

# PLANNING REFORM CONSULTATION PAPER

## ONLINE RESPONSE FORM

Once you have completed this form please  
return by e-mail to:

[planning.reform@doeni.gov.uk](mailto:planning.reform@doeni.gov.uk)

All responses should be submitted to the  
Department no later than 2<sup>nd</sup> October 2009



An Agency within the Department of the

**Environment**

[www.doeni.gov.uk](http://www.doeni.gov.uk)



## RESPONDENT INFORMATION

Please Note that this form **must** be returned with your response to ensure that we handle your response appropriately.

In keeping with our policy on openness, the Department will make responses to this consultation paper publically available. When publishing responses received on behalf of organisations the Department will also publish the organisation's name and address. When publishing responses received on behalf of individuals the Department will not publish details of the individual's name and address.

### 1. Name/Organisation

Organisation Name

Historic Buildings Council

Title

Mr  Ms  Mrs  Miss  Dr  *Please tick as appropriate*

Surname

Robinson

Forename

Frank

### 2. Postal Address

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### 3. Are you responding:

As an individual

On behalf of a group / organisation

### 4. Which of the following best describes the capacity in which you are responding:

Developer

Agent/Architect

Business

Member of Public

Environment Group

Council / Councillor

MLA, MP, MEP

Other  Please state: Statutory Advisory Council to the Department of the Environment

## 5. Acknowledgment

Individual responses will not be acknowledged unless specifically requested

## CHAPTER 2 - PLANNING POLICY

### Question 1

Do you agree that, in future, planning policy statements should provide strategic direction and regional policy advice only, which would then be interpreted locally in development plans?

Yes  No

See accompanying letter

### Question 2

Do you consider there are any elements of operational policy which should be retained in planning policy statements?

Yes  No

See question 1 and accompanying letter

## CHAPTER 3 - TOWARDS A MORE EFFECTIVE DEVELOPMENT PLAN SYSTEM

### Question 3

Do you think it appropriate to commence a 'plan led' system in advance of the transfer of the majority of planning functions to district councils under the Review of Public Administration?

Yes  No

See accompanying letter

### Question 4

Do you agree that the objectives contained in paragraph 3.6 are appropriate for local development plans?

Yes  No

See accompanying letter

**Question 5**

**Do you agree that the functions contained in paragraph 3.7 are appropriate for local development plans?**

Yes  No

See accompanying letter

**Question 6**

**What are your views on the proposal that a district council's statement of community involvement must be in place before any public consultation on the local development plan?**

See accompanying letter

**Question 7**

**What are your views on the proposal for a programme management scheme?**

See accompanying letter

**Question 8**

**Do you agree that a preferred options paper should replace the issues paper?**

Yes  No

**Question 9**

**Do you agree with the proposal to introduce a local development plan process that comprises two separate but related documents to be published, examined and adopted separately and in sequence?**

Yes  No

**Question 10**

**What are your views on the proposal to deal with amendments to the local development plan?**

These seem acceptable providing greater flexibility and a more appropriate development plan at any moment.

**Question 11**

**What are your views on the proposal that representations to a local development plan will be required to demonstrate how their proposed solution complies with robustness tests and makes the plan more robust?**

See accompanying letter

**Question 12**

**What are your views on the proposal that representations to a local development plan will be required to demonstrate how their proposed solution meets the sustainability objectives of the local development plan?**

See accompanying letter

**Question 13**

**Should the Department give the examiner(s) the power to determine the most appropriate procedures to be used in dealing with representations to the local development plan?**

Yes  No

**Question 14**

**Do you agree that the representations to the plan should be submitted in full within the statutory consultation period, with no further opportunity to add to, or expand on them, unless requested to do so by the independent examiner?**

Yes  No

**Question 15**

**What are your views on the proposals for counter representations?**

See accompanying letter

**Question 16**

**Do you agree that the basis for examining plans should be changed from an objection-based approach to one which tests the 'robustness' of plans?**

Yes  No

See accompanying letter

**Question 17**

**What are your views on the recommended approach for examining local development plans?**

See accompanying letter

**Question 18**

**What are your views on the proposals to ensure regular monitoring and review of local development plans?**

See accompanying letter

**Question 19**

**Do you agree with the proposed content of local development plans as set out in paragraph 3.44?**

Yes  No

See accompanying letter

**Question 20**

**Do you consider that the topic areas contained in paragraph 3.46 are appropriate for inclusion in local development plans?**

Yes  No

See accompanying letter

#### Question 21

Do you agree that district councils should be required to prepare sustainability appraisals as part of their local plan preparation process?

Yes  No

See accompanying letter

#### Question 22

What are your views on the proposal that the Department should have the powers to intervene in the making, alteration or replacement of a local development plan by the district council?

Supported

#### Question 23

a) Do you agree that district councils should be given the power to make joint local development plans if they so wish?

Yes  No

b) Do you consider that such powers would adequately deal with instances where neighbouring district councils would consider it beneficial to work together?

