



# A Sense of Place: Planning for the Future in Northern Ireland

Summary and Recommendations of the Northern Ireland Planning Commission  
March 2004



# FOREWORD

## Foreword from the National Trust

In recent years, in part fuelled by a strong economy and the prospect of a more peaceful future, the rate of development in Northern Ireland has increased rapidly – some might say alarmingly – in our cities, towns and countryside. The impact of both large scale and incremental development on our built, natural and cultural environment is considerable and evident for all to see.

The National Trust has expressed concerns about the limitations of the planning system in Northern Ireland for many years. These stem not just from a concern for the priceless and special places we own, but also from our wider interest in the management and use of land and resources, and properly valuing our natural and cultural heritage. The dramatic surge in development in the past decade has brought the limitations of the planning system into very sharp focus. It was becoming increasingly clear that the current planning system is inadequate. It is neither protecting the attractive countryside and fine buildings for which Northern Ireland is famed, nor harnessing development and change to promote regeneration and improve quality and design.

We recognise that steps have been taken by the Department of the Environment to address some of these issues, most recently through the Modernising Planning Processes exercise commenced in 2002, and through updating legislation. These steps have been welcomed by the Trust and others for whom the planning system has become a source of frustration or concern. Without doubt, planning is higher up the political and public agenda than ever before and there is a sense that the changes heralded in Modernising Planning Processes mark only a beginning. The ongoing Review of Public Administration in Northern Ireland also holds out the prospect of a rethink of how planning is delivered, and how people can enjoy a greater stake in how their environments are shaped.

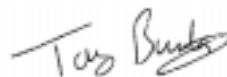
The National Trust wished to make a positive contribution to this wider debate on planning, one that went beyond responding to individual issues or the agenda of the day. We wished to move the debate from processes to the effectiveness of planning, as a means to deliver more sustainable development. It was in this context that we established the Northern Ireland Planning Commission and invited an independent and authoritative panel of experts to look afresh at the planning system in broad terms.

We are deeply grateful to the Commission members, under the chairmanship of Bill Morrison, for their commitment to their task over the past year. They – and Commission Secretary, Richard Bate – have been generous with their time, their professional expertise and their intellect. They have been diligent in their consideration of extensive written and oral evidence and research. We also wish to record our thanks to all who took the trouble to make submissions to assist the Commission. We believe the Commission has been both robust and fair in its approach, not shying away from the difficult issues, and also recognising the Department of the Environment's current commitment to and impetus for improving the planning system.

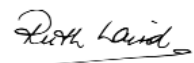
The National Trust commends the Commission's work for grasping and articulating clearly many of the key issues which must be faced: the treatment of historic and traditional buildings, single housing in the countryside, apartment blocks for holiday use, design quality, and third party rights of appeal. They have also shone a spotlight on a system that often promises much in its statements of policy and intent but then suffers from *"remarkably slack practical implementation"* and weak enforcement. In their recommendations, the Commission members have held passionately to the ideals of a Northern Ireland protected by a planning system which assures high quality development in – and only in – the right places and at the right scale. We now invite the Minister for the Environment, all those responsible for the institutions of planning, and everyone with an interest in the future of planning, land use change and development to give this report and recommendations serious consideration. We believe they also have relevance for the rest of the UK and the Republic of Ireland.

Northern Ireland is going through major change in virtually all aspects of its social, economic and political life. On the basis of current environmental and development trends it stands at the brink of a fundamental choice about the kind of place it wants to be and the quality of life it wants to secure. We hope this report helps to clarify this choice and points a way forward, harnessing a revitalised planning system and based on an invigorated government that can help deliver a virtuous circle of improving the quality of development, meeting economic and social needs and securing environmental progress and protection.

The publication of the Commission's report is the start and not the end of this debate. The National Trust is committed to taking forward the work of the Commission and to seek opportunities to bring its recommendations to fruition. We invite all those with an interest in the planning system and in the future of our environment to join with us in this task.



