

# DTNI

Empowering Communities



## SHAPING SPATIAL PLANNING



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## Acknowledgements

This paper is based on original research by Dr Linda Fox-Rogers, Professor Geraint Ellis and Dr Jenny Crawford of the School of the Natural and Built Environment at Queen's University Belfast.



# Contents

Introduction	4
The Role of Spatial Planning	4
Spatial Planning & Rights 5	
Planning Reform	6
Planning in Northern Ireland	6
Delivering Public Interest	7
Decision-Making, Transparency & Accountability	7
Trust, Power & Relationships	8
Strength & Opportunity	9
Recommendations	10

# Spatial Planning

The key function of any planning system is to ensure that development not only causes no damage to public interests - be they economic, environmental, or social - but also increases public benefit through application of fair and equitable processes.

Yet, there are major concerns about the capacity of planning systems to meet public need. Despite reforms in Northern Ireland, levels of trust are low and engagement with key community and environmental interests is, at best, ineffective. The decision-making process is said to lack transparency and accountability and is limited in scope, needing to embrace a broader range of environmental and social issues, including climate change and the provision of accessible green space.

To remedy these challenges, consideration will need to be given to the incorporation of a framework of rights for citizens and community-based organisations: rights to information, to participate, and to challenge in development decision-making. Community-led plans will need to be included and linked to spatial planning processes. The well-being and access needs of local communities - from green spaces to play spaces - must be more effective, with investment and capacity development support for decision partakers and makers in local government and community. The context for further development must be based on explicit rights and goals with structural mechanisms for continuous review and reform.

## Introduction

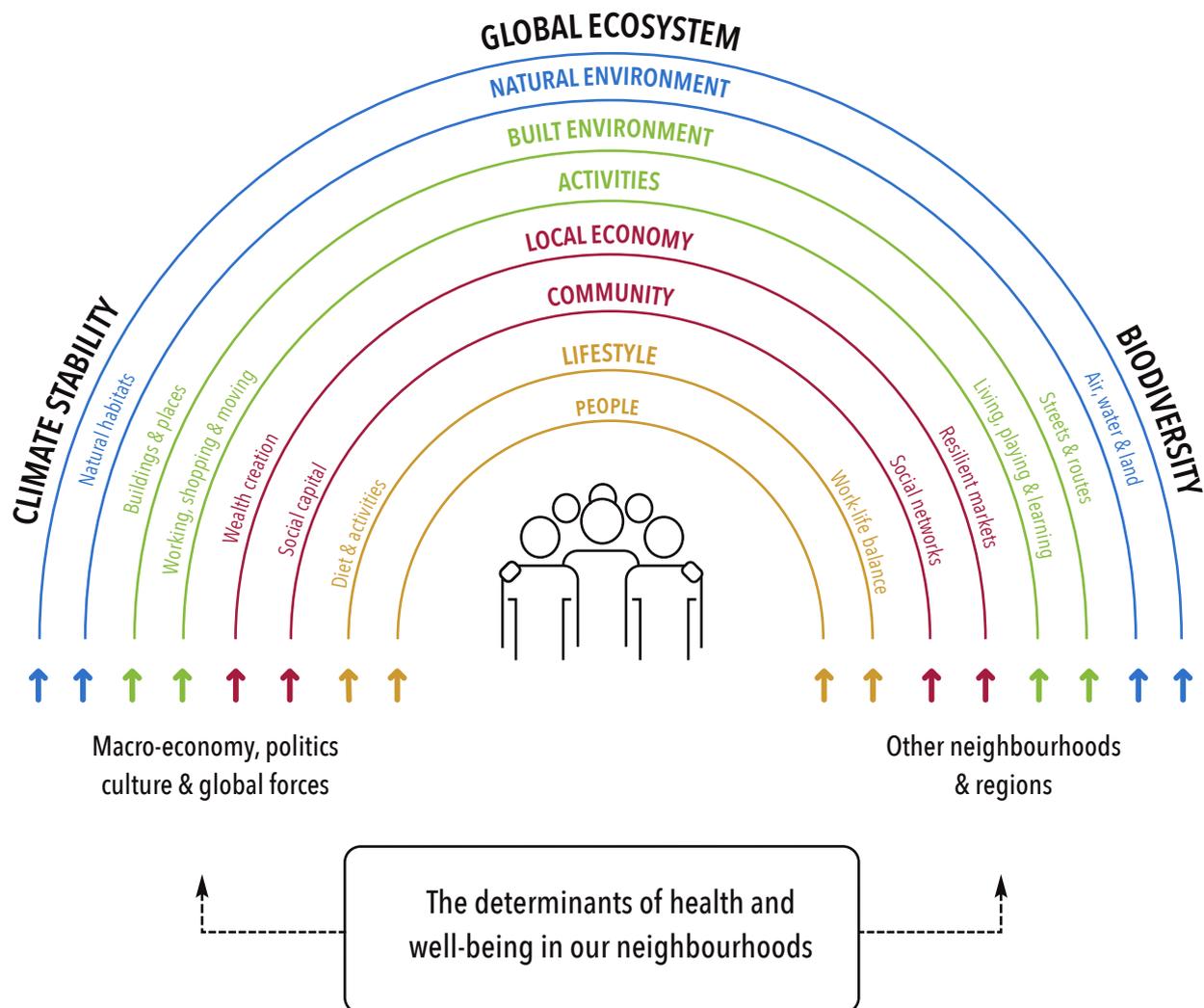
This paper draws on major reviews of spatial planning in the UK and Ireland, and presents new primary research to identify opportunities for the improvement of the Northern Ireland (NI) planning system and its capacity to meet urgent social, economic, and environmental needs.