Yes  No

#### Question 24

What are your views on the proposed transitional arrangements for development plans?

See accompanying letter

## CHAPTER 4 - CREATING A STREAMLINED DEVELOPMENT MANAGEMENT SYSTEM

### Question 25

Do you agree with the proposed introduction of a new planning hierarchy to allow applications for the three proposed categories of development to be processed in proportion to their scale and complexity?

Yes  No

See accompanying letter

### Question 26

Do you agree with the 3 proposed categories of development (regionally significant, major and local) and their respective definitions?

Yes  No

See accompanying letter

### Question 27

In relation to applications for regionally significant development, do you consider that the 4 legislative criteria (see paragraph 4.14), in association with a pre-application screening requirement, are sufficient to identify relevant potential developments?

Yes  No

### Question 28

Do you have any comments on the proposed thresholds for the different types of development categories, particularly in relation to the classes of major development described in table 2?

Yes  No

### Question 29

Do you agree with the proposed approach to urban/rural variation in setting the proposed housing thresholds for major development?

Yes  No

**Question 30**

**Do you agree that performance agreements should be in place before the submission of regionally significant applications?**

Yes  No

See accompanying letter

**Question 31**

**What are your views on the suggested elements contained within a performance agreement, and setting a timescale specific to each individual application?**

See accompanying letter

**Question 32**

**Do you agree that this should be a voluntary (i.e. non-statutory) agreement?**

Yes  No

**Question 33**

**Do you agree that developers should hold pre-application consultation with the community on regionally significant developments?**

Yes  No

See accompanying letter

**Question 34**

**Do you agree pre-application community consultation should be a statutory requirement?**

Yes  No

Question 35

Do you have any views on what the form and process for verifying and reporting the adequacy of pre-application consultation with the community should involve particularly in relation to the elements indicated at paragraph 4.32?

Yes  No

See accompanying letter

Question 36

Do you agree with introducing the power to decline to determine applications where pre-application community consultation has not been carried out or the applicant has not complied with the requirements of pre-application community consultation?

Yes  No

See accompanying letter

Question 37

Do you agree that the Department should determine applications for regionally significant development in association with the proposed statutory screening mechanism?

Yes  No

See accompanying letter

Question 38

Do you agree with the proposal to designate a district council as a statutory consultee where it is affected by an application for regionally significant development?

Yes  No

Question 39

Do you agree with the proposed notification and call-in mechanism, including the pre-application and application stages indicated in diagram 2, for applications for regionally significant development?

Yes  No

Question 40

Do you agree that if the Department decides not to call-in a notified application it should have the option to return the application to the district council, either with or without conditions, for the district council to grant permission subject to conditions that may be specified by the Department?

Yes  No

Question 41

Do you agree with the proposal giving the Department the option to appoint independent examiners to hold a hearing or inquiry into applications for regionally significant development?

Yes  No

Question 42

Do you agree that the Department should prepare hearing and inquiry procedure rules for use by independent examiners?

Yes  No

Question 43

Do you agree that the processes for performance agreements should also apply to applications for major development?

Yes  No

See accompanying letter

Question 44

Do you agree that the processes for statutory pre-application community consultation should also apply to applications for major development?

Yes  No

The processes should not be statutory.

**Question 45**

**Do you support a power for district councils to hold pre-determination hearings with discretion over how they will operate, where they consider it appropriate for major developments?**

Yes  No

**Question 46**

**Do you consider that there are other circumstances in which district councils should have the scope to hold such hearings?**

Yes  No

In the non-statutory context we recommend, district councils should not be precluded from holding such hearings.

**Question 47**

**Where a performance agreement has not been reached, do you consider it appropriate to extend the non-determination appeal timescale for applications for major development to 16 weeks?**

Yes  No

**Question 48**

**Do you agree that district councils, post-RPA, shall be required to introduce schemes of officer delegation for local applications?**

Yes  No

**Question 49**

**Do you agree that, post-RPA:**

**a) the list of statutory consultees should be extended;**

Yes  No

**b) categories of development, linked to the development hierarchy, that require consultation (including pre-application consultation) before applications are determined by the planning authority should be introduced?**

Yes  No

**Question 50**

**Do you agree, post-RPA, that statutory consultees should be required to respond to the planning authority within a specified timeframe?**

Yes  No

See accompanying letter

**Question 51**

**If so, what do you consider the specified timeframe should be?**

See accompanying letter

**Question 52**

**Do you agree that the existing legislation should be amended and clarified to ensure that anyone wishing to demolish any part of an unlisted building in a conservation area/ATC/AVC requires conservation area consent or planning permission?**

Yes  No

See accompanying letter

**Question 53**

**Do you agree that the planning authority should be able to require that, where possible, proposed development should enhance the character of a conservation area?**

Yes  No

See accompanying letter

**Question 54**

**Do you agree that the normal duration of planning permission and consent should be reduced from five to three years?**

Yes  No

See accompanying letter

Question 55

Do you agree that a statutory provision should be introduced to allow minor amendments to be made to a planning permission?

