

PLANNING REFORM CONSULTATION PAPER

ONLINE RESPONSE FORM

Once you have completed this form please
return by e-mail to:
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All responses should be submitted to the
Department no later than 2nd October 2009



RESPONDENT INFORMATION

Please Note that this form **must** be returned with your response to ensure that we handle your response appropriately.

In keeping with our policy on openness, the Department will make responses to this consultation paper publically available. When publishing responses received on behalf of organisations the Department will also publish the organisation's name and address. When publishing responses received on behalf of individuals the Department will not publish details of the individual's name and address.

1. Name/Organisation

Organisation Name

Quarry Products Association NI

Title

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3. Are you responding:

As an individual

On behalf of a group / organisation

4. Which of the following best describes the capacity in which you are responding:

Developer

Agent/Architect

Business

Member of Public

Environment Group

Council / Councillor

MLA, MP, MEP

Other Please state: Trade Association for the Aggregates and Quarry Products Sector in Northern Ireland representing members of the Quarry Products Association NI.

5. Acknowledgment

Individual responses will not be acknowledged unless specifically requested

CHAPTER 2 - PLANNING POLICY

Question 1

Do you agree that, in future, planning policy statements should provide strategic direction and regional policy advice only, which would then be interpreted locally in development plans?

Yes No

QPANI support the objectives for the reform programme to bring about improvements to the planning system and understand that come May 2011 we will be operating in a fresh new system. However the linkages between the RDS, the local development plans process and PPSs need to be clearly established. Our Association has questioned the future role of the Department of Regional Development and future reviews of the Shaping Our Future - The Regional Development Strategy for Northern Ireland 2025 (RDS).

Question 2

Do you consider there are any elements of operational policy which should be retained in planning policy statements?

Yes No

QPANI agree there should be some operational policies in the suite of PPPs, this should be in a case by case basis and not be left to individual councils to determine. QPANI highlight the urgent need for PPS 19 to be prepared and published before the transfer of responsibility to Councils, because of the specialist nature of minerals.

QPANI have been a key advocate and stakeholder in the development of PPS19, to create a sustainable aggregates industry that will continue to be responsible and deliver essential materials to meet the needs of a growing and vibrant economy. We believe it is essential that the PPS19 is published as soon as possible and it encompasses a clear strategy on developing mineral planning in Northern Ireland. It is our belief that as part of a Mineral Policy we need to have an aggregates mapping programme.

CHAPTER 3 - TOWARDS A MORE EFFECTIVE DEVELOPMENT PLAN SYSTEM

Question 3

Do you think it appropriate to commence a ‘plan led’ system in advance of the transfer of the majority of planning functions to district councils under the Review of Public Administration?

Yes No

QPANI is in support of a ‘plan led’ system in advance of the transfer under RPA as we believe it should be an all or nothing approach. However, this needs consistency. Again, we stress the need for PPS 19.

Reiterating the importance and specialist nature of the Minerals Industry (question 2), we call for a centralised Minerals Unit shared between the 11 Councils. QPANI would highlight the need for the experienced staff within the minerals unit to be retained as it is commonly accepted within the Department that it takes a considerable period of time for a planning officer to be trained in Minerals Planning. Unfortunately over the past number of years there has been a decline in minerals experience within the unit and consequently it is important that the remaining experience both in the Minerals Unit and those who previously worked within the section are retained to provide relevant training of the more junior staff members.

Question 4

Do you agree that the objectives contained in paragraph 3.6 are appropriate for local development plans?

Yes No

On the whole QPANI are supportive with the proposed objectives, however we question the testing of and what is meant by the ‘robustness’ of the plan.

Local development plans need to be evidence based, and the awaiting Aggregates Mapping Programme together with a supply / demand assessment and policy of mineral safeguarding will enable Northern Ireland to accurately and sustainably manage the future supply of construction aggregates. The mapping programme will ensure that

accurate baseline information is available to warrant good decision making by all stakeholders involved in the winning, use and protection of our natural resources.

Question 5

Do you agree that the functions contained in paragraph 3.7 are appropriate for local development plans?

