

**COUNCIL FOR NATURE CONSERVATION
AND THE COUNTRYSIDE**
An Advisory Council to the Department of the Environment

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PLANNING BILL – a response to the request to submit evidence to the NI Assembly Environment Committee.

CNCC would wish to preface its response to the content of the Planning Bill with a general comment on the timing of this legislation with regard to other proposed changes to local government. We believe that the moving of responsibilities for many planning matters to local councils should take place at the same time as the reorganisation and rationalisation of local council boundaries and the transition from 26 to 11 councils within Northern Ireland. The proposed planning changes make no sense if they are not accompanied by this reorganisation, and we fear that the existing council structures will be unable to deal with the scale of change that is proposed. In addition we are concerned that planning functions should be transferred without a clearly articulated code of conduct for Councillors and Council staff, and without detailed training for those involved in the Planning system in governance and administrative roles.

We would also like to restate our grave concern about the lack of capacity within the existing Planning Service of technical expertise in a range of fields, including nature conservation, landscape and arboriculture, and the failure to address this in the proposed new structures. With the removal of many planning functions from the Department the expertise of NIEA in a wide range of fields may no longer be available for a wide range of vital activities. These include assessments of whether an Environmental Statement is necessary, evaluation of such Statements, and advice on biodiversity duties and implications.

CNCC also remains deeply concerned about the lack of any reference to any over-arching layer of spatial planning for Northern Ireland which could put all the local and simplified plans into perspective. While there is scope for neighbouring councils to liaise with each other, there is a real need to have a framework into which local plans can fit and relate with one another. This is a serious weakness of the proposed system.

SPECIFIC COMMENTS

General Functions

1(1)'Orderly and consistent development'. We believe that it is important to state overtly that this is in the public interest. As expressed, a development could be 'orderly and consistent', but only serve the interests of certain individuals or groupings.

1(2)Sustainable Development. CNCC supports the principle of Sustainable Development strongly, but we believe that it should be clearly defined. The terms 'sustainable' and 'sustainability' may be

used to convey quite different meanings (which are often misunderstood or misinterpreted), and in every case a clear definition needs to be articulated. In this context we would recommend the following definition: “*Development which meets the needs of the present without compromising the ability of the future generations to meet their own needs*” (Brundtland Report 1987).

In order to fulfil this commitment all bodies involved in planning need to adopt the Ecosystem Approach, giving careful and equal consideration to environmental, social and economic factors. The ecosystem approach is a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way. It recognizes that humans, with their cultural diversity, are an integral component of ecosystems. The UK has signed up to the use of this methodology through the Convention on Biological Diversity, and needs to put it into practice.

2. Community Involvement. The Department needs to ensure that Councils involve citizens at all levels and all stages of the planning process, achieving this through setting appropriate standards and carefully monitoring the performance of all Councils.

Local Development Plans

4. Statement of Community Involvement – CNCC is concerned that a Council would become the arbiter of who might 'have an interest in matters relating to development in its district'. This section should simply ensure the potential for involvement of all citizens of the Council's area in the making of all plans. There also needs to be a mechanism whereby the residents most closely affected by a proposed development are kept fully informed and involved throughout the planning process. We also believe strongly in the need for Third Party Appeals, subject to a careful screening process to avoid mischievous abuse of the system.
5. Sustainable Development – See comments above.

CNCC believes that this section could include a paragraph drawing attention to the Biodiversity Duty that will be placed on all public bodies through the Wildlife and Natural Environment Bill, and stressing the need to give full consideration to Biodiversity in the preparation of Local Development Plans.

There appears to be no mention of Strategic Environmental Assessments and who will be responsible for producing them for the plans that will be produced. This is a serious omission that should be rectified to ensure that important European legislation is complied with in the new planning process. Experience within Planning Service of the failure to comply with the legislation should be learnt from to avoid another total failure of attempts to set up a plan-led planning system.

Simplified Planning Zones

38. Exclusion of certain descriptions of land or development.
 - (b) (ii) We suggest that this should read 'Area of Outstanding Natural Beauty' – this is a formal title, as with 'National Park' in the previous paragraph.
 - (b) (iii) We suggest 'Area of Special Scientific Interest', as above.
 - (c) We suggest 'National Nature Reserve', as above. We are also concerned about the status of Statutory Nature Reserves, which are part of the suite of top nature conservation sites but may not reach the standard of excellence required for designation as a National Nature Reserve. We therefore suggest that they are included in this paragraph.

We are surprised at the omission of Natura 2000 sites (Special Areas of Conservation and Special Protection Areas), designated under the European Habitats Directive and the

European Birds Directive, and recommend that they are included in this list. While most are also covered through designation as ASSIs, that is not the case for all of them. In addition we believe that Sites of Local Nature Conservation Interest (SLNCIs) and Local Nature Reserves (LNRs) should also be included in this list of lands which may not be included in a simplified planning zone.

Finally we would like to express our concern with the absence of any mention of Marine Planning, and of how the terrestrial planning system will interact with the proposals set out in the consultation for the NI Marine Bill. One of the critical points raised in that consultation was on the integration of planning on land and sea, and we believe that there needs to be some recognition of this issue within this legislation.