It proposes a number of recommendations to meet these challenges. These point to the need for a strengthened framework of rights for citizens and community-based organisations: rights to information, rights to participate, and rights to challenge in development decision-making; rights underpinned by enhanced training, support, and monitoring alongside strengthened checks and balances to ensure transparency and public trust.

## The Role of Spatial Planning

The Planning Act (NI) 2011 notes that land planning has 'the objective of furthering sustainable development and promoting or improving well-being'. There is an interdependence of human and ecosystem health and well-being, and awareness of this interdependence increasingly plays out in the development of our neighbourhoods and use of resources.

Figure 1: Determinants of health and well-being in our neighbourhoods (Barton and Grant, 2006) as reproduced in the Strategic Planning Policy Statement (SPPS) for Northern Ireland (DOE, 2015)



## Spatial Planning & Rights

The rights of the individual (e.g. to develop land in personal ownership) are balanced against the wider public interest (e.g. economic prosperity or provision of public services). Decision-makers seek to achieve or justify a balance between stimulus and regulation that delivers the multiple complex functions and outcomes that society demands from our cities, towns, villages and countryside. Elected representatives, advised by professional planners, seek to arrive at decisions that balance competing interests and objectives; but where the balance lies is often the subject of conflict. Decision making is ultimately political, reflecting both the nature and distribution of power and cultural values within society.

Though the planning system is thought to favour developers rather than the rights of citizens, local and national planning policy is practiced within a legal framework. This includes the Human Rights Act 1998 (UK) and the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, ratified by the UK and Ireland in 2005 and 2012 respectively. The largely procedural nature of planning practice gives us a process wherein rights to information, to participate and to challenge are to be expected, but does not guarantee specific rights-based outcomes (such as access to affordable housing or a decent living).

Transparency and accountability, and inclusion of checks and balances is central to the reform of planning if it is to establish balance between competing interests. The objective is to move beyond value-based judgements and deliver against a shared definition of public interest, not based on project outcomes or short-term individual interest but on longer-term shared priorities concerned with society, well-being, and the sustainability of place. Though such decisions cannot be informed with access to a 'perfect' knowledge, they must be informed with nothing less than adequate knowledge that supports technical assessments and value judgements on benefits and risks made democratically and accountably and involves those who will be most affected. Authentic engagement and inclusion of community voices within a rights-based legislative framework and a clear commitment to well-being is critical to determining public interest.

