

Opening Local Government

Community engagement in local planning in Northern Ireland

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BACKGROUND

Planning decentralised in 2015 in Northern Ireland

11 councils in Northern Ireland are now responsible for:

- **Local development planning:** creating a vision on type and scale of future development;
- **Development management:** determining the vast majority of planning applications;
- **Planning enforcement:** investigating and acting on alleged breaches of planning control.

Department for Infrastructure (DfI) is responsible for:

- Oversight and performance monitoring
- Planning legislation
- Regional planning and policy
- Determination of regionally significant and 'called-in' planning applications.

EXISTING RESEARCH

- Survey of stakeholder opinions of the planning system in Northern Ireland conducted by Queen's University Belfast (QUB) in 2020
- Northern Ireland Assembly's Public Accounts Committee (2022)
- Northern Ireland Audit Office (2022)
- Department for Infrastructure's (DfI) Public Engagement Partnership (PEP) (2022)

OBJECTIVE

Existing research has focused largely on efficiency of the planning system. **Our report** aims to assess the state of the new decentralized system specifically from the **community perspective**.

- **Part 1: Systemic challenges** to community engagement in local planning.
- **Part 2: Experience of community engagement in local planning** (development planning stage & development management stages) in Newry Mourne and Down & Mid Ulster District Councils
- **Part 3: Cases studies** of two community consultation processes in the two local authorities
- **Part 4: Conclusion and recommendations**

Report is based on a desk review (including documents available through the Northern Ireland Planning portal), as well as interviews with 12 individuals from the Department for Infrastructure (DfI), two local councils, as well as planning experts and community campaign groups.

KEY FINDINGS (1): SYSTEMIC CHALLENGES

- **Culture of fear and aversion to risk:** overly legalistic, confrontational, and litigious
- **System weighted in favour of economic growth over public interest:** absence of a shared vision for the system; focus on speed and quantity of decisions rather than quality
- **Imbalance in power and influence:** Close relationships between planners, developers, politicians and business interests; influence of planning consultants
- **Councils ill-equipped to manage their devolved responsibilities:** Limited technical skills and political competency; fear of liability for unreasonable decisions
- **Communities ill-equipped to navigate a complex system:** Limited capacity to digest information, lack of specialist knowledge, lengthy processes; community support facilities under-resourced
- **Absence of effective recourse mechanisms:** No third party right of appeal, Judicial reviews costly and inadequate; complaints to Ombudsman/Local Government Auditor unaddressed
- **Disconnect between how different stakeholders view the challenges:** Impact of decentralisation on transparency and accountability; power asymmetries

KEY FINDINGS (2): LOCAL DEVELOPMENT PLANNING

- **Opportunity to frontload the system** by including communities early on in shaping the planning vision for their area in **3 stages**:
 - Preferred Options Paper (consultation document);
 - Plan Strategy;
 - Local Policies Plan
- **Slow pace of development**: not finalised before 2028 by which time they may be out-of-date
- **Drawn out, technical process**: process relies on representations and counter-representations; no mechanism to resolve different perspectives
- **Absence of a co-created “community vision”**: failure to take account of local history, other place shaping processes (e.g. community planning) etc

KEY FINDINGS (3): PRE-APPLICATION CONSULTATION

- **Applicants for regionally significant or major developments required to consult with the local community** as part of the pre-application phase:
 - **Pre-Application Discussions (PADs)** provide an opportunity for council officials, statutory consultees and developers to consider issues that may affect an application's likelihood of success, and to discuss how to involve the community in decision-making
 - **Pre-Application Community Consultations (PACCs)** enable the developer to discover where there is likely to be community objection or concern and amend the proposal
- **Communities excluded from PADs:** key decisions made before the community has a say.
- **PACCs led by developers with limited oversight:** councils only assess whether the consultation meets the legal minimum, not the quality or outcome of community engagement
- **PACCs limited in scope:** based only on “material considerations”: If a proposal abides by planning policy, it is difficult to challenge it; No room to discuss alternatives; Excludes some larger local developments (<50 units)

KEY FINDINGS (4): POST-APPLICATION ENGAGEMENT

- **Reactive transparency is strong:** planning committee decisions are available on the websites of both NMDDC and MUDC with additional details on the Northern Ireland Planning Portal (correspondence, impact assessments, neighbour notifications, planning decisions and representations/objections, Case Officer reports)
- **Proactive transparency is weaker:** many people don't know a development is in the pipeline until an application has been approved; there is no requirement for site notices; neighbour notification applies only those whose land directly adjoins a development site.
- **Council decision-making processes are unclear:** Schemes of delegation and call-in procedures vary across councils; rate of overturned decisions also varies considerably
- **System of objections and representations stacked in favour of developers:** objectors are not properly informed of the outcomes of their objections; process for making representations at planning committee meeting is cumbersome and favours developers

CASE STUDIES: NMDDC & MUDC

- **Two council led development proposals:** Newry City Centre Regeneration and the Albert Basin Park (NMDDC) & Business Park at former Maghera High School site (MUDC)
- **Procedurally, public consultations were robust** (exceeding the statutory minimum requirements)
- **However, both suffered from some fundamental issues:**
 - **Failure to consult prior** to making key decisions (both)
 - **Significant investment made before consulting**, leading to a reluctance to make changes (both)
 - **Attempts to introduce leading questions** beyond the scope of the consultation (NMDDC)
 - **In-committee discussions (hidden from the public) on key issues of public interest** (NMDDC): from March to May 2020, the Council held almost 100 items of debate behind closed doors
 - **Ongoing cycle of consultation and re-consultation** with inputs to previous consultations overlooked (MUDC)
 - **Failure to call-in the application to the DfI** despite a clear conflict of interest (MUDC)

KEY RECOMMENDATIONS

- Prioritising the development of a **more holistic monitoring framework** for the planning system
- Assigning **statutory weight to community priorities** in local decision-making processes and better aligning the local development planning process with the community planning
- Involving **community representatives in Pre-Application Discussions (PADs)** to help shape the formal consultation process and ensure early input into development proposals;
- Requiring **independent, third-party facilitation** and greater oversight of Pre-application Community Consultation (PACC)
- Introducing **third party/equal right of appeal** in the planning system
- Establishing an **independent planning regulator** at the regional government level
- Publishing the **full minutes (not just decisions) of all committee meetings** as standard as well as council-led consultative meetings with stakeholders on proposed developments
- Ensuring that the DfI's ongoing **Planning Improvement Programme** includes broad engagement with community groups and councils and is **sufficiently resourced**