Yes  No

See accompanying letter

Question 56

Do you have any comments on the details of such a provision as outlined at 4.100?

Yes  No

See accompanying letter

Question 57

Would you be in favour of enabling the planning authority to correct errors in its planning decision documents without the consent of the landowner or applicant?

Yes  No

CHAPTER 5 - APPEALS AND THIRD PARTY APPEALS

Question 58

a) Do you agree that the time limit to submit appeals should be reduced?

Yes  No

b) If so, what do you think the time limit should be reduced to - for example, 4, 3 or 2 months?

See accompanying letter

**Question 59**

Do you agree:

a) that the PAC should be given the powers that would allow it to determine the most appropriate method for processing the appeal; or

Yes  No

b) that applicants should be allowed to choose the appeal method?

Yes  No

See accompanying letter

**Question 60**

Do you agree that parties to appeals should not be allowed to introduce new material beyond that which was before the planning authority when it made its original decision?

Yes  No

See accompanying letter

**Question 61**

Do you agree with the proposal that the planning authority should be able to refuse to consider a planning application where a 'deemed application' associated with an appeal against an enforcement notice is pending?

Yes  No

**Question 62**

Do you agree that the planning authority should have the power to decline repeat applications where, within the last two years, the PAC has refused a similar deemed application?

Yes  No

See accompanying letter

**Question 63**

Do you agree that a time limit of 2 months should be introduced for certificate of lawful use or development appeals?

Yes  No

See accompanying letter

**Question 64**

Do you agree that the PAC should be given a power to award costs where it is established that one of the parties to an appeal has acted unreasonably and put another party to unnecessary expense?

Yes  No

**Question 65**

Do you think the new district councils should be able to establish local member review bodies to determine certain local planning appeals?

Yes  No

See accompanying letter

**Question 66**

If so, what types of applications should this apply to?

See accompanying letter

**Question 67**

Should provision for third party appeals be an integral part of the NI planning system or not? Please outline the reasons for your support or opposition.

Yes  No

See accompanying letter

Question 68

If you do support the introduction of some form of third party appeals, do you think it should an unlimited right of appeal, available to anyone in all circumstances or should it be restricted?

See accompanying letter

Question 69

If you think it should be a restricted right of appeal, to what type of proposals or on what basis/circumstances do you think it should be made available?

See accompanying letter

CHAPTER 6 - ENFORCEMENT AND CRIMINALISATION

Question 70

Do you agree that a premium fee should be charged for retrospective planning applications and, if so, what multiple of the normal planning fee do you think it should be?

Yes  No

See accompanying letter

Question 71

Do you think the Department should consider developing firm proposals for introducing powers similar to those in Scotland, requiring developers to notify the planning authority when they commence development and complete agreed stages?

Yes  No

See accompanying letter

**Question 72**

**Do you think the Department should consider developing firm proposals for introducing Fixed Penalty Notice powers similar to those in Scotland?**

Yes  No

See accompanying letter

**Question 73**

**Do you think the Department should give further consideration to making it an immediate criminal offence to commence any development without planning permission?**

Yes  No

See accompanying letter

**CHAPTER 7 - DEVELOPER CONTRIBUTIONS**

**Question 74**

**Do you agree that there is a case for seeking increased contributions from developers in Northern Ireland to support infrastructure provision?**

Yes  No

See accompanying letter

**Question 75**

**If so, should any increase be secured on the basis of extending the use of individual Article 40 agreements with developers on a case by case basis?**

Yes  No

See accompanying letter

### Question 76

Alternatively, should a levy system of financial contributions from developers be investigated in Northern Ireland to supplement existing government funding for general infrastructure needs, e.g. road networks, motorways, water treatment works etc., in addition to the requirements already placed upon developers to mitigate the site-specific impact of their development?

Yes  No

See accompanying letter

### Question 77

What types of infrastructure should be funded through increased developer contributions, e.g. should affordable housing be included in the definition?

See accompanying letter

### Question 78

If such a levy system were to be introduced in Northern Ireland should it be on a regional i.e. Northern Ireland-wide, or a sub-regional level?

See accompanying letter

### Question 79

If such a levy system were to be introduced should all developments be liable to make a financial contribution or only certain types or levels of development e.g. residential, commercial, developments over a certain size?

See accompanying letter

## CHAPTER 8 - ENABLING REFORM

### Question 80

The Department invites views on how we (and other stakeholders) might ensure that all those involved in the planning system have the necessary skills and competencies to effectively use and engage with a reformed planning system.

See accompanying letter

### Question 81

Post-RPA, do you agree that central government should continue to set planning fees centrally but that this should be reviewed after 3 years and consideration given to transferring fee setting powers to councils?

Yes  No

See accompanying letter

#### Question 82

Do you agree that central government should have a statutory planning audit/inspection function covering general or function-specific assessments?

Yes  No