## Planning Reform

Planning is characterised by a deficit of public trust. In England, the Raynsford Review of Planning concluded that it 'does not work effectively in the long-term public interest of communities or the nation' (p.9). and that 'rebuilding trust in the system and promoting a more constructive dialogue between planners and the public is clearly a priority' (p. 9). Legislative changes introduced in the Localism Act 2011, which accounts for inclusion of community-led neighbourhood plans in development decision making, achieved limited community-level outcomes, compounded by an 'imbalance in access to planning expertise, particularly in excluded communities' (page 78). In addressing the challenges, the Raynsford Review calls for a new covenant for community participation, and the development of a participative model of planning that gives communities decision-making rights and responsibilities.

The Wellbeing of Future Generations (Wales) Act 2015 acknowledges rights to basic living conditions that support health and well-being, situated alongside sustainable development goals for public authorities. The degree to which the Welsh planning system facilitates an advancement toward achieving these goals is undetermined. Research undertaken by The Auditor General for Wales (2019) found that

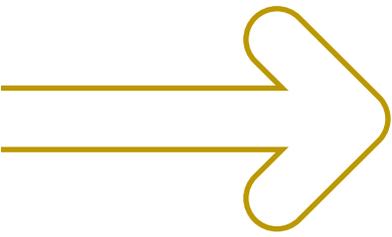
despite legislative commitments the planning system is disproportionately delivering greater benefits for developers than communities. Its recommendations for reform included the development of 'place plans' to engage and involve citizens and communities in planning decision-making and well-being training for planning committee members.

Perhaps the most prominent difference in terms of community or citizen rights in the Republic of Ireland compared with the systems in the UK is the long-standing provision for third party rights of appeal (Ellis 2002). Trust in planning was eviscerated because of corruption, which in turn led to the setting up of the Office of the Planning Regulator in 2019 (Fox-Rogers 2019). Its wide remit – building confidence back into practice – includes: provide information to the public, educate members and staff of planning authorities, review the performance of planning authorities and the appeals body, An Bord Pleanála, and ensure alignment with development plans and economic strategies.

## Planning in Northern Ireland

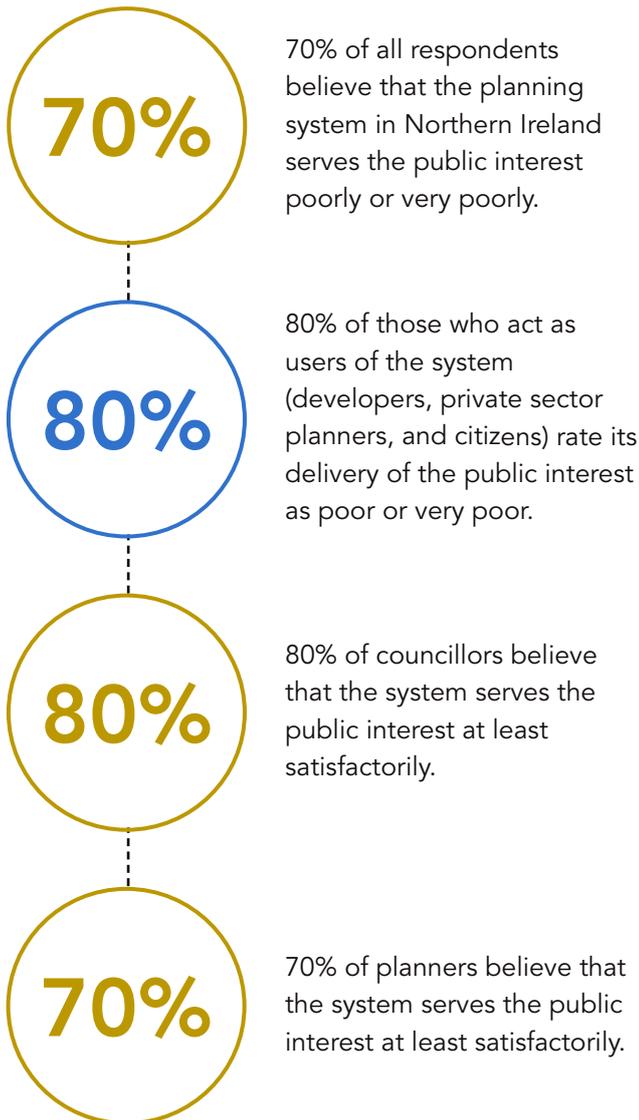
In Northern Ireland, key goals of planning reform over the last decade have aspired to improve public accountability and democratic input to development decision-making (e.g. Lloyd and Peel, 2012). Research carried out by Queens University Belfast (QUB) in 2011 revealed that the planning system was not performing well for the people, with most planning stakeholder groups in favour of reform. The anticipated 'powerful democratisation of local communities and localities across Northern Ireland' (Lloyd and Peel, 2012, p.182), following the transfer of planning responsibility to local government in 2015, has not materialised.