Yes No

QPANI deem the proposed 15-year plan framework is somewhat long, and to counter that a safety mechanism should be built in to review local development plans every 5-6 years.

QPANI recommend a sixth function be included to endorse spatial planning - “Provide a framework for construction aggregates”.

It is important that Local Development Plans protect essential minerals infrastructure and includes measures to protect valuable mineral resources from sterilisation by development. Such measures include:

- Defining safeguarded sites e.g. zoning - including proposed preferred areas and existing sites - to be protected from encroachment and / or re-development. This would also protect a residence from any potential or perceive nuisance factor.
- Defining Mineral Safeguarding Areas and Minerals Consultation Areas - for use by the 11 District Councils in plan-making and considering planning applications.
- Setting out requirements detailing the circumstances when the District Councils should consult the mineral planning authorities on proposals that may affect minerals or minerals infrastructure.

Question 6

What are your views on the proposal that a district council’s statement of community involvement must be in place before any public consultation on the local development plan?

QPANI are content with the proposals that the present obligation on DOE to produce a Statement of Community of Involvement should also be placed on the 11 Districts Councils. We agree that District Councils should be required to have this statement in place before any consultation on the development plan can begin (though no timescale has been indicated) - but this should not give any unnecessary delay to the preparation of development plans. QPANI also ask that DOE measures the consistency in preparation and implementation of SCIs across all Councils.

Question 7

What are your views on the proposal for a programme management scheme?

We're satisfied - essentially the Programme Management Scheme (PMS) will set down how everything is going to work, and it should provide District Councils, Stakeholders, Consultees and the Public transparency in the system. The PMS must be prepared using SMART objectives, otherwise if it is impractical and unachievable it will become meaningless.

Question 8

Do you agree that a preferred options paper should replace the issues paper?

Yes No

QPANI believe this to be a positive approach.

Question 9

Do you agree with the proposal to introduce a local development plan process that comprises two separate but related documents to be published, examined and adopted separately and in sequence?

Yes No

QPANI has reservations on a two-staged approach; chiefly we feel that we need to see the site specific policies and proposals primarily to perceive if we can engage in the plan strategy (i.e. need to know the lines on the map). There is often a need to feedback changes to strategic policy when the site specific arguments are put forward for examination and adoption. We require clarity on the flexibility of allowing alterations to the policies and strategy.

Question 10

What are your views on the proposal to deal with amendments to the local development plan?

QPANI agree with the said proposals.

Question 11

What are your views on the proposal that representations to a local development plan will be required to demonstrate how their proposed solution complies with robustness tests and makes the plan more robust?

We agree with the added robustness in dealing with representations, which ought to give surety that political persuasion in councils cannot become overriding, it should not be affected by an individuals interest or by NIMBY lobbying, and rather it focuses on the merits of the plan.

Question 12

What are your views on the proposal that representations to a local development plan will be required to demonstrate how their proposed solution meets the sustainability objectives of the local development plan?

QPANI feel this is a good idea from the outset, however there needs to be a clear definition of sustainability with a balanced understanding of social, economic and environmental requisites.

Question 13

Should the Department give the examiner(s) the power to determine the most appropriate procedures to be used in dealing with representations to the local development plan?

Yes No

QPANI objects to this proposal, this would in effect remove QPANI members the right to a hearing.

Question 14

Do you agree that the representations to the plan should be submitted in full within the statutory consultation period, with no further opportunity to add to, or expand on them, unless requested to do so by the independent examiner?

Yes No

QPANI support the view that representations should be submitted in full within the statutory consultation period, however there should be sufficient time given for this process.

Question 15

What are your views on the proposals for counter representations?

QPANI is content with this proposal but we are quick to add only if Councils gets it right.

Question 16

Do you agree that the basis for examining plans should be changed from an objection-based approach to one which tests the 'robustness' of plans?

Yes No

QPANI is satisfied that the development plan should be tested for its robustness and that specific representations should demonstrate that they can add to robustness.

Question 17

What are your views on the recommended approach for examining local development plans?

