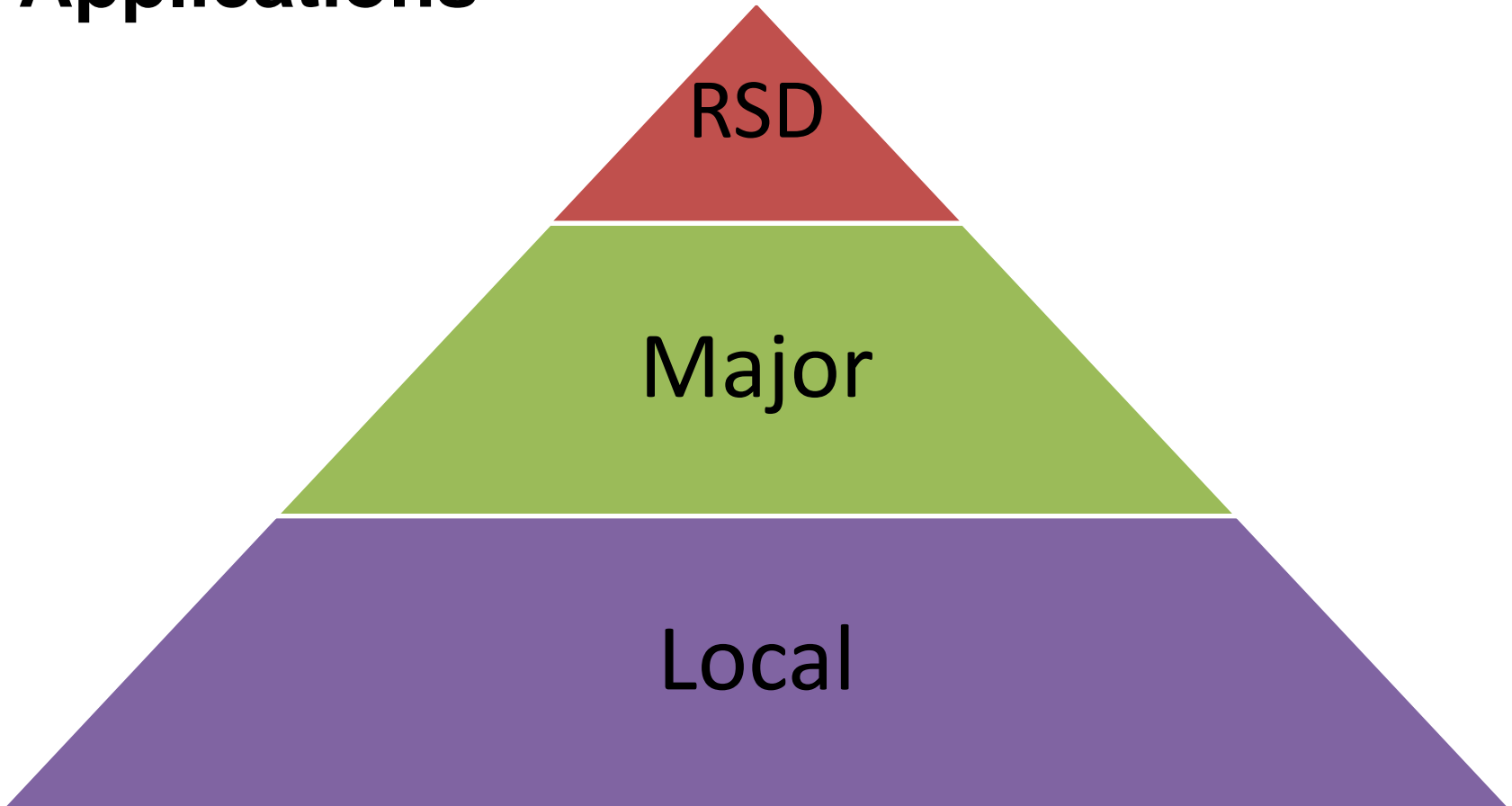
Statement of Community Involvement

- Councils to prepare an SCI for development plan and development management functions.
- “a statement of the council’s policy as to the involvement in the exercise of its functions.....of persons who appear to the council to have an interest in matters relating to development in its district”.
- Community – those who live, work, invest or visit.
- Subordinate legislation will provide detail on:-
 - Preparation - Form & content
 - Principles of who is involved and when
 - Deemed agreement process with the Department