The following review of current delivery of the public interest by the Northern Ireland planning system in this paper is based on a survey of over 400 stakeholders in planning in Northern Ireland, carried out by the authors between June 2019 and February 2020 (Fox-Rogers et al, 2020). The survey not only sought feedback on stakeholder perceptions of public interest but also attempted to relate these to issues of inclusion, trust, and accountability. In summary, the research findings reveal the following:

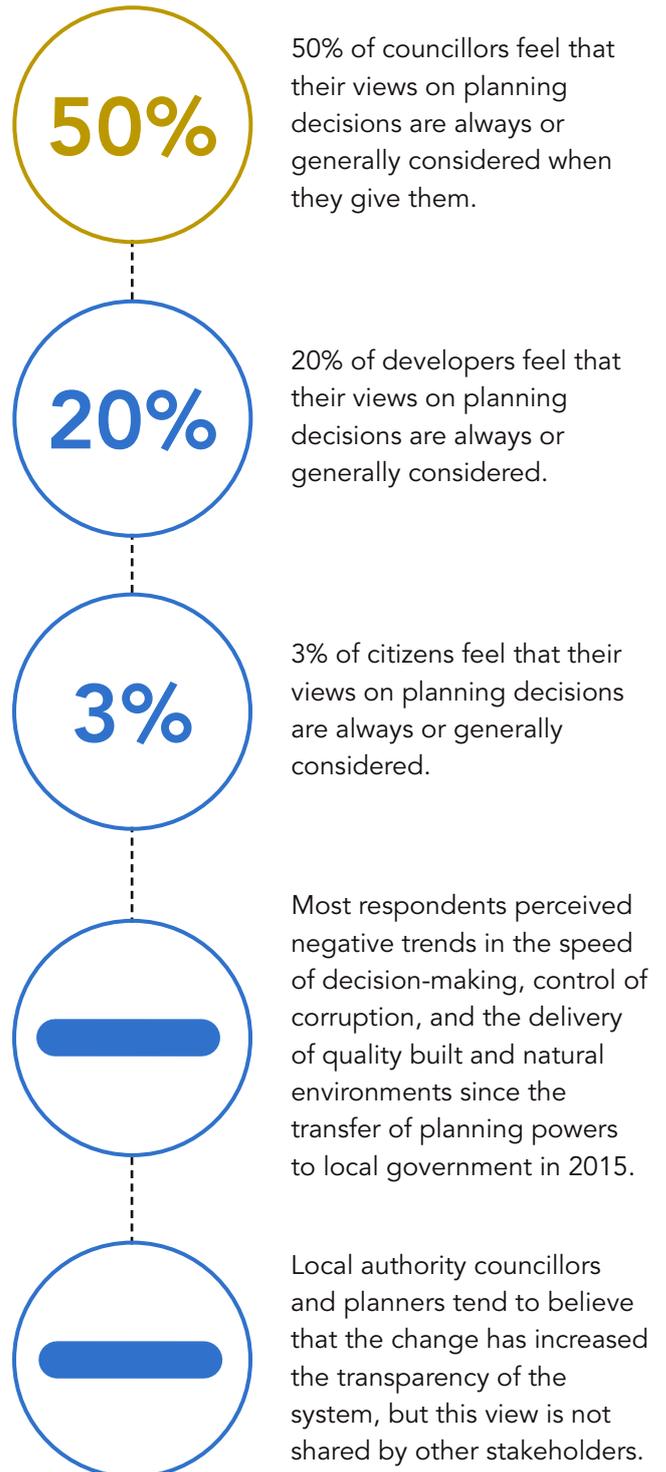


*Transparency and accountability and inclusion of checks and balances are central to the reform of planning if it is to establish balance between competing interests*

