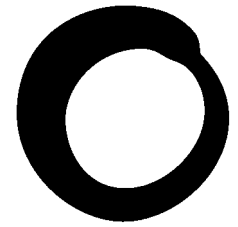


January 2012



# Briefing

**Friends of  
the Earth**  
Northern Ireland

# What Are They Planning? A vision for a better planning system

## Introduction

Planning in Northern Ireland is in transition. The Planning Reform Act 2011 paves the way for more democratic control with many planning powers being devolved to Local Authorities in the future.

However, the new legislation falls far short of a vision for planning and democracy for the 21<sup>st</sup> Century.

Friends of the Earth's vision is to reawaken the potential of planning. The planning system has a crucial role to play in creating inclusive and beautiful places. Shared and convivial spaces created by the planning system can help reconcile communities in a divided society. The planning system can facilitate the delivery of clean, safe low carbon energy closer to the communities who need it. Planning for climate change, energy security, and long-term resilience of our economy to withstand global shocks will deliver prosperity for our people. Planning has a vital role to play in preventing further damage to ecosystems and the built heritage of Northern Ireland.

The planning system must adequately safeguard the rights of communities to decide what development they want, or do not want, in their locality.

Planning must become ambitious. It should not be seen as a bureaucratic technicality or a game of politics, but as a dynamic and democratic way of reconciling the challenges of the present and the needs of the future.

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**Friends of the Earth inspires solutions to environmental problems, which make life better for people.**

**Friends of the Earth is:**

- **dedicated to protecting the environment and promoting a sustainable future for Northern Ireland**
- **the UK and Ireland's most influential environmental campaigning organisation**
- **the most extensive environmental network in the world, with over 60 national organisations across five continents**
- **a unique network of campaigning local groups working in over 200 communities throughout the UK and Ireland**
- **dependent upon individuals for over 90 per cent of its income.**

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## **What Are They Planning?**

### **Planning for the Common Good**

Planning must be an instrument for communities to shape their local society, economy, and physical space. Decisions on area plans and individual applications must be made as locally as is appropriate, and those who make the final decisions must be accountable to the people who are affected. For too long planning in Northern Ireland was concerned only with the orderly use of land.

The purpose of planning must be to facilitate economic development that makes Northern Ireland more resilient, and values the real wealth of our nation: a clean and thriving natural environment; local food and renewable energy; urban space that nurtures functioning, not dysfunctional, communities, and physical and emotional well-being; hubs of economic activity that result in a net increase of jobs and prosperity for all of our citizens.

Planners must be able to consider many more factors than they do at present. The short term profit motive must no longer be viewed as an inherent virtue that trumps all other considerations. The immediate economic activity generated by a development must be put into a wider context of its social and environmental impacts, and how it affects prosperity in the long-term.

Our system should foster co-operation and mitigate conflict between developers and third parties. The best way to deliver speedy decisions is to include third parties at the very beginning of the design and application processes.

Planning must become fair, instead of affording more rights to those who wish to develop than those who have concerns about how development will affect them.

Legislators must aim to remove ambiguity from planning laws and policies in Northern Ireland, to deliver the clarity that is needed so that our courts are not swamped with unresolved disputes.

Above all, all of those involved in the planning system (politicians, communities, professional organisations, NGOs, developers and planners) must continually ask themselves, “How will this development best serve the common good?”

### **Our vision**

We need a planning system that ensures that development in Northern Ireland transforms our economy to work in harmony with its supporting eco-systems, and improves the social and cultural capital of communities. Sustainability, transparency, accountability and fairness must become guiding principles for all planning decisions. Fairness and justice requires equity. A right for one must be a right for all.

The formulation of policies, and strategic and community plans should emerge from a process whereby citizens are actively encouraged to understand and redefine their sense of place. Planners should empower communities to negotiate effectively with vested public sector and private interests about what can and cannot happen in their locality. Although the Planning Act 2011 and the Review of Public Administration do take us in the right direction, further devolution of power is necessary in order to create a truly democratic system.

The report *Public and Stakeholder Opinion on the Northern Ireland Planning System* revealed a perception among the wider planning policy community that developers are too close to politicians. In order to reassure the public that this is not the case the unjust anonymity enjoyed by party donors in Northern Ireland should be removed, thus laying to rest any suspicions that our democracy is being sold to the highest bidder.

