

Northern Ireland Assembly and Business Trust

Planning Policies for 2014: Briefing by Mr Mark H
Durkan MLA, Minister of the Environment

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Chairperson: Mr Phil Flanagan MLA

Mr Flanagan: Good afternoon, everyone. You are all very welcome to this afternoon's educational briefing on the Environment Minister's planning policies for 2014.

The NIABT members, who comprise MLAs and members of the business community, are joined today by members of Northern Ireland Region Shopping Centre Managers, who are here today as part of a business outreach educational event. Along with some of my colleagues, I was delighted to join them for lunch earlier. They then had the opportunity to hear the Minister take questions in the Chamber as well as hearing from Ivor and some of his team about the outreach work that the Assembly does with the business community. I want to offer a particular welcome to the shopping centre managers who are here today.

I am also delighted to welcome the Environment Minister, Mark H Durkan, who will deliver today's briefing on planning policies. Just last week, the Minister launched a consultation on a shorter, simpler planning policy for the North, and I think that there will be unanimous agreement across the business and political sectors that that is a welcome move for us all. It is an issue of constant consternation for us all. It is good that the Minister has attempted to grasp that issue, and we all wish him well in his efforts.

Before I pass over to Minister Durkan, I would like to point out that there will be an opportunity for you all to ask questions following his briefing. The Minister will be here late tonight as we are discussing the Budget, so he is no hurry home. If you want to ask a question, will you please identify yourself and the organisation you represent? You will also find a feedback questionnaire on your chair. I ask you to complete those and submit them on your way out this afternoon.

By now, members of the Assembly and Business Trust should have received their invitation to the trust's annual president's dinner. That takes place on Thursday 27 February at 7.00 pm in Parliament Buildings, when the guest speaker will be Daniel Calleja Crespo, the European Commission's director general for enterprise and industry and its special envoy for SMEs. That will be a very interesting evening's discussion, with dinner also being served. In his role, Mr Calleja Crespo is in charge of internal markets for goods, competitiveness and innovation, SMEs and entrepreneurship, international negotiations and tourism. This year's dinner will also see a change in format in relation to the speaking element. Instead of making a speech in the Long Gallery before the dinner, Mr Calleja Crespo will be interviewed by none other than Jim Fitzpatrick in the Great Hall before the dinner. Some business members have submitted questions that will be put to Daniel by Jim. I look forward to seeing you all there. If you have not responded and you are interested in attending, please contact Ivor or Michelle, who was at the door, who will give you further details and let you know how you can respond.

That is enough from me. I warmly welcome the Minister of the Environment, Mark Durkan, who will deliver his briefing on planning policy priorities.

Mr Durkan (The Minister of the Environment): Thank you very much, Phil. I thank the Northern Ireland Assembly and Business Trust for the invitation to meet you today.

I am sure that you will all agree that this is a crucial time for planning. I want to use this opportunity to outline my vision for the planning system as we move towards the transfer of planning functions to the new councils next April. I also want to set out my agenda for delivering what I believe are the key improvements that we are making to deliver a less complex, more effective, more efficient and more customer-focused planning system. It will be a system that works for business but does not compromise on environmental standards, and it will prioritise timely decisions that bring investment, but not at the expense of our environment.

The reform measures that I am taking forward are founded on the belief that the environment and the economy can be strengthened simultaneously and that the sustainable environment can be a driver of prosperity and job creation. Similarly, a strong economy and a prosperous society can and should be good for our environment. My overall aim is to create a planning system that is fast, fair and fit for purpose, less complex, more effective, more efficient and more customer-focused.

In just 14 months' time, 11 councils will be responsible for drawing up their own development plans, making the majority of planning decisions and shaping how their area will grow and develop in a way that responds to the needs of the local communities. Communities and councillors will work together and take decisions in the best interests of local people and local business. It is my job to ensure that we transfer planning as seamlessly as possible and ensure that the new system is in the best possible shape for transfer.

To that end, in my statement to the Assembly on 29 January, I outlined a range of key actions that I will implement over the coming months. These actions will lay the foundations for introducing an improved planning system. The first of these actions focuses on reforming the current system in preparation for the transfer. The reforms include new local development plan preparatory work, setting in place the new hierarchy of development arrangements, extending pre-application discussions and encouraging more widespread pre-application community consultations.