QPANI is in concurrence with the proposal that Councils must submit draft plans to DOE for scrutiny; this should provide consistency amongst all plans. We see the benefits of the PAC being the main body providing examiners to carry out the examination of local development plans, however more information is required on whom the other examiners, if used, will be?

The role of the RDS seems to be reduced in the reform proposals, as the requirement for 'conformity' will not be carried forward for local development plans prepared by district councils instead only DOE will have regard to the RDS in exercising any functions in relation to development in NI post-RPA. It is not clear what the continued role of DRD will have in aligning Local Development Plans to the RDS?

QPANI considered that it would make sense to have a combined DOE and DRD (one single department) rather than having two departments dealing with planning matters.

Question 18

What are your views on the proposals to ensure regular monitoring and review of local development plans?

QPANI support the proposals to ensure regular monitoring and review of local development plans. Councils will require resources to be able to properly monitor and report on this.

Question 19

Do you agree with the proposed content of local development plans as set out in paragraph 3.44?

Yes No

Question 20

Do you consider that the topic areas contained in paragraph 3.46 are appropriate for inclusion in local development plans?

Yes No

Question 21

Do you agree that district councils should be required to prepare sustainability appraisals as part of their local plan preparation process?

Yes No

QPANI feel that it is paramount that district councils should be required to prepare sustainability appraisals as part of the process. As raised before we need conformity across the board on the interpretation of what meets the balanced definition of sustainability.

Question 22

What are your views on the proposal that the Department should have the powers to intervene in the making, alteration or replacement of a local development plan by the district council?

We are content with the Department having the powers to intervene as a last resort and we feel that it is a good safety mechanism.

Question 23

a) Do you agree that district councils should be given the power to make joint local development plans if they so wish?

Yes No

b) Do you consider that such powers would adequately deal with instances where neighbouring district councils would consider it beneficial to work together?

Yes No

Mineral deposits are not evenly distributed and there are often imbalances between where the demands for aggregates arise and where the resources are located. This means that minerals have to be moved from where they are found to where they are required and that Local Development Plans and policies in one area may need to reflect the demands of areas some distance away. Moreover, even where suitable resources exist in apparent abundance, their extraction may be constrained by consideration of such matters as landscape, amenity, nature conservation or agriculture.

Therefore, QPANI support powers that would adequately deal with instances where neighbouring district councils would consider it beneficial to work together. Minerals are a significant illustration, and a steady supply of aggregates needs to be safeguarded on a regional level.

A Regional Policy on Minerals (PPS19) needs to be published in advance of the transfer of planning functions to district councils and is essential to the introduction of a 'plan led' system. An Aggregates Mapping Programme for Northern Ireland followed by an analysis of the supply/demand and zoning to safeguard minerals is also of paramount priority for the Department to complete.

QPANI is in strong opposition to Area Of Constraint on Mineral Developments published in Area Plans to date, as they did not pay due regard to the abovementioned assessment of minerals on a regional and a spatial planning scale.

Question 24

What are your views on the proposed transitional arrangements for development plans?

The transitional arrangements are to be expected, nevertheless all parties should make sure that the transitional areas start working right away and don't wait until 'day one' to begin on area plans. QPANI suggest DOE work closely with the proposed new Councils Transitional Committees. If DOE was to stop working on new plans and only continues to progress those already at draft plan stage there would be a long gap in up-to-date policy for some areas of NI.

CHAPTER 4 - CREATING A STREAMLINED DEVELOPMENT MANAGEMENT SYSTEM

Question 25

Do you agree with the proposed introduction of a new planning hierarchy to allow applications for the three proposed categories of development to be processed in proportion to their scale and complexity?

Yes No

Question 26

Do you agree with the 3 proposed categories of development (regionally significant, major and local) and their respective definitions?

Yes No

Question 27

In relation to applications for regionally significant development, do you consider that the 4 legislative criteria (see paragraph 4.14), in association with a pre-application screening requirement, are sufficient to identify relevant potential developments?

Yes No

QPANI welcome this, but would like recognition that Mineral Applications will be considered and that they are a priority in the system.