**Tony Burton**  
Director of Policy and Strategy  
The National Trust



**Ruth Laird**  
Director for Northern Ireland

March 2004



# SUMMARY

## Summary of the Commission's Report

The Northern Ireland Planning Commission was initiated and facilitated by The National Trust as an independent group with the following Terms of Reference:

- To undertake an independent review of the effectiveness of the current planning system in Northern Ireland in contributing to sustainable development objectives;
- To take evidence from a broad range of stakeholders involved in planning in Northern Ireland, including examination of case studies which illustrate key issues;
- To produce a concise set of well-argued recommendations for improvement to the system, for submission to the Minister for the Environment and for publication.

The town and country planning system decides the way in which land and buildings will be used. The procedures to be followed are set out in law, and are broadly comparable to those applying in the rest of the United Kingdom. The policies to be applied in Northern Ireland and the practices of planning, on the other hand, are more distinctive.

The particular and special feature of planning in Northern Ireland is that since 1973 it has been operated by civil servants at the regional government level rather than by elected local Councils (which take most decisions everywhere else in the British Isles). Our report shows that while this has had significant benefits, not least in even-handedness and consistency, there have been understandable tensions, particularly in the way that people engage with the planning system locally. With the prospect of local government once again taking on a range of administrative functions following a comprehensive political settlement to the instability of recent decades, now is an ideal moment for a broader review of the whole planning system.

The Northern Ireland Government and, during the periods of its operation, the Northern Ireland Assembly, have taken an active role in planning reform recently. Legislation has been updated, and an extensive review of the detailed procedures of planning has been carried out under the title of Modernising Planning Processes. Our own studies have for the most part not overlapped with that reform. Rather, we have taken a wider and longer term perspective, starting from a more fundamental assessment of what planning should be trying to do and how it should set about doing it.

The quality of the planning process will be judged by its results on the ground. At the same time, the means by which decisions are reached are important, so that everyone can feel they 'own' the outcomes because these can be seen to be in the best interests of the community as a whole – even when not everyone gets exactly what they want. Planning is therefore a brokering mechanism

between different interests which tries simultaneously to achieve many economic, social, environmental and cultural objectives. It is these twin issues of product and procedure which dominate our analysis.

Behind the rhetoric of sustainable development lies an aspiration to tread more lightly on all our resources, and to leave a world as good as or better than we have inherited. Respecting and valuing the urban and rural environments around us is a central aspect of this which planning can affect. We have identified a need for a step change in Northern Ireland's treatment of our daily surroundings. Urban areas, and towns and villages too, urgently need to raise their sights for a higher standard of urban design: there has been too much soulless and dispiriting development. The countryside also must wake up to the damage being inflicted by unsympathetic and sprawling development on one of the region's most fabulous and valuable resources. Throughout the region there is a need to rediscover the worth of the built heritage, with its selection of fine buildings and array of reassuring and attractive traditional structures which make Northern Ireland special. Old is not all bad: indeed much of what remains should be cherished. New is not all good: indeed we are left in no doubt that little of it is.

The speed of physical change in Northern Ireland is alarming because of the physical impact it is causing and the consequences it is having for daily life. For years towns and cities have consumed land at a rate out of proportion to the growth in population. Existing town centres have lost their multi-use character and instead are dominated by retailing and office use. We have created swathes of single-use low-density suburban development for both housing and commerce. This segregation between different uses and users has undermined sustainability. Northern Ireland is far more car-dependent than almost anywhere else in Britain, made worse by the spread of isolated single dwellings in the countryside which now account for half of all new homes built. The supply of all services is becoming increasingly inefficient: water supply, public transport and proper sewerage are among those which are more expensive to provide when communities are spread out.