I am also taking steps to tackle response times from consultees, particularly those from the Northern Ireland Environment Agency (NIEA) in my Department. This includes a backlog blitz to clear outstanding consultations in NIEA. I am also putting in place new arrangements for future consultations in NIEA, such as a planning control team, a single point of contact for consultation and new protocols for processing consultations.

I want to improve customer service and access to case officers so that queries can be addressed as quickly as possible. I am taking steps to ensure that staff receive the necessary training so that all those with responsibility for delivering the new system have the capacity to make it the best that it can be.

I am determined to shorten and simplify planning policy. Last week, I made a statement to the Assembly to launch the new draft strategic planning policy statement (SPPS). The draft SPPS is shorter and simpler; it is an expression of planning policy that will provide clarity and certainty for all users of the planning system. It signals a new approach to the preparation of regional planning policy here in the North. It outlines the reformed, two-tier planning system and sets out a new purpose of planning and a new set of overarching, core planning principles. It explains the new local development plan and development management systems. The draft SPPS consolidates some 20 separate pieces of planning policy into a single statement, reducing 800 pages of policy to fewer than 100. Although the SPPS is largely a consolidation of existing planning policy provisions, there is also an emphasis on improving it. That being the case, I want to outline some of the new elements that it introduces.

The statement presents eight new core planning principles that will underpin delivery of the planning reforms set out in the Planning Act 2011. The core planning principles will assist new local authorities in their vital task of integrating the host of complex economic, social, environmental and other matters as they go about planning to meet the needs of their public. These principles include furthering sustainable development; improving health and well-being; supporting good design; positive place-making; and urban and rural stewardship. Other core principles focus on creating shared space, delivering spatial planning, following a plan-led system, enhancing stakeholder engagement and local accountability.

The SPPS explains the new development plan and development management system. In so doing, it will support and guide the new councils as they embrace the new local planning powers. I wish to say a little more about this. You will be aware that the Planning Act transfers responsibility for producing local development plans from the Department to the councils and places plans at the core of planning

decisions. Councils must prepare a plan strategy to set out their strategic vision for the future development and use of the land in the plan area. A local policies plan must then also be prepared. This will set out the councils' local policies to support their plan strategy. The process of adopting plans is also being transformed. There is a move away from the adversarial public inquiry process towards a more consensual independent examination process. The measures and others will ensure that the new local development plan system will allow future plans to be prepared faster and will be more responsive to local needs.

The SPPS also supports the design and delivery of individual development proposals and the determination of planning applications and appeals. It does this by setting out the key components of a new development management system, including a development hierarchy; schemes of delegation to streamline planning decisions; pre-application discussions to facilitate high-quality and timely applications and decisions; and pre-application consultations that allow developers to inform and discuss proposals with communities.

The SPPS also contains new policies for town centres and retailing. As you all know, our high streets face unprecedented difficulties in this current economic climate, but, more than that, our high street faces longer-term challenges from the changing way in which we shop, especially from the growth of online retailing. This is a long-term trend and is unlikely, in fairness, to be reversed. As I have said, town centres may face other challenges beyond the scope of planning, such as accessibility, car parking, business rates and other management issues. Businesses, councils and government each have a role to play in supporting the high street and in helping it through this difficult process of change. For my part, I recognise the clear need to present a strong, supportive planning policy for town centres and retailing. That is why a headline element of the SPPS is a new strategic policy in relation to town centres and retailing. The draft advocates a "Town centre first" approach for the location of future retail and other town centre uses and is consistent with the regional development strategy. It seeks to protect and enhance the vitality and viability of town centres and foster a more sustainable approach to future retail provision. Adopting a "Town centre first" policy is a measure that I can bring forward within my remit to ensure that towns are given protection. However, it is a clear sequential approach that places the town centre first. It is not a moratorium. Every application will be assessed on its own merits. Different areas have different circumstances and different needs.

I want to ensure that local development plans and decisions taken are informed by robust and up-to-date evidence. It is also important to protect and enhance diversity in the range of town centre uses appropriate to their role and function such as leisure, cultural and community facilities, housing and business. I want to promote high-quality design to ensure that town centres offer sustainable, attractive and safe environments for people to shop and use for business or leisure.