Question 28

Do you have any comments on the proposed thresholds for the different types of development categories, particularly in relation to the classes of major development described in table 2?

Yes No

As above

Question 29

Do you agree with the proposed approach to urban/rural variation in setting the proposed housing thresholds for major development?

Yes No

No Comment.

Question 30

Do you agree that performance agreements should be in place before the submission of regionally significant applications?

Yes No

QPANI agree the PA's should be in place before submission, this will support the 'front loading' of the development management system and formalise the communication between the Department, the developer and other parties.

Question 31

What are your views on the suggested elements contained within a performance agreement, and setting a timescale specific to each individual application?

Targets in Performance Agreements should be informed, agreed and be transparent and enforceable. There should be penalty points for parties not complying with performance agreements; otherwise the contract will become worthless.

Question 32

Do you agree that this should be a voluntary (i.e. non-statutory) agreement?

Yes No

Question 33

Do you agree that developers should hold pre-application consultation with the community on regionally significant developments?

Yes No

We agree wholly and this demonstrates best practice in a development management system. QPANI would welcome a definition of 'community' as sometimes it can be difficult identifying who the deemed community are and the planning authority should assist with this. QPANI consider that the 'community' should be limited to the immediate area where the proposed development is located.

Question 34

Do you agree pre-application community consultation should be a statutory requirement?

Yes No

QPANI do not support this being made a statutory requirement as it could become a tick-box exercise, whereby it should demonstrate best practice. Any professional development will be completing this anyway and appropriate consultation will take place. As an industry we welcome good quality involvement but consider it should be on a voluntary rather than a statutory instrument.

Question 35

Do you have any views on what the form and process for verifying and reporting the adequacy of pre-application consultation with the community should involve particularly in relation to the elements indicated at paragraph 4.32?

Yes No

The proposals are reasonable for an appropriate level of consultation.

Question 36

Do you agree with introducing the power to decline to determine applications where pre-application community consultation has not been carried out or the applicant has not complied with the requirements of pre-application community consultation?

Yes No

QPANI proposes that pre-application discussions are complete as best practice and not statutory therefore no power to decline? (Q.34)

Question 37

Do you agree that the Department should determine applications for regionally significant development in association with the proposed statutory screening mechanism?

Yes No

Provided it doesn't waste time.

Question 38

Do you agree with the proposal to designate a district council as a statutory consultee where it is affected by an application for regionally significant development?

Yes No

Question 39

Do you agree with the proposed notification and call-in mechanism, including the pre-application and application stages indicated in diagram 2, for applications for regionally significant development?

Yes No

QPANI agree to the need for reserve powers which enable the Department to call-in applications. Such powers should only be used within reason.

Question 40

Do you agree that if the Department decides not to call-in a notified application it should have the option to return the application to the district council, either with or without conditions, for the district council to grant permission subject to conditions that may be specified by the Department?

Yes No

QPANI is content that the Department should have the option of identifying planning conditions considered necessary to ensure the acceptability of development where it decides not to call in an application.

QPANI believes that in the interests of good mineral planning practice that the Department and Council initiate the practice of informing operators/agents of the draft planning conditions which are to be imposed on mineral planning permissions. This practice is beneficial to the Industry and the Department/ Council in the processing of mineral planning applications in so far as it would highlight, before the decision notice is issued, any unworkable conditions or conditions which the operator would find impossible to comply with.

Question 41

Do you agree with the proposal giving the Department the option to appoint independent examiners to hold a hearing or inquiry into applications for regionally significant development?

Yes No

QPANI consider there should be an option to give flexibility when the PAC cannot timetable such an enquiry/hearing within a reasonable period.

QPANI supports the CBI view that the PAC should be fully resourced to be able to timetable more than one major inquiry/hearing at anyone time (as they are currently saying they cannot do).

Question 42

Do you agree that the Department should prepare hearing and inquiry procedure rules for use by independent examiners?

Yes No

Question 43

Do you agree that the processes for performance agreements should also apply to applications for major development?