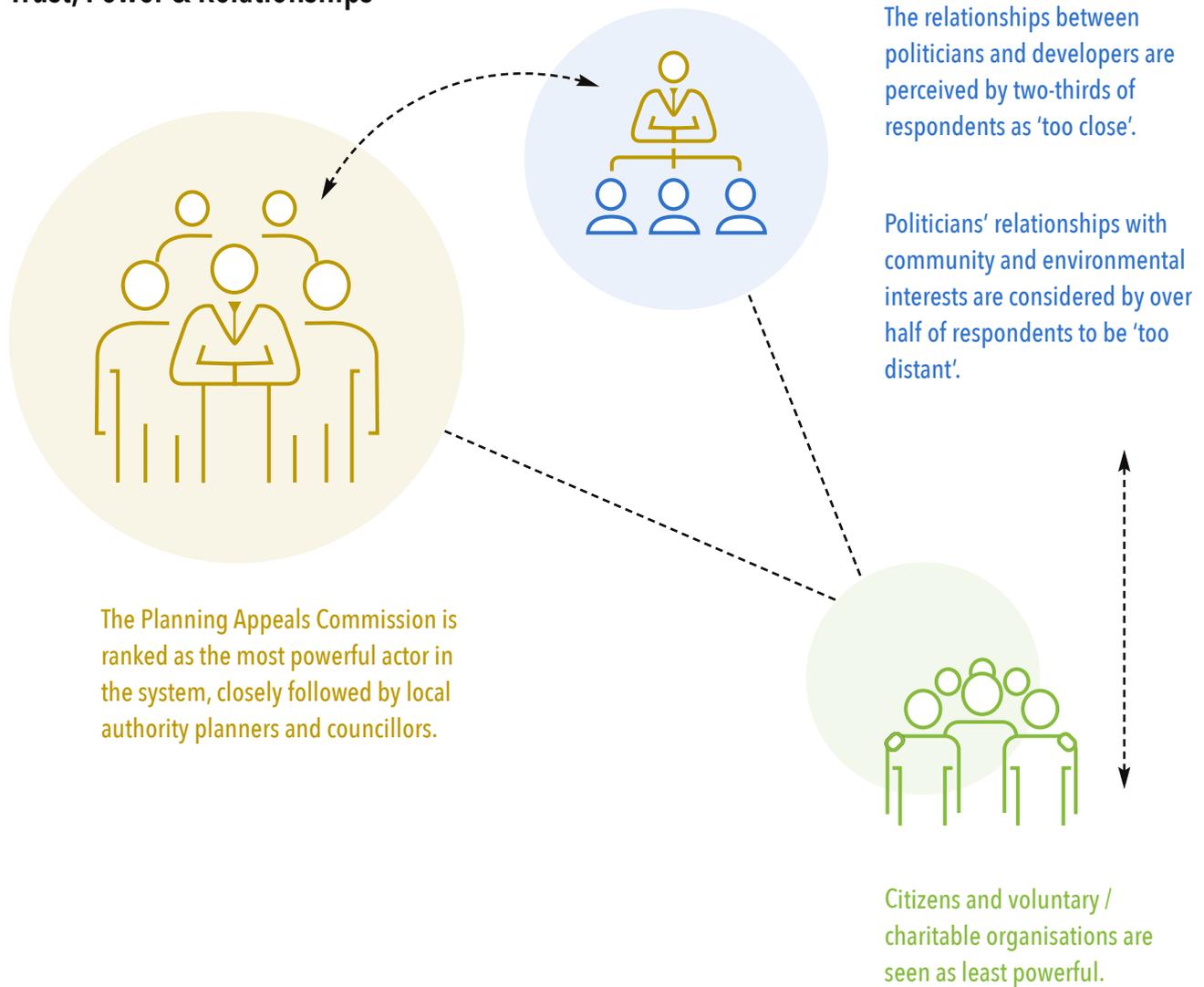
**Delivering Public Interest**



**Decision-Making, Transparency & Accountability**



## Trust, Power & Relationships



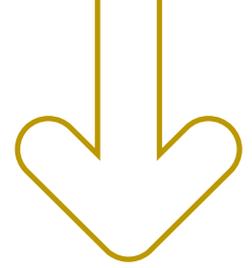
## Reform Priorities



The priorities for intervention were: enforcement of councillors' codes of conduct; publication of full justification of Planning Committees' decisions; the public registration of all lobbying about planning issues; lower thresholds on the publication of donations by developers to political parties; and the establishment of an independent planning regulator.

The priority reform issues were: lack of training for councillors; lack of transparency in the relationships between developers, politicians, and planners; potential for corruption; and poor political leadership.

Climate change and the provision of open/green space were flagged as issues that the planning systems needs to address better by over 70% of respondents.

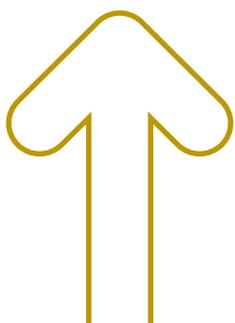


## Strength & Opportunity

It is clear that planning systems across the UK and Ireland are wrestling to achieve what the Raynsford Review (TCPA, 2018, p7) describes as a 'a balanced settlement in which the development needs of our communities are met in the most sustainable ways and in which all parts of the community have a real voice in the decision-making process.' The structural challenges faced in NI are comparable to those of its neighbouring jurisdictions, including the continued challenges of climate change and the addition of planning post-Brexit and Covid. We should seek to draw learning and solutions from the UK and Ireland to inform our ongoing discussion on spatial and community planning and to assess the potential value added through the inclusion of citizen and community rights.

NI planning system has a relatively coherent and up-to-date legislative base for spatial planning (The Planning (NI) Act 2011), and its relationship with local government and community planning is set out in the Local Government Act (NI) 2014. There are, however, clear gaps within our legislative frameworks, and major concerns about the broader coordination of development, its protection of environmental resources and climate change, the role of communities, and public trust. The fact that the region is unique in not having an independent environmental protection agency is a matter of concern, as is weaker environmental governance as compared with other parts of the UK.

*The inclusion of the community voice can potentially facilitate planning to transcend its narrow economic focus*



*“a balanced settlement in which the development needs of our communities are met in the most sustainable ways, and in which all parts of the community have a real voice in the decision-making process.”*

