

### PLANNING BILL As introduced to Assembly on 6<sup>th</sup> December 2010

#### SUMMARY

*(Extracted from Explanatory and financial memorandum)*

The Planning Bill consists of 248 clauses, 15 Parts and 7 Schedules. The parts are:

- **Part 1: Functions of Department of the Environment with respect to development of land.** Functions of Department of the Environment with respect to development of land. This part maintains the general background authority for the Department to formulate and co-ordinate policy for securing the orderly and consistent development of land and the planning of that development. It also re-enacts a duty on the Department to prepare a Statement of Community Involvement.
- **Part 2: Local Development Plans.** This part provides for the preparation of local development plans by district councils for their district; these will replace current Department of the Environment development plans. These local development plans will comprise two documents, a Plan Strategy and a Local Policies Plan which must be prepared in accordance with the relevant timetable and must take account of the Regional Development Strategy. Public participation in formulating local development plans and progress through to adoption will be facilitated through the Statement of Community Involvement and timetables agreed between the district council and the Department.
- **Part 3: Planning Control.** This part re-enacts key provisions from the Planning (Northern Ireland) Order 1991 (the 1991 Planning Order) which define development and set the framework for the processing and determination of applications for planning permission. A new development management approach is introduced which includes assigning different categories of development to a new hierarchy which in turn will determine the method by which applications will be processed. The majority of applications will be dealt with by district councils with the Department determining applications which are of regional significance either through direct submission or call in arrangements.
- **Part 4: Additional Planning Control.** The bulk of these functions are re-enacted from the 1991 Planning Order and transferred to district councils, although some, for example, the listing of buildings of special architectural or historic interest, are retained by the Department. Arrangements are also put in place to allow applications to be called in by the Department for its determination. New oversight powers will mean some of the actions taken by councils will require confirmation by the Department before they can take effect. New provisions are introduced which set out arrangements for dealing with consent applications on land belonging to district councils and development by council.
- **Part 5: Enforcement.** This part deals with enforcement powers which may be invoked where development has been carried out without the requisite grant of planning permission or consent under Part 3 or 4 of the Bill or a condition attached to a planning permission or consent has been breached. Enforcement powers within the 1991 Planning Order are re-enacted and transferred to district councils who will be responsible for enforcement for all breaches of planning control. The Department, however, will retain certain powers e.g. to issue an enforcement notice or stop notice where, after consultation with the district council, it appears expedient to do so.
- **Part 6: Compensation.** The responsibility for certain compensation functions which previously fell to the Department is now transferred to district councils.

- **Part 7: Purchase of estates in certain land affected by planning decisions.** This part deals with purchase notices. These provisions carry forward provisions within the 1991 Order and enable a land owner, who claims their land is left without any reasonable beneficial use by virtue of a planning decision, to issue a purchase notice to seek to have the district council acquire it from them and be paid compensation as on a compulsory acquisition.
- **Part 8: Further provisions as to historic buildings.** This part re-enacts powers within the 1991 Planning Order for the continuance of the Historic Buildings Council, for the making of grants by the Department towards the maintenance and repair of listed buildings and the acquisition of listed buildings.
- **Part 9: The Planning Appeals Commission.** This part re-enacts existing powers within the 1991 Planning Order which provide for the continuance and procedures of the PAC which is an independent appellate body established under statute to deal with a wide range of land use planning issues and related matters.
- **Part 10: Assessment of Council's performance or decision making.** This part introduces new provisions for the Department (or other appointed person(s)) to undertake audits or assessments in respect of the planning functions that will transfer to district councils. It also includes powers about the reporting of the audits or assessments.
- **Part 11: Application of Act to Crown Land.** Part 11 re-enacts provisions within the 1991 Planning Order which apply planning legislation to the Crown subject to certain exceptions (notably enforcement powers). New powers are introduced to deal with urgent Crown development applications.
- **Part 12: Correction of Errors.** The provisions have been amended to enable the district council to correct errors, which are minor and / or typographical, in planning decision documents without the consent of the applicant / landowner.
- **Part 13: Financial Provisions.** This part deals with financial provisions and re-enacts powers for the payment of fees and charges and as well as new specific powers to charge multiple fees for retrospective planning applications. Powers for the Department to pay grants for research and bursaries to bodies providing assistance in relation to certain development proposals are also re-enacted from the 1991 Planning Order. New powers are introduced to allow statutory undertakers or other councils to contribute to a council's costs when carrying out specified functions under the Bill. Further new powers to allow government departments to contribute to compensation costs of a council if those costs were incurred in the interests of services provided by that department
- **Part 14: Miscellaneous and General Provisions.** Deals with a number of miscellaneous and general provisions including the introduction of powers for persons or bodies which are required to be consulted in the determination of applications for planning permission, approval and consents to respond to consultation requests within a specified timeframe. This part also covers the re-enactment of powers relating to the application of the Bill in special cases, for example, minerals development.
- **Part 15: Supplementary.** Further miscellaneous provisions including inquiry powers - including powers in relation to the determination of applications which raise national security or security of premises issues, powers for rights of entry, powers relating to the service of notices and documents (electronically), powers relating to information as to estates in land including Crown land, planning register powers, powers to appoint advisory bodies or committees, powers relating to the time limit for certain summary offences under this Bill, powers relating to registration of matters in the Statutory Charges Register and powers to make regulations and orders.

**Schedules:**

1. Simplified planning zones
2. Review of old mineral planning permission
3. Periodic review of mineral planning permissions
4. Amendments to the Land Development Values (Compensation) Act (NI) 1965
5. The Historic Buildings Council
6. Minor and consequential amendments
7. Repeals