The draft SPPS supports my vision to create a better environment and a stronger economy. It is a vital element of a revitalised planning system that delivers for business with timely decisions that encourage investment, facilitate employment and aid economic recovery. I want everyone involved in the planning process, be it businesses, communities, developers, planners or councils to work together to shape and influence the planning policy and the future of our planning system. I am keen that the final SPPS document reflects stakeholders' views. Therefore, during the period of public consultation, my officials will conduct a further round of stakeholder engagement events. Those events will provide an opportunity to find out more about the draft SPPS and ask questions. So, you do not have to ask them all of me today. I regard meaningful engagement with stakeholders as a vital part of policy development. I encourage everyone with an interest to give us your views. It is only through working together that we can ensure that we achieve an efficient planning system that delivers for business and for the environment.

Mr Chris Nelmes (The Outlet): Mark, it is quite topical to have the shopping centre managers from Northern Ireland here to discuss your planning policy. It is interesting to hear that the town centre is your first approach, but I presume that most of the shopping centres that are represented today are out-of-town centres and are still struggling. We have vacant units, and there are discussions about rent and rates and about trying to get a joined-up approach to ensure that the centre managers and their centres survive. There are out-of-town centres that are still viable in Northern Ireland, and they still need a good focus.

Mr Durkan: Chris, you are right to identify that it is a "Town centre first" approach, but it is not "Town centre only". It is important that we recognize — I stated it clearly — that different areas will have different requirements, needs and demands, and, where out-of-town shopping is in demand, required and viable, we should not turn our back on it. I recognise the investment that many people and many organisations have put into out-of-town centres. I recognise the employment that has been created

through out-of-town centres, and I do not want to be seen as some guy who sees anything out of town as bad or evil. It is vital that a balance is struck, and I said that in the Chamber. Good planning is about striking a balance. For too long, the pendulum has swung in favour of out-of-town development. I know that you lament the rates and other issues that you may have there, but, even more so, city-centre and town-centre retailers have ongoing problems with car parking, accessibility, and obviously rates are more of an albatross around the neck of town- and city-centre retailers than they are for those out of town. I believe that it is possible to strike a balance, and I will strive to do that. Hopefully, new councils will look at that as well.

Mr Ciarán Fox (Construction Employers Federation): Minister, you talked about the importance of development plans going forward. Do you have any update on BMAP? I know that you spoke about it a couple of weeks ago. Obviously, it is approximately 10 years overdue. It would be interesting to see whether anything has happened over the past two weeks.

You also talked about NIEA. I think that you would be the first to say that it has not performed well with regard to consultations over the years, and the backlog blitz is something that the federation strongly welcomes. When is the backlog due to be cleared? Even more importantly, you talked about having time-bound consultations. What is the period of time that you refer to? Is it one week, six weeks or three months?

Mr Durkan: You ask a fair enough question about BMAP. People have been waiting an awfully long time for it. It is something that I inherited from my predecessor, who inherited it from his predecessor and so on and so on. I think that it has assumed almost mythical proportions at this stage among the sector. You know better than me that the sector is crying out for the certainty that it will provide. Many business and individuals have invested millions of pounds in land and are depending very much on BMAP and the certainty that it will provide for them to realise the value of those assets. BMAP has completed all its statutory requirements and is awaiting approval from my Executive colleagues before I can publish it. I have tabled it, and, hopefully, the Executive will agree to hear it soon.

With regard to the NIEA, I appreciate your welcome for the backlog blitz. One of the areas that we are focusing on is around brownfield sites. I think that there are currently 180 outstanding consultations, and we aim to have those cleared by the end of March — that soon. I have not arrived at a conclusion on the statutory time frame for consultation responses. I take an opportunity such as this to engage with the business sector on what it thinks might be a realistic time frame. Obviously, you would love it to be one week. However, as I said in my speech, we need to ensure that environmental standards are not compromised either. NIEA has not covered itself in glory by any means. “NIEA excuse” is how I have heard it described. As I said in the Chamber — I know that some of you were there during my Question Time — I have instructed a fundamental review of the structure of NIEA, with the distinct aim of improving how it responds to consultations and delivers planning.

