

**PLANNING BILL NORTHERN IRELAND 2010/2011**  
**MAG RESPONSE**  
**14 JANUARY 2011**



# **PLANNING BILL NORTHERN IRELAND 2010/2011**

COMMENTS BY THE MINISTERIAL ADVISORY GROUP FOR  
ARCHITECTURE AND THE BUILT ENVIRONMENT NORTHERN IRELAND

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## 1.0 COMMUNITY INVOLVEMENT

1.1 Northern Ireland's Planning Reform Order 2006 states:

### **"Statement of community involvement"**

3. After Article 3 of the principal Order insert—

#### ***"Statement of community involvement"***

**3A.—**(1) The Department shall prepare a statement of community involvement.

(2) The statement of community involvement is a statement of the Department's policy as to the involvement in the exercise of the Department's functions under Article 4 and Part IV of persons who appear to the Department to have an interest in matters relating to development in the area in which they live."

1.2 "Shall" means "must", but by 2011 the Department has not produced the statement of community involvement. The Department's policy on community involvement has not been published or consulted upon and when attempts were made during the Planning Reform consultation process to suggest means to genuinely involve the local communities, these were dismissed as being left to the Councils to produce. Now the new Bill again requires the Department to produce its statement based on its policy:

#### **Preparation of statement of community involvement by Department**

2.— (1) The Department must prepare a statement of community involvement.

(2) The statement of community involvement is a statement of the Department's policy as to the involvement in the exercise of the Department's functions under Part 3 of persons who appear to the Department to have an interest in matters relating to development.

1.3 "in the area in which they live" has been omitted. This suggests that local people's views are less important in 2011 than they were in 2006.

**1.4** The new Bill also requires all district Councils to produce statements of community involvement, based on Councils' policies:

**"Statement of community involvement"**

4.— (1) A council must prepare a statement of community involvement.

(2) The statement of community involvement is a statement of the council's policy as to the involvement in the exercise of the council's functions under this Part and Part 3 of persons who appear to the council to have an interest in matters relating to development in its district."

**1.5** "in the area in which they live" has also been omitted from the Council's obligation, yet people living in localities have the greatest knowledge of their places and the most significant and continuing interest in plans and proposals for change.

**1.6** The new Bill also requires the Councils and the Department to "attempt to agree" the terms of the statement of community involvement and then requires that if no agreement can be reached, the Department has powers to direct the Councils:

(3) The council and the Department must attempt to agree the terms of the statement of community involvement.

(4) But to the extent that the council and the Department cannot agree the terms of the statement of community involvement the Department may direct that the statement must be in the terms specified in the direction.

(5) The council must comply with the direction.

(6) The Department may prescribe

(a) the procedure in respect of the preparation of the statement of community involvement;

(b) the form and content of the statement;

(c) publicity about the statement;

(d) making the statement available for inspection by the public;

(e) the manner in which

(i) representations may be made in relation to any matter to be included in the statement; and

(ii) those representations are to be considered;

(f) circumstances in which the requirements of the statement need not be complied with.

**1.7** The Department has not produced the statement of community involvement as required by the 2006 Planning Reform Order. Nor has it produced or consulted on the necessary underlying policies. The Department is unlikely to be in a position to "attempt to agree" with a council the terms of a council's statement of community involvement.

**1.8** Following the presentation by the DoE Deputy Secretary for Local Government / Chief Executive of Planning Service at the RTPI Northern Ireland Branch Annual General Meeting in December 2010, answers to questions from the floor indicated that the Northern Ireland Housing Executive Strategy on Community Involvement, including the Housing Community Network,

[http://www.nihe.gov.uk/community\\_involvement\\_strategy.pdf](http://www.nihe.gov.uk/community_involvement_strategy.pdf) and associated documentation (Community Handbook) etc. had been examined as a suitable model in relation to community involvement and community planning. The NIHE provides administrative and secretarial support for the Housing Community Network and the strategy is assisted by Supporting Communities Northern Ireland (SCNI). It continuously involves some 600 local neighbourhood groups linked directly to district, area and central functions and policies and is comprehensively reviewed every three years. The current review is due for implementation from April 2011 – March 2014. The NIHE Strategy for Community Involvement should be referred to in the Planning Bill as a suitable model for the Department and Councils to use to create genuine and continuing community involvement.