## **What Are They Planning?**

Friends of the Earth asserts the following principles as the basis for a functioning, democratic planning system that works for people, the economy, and the environment:

- **Planning should deliver sustainable development, wellbeing, and economic resilience**
- **Planning should be just**
- **Planning should be the arbiter of development and mediator between conflicting interests**
- **Planning should be accessible, transparent and challengeable**
- **Planning should be evidence based**
- **Plans should be devised by the people, for the people**
- **Planning decisions should be made as locally as is appropriate**
- **Planners should be accountable to all those who are affected by their decisions**
- **Planners and politicians should encourage as much of the population as possible to learn about and participate in the planning system**
- **Legislators should be informed, open, and accountable**
- **Planning law and policy should be formulated to minimise ambiguity, and avoid the Planning Appeals Commission or the courts by developing the plan led system**
- **Public confidence in planning must be restored**
- **Planning should be a tool for reconciliation in a divided society**

### **What we are asking for**

Transforming the planning system into one that is accessible, transparent, accountable, and just will require legislative, policy, and cultural change. It will require focus, vision and leadership.

Friends of the Earth agrees that planning powers should be devolved to Local Authorities, but not under the current flawed system. The lack of clear codes of conduct, and the continued anonymity of political party donors are significant barriers to building people's confidence in the planning system. The devolution of powers to Local Authorities should not go ahead until these barriers have been removed, and even then, the transfer should be gradual.

We recognise that there is no such thing as a perfect law, but there is plenty of scope for improvement of the current policy and legislation. We suggest it is lack of clarity in policy guidance and the status of draft plans and policies that lead to applications getting bogged down in appeals and Judicial Reviews. Resorts to appeal or judicial intervention signal failure in the system. A truly just system would put the onus on a meaningful right to participate at the very beginning of the process.

Friends of the Earth suggests the following be implemented at the earliest opportunity. The list is not exhaustive, and is included in order to begin a participative process of reform of the planning system that all sectors of society can feel ownership of.

#### **Sound foundations**

- **A new PPS1 enhancing the statutory purpose of delivering sustainable development, as defined by the Brundtland Report of 1987**
- **Climate change mitigation and adaptation to become a guiding principle in planning education for planning students, politicians and continuing professional development**
- **A plan-led system that ensures that community and area plans have significant legal weight**
- **A process of public awareness/education about the importance of planning, and citizen/community rights**
- **A requirement for developers to seek community participation in design and planning much sooner in the application process, with a guarantee that agreements are legally binding**

## **What Are They Planning?**

### **Improved transparency**

- **A moratorium on the devolution of planning powers to Local Authorities until the Northern Ireland Secretary ends anonymity for party donors**
- **A participative process to decide how political parties should be funded**
- **A requirement for planners to publish reasons for approval, just as they publish reasons for refusal**
- **A set of guidelines to establish best practice for encouraging and enabling public participation**

### **Accountability**

- **A strict codes of ethics for planners and politicians**
- **The gradual and logical transfer of powers to councils, with compulsory training for councillors, to ensure that the transition is as smooth as possible**

### **Access to justice**

- **Third Party Rights of Appeal**
- **Full compliance with the Aarhus Convention by planners and courts – especially the introduction of protective cost orders in Judicial Reviews)**
- **Strengthen enforcement to ensure that breaches of planning conditions are never financially worthwhile**
- **Establishment and promotion of a community’s right to developer contributions, and encourage affected citizens to assert this right**

## **Conclusion**

The 2011 Act and Review of Public Administration are steps in the right direction but the Government must go much further to restore confidence in the planning system.

We want to see the transfer of powers to Councils – representative democracy must be the final arbiter of planning decisions. At the same time we need to improve participative democracy in the process of decision making.

Politics needs to be transparent, by introducing new processes of active democratic engagement that would dispel the widely held perception of political clientelism.

Those involved in the evolution of our planning system need to become much more ambitious about what planning can do, and how the population can engage with it. The legacy of poor quality development in Northern Ireland is mainly due to the lack of political acceptance on the importance of planning. Democracy and participation need to be embedded at the heart of the system, along with a guiding principle of genuine sustainability.

When this happens, planning will become a tool of transformation in our economy, society and our relationship with their supporting eco-systems. The first step is to believe in planning. The next step is to reimagine a planning system that can shape attractive, high quality and resilient communities in a spirit of collaboration where private interests work towards the common good.

In the end we want to stop asking, “What Are They Planning?” but rather, “What Are We Planning?”



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