Mr Jamie Bill (Manager, Bloomfield Shopping Centre): I apologise to the Business Trust members; I am not trying to hog this whole thing, but, while we are here, we may as well take our opportunity. I was going to say that I may be a bit thick — my colleagues would probably say that I am definitely a bit thick — but, before I leave here, I want to understand what actually, in practical terms, a town centre-focused policy means. I understand what you said and, to my mind, it was very conciliatory, but if I give you a fictitious example maybe you could tell me what would happen.

Mr Durkan: Yes

Mr Bill: So, it is very simple: Bloomfield finds a large national retailer that wants a large space built for it so that it can put a shop there. It notes that, in this day and age, people do not just build and they will come. It is all very reactionary. You set it up. Speculative building is a thing of the past. So, we build according to their plans and desires. What happens? Do you say, “No, I think you should really look in Bangor High Street first”? How does it work?

Mr Durkan: We would encourage potential investors to look at town centres first. However, we have to be realistic: we can request that they do but cannot demand that they do. I certainly do not want to be accused in the future of turning our back on potential investment in Northern Ireland. We cannot afford to do that, and I do want to do it, but I, my Department and, in the future local councils will, I hope, work closely with potential inward investors with a view to getting them to prioritise inner-city or town centre development. However, as I said, it is not a moratorium by any means.

Mr Bill: So, when they say, “We are not daft; we chose this place after having a look round at everything”, you are not going to say, “Well, sorry we don’t want you in Northern Ireland”?

Mr Durkan: Certainly not. But we have to work on selling the town centre to them as well.

Mr Billy McGivern (Belfast City Centre Management): To press you a bit on BMAP: I heard you say that you had tabled it. Will it get signed off in 2014?

Mr Durkan: Thank you for the question. I certainly hope that it will. As I said, it has gone through a very long and convoluted statutory and legal process, as you know —

Mr McGivern: Fourteen years.

Mr Durkan: — well. My colleague Danny Kennedy, the Regional Development Minister, has signed off its certificate of conformity. Therefore, it conforms to the regional development strategy 2035. It has jumped every hurdle put in its way up to now, and there have been quite a few. The finishing line is in sight, and I am determined to push it over the line early this year.

Mr Stephen Dunlop (Town centre manager, Bangor and Holywood): I just want to reassure you and Jamie that we have a site in Bangor, and we will talk to him any time he brings a retailer along. Thanks. *[Laughter.]*

Mr Durkan: Thanks, Stephen.

Mr William Wright (Northern Ireland Assembly and Business Trust and Wrightbus): I was a Ballymena councillor for 16 years, and I think that your policy on town centres is a wee bit optimistic.

We have a town centre in Ballymena with a shopping centre right in the middle, and the town centre is still dying. Look at the town centre that we have left — the buildings are old, and there is no space for any development that would have 1,000 square feet. So, I think that these policies sometimes need a wee bit more in-depth explanation.

During my 16 years as a councillor, I used to think that planning policy depended on which side of the bed the planning officer had got out of. There was no coherence in it. It was almost on a whim. In one area, there were houses in every field, but in another area they were all banged into a housing estate. So I have grave reservations about the policy on town centres. In Ballymena, we have a good parking system which allows half an hour's free parking, and yet the town centre is dying. Go down and look at it any day. There is one street, two big shops and the rest of it is shops for charities.

The other thing I want to ask you is probably more personal. We, as a company, bought a site beside us that is a church. They are trying to get planning permission for a place on the periphery of Ballymena. The time it has taken is incredible. Our site is totally full. Our men have to park on the road and the police come and give them tickets. Surely to goodness, we can clear up the backlog a lot more quickly now and at least get some coherence into forward planning. I am very cynical about planners. I worked with them for 16 years on the council, and I had experience of so many illogical planning decisions that, unfortunately, it all disappeared. As well as that, in Ballymena, when I left the council eight years ago, the planners were making a new area plan, which has not seen the light of day.

