



Department for  
**Communities**

An Roinn  
**Pobal**

Department fur  
**Commonities**

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30 July 2021

Dear Ms Steele

## **TRANSFER OF REGENERATION POWERS TO LOCAL AUTHORITIES**

Thank you for your email dated 22 July 2021 addressed to the Minister for Communities, Deirdre Hargey, MLA. Your email has been passed to me to provide a response.

You also wrote to First Minister and deputy First Minister on this matter. This was transferred to The Department for Communities (DfC) for response as the Department with policy responsibility for urban regeneration.

You advised that Belfast City Council, at its meeting on 1st July, passed the following motion which you requested the Department consider and respond to.

**“The economic impact caused by Covid-19 has had a devastating impact on many of our businesses and it is essential Council has the necessary powers and funding to support the rebuilding of our local economy.**

**The new councils formed in 2015 were designed to be larger and more powerful, and since then Belfast City Council has demonstrated its competence and capability. Successfully undertaking planning and local economic development functions and delivering vital services.**

**One of the key levers that Councils were promised, and is now needed, is the power of regeneration. Place shaping is increasingly becoming a critical part of the**

**recovery process, especially in an environment where places will be different and there is a need of local solutions. Obtaining control of regeneration powers will also complement the Local Development Plans and our community planning framework.**

**In recognition of the consultation on Programme for Government, Investment Strategy and Budget, lobbying by NILGA and other stakeholders, we call on this council to write to The Executive Office and the Department for Communities for the transfer of full regeneration powers and associated resources to local authorities as a matter of priority as soon as an equality statement is agreed by all councils, to ensure the principle of objective need is central to any use of future powers or resources.”**

We are aware that there continues to be calls for the legislation to extend regeneration powers to local government to be reintroduced and the Minister has addressed these on a number of occasions so I will set out the Department’s current position on this matter.

The Department has a range of powers which can be used for taking forward physical, economic and social regeneration, including community development activities. The principal powers currently used by the Department to pursue physical regeneration projects are mostly contained in Part VII of the Planning (NI) Order 1991. These provide the legislative basis for progressing development schemes; acquisition, disposal and development of land for planning purposes; and the extinguishment of public rights of way over land held for planning purposes. The Department exercises these statutory powers in the public interest in the assembly and vesting of lands for the purpose of comprehensive development schemes and projects. An example where the Department worked closely with a preferred developer and used its vesting powers to acquire the necessary land to enable a Development Scheme to complete, was Victoria Square in Belfast.

An alternative provision in the Planning Order 1991 allows the Department to acquire land where it is expedient to acquire the land for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated. This allows scope for the Department to vest land in circumstances where it has not prepared a Development Scheme e.g. where the use proposed would be consistent with strategic policies and site specific proposals in the current Area Plan.

The Department also uses its Social Need (NI) Order 1986 powers to underpin a wide range of activities to support diverse regeneration and community and voluntary sector projects. The bulk of the Department’s activities in this area involve the provision of financial assistance to third parties (including local councils, government agencies, private businesses and community groups). The Department also relies on its Social Need Order powers to fund environmental improvement works ranging from tree planting to major public realm initiatives such as the ‘Belfast Streets Ahead’ programme.

As part of the Reform of Local Government (RLG) certain regeneration responsibilities and the associated resources were to transfer from the Department to local government. To give effect to that decision a draft Regeneration Bill was prepared which provided for the powers available to the Department to be conferred on councils to allow them, where necessary, to address issues related to social need and to take forward regeneration within

their areas. It also provided for the transfer of functions associated with Laganside to Belfast City Council.

The Department and its immediate predecessor (The Department for Social Development/DSD) developed proposals to transfer regeneration powers to local councils on a number of occasions as part of the wider Reform of Public Administration (RPA) and a number of attempts were made to put the necessary legislation in place - in 2011, 2015 and 2016. On each occasion this did not progress due to a lack of consensus on the issue. There are significant practical difficulties associated with the reintroduction of similar legislation including the requirement for primary legislation. It would not be possible to complete the passage of such legislation in the current Assembly's mandate.

Since the decision in 2016 not to progress the Regeneration Bill the Department has been working ever more closely with councils and this collaboration is working well at present. This is a relationship which has been strengthened further in our response to Covid-19 where the Department collaborated with councils and other stakeholders to develop locally designed recovery plans funded through the Covid-19 Recovery Revitalisation Programme.

The Minister is committed to strengthening this collaboration and focussing even more on partnering, co-design and delivery.

Yours sincerely



Ciaran Donnelly  
Director / Belfast Regeneration Directorate