

Rights up your street

Protecting and enhancing rights of participation in planning

It is vitally important that every citizen has the right to have their voice heard on planning matters. Opportunities to be involved in planning are important civil rights in both national and European courts. Planning plays a vital role in: protecting and improving the environment; helping secure new jobs and homes; and ensuring that community facilities and infrastructure can be provided at the right place and the right time. Planning thus has a major long-term impact on the way our communities develop and the quality of life we experience in our homes.

The Department of the Environment in Northern Ireland has recently issued proposals on reforming the planning system¹. The Department should be congratulated in recognising that the system has not worked as well as it could have over recent years and the opportunity to review key aspects of the planning system should be warmly welcomed.

However, we the undersigned believe that as they stand the Department's current proposals represent a substantial and unwelcome erosion of the public's rights to be heard in planning. Instead of using this review to extend opportunities for public participation the Department of the Environment proposes to cut citizens' chances to influence the outcomes of planning. This will make the system less accountable, less transparent and less trusted by the public. We believe the Northern Ireland planning system needs better public involvement, not less.

We, the undersigned, call for three simple measures to halt the erosion of our rights and improve the public's confidence in the Northern Ireland Planning System:

1. **Protect the right to be heard:** the proposal to remove the right to be heard at local plan inquiries should be withdrawn - opportunities to participate in planning should be strengthened, not reduced.
2. **Give communities and developers equal rights to appeal:** there should be a full and meaningful consultation on whether third party rights of appeal should be introduced.
3. **Ensure planners consult with communities:** A Statement of Community Involvement in Planning should be introduced here just as it has been in England.

1. Protect the right to be heard

The right to be heard by anyone who has made a formal objection to a local plan is one of the key foundational safeguards of the United Kingdom and Republic of Ireland planning systems. Our lack of local democratic accountability makes this even more important as it is the only way to guarantee direct access to those who make planning decisions here. The Department of the Environment proposes to remove this right. This undermines fundamental principles of fairness and natural justice and may be contrary to human rights law.

A similar proposal was initially suggested for England and Wales, but very quickly withdrawn as it was seen as being unfair and unworkable, yet is now being proposed for Northern Ireland.

The proposal to remove the right to be heard at local plan inquiries should be withdrawn - opportunities to participate in planning should be strengthened, not reduced.

¹ *Reforming Planning: Proposals to Amend Primary Planning Legislation in Northern Ireland* (Aug 2004)

2. Give communities and developers equal rights to appeal

Under present planning law developers are allowed to appeal a decision that results in a refusal of planning permission, yet a neighbour is not allowed to appeal a decision that allows a development to go ahead. This is unjust and makes the system appear to favour developers.

These "third party rights of appeal" have existed in the Republic of Ireland for decades and over the last 20 years have been recommended by a series of expert reports and by directly elected politicians in Northern Ireland. Under devolution, the Minister for the Environment promised that the people of Northern Ireland would be given the opportunity to give their views on whether such rights of appeal should be introduced. However, time and again, the Department of the Environment has suppressed debate on this issue. A detailed report for the Department on the relative costs and benefits of third party rights of appeal concludes that the arguments for and against are finely balanced and difficult to measure. Despite this, the Department claims that giving people the same rights as developers would be too costly and has yet again refused to allow the people of Northern Ireland to have a full say on this matter.

There should be a full and meaningful consultation on whether third party rights of appeal should be introduced in Northern Ireland.

3. Ensure developers consult with communities

Government has recently introduced in England a requirement for all Planning Authorities there to publish a 'Statement of Community Involvement' (SCI). This spells out in detail how and when planners will involve local community and other interests in the planning process and in the preparation of planning policies. This is proving to be a vital way of moving towards a fairer, open and more inclusive planning system. However this requirement has been omitted from the Department of the Environment's proposals for reform of the Northern Ireland Planning System.

A statutory requirement for a Statement of Community Involvement should be introduced in Northern Ireland, just as it has been in England.

These measures are supported by a broad coalition of organisations and individuals, including:

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| Community Technical Aid | Rural Community Network |
| Friends of the Earth | Ulster Architectural Heritage Society |
| The National Trust | Ulster Wildlife Trust |
| Northern Ireland Council for Voluntary Action (NICVA) | Geraint Ellis, Senior Lecturer, School of Environmental Planning, QUB |
| Royal Society for the Protection of Birds | |

Please indicate your willingness to be added to this list by completing the form below and returning it to Colette Webster at colettew@foe.co.uk or to the address below.

Alternatively sign up at www.foe.co.uk/northern_ireland/press_for_change/planning_rights

Name.....Position.....

Organisation.....

Address.....

This statement has been drawn up by the Rights in Planning Group (Community Technical Aid; Friends of the Earth; Royal Society for the Protection of Birds, Ulster Wildlife Trust) c/o Friends of the Earth, 7 Donegall Street Place, Belfast BT1 2FN. Tel 028 9023 3488