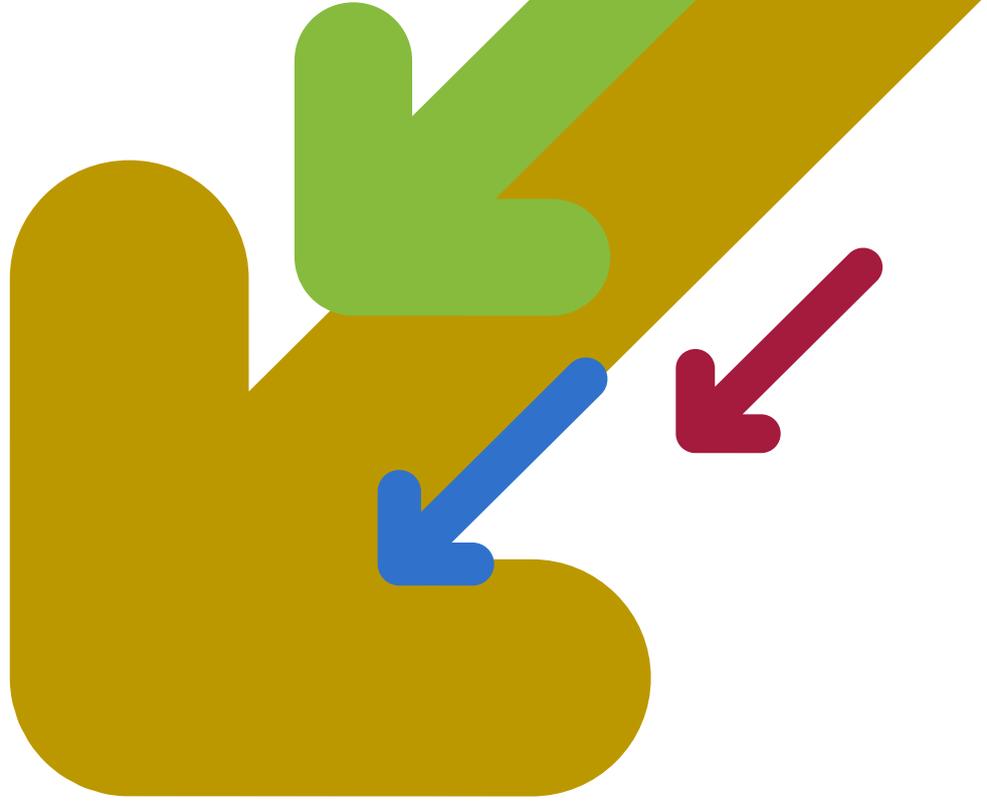
Whilst community plans feed into local plans, there is no provision to accommodate community-led plans (i.e. at the neighbourhood or sub-district level). We have failed to capitalise on the knowledge and experience within the community sector in NI and to accommodate for community-led plans to inform local place plans. Scotland has led the way in this; the Community Empowerment (Scotland) Act 2015 makes provision for community organisations to feed into planning and gives them statutory weight in decision-making processes. The Auditor General for Wales has recommended that the Welsh Government should adopt a similar approach to strengthen the voice of local communities and citizens. The inclusion of the community voice can potentially facilitate planning to transcend its narrow economic focus, that privileges short-term financial gain, towards a broader consideration of purpose; that is, one concerned with climate change and environmental quality, overcoming disadvantage, and the promotion of sustainable economic development.

## Recommendations

Alternative scenarios for ongoing improvement in the NI planning system must consider the priorities of transparency, engagement, and rights of challenge. These priorities are organised under three main themes.

- 1 An enhanced agenda for community outcomes through the planning system, i.e. using existing resources and legislation to improve the way the planning system can deliver its existing duties to promote sustainable development and well-being, including:**
  - a. Develop outcome indicators for the planning system and each local planning system.
  - b. Establish a public conflict-of-interest register covering donations and lobbying.
  - c. Provide training on delivery of community outcomes through planning.
  - d. Introduce innovative civic engagement methods.
  
- 2 Review of support for engagement, i.e. identifying the ways in which the capacity of the community sector can be enhanced so it can more effectively contribute to the planning system, including:**
  - a. Optimise the NI Planning Portal as an interface for public engagement.
  - b. Invest in research and analytical support for community-led planning activity.
  - c. Invest in technical and planning aid support.
  
- 3 Reviewing current legislative provisions, i.e. identifying those statutory provisions that may need to be strengthened if community rights are to be enhanced, including:**
  - a. Develop a legislative base for the input of community-led planning into local development plans; strategic decision-making aligned to rights to buy, for example.
  - b. Review UK Environment Bill and other legislation on impacts for planning-related information and public engagement.
  - c. Appoint an independent planning regulator for Northern Ireland.
  - d. Provide for a community right of appeal on decisions that are counter to the furthering of sustainable development and promoting or improving well-being.





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