Where are we? It is all right having fine words, but we need actions. That is the message that I want to leave with you. If you have a backlog, you should clear it up fast, with definite decisions. If you are going to turn something down, turn it down; but do not prevaricate. I have been trying to get onto this site, and the last time I had a discussion with some of the planners it was about hedgerows. You begin to wonder. I live in the countryside and look out over hedgerows, and not one of them is over 3 feet high. Why are the planners so difficult? If you go down to the south of England and look at some of the ideas put into practice there, about water bowls and a few things like that, you will see that they are having difficulties. Let us get practical here. We have 1,800 people now. We must park somewhere, because there is a rural community around us. We cannot get parking space. We have rented it and bought everything that we can buy, but the planners are in our way at the minute. We need that site, and we cannot get it.

Mr Durkan: OK. Thank you, William. You described yourself as cynical about planners, but I do not think that you are the most cynical. Your concern was that they made decisions based on what side of the bed they got out of. I have heard people express doubts as to whether they actually get out of bed. *[Laughter.]*

As regards the “Town centre first” policy, yes, it is optimistic — why not? However, you have outlined the some of the many challenges facing our town and city centres. I have spoken about them and addressed them in my introductory comments. However, I am trying to do what I can, within my remit, to protect town centres, and that is through planning policy. Other, smaller initiatives that I have taken involve the dereliction fund, which helps to revitalise some run-down areas of town centres. That has been very successful.

I am not going to be the saviour of town centres. Departments and Ministers have to work together to protect them as much as they can. We have to tackle issues such as rates, the lack of car parking and inadequate public transport. I talked about online trading, and that is a huge challenge for our town centres. I think that, in many ways, town centres will have to reinvent themselves. The services and shops that we would traditionally associate with the main street might be replaced by other services. However, it is important that we do everything that we can to ensure that they remain safe, vibrant and prosperous areas. As I have said, I am doing what I can within my remit, and I am pledged to work with colleagues to ensure that they do their bit as well.

You said that you would like us to take quicker decisions and that if we want to turn something down we should just turn it down right away. Where did you say your site was again?

Mr Wright: On the outskirts of Ballymena. *[Inaudible.]*

Mr Durkan: I do not want to get into particular applications. However, I have an open-door policy and will grant meetings to representatives on almost every issue that has been raised, providing there is not an ongoing investigation at the time.

Mr Wright: My recollection of planning is of a long, drawn-out affair, so any decisions would be *[Inaudible.]* If I get pulled in for a traffic offence, it is because I have broken a law. In my experience on the council, I did not see any laws. I saw policy, which was not defined as something that you could put your finger on.

Mr Durkan: OK. I am conscious that we have been bashing NIEA and the Planning Service. I will have to go back now to save me from a bashing from my officials. It is important to point out that, often, the delays in processing planning applications are not down to the planners. Not every planning application that we receive — I am in no way casting aspersions on yours, William — is well researched and ready to be processed.

Ms Leona Barr (Junction One): How are you doing, Mark? You talked about going out as part of the consultation process to chat to everyone about it. When will that be, and how are you going to invite everybody to that? To echo what my colleagues are saying, people are probably feeling extra-vulnerable now in the town or in out-of-town centres.

Mr Durkan: That is a fair enough point. I do not have times or dates here, but perhaps through the trust we could disseminate that information to its members and you. I am keen to ensure that we receive as much input from stakeholders as possible, and that is a fair point.

Mr Flanagan: Are there any more questions?

Mr Durkan: I did not see that one.

Mr Gordon Best (Quarry Products Association NI): I welcome the recognition that the new single planning policy statement gives to the contribution that our industry and aggregates makes to the economy. Whether it is an out-of-town shopping centre or a town-centre shopping centre, fundamentally, it will need construction materials to be built. Unfortunately, in Northern Ireland at the moment, not only our industry but rural industry in general is facing a threat from the reduction of noise limits in the countryside for, as far as we can see, no particular reason, given the fact that, in your recent press release about the noise statistics for 2012-13, it was stated that only 2% of noise complaints come from industry.

We are in discussions, and I had a very good meeting, as I am sure you are aware, with Leo O'Reilly this morning. Unfortunately, this backs up Billy's comment about decisions. Our concern is that there has been a significant haemorrhage of experience and competence from the Planning Service over the last number of years. The feedback that we get is that a significant amount of officials' time is spent answering AOs, FOIs and objectors' letters. Given the fact that we have an objector-led process, how do you see the new single planning policy statement addressing that issue and creating

a system where we take the objection out of it and give the officials the time and resources to do their job?

