



Belfast Conflict Resolution Consortium Response to 'Reform of the Planning System in Northern Ireland' consultation paper

Deadline 2nd October 2009

Background to the Belfast Conflict Resolution Consortium

1. The Belfast Conflict Resolution Consortium (BCRC) was set up in April 2007 to create a citywide approach to resolving conflict at interfaces. The formation of the BCRC emerged from an extensive process of consultation and negotiation between republican, loyalist and community activists engaged in conflict management at Belfast's interfaces. BCRC is grounded in the experience of grassroots practitioners and aims to create networks to develop good practice and influence policies affecting interface areas. BCRC has an intercommunity steering group and operational support is provided through its lead agencies: Falls Community Council, Epic, Intercomm and Charter.

Overall response

2. Belfast Conflict Resolution Consortium's response is based on the experience of land use development over the last ten years in working class interface communities. This has been overwhelmingly a negative experience. We believe that the deficiencies in the planning system have contributed to bad land use development and therefore welcome the opportunity presented by the proposals for reform. We strongly urge that the experience of interface communities should inform the proposals for reform in the areas outlined below. Our overall argument is that the planning system should support the development of thriving sustainable communities.
3. In February 2008 Belfast Conflict Resolution Consortium organised a series of workshops in North, South, East and West Belfast for grassroots activists in interface communities. The workshops discussed the major issues and challenges for interface communities. Landuse planning and housing development emerged as major issues in each workshop. The workshops were attended by 106 people from 76 organisations with wide intercommunity engagement. They therefore represent widespread views about development and the planning system.
4. It was noted at the workshops that the extent of derelict sites at interface areas makes these areas particularly open to private development. There was agreement that this development had been mostly negative for communities. Many developments created low quality private

apartments/flats unsuited to the needs identified by the community. A number of developments created problems for interface management. Most of the development did not take into account the plans produced by communities for the development of their area. Also many of the developments did not consider the infrastructure required to support the development they were building. In many instances local community organisations attempted to engage with developers but the planning system placed communities at a great disadvantage as there was no requirement for the developer to co-operate with the community. Another serious barrier to community influence was the transfer of land: in several instances local communities had in good faith invested effort in engagement with the developers only to find that the land had been sold on and the community had to start the process again with another developer. In most cases this was done without any notification to the local community.

5. The current planning system has been designed to facilitate almost any development rather than facilitate good development to meet identified needs. It should be emphasised that communities are in favour of quality development to build sustainable communities. Indeed the workshop discussions reflected a desire for affordable social housing to enable strong cohesive communities. The quotation below is from the document produced from all the workshops:

'It was felt that some developers do not have the interests of communities at heart and that it was difficult to get community interest into the planning process. Discussions highlighted the need for a comprehensive and robust consultation between communities and developers and it was stressed that the needs of communities should be paramount in any planning process.'

(p. 2 Issues and Strategies for Conflict Transformation at Belfast's interfaces: results from Belfast area workshops February 2008)

6. BCRC endorses these strongly held views about the inadequacies of the planning system to date. The slow down in development because of the economic downturn has been welcomed in interface communities because it has given respite from the rapid development that is putting severe pressure on these communities. The reform of the planning system is therefore very opportune and we urge that the reform is used to maximize development for sustainable thriving communities. In particular BCRC would like to emphasise the following points:

- The existing system that privileges developers we advocate that the planning system should create and enable genuine equal partnership between communities, public bodies and private developers.
- Communities need to be involved in development proposals that have a significant impact on local areas, from the outset and throughout the process.
- The creation of sustainable thriving communities should be a central purpose of the planning system
- The planning system should enable connectivity and co-operation between land use planning and community planning.

Specific response

Q3 – Q5 & Q19 – Q20 Local development plans

7. BCRC believes that there should be clear linkages between the local development plan and the community plan. The references to the development plan in the consultation document should therefore make reference to the community plan. The insertion of the community plan into the planning reform document would provide the framework to enable the necessary connections to be made in the future.
8. The functions of the development plan should include a specific reference to tackling poverty and disadvantage.

Q6 - Q8 statement of community involvement

9. BCRC welcomes the proposal for the statement of community involvement by the district council but believes this needs to be made effective. There should be consideration of how to test statement to ensure quality and consistency. The Planning Service should implement its existing legislative requirement to produce a statement of community involvement.