**1.9** The framework of the existing Housing Community Network is outlined in the Community Handbook:

## **THE HOUSING COMMUNITY NETWORK**

### **Introduction**

"The Housing Executive has always been keen to involve tenants and their local Community Associations in discussing and developing their local services, and addressing housing issues generally. By being more involved, communities will be better informed, can contribute to better decision-making, improve services and standards locally, and develop their own skills and opportunities."

**The Housing Community Network** operates at four levels:

About 600 Local Community Groups relate to the 35 Districts, which in turn relate to 5 Area offices and a Central office. In addition, there is an Intercommunity Network (ICN) which was established to consider Good Relations issues from the tenant's perspective.

### **Terms of Reference**

"Terms of Reference have been drawn up for each of the above levels of tenant and community involvement, with the advice and agreement of the Central Housing Community Network and SCNI. They describe their respective purposes, membership and the support provided by the Housing Executive and SCNI."

[http://www.nihe.gov.uk/housing\\_community\\_handbook.pdf](http://www.nihe.gov.uk/housing_community_handbook.pdf)

**1.10** The framework, described in the NIHE Community Handbook, has been constructed during a period of over 20 years of community involvement in Northern Ireland. It is a robust and continuously updated strategy which would require only minor modifications to produce a model for community involvement for the planning authorities in Northern Ireland. To include a suitably amended version of this model in the legislation would be more effective in terms of cost, time and resources than stating that each "council and the Department must attempt to agree" a strategy.

**1.11** Whilst the NIHE Community Involvement Strategy is not perfect, it does form an excellent basis for community involvement and is significantly better than the current proposal in the Bill about a council and Department attempting to agree about something unspecified.

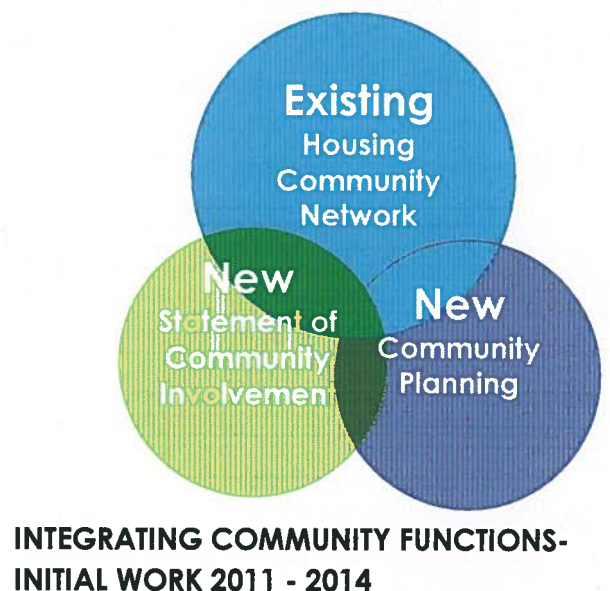
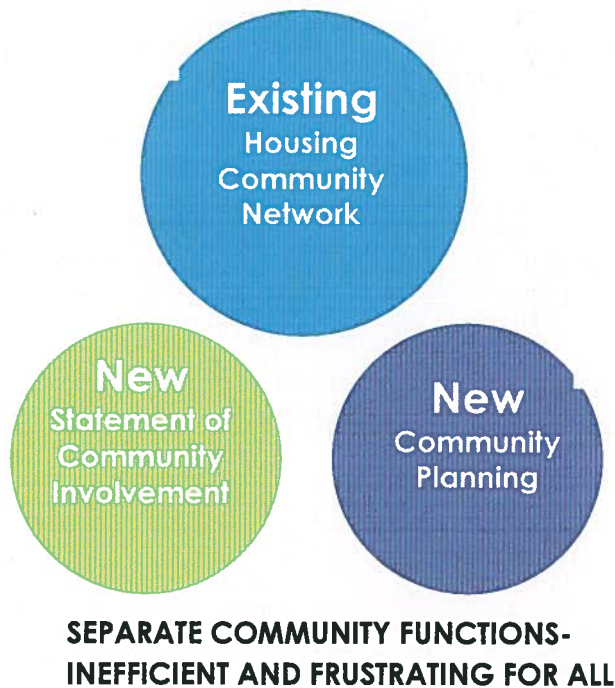
### **1.12 A NEW PLANNING COMMUNITY NETWORK**