Mr Durkan: Thank you, Gordon. Although I think the SPPS is overarching and will do many great things, it will not address that. However, other measures that I proposed in my written ministerial statement to the Assembly on 29 January may have a bearing on it. I spoke about making Planning Service more customer-focused, and I think that that is very important. That is kind of what we are talking about here. We need to become more like a business in how we treat businesses, customers and, indeed, objectors.

I would not like to take the objector out of it altogether, although I know that quite a few developers would like to do so at times. It is important that we are able to process applications without being bogged down by objections. Your industry is one example, as is the wind energy industry. Of course people are justified in making objections and are entitled to do so, and I encourage anyone to exercise their democratic right. However, objectors seem to be getting more vocal and better informed, so it is taking longer to respond to their objections. They are doing more research and making more technical arguments, and we have to make more technical arguments back.

I can fully understand your frustration from an industry point of view about how it ties up our resources in the Department. Believe me, I can understand that frustration because it is one that we share. It is something that we will continue to look at. Hopefully, by improving other aspects of service delivery, we will, in some way, address the delays.

Mr Joe McDonald (Asda): I very much welcome the general direction in which you are taking the policy by making the system faster and fairer. That is very good.

I wanted to go back to the issue of timescales, which is obviously really important. I am talking specifically about attracting inward investment to Northern Ireland. As part of your consultation on SPPS, will you and your team, as well as taking feedback from the audience here and people in Northern Ireland, look at other parts of the UK or other countries where there is good practice? From an Asda context — our business operates right across the UK — we have seen good practice in other parts of the UK. For example, the planning performance framework in Scotland produces a yes or no decision on retail applications well inside a year. We all know that that is not the experience here. So, as well as taking feedback on the ground here, will you look elsewhere?

Mr Durkan: Absolutely. It is vital that we look at what is successful in other jurisdictions and learn from what is not or has not been successful or effective in other jurisdictions as well. There are things that we in Northern Ireland do better than others elsewhere, and there are other things that others do better. I do not see any shame whatsoever in looking outside Northern Ireland for solutions.

Mr McDonald: Thank you.

Mr Fox: I will take this opportunity if nobody else is keen.

Minister, across the water, when the construction industry faced some difficulties, planning policy shifted to, I suppose, support development rather than to try to take as much out of the system as possible. That does not seem to have happened in Northern Ireland to the same degree. For example, where article 40 agreements are in place, there is still a sense that the system, rather than trying to facilitate development, is trying to get the developer to put in place as much of the services or infrastructure as possible. Have you any views on how you and your Department can take a more proactive approach to facilitate development as the economic recovery starts to emerge?

Mr Durkan: It is prudent that the planning system tries to get as much out of an application not for the Planning Service but for the community that the application affects. However, I take your point about article 40s. I have personal experience of, I suppose, the paralysis that has been caused through those legal arrangements. It is vital that the Planning Service is more flexible and is able to respond to local needs and market conditions. There are article 40s that were entered into several years ago that are now basically defunct. However, as they are legal agreements or arrangements, they require the signatures of all parties. It is a pretty difficult process and extremely frustrating for those involved.

Mr Fox: Minister can you blast through that? In Derry, there is massive housing need, and there are people who want to build houses. However, because of the planning restrictions and article 40s that tie so many people down, housing that is needed is not being built and jobs that are needed are not being created. Do you have the power to blast through those, or is it just a legal wrangle?

Mr Durkan: I am also aware of the situation in Derry city, and I have instructed my legal team to find a way for me to blast through it.

Mr Flanagan: I want to say a massive "Thank you" to the Environment Minister for coming along and updating us on his planning priorities for 2014 and fielding questions. I also want to thank everyone for attending and participating. I am sure that the Minister would encourage you all to visit his departmental website to find the consultation document, inform yourself of it and put in a detailed submission.

Before we go, I would like to inform you all that our next briefing will take place this day month on Tuesday 11 March at 4.00 pm. The briefing will be from InterTradeIreland on its work programme. I think that notifications have been sent out, but you all very welcome to attend. I encourage as many of you as possible to attend that briefing. Thanks very much for coming