The main policy solutions to these problems are fairly clear. Planning should lead a renaissance in urban design, calling for support from all those involved in the development process. Good design should be built into urban layouts and smaller settlements as well as individual buildings. The expertise of design teams should work at all levels in planning practice, and oversight and guidance should be provided by a new Design Commission for Northern Ireland. In rural areas we need an immediate moratorium on the construction of single dwellings and of those apartment blocks (for the most part in the coastal zone) which are out of scale with their surroundings. Everywhere we need the more vigorous application of existing powers to designate Conservation Areas, list worthwhile buildings, and remedy damage to historic buildings by enforcement action. Control over the demolition of all buildings should be introduced, primarily to stem the loss of traditional and locally interesting buildings.



# SUMMARY

The planning system needs to be adjusted to shape a high quality future environment as well as to prevent damaging change. We see a 'plan-led' system as central to this, in which development will only be permitted if it is in line with principles set out in a democratically agreed plan for the area. The bones of this arrangement are already in place, through both the Regional Development Strategy for Northern Ireland 2025 published in 2001 providing a strategic overview for the whole area, and the recent change in the law requiring planning decisions to be in general conformity with local plans. We applaud these measures. The urgent need now is for the completion of coverage of Area Plans for the whole of Northern Ireland. Plan preparation is taking too long. We consider that shorter, less detailed Area Plans with clearer and more implementable policies would be a sensible solution for achieving full coverage promptly. Design-led action plans, masterplans or other community-based plans can then be prepared as necessary in small localities which are expected to change.

Effective implementation of policy depends not only on clear policy but on the will to apply it with consistency and determination. There is confusion in Northern Ireland at present because the Planning Appeals Commission, to whom developers may appeal if they are refused planning permission, has at times promoted its own separate agenda for what it considers to be good planning. Especially under the new plan-led system, it is essential for all participants that there is consistency in applying policy. We therefore consider that the Planning Appeals Commission should be bound by the same rules as those exercised by the Department of the Environment as planning authority. Where policy weaknesses are identified by the Planning Appeals Commission, the Department of the Environment should review them promptly.

Effective public participation in planning processes is absolutely essential to a revival of planning in Northern Ireland. This must be led from the centre in preparing Area Plans and in deciding planning applications. We have identified a need for more direct relationships between staff in the Planning Service and local people (whether developers, residents or anyone else interested). The objectives should be to increase the transparency and openness of the planning system, and to foster a greater sense of public participation and trust at every stage of the planning process. At the same time there is a need for an overhaul of procedures to improve the speed of decisions. Planning decisions in Northern Ireland take longer to reach, on average, than anywhere in England or the Republic of Ireland. Especially those who invest in development deserve better. Quicker decisions must, however, be accompanied by a greater level of public satisfaction with the process, though we expect this to follow from our proposals for public engagement.

The planning system must say what it means and mean what it says. We were pleased to find signs of a new enthusiasm in the Department of the Environment to enforce planning control more effectively. Without this, the planning system falls into disrepute, as developers carry out unauthorised development and, in everyone else's eyes, 'get away with it'. We trust that upsetting losses of irreplaceable historic buildings will not be repeated, but also expect

effective enforcement action to be taken against all breaches of control. The planning system should be expected to remedy unacceptable changes, severely penalise damage that cannot be remedied, and to obtain higher than normal fees from all planning applications submitted after development has been carried out. The aim should be to create an effective deterrent to future breaches of control.

Looking a little further ahead, the current Review of Public Administration is considering, amongst other things, how many local authorities there should be in future in the region and the powers they might exercise. We are convinced that powers to make plans and to decide planning applications should return to local government. Ideally, we would like each new authority to exercise these powers separately, though authorities must be sufficiently large to employ enough planners and other professionals with a sufficient range of skills to do the job properly.