Q25 - Q29 Hierarchy of development (regional, major and local)

10. BCRC agrees with the concept of having different development categories but feels strongly that the proposed minimum threshold for major developments is much too high at 50 units for brownfield sites and 100 units for greenfield sites. The minimum threshold should be reduced. Our experience has been that the building of twenty or thirty dwellings has had a negative effect on interface communities. The current proposals would deny a pre application consultation for these developments and this would disempower the local communities that are most in need of this new and welcome provision for community involvement. We strongly recommend a reassessment of the categorization of major and local taking into account recent experience in interface communities.
11. BCRC also believes that there is a danger of developments being wrongly categorized as local when they are in fact a series of phased developments that should be categorised as major. Several interface communities have experienced a process of phased development that collectively has had a significant detrimental impact on the local community. We recommend that the planning system should deter and prevent this practice.

Q33, Q35, Q36, Q44 & Q80 Pre application community consultations

12. BCRC welcomes and strongly agrees with the concept of pre application community consultation and the underpinning philosophy that proposals for significant developments are developed with engagement of community at the outset. To be effective however the pre application community consultation must have clear standards and should be carried out by an independent representative. We do not agree that they should be conducted by the developer.

13. The pre application community consultation should be a statutory requirement for major and regional development and alongside this we believe that major developments should be redefined as the suggested threshold minimums for major development are too high (see para 10 above).
14. There should be clear standards and guidance that should apply to the pre-application community consultations that ensure that they are effective and of a high quality. We endorse the approach and recommendations set out by Community Places. This includes minimum duration periods for consultation, effective advertising of the consultation, reporting back to the participants. There should be evaluation of the quality and effectiveness of the consultation and the consultation report. The consultation report should include the extent of community opposition or support, a list of objections and how these have been addressed, any written submissions from communities, evidence of how the application has changed as a result of the consultation process, how the development enhances the character of the area and a statement from the community expressing their opinion on the quality and level of the consultation. The report should be made publicly available and communities should have an opportunity to comment on it as part of the evaluation process.
15. We strongly agree with the proposal to introduce the power to decline to determine applications where the pre application community consultation has not been carried out as required. This power should be exercised without delay and should not be discretionary or delayed subject to amendment of the application, as this would undermine the requirement for an effective pre application community consultation.

Q 67 – 69 Third party right of appeal

16. BCRC believes strongly that there should be some form of third party right of appeal. It is clearly unequal that currently only the developer applicant has the right of appeal. This is one of the main reasons why communities are at such a disadvantage compared to the developers and why communities have such a negative experience of development in their areas (see para 4 and 5 above). The introduction of third party right of appeal would mean that planning authorities are as accountable for their approvals as they are for their refusals.
17. We do not believe that the introduction of pre application community consultation (which we fully support) would negate the case for third party right of appeal. We believe in fact that third party right of appeal would enhance the consultation process by enabling communities to have a say throughout the process. It would provide an incentive for all parties to invest in the pre application consultation and get it right at this stage.
18. Third party right of appeal is an aspect of most other planning systems in Europe and further afield and in a paper produced for the Planning Reform group evidence is presented that it has worked to ensure better quality decision making. (Ref: *Northern Ireland Planning Reform: Third Party Rights of Appeal* by Geraint Ellis, School of Planning, Architecture and Civil Engineering, QUB, August 2009)

19. BCRC recognises that third party right of appeal needs to be provided fairly and efficiently and within a set time frame. We think it should be case for all except small scale householder development.

Q70 – 73 Enforcement

20. Enforcement needs to be much tougher. Currently the developer can build in the cost of a fine for unauthorized development e.g. an extra storey of flats and absorb this in sales. Fines therefore need to be set to be a deterrent and combined with removal of unauthorized development.

Q74 - 79 Developer contributions

21. BCRC agrees with the principle of development contributions and in particular the concept of a community infrastructure levy. Article 40 should also be retained as an option. The community infrastructure levy should be linked to the infrastructure needs of the development and these should be identified through both the development plan and community plan.
22. The types of infrastructure that should be funded should include affordable housing, transport infrastructure, water flood defenses, schools, sporting and recreational facilities, medical facilities, open spaces and community facilities.
23. The community infrastructure levy should apply to all significant developments i.e regional and major developments provided the latter are redefined to a lower minimum threshold (see para 10 above).

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