It is proposed in the interests of comprehensiveness and efficiency that the Housing Community Network should evolve to include planning and community planning functions. There could initially be a shadow (or pilot) Planning Community Network, based upon the Housing Community Network, but including all other parts of Northern Ireland, using electoral wards, for example, as the working areas. It is efficient, logical and effective to consider these community involvement aspects in an integrated system in future rather than as three separate

and disconnected functions in relation to community involvement with one for housing, one for planning and another for community planning.

**1.13** There would be efficiencies if the existing Housing Community Network could be developed and expanded to include all parts of Northern Ireland and to involve planning and community planning as well as housing matters. The expanded Network could be called the Housing and Planning Community Network or simply the Community Network. Much administrative work has already been carried out by the Housing Executive in regard to advisory, administrative and secretarial services, membership, constitutions, election of office bearers, local, district, area and central framework, etc. which could be expanded to include additional areas beyond public sector housing communities and estates. The following table shows parallels between the current Housing Community Network and a proposed Planning Community Network which would include community involvement in planning and community planning, coming together between 2011 and 2014 to form a Community Network.

Level of Community Involvement	Current NIHE Strategy for Community Involvement	Current SCNI and NIHE involvement in existing Housing Community Network	Proposed DoE & Council Statements of Community Involvement & Community Planning activities	Proposed DoE and Council involvement in a new Planning Community Network to include Planning and Community Planning
<b>Local Community</b>	Approx 600 Community Groups	Help to set up bona fide groups that meet at least 4 times per year	Approx 582 Electoral Ward Groups, proposed to change to 462	Help to set up bona fide groups that meet at least 4 times per year
<b>District</b>	35 Districts	6 to 16 local reps (+ co-optees) meet district officers at least 5 times per year	26 District Councils (proposed to change to 11)	6 to 16 local reps (+ co-optees) meet district officers at least 5 times per year
<b>Area</b>	5 Areas	2 local community reps from each district meet area officers at least 5 times per year	6 Divisional Planning Offices (proposed to change to 5)	2 local community reps from each district meet area officers at least 5 times per year
<b>Headquarters</b>	1 Central Office	15 reps meet and advise SCNI / NIHE centrally and send 3 reps to SCNI management board	DoE Planning & Local Government Headquarters	15 reps meet and advise DoE / Councils centrally and send 3 reps to Planning & Local Govt management board





## **INTEGRATING AND EFFICIENT COMMUNITY FUNCTIONS - 2015**

**1.14** There may be significant overlap between the existing Housing Community Network and a new Planning Community Network, which could be prevented by the modest transformation of the Housing Community Network into a future Community Network, including housing, planning and community planning. This could be designed during the present review of the NIHE Strategy for Community Involvement, 2011 – 2014 and would thus, over the three year strategy, embrace places with backgrounds originating from public sector housing areas and from all other areas – thereby becoming inclusive of all residents of Northern Ireland who wish to participate.

"If you are a member of a local community association, or are interested in setting one up, or in becoming more involved with the Housing Executive on behalf of your community, please contact your local District Office or SCNI who will be happy to assist you."