New responsibilities and powers will create both opportunities and tensions. Planning is not a black-and-white issue but a matter of judging the merits of often competing arguments. Checks and balances must be built into the system to ensure that planning is a policy-led and plan-led process rather than arbitrary. All participants must be able to see and appreciate the reasons for all decisions. This will be a major task for fledgling authorities with powers that hardly any elected councillors will have exercised before. We see the key to transparency and to raising standards amongst both officers and councillors as the introduction of a comprehensive third party right of appeal against the granting of planning permission. This would sit alongside the well-established right of applicants to appeal against refusals of permission. It is an arrangement which generally appears to have worked well in the Republic of Ireland, and is being considered for possible introduction in all the devolved administrations in the United Kingdom.

Our proposals are aimed at changing the culture of planning in Northern Ireland. People will become more engaged because it will be a more positive experience and produce better results on the ground. Planning will be seen to achieve good development rather than, too often, tolerate bad development. It will be driven by the objectives of sustainability, design excellence, clear community benefit, transparency of process, consistency with adopted plans, and no tolerance of those who try to cheat the system.

It is our clear view that planning no longer resides in a comfort zone where continuing with present policies and practice is tolerable. To do little or nothing would be irresponsible, especially as there are real and clear opportunities for better arrangements within the field of vision.

# RECOMMENDATIONS

## Recommendations

- 1.1 The Department of the Environment must oversee a step change in the nature of its communications with the public, with a view to increasing transparency and openness (particularly in the preparation of Area Plans) and to fostering a greater sense of public participation and trust at every stage of the planning process. The Department of the Environment should train itself in the skills and attitudes necessary to facilitate wider engagement with the public.
- 1.2 Article 30 of the Planning (Amendment) (Northern Ireland) Order 2003, giving effect to a plan-led system, should commence immediately.
- 1.3 All Planning Policy Statements and Area Plans should be reassessed for clarity so that they can be readily implemented and so that policy cannot be circumvented. Policies should be succinct and unequivocal. Clearer policies would also be more readily supported if appeals arise. The degree of weight attached to each policy should be clear, so that priority objectives can be pursued if circumstances arise where policies would otherwise conflict with each other. We recommend specifically that the first review of the Regional Development Strategy should include as one of its principal aims greater clarity in its objectives and policies. The policies should also be drafted in such a way as to have immediate applicability rather than await further studies or plan preparation.
- 1.4 Area Plans should be objectives-led, shorter, clearer and less definitive in detail, enabling full coverage to be achieved more speedily.
- 1.5 Anomalies between planning law and policy should be removed by amending policies. In particular:
  - (i) Planning Policy Statement 1 General Principles should be revised immediately to reflect the commitment to a 'plan-led' system. Paragraph 59 which currently includes a general presumption in favour of development should be replaced immediately making clear that such a presumption applies only in respect of development which is in accordance with the plan for the area.
  - (ii) Planning Policy Statement 2 Planning and Nature Conservation should be revised to reflect the requirement of Article 10 of the EU Habitats Directive that landscape features important for wildlife should be conserved and managed, and Area Plans should identify these features and the steps to be taken for implementing the policy in practice.
- 1.6 The designation of 'Areas of Outstanding Natural Beauty' should be tied more closely into the planning system. Policies in the forthcoming PPS 14 on the countryside should prevent developments which would adversely affect landscape quality or character there. In addition the existing policy which encourages design excellence in developments which are acceptable in principle in AONBs should be strengthened. The provisions for protecting and managing AONBs in law should be reviewed urgently.
- 1.7 The forthcoming PPS 14 on the countryside should institute a major overhaul of the policies in A Planning Strategy for Rural Northern Ireland (1993). Key requirements are that:
  - a general presumption against single dwellings outside settlements should apply throughout rural areas, not just in designated areas, which is essential for achieving a more sustainable pattern of land use in line with the Regional Development Strategy; and
  - an obligation should be placed on applicants to prove the need for any development outside rural settlements, with requirements that will be distinctly more onerous to demonstrate than at present and thereby discourage sporadic development.
- 1.8 There should be an immediate moratorium on grants of planning permission for single dwellings in the countryside, pending the forthcoming review of policy in Planning Policy Statement 14.
- 1.9 There should be no further grants of planning permission for apartment blocks which are out of scale with their surroundings in the coastal zone. Achieving higher standards of quality and design in new development in coastal towns and villages should be a priority.
- 1.10 An independent Design Commission for Northern Ireland should be established, drawing on the experiences of the Commission for Architecture and the Built Environment (in England) and the Design Commission for Wales.
- 1.11 Design excellence should be an objective of the whole planning process. The Department of the Environment should commission urban design guidelines across Northern Ireland, presented as design statements, urban frameworks or masterplans according to the needs of each town or city, or distinctive area within these.
- 1.12 The Housing Executive should be instructed to revise its grant schemes to promote the retention, repair and sympathetic extension (where necessary) of traditional buildings, rather than their demolition and replacement. Likewise the Department of the Environment should promote refurbishment rather than the replacement of traditional farm dwellings.