New Approach to Development Management

- Front loaded system & enhanced community involvement – pre-application community consultation.
- Proportionate, fairer, predictable, responsive & efficient
- New development hierarchy
 - Define categories and thresholds
 - Determines which body acts as planning authority and process route
 - Focuses prioritisation of resources

New Hierarchy of Development Applications



Development Management - Councils

- Major applications e.g. large housing schemes or office developments, along with waste, energy and transport infrastructure.
- Minor/local applications e.g. small offices, small residential and minor commercial or industrial developments.
- Professional planners transferring from DOE will make recommendations but councils will make final decisions.
- Delegation schemes setting out the types of application that will normally be determined by councillors and those that would normally be delegated to planning officers for decision.

Enforcement

- Councils will be responsible for investigating alleged breaches of planning control, for example-
 - Where development may have been carried out without the planning permission required.
 - Failure to comply with any condition or limitation subject to which planning permission has been granted.
- Councils will determine what action, if any, to take.
- 2011 Act increases maximum fines from £30k to £100k.
- The Department retains reserve powers for exceptional circumstances.

Development Management Procedures

- Key changes in how applications for planning permission will be managed.
- Publicity arrangements
- Statutory consultation arrangements
- Design and access statements
- Call-in procedures

Publicity Arrangements

- Publicity arrangements for applications for planning permission
 - Newspaper advertising
 - Neighbour notification
 - Website – currently the Planning portal
 - Allow councils to explore options beyond statutory minimum

Statutory Consultation

Statutory consultation arrangements

- Duty to respond within statutory timeframe – 21 day standard.
- Extension by exception – more complex applications.
- Substantive response – no holding replies.
- Reporting requirements – proposed as annual

In addition:

- Expanded list of consultees – rationale/draft schedule

Design and Access Statements

- Applications for certain planning permission and listed building consent will require to be accompanied by a design and access statement (DAS)
- The DAS should explain the design principles and concepts that have been applied to the development, including environmental sustainability
- It should explain how policies relating to access have been taken into account and state what, if any, consultation has been undertaken on issues relating to access (including access for the disabled)

Call-in Procedures

- The Department can make a direction requiring that a particular application, or class of applications, be referred to it by a particular council or by all councils.
- The process for determination is then the same as is for the regionally significant developments.
- The intention is only to intervene or call-in an application in exceptional cases and not to cause unnecessary delays for councils in issuing decisions.

Listed Buildings

- Consultation with NIEA/Department on applications
- Duty to respond to consultation
- Publicising applications
- Duty to notify the Department of all applications for listed building consent
- Applications by councils

Conservation Areas

- Section 104 of the 2011 Act gives councils and the Department the power to designate any area as a conservation area.
- A conservation area is one of special architectural or historic interest.
- The procedures generally replicate those that currently apply to the Department

Council's own planning applications

- The usual procedures for planning control, trees and enforcement apply equally to the land of, and development by, district councils in the same way as to everyone else.
- Council's own planning applications will be required to be notified to the Department.
- Department will then consider whether to call-in.
- Transparent with necessary safeguards.

Next Steps

- Phase 2 consultation – Autumn 2014.
- Synopsis of Phase 1 consultation responses.
- Assembly process of day one essential subordinate legislation.
- Phase 2 analysis and Assembly process.
- 1st April 2015 point of transfer.
- Review and revise if necessary – flexibility of subordinate process.