[http://www.nihe.gov.uk/housing\\_community\\_handbook.pdf](http://www.nihe.gov.uk/housing_community_handbook.pdf) page 12.

**1.15** Protocols for community involvement have already been published and the new Planning Bill can require adherence by community groups and representatives to the Code of Good Governance for the Voluntary and Community Sector which was launched by the then Minister for Social Development, Margaret Ritchie MLA, on behalf of the Developing Governance Group at a special seminar in the Northern Ireland Council for Voluntary Action on the 6 June 2008.

**1.16** A Community Network should be included in the Planning Bill.

## **2.0 COMMUNITY PLANNING & THE POWER OF WELL-BEING**

**2.1** Legislation for community planning and the power of well-being is included in a separate Local Government Bill as noted in the current consultation document "Local Government Reform Policy Proposals Consultation Document" dated 30 November 2010, Section 6 and 7.

**2.2** Applying an efficient and effective approach to these new aspects of local government, it is recommended that the "Community Network" for housing and planning proposed in 1.12 – 1.15 should include Community Planning. There should be cross-referencing between the Planning Bill and the Local Government Bill.

**2.3** A Community Network should be included in the Planning Bill.

## **3.0 BUSINESS IMPROVEMENT DISTRICTS**

**3.1** Neither this Planning Bill nor the current Local Government Bill includes any mention of Business Improvement Districts – which have been included in Scottish Planning legislation since 2006 and in England and Wales through the Local Government Act since 2003.

**3.2** Business Improvement Districts are an internationally recognised means to encourage local people to add value to their places, creating opportunities for regeneration. Business Improvement Districts require specified local business ratepayers to contribute additional funds for the management of their places for a renewable five year period if a majority of the specified ratepayers in the Business Improvement District agree to it in a ballot. The Association of Town Centre Management recognises the value of Business Improvement Districts.

**3.3** By contrast, the Bill offers significant guidance on simplified planning zones and enterprise zones, neither of which appears to be currently either promoted or in demand by government or local people.

**3.4** Business Improvement Districts should be included in the Planning Bill.

## **4.0 AREAS OF TOWNSCAPE CHARACTER**

- 4.1** Areas of Townscape Character, which control demolition as well as development, have been declared in recent Area Plans.
- 4.2** Areas of Townscape Character are not mentioned in the proposed Planning Bill.
- 4.3** This omission may make it difficult to enforce control of demolition in an Area of Townscape Character.
- 4.4** These areas are also not included in the exclusions in relation to simplified planning zones in Article 38 except under "land of such other description as may be prescribed".
- 4.5** Areas of Townscape Character, different from but complementary to Conservation Areas, should be specifically included in the Planning Bill. The Planning Bill should include methods to ensure the continuing involvement of members of the proposed Community Network in proposing, maintaining and managing areas of Townscape Character in their places, with assistance from the relevant planning authority (currently the Department and later the Councils).

## **5.0 REGENERATION & LOCAL MASTERPLANNING**

- 5.1** The Department for Social Development and the Department of Agriculture and Rural Development currently have programmes encouraging local masterplanning for regeneration of areas of Northern Ireland including certain villages, town centres and neighbourhoods.
- 5.2** It would be appropriate for the Planning Bill and the Local Government Bill to include reference to these important aspects of the built environment in Northern Ireland to indicate how they are to be integrated within the planning system, in terms of both development plans and development management.
- 5.3** Local Masterplanning should be included in the Planning Bill.

## **6.0 SUMMARY**

- 6.1 A Community Network should be included in the Planning Bill.**
- 6.2 Business Improvement Districts should be included in the Planning Bill.**
- 6.3 Areas of Townscape Character, different from but complementary to Conservation Areas, should be specifically included in the Planning Bill, together with means for designation, maintenance and management to continuously involve the Community Network (1.16 and 2.3).**
- 6.4 Local Masterplanning should be included in the Planning Bill.**

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