# RECOMMENDATIONS



- 1.13 The Department of the Environment should urgently designate a substantial additional number of Conservation Areas, without waiting for grants to be available for use within them, for the preparation of design guidance, or for detailed area-specific policy statements.
- 1.14 The Department of the Environment should urgently designate existing 'Areas of Townscape Character' as Conservation Areas. The designation 'Areas of Townscape Character' should be abolished once existing Areas have been redesignated as Conservation Areas.
- 1.15 The new power (given to the Department of the Environment) to spot-list buildings of historic and architectural importance should be used as a matter of course.
- 1.16 The power to list and delist buildings should be transferred from the Department of the Environment to a body akin to the Historic Buildings Council with enhanced functions.
- 1.17 Listed buildings should not be delisted other than in quite exceptional circumstances. Instead, the necessary enforcement steps should be taken to return damaged buildings to their proper condition.
- 1.18 Comprehensive demolition control should be introduced. Safeguarding the heritage of vernacular buildings should be a priority for the implementation of this policy.
- 1.19 The planning authority should be required to inspect properties for sale and to issue a Planning Inspection Certificate, as an extension of the Certificate of Compliance under Building Control Regulations, only if satisfied that there is no unauthorised development.
- 1.20 'Permitted development rights' should be withdrawn whenever necessary to bring back under effective planning control relatively minor developments which would otherwise be automatically permitted without the need for a planning application to be submitted and approved. 'Article 4 Directions' (to withdraw permitted development rights locally) should be used in Conservation Areas and elsewhere if the distinctiveness of the built environment is threatened by small but locally damaging changes which would otherwise be allowed under permitted development rights.
- 1.21 Planning applications should be advertised effectively. Neighbours should continue to be notified that planning applications have been submitted nearby and are available for comment.
- 1.22 The facility to treat major applications through the 'Article 31' procedure should be abandoned once planning decisions have been devolved to local Councils and a third party right of appeal introduced.
- 1.23 Reasons for the grant of planning permission should be appended to the decision notice as standard practice.
- 1.24 Development control performance standards must be improved, aimed particularly at quicker decisions and greater public satisfaction with the process.
- 1.25 Following the Review of Public Administration, Local Councils should be given development control powers and Area Plan making powers. This should be accompanied by:
  - each Council employing a team of professional planning staff and other specialist experts (e.g. in ecology, archaeology, urban design, architecture, landscape design and buildings conservation);
  - each Council setting out to implement a Council-wide plan for its area (beginning with the Area Plans in place and in preparation), and with each being bequeathed an adopted Area Plan by DoE from the outset;
  - elected councillors being trained in the powers and responsibilities given to them;
  - awards of costs against vexatious refusals and frivolous appeals.
- 1.26 There should be a comprehensive facility for third parties to appeal to the Planning Appeals Commission against planning approvals, just as aggrieved applicants can already appeal against planning refusals, introduced at the same time as planning powers are devolved to local Councils.
- 1.27 The Planning Appeals Commission should have a statutory duty to uphold planning policy, so that the Commission is bound by the same rules as the planning authority within a plan-led system.
- 1.28 Enforcement action should be pursued with rigour and commitment, with the aims of discouraging breaches of planning control in the first place, penalising retrospective applications with higher planning fees, and forcefully remedying those unacceptable breaches which do occur.
- 1.29 After the devolution of local planning powers to new local authorities, all remaining planning functions at regional level should be merged back into a single Department's responsibility.



# MEMBERS OF THE PLANNING COMMISSION

## **Bill Morrison – Panel Chair**

Bill Morrison MSc is an architect-planner. He is a member of the Royal Institute of British Architects and a Member of the Royal Town Planning Institute. He commenced his career in private practice in 1959 and his public service career extended from 1968 – 2001, latterly as Divisional Planning Manager for Downpatrick and then City Planner for Belfast. His career covered every aspect of planning work from urban design to regional planning. He is a champion of the Quality Initiative, committed to promoting awareness of urban design and raising environmental standards in Northern Ireland. Bill is now a planning consultant and since 2002 has been a Visiting Professor at the University of Ulster. He was elected Deputy President of the Town and Country Planning Summer School in October 2002.

## **Ann Bartleet**

Ann Bartleet MBE, BA is a nominated member of the National Trust Council, representing the Council for the Protection of Rural England. She has been a member of the Trust's Executive Committee since 2001. She is an active member of CPRE and was its Vice-Chairman from 1995 – 2000. Her deep interest in the protection of the built and natural environment is reflected in her involvement in a range of other bodies including Colchester and District Federation of Amenity Societies, the Management Committee for Thames Chase, the Community Forest project in South Essex, the Copped Hall Trust (a building preservation trust) and Essex Environment Trust.

## **Doug Elliott**

Doug Elliott is founder/owner and Managing Director of four Belfast-based companies: Twenty Two Over Seven, Architects; Ormeau GasWorks Ltd., Urban Regeneration Developers; BATIK Creative Design Store, Design Retailers, and Ormeau Baths Ltd., Urban Regeneration Developers. His areas of special architectural interest are rural houses and urban regeneration. His projects have been recognised with awards for architecture and conservation from both the Royal Institute of British Architects and the Royal Society of Ulster Architects. He is an Honorary Member of the RSUA. He served as a member of the Northern Ireland Civic Forum, representing the Cultural Sector, and has many years experience working with the Ulster-Scots cultural community.

## **Brian Hanna**

Brian Hanna CBE DSc (Econ) spent much of his career with Belfast City Council, where, among other senior positions, he was Director of Health and Environmental Services, and ultimately Chief Executive and Town Clerk from 1994 until his retirement in January 2002. Having served on the UK Round Table on Sustainable Development, Brian was appointed to serve on the UK Sustainable Development Commission as the Northern Ireland Commissioner. He is a Fellow of the Chartered Institute of Environmental Health, a member of the Society of Local Authority Chief Executives and also the National Society for Clean Air. He is also a Companion of the Chartered Management Institute.

## **Patrick Shaffrey**

Patrick Shaffrey B.Arch, began his career in private practice as an architect in Dublin in 1956. In the 1960s he was a senior Planner in Edinburgh and Chief Assistant City Planner in Manchester before returning to Ireland, initially as a lecturer and since 1973 in private practice in Architecture and Town Planning. He is a member of the Royal Town Planning Institute of Ireland (first President in 1975/76) and a Fellow of the Royal Institute of Architects of Ireland. He is a consultant to the Urban Development Programme of the International Fund for Ireland and a consultant to the Heritage Lottery Fund on its Townscape Heritage Initiative in Northern Ireland. He is a member of the RIAI Historic Buildings Committee.

## **Secretary to the Panel: Richard Bate**

Richard Bate MA MPhil is a Partner in Green Balance, a planning and environmental consultancy which he established in 1991. The firm specialises in the analysis of national planning policy issues and their local application, and has particular expertise in the policy development process.



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