Yes No

Question 44

Do you agree that the processes for statutory pre-application community consultation should also apply to applications for major development?

Yes No

QPANI consider this to be best practice and not to be made a statutory obligation otherwise it could become a tick-box exercise rather than a valuable process. The nature of pre-application community consultation should clearly depend on the size and nature of development, especially pertinent in the minerals industry due to scale and

location. As an industry we endorse community liaisons on a continuous basis and not just as a pre-application procedure.

To support the major development applications, QPANI is preparing best practice guidance for the minerals industry on how to engage their community in pre-application discussions.

Question 45

Do you support a power for district councils to hold pre-determination hearings with discretion over how they will operate, where they consider it appropriate for major developments?

Yes No

Councils should have power to hold pre-determination hearings on major developments. Clear procedures should be set out and this should not be used as a reason for causing delays.

Question 46

Do you consider that there are other circumstances in which district councils should have the scope to hold such hearings?

Yes No

Question 47

Where a performance agreement has not been reached, do you consider it appropriate to extend the non-determination appeal timescale for applications for major development to 16 weeks?

Yes No

QPANI considers that regardless of whether or not a performance agreement is in place, applicants should retain the right to appeal within the normally accepted period.

Question 48

Do you agree that district councils, post-RPA, shall be required to introduce schemes of officer delegation for local applications?

Yes No

Question 49

Do you agree that, post-RPA:

a) the list of statutory consultees should be extended;

Yes No

b) categories of development, linked to the development hierarchy, that require consultation (including pre-application consultation) before applications are determined by the planning authority should be introduced?

Yes No

Question 50

Do you agree, post-RPA, that statutory consultees should be required to respond to the planning authority within a specified timeframe?

Yes No

Statutory Consultees should be required to respond to planning authorities within a specified timeframe. Any extension to the timeframe has to be agreed with the applicant. We also consider that Consultees should have one opportunity to respond to consultation and that responses must be substantive and not just 'holding responses'. Their response times should be part of a public reporting duty and applicants should be kept informed of progress with the consideration of their proposals by Consultees at all times.

Question 51

If so, what do you consider the specified timeframe should be?

QPANI is in support of a 21 day timeframe.

Question 52

Do you agree that the existing legislation should be amended and clarified to ensure that anyone wishing to demolish any part of an unlisted building in a conservation area/ATC/AVC requires conservation area consent or planning permission?

Yes No

No Comment.

Question 53

Do you agree that the planning authority should be able to require that, where possible, proposed development should enhance the character of a conservation area?

Yes No

No Comment

Question 54

Do you agree that the normal duration of planning permission and consent should be reduced from five to three years?

Yes No

QPANI is strongly opposed to the proposal to decrease the normal default duration of planning consents. If anything it should be double for the minerals industry, considering the investment put into acquiring planning permission. Minerals is a different form of land use compared to other forms of development and bearing in mind the current economic climate there should be special circumstances that it is increased.

Question 55

Do you agree that a statutory provision should be introduced to allow minor amendments to be made to a planning permission?

Yes No

So long as this must be agreed with the applicant and the landowner.

Question 56

Do you have any comments on the details of such a provision as outlined at 4.100?

Yes No

If conditions are made in error by the Planning Authority there should be no fee to change them as it is their mistake.

QPANI would like to raise an additional point on imposing conditions - Planning authorities should be made aware that it is good practice to make an applicant aware of the conditions that they intend to attach to a planning permission well in advance of the determination date. Agreement between the authority and the applicant on the conditions should be the objective and where agreement has not been reached, the committee should be made aware of that at the time of determination.

Question 57

Would you be in favour of enabling the planning authority to correct errors in its planning decision documents without the consent of the landowner or applicant?

Yes No

No, they may change something fundamental that could impact on the value of the granted permission. This proposal is not in the ethos of the Reform of Planning. In all circumstances, this should be done with agreement of the applicant and landowner.

CHAPTER 5 - APPEALS AND THIRD PARTY APPEALS

Question 58

a) Do you agree that the time limit to submit appeals should be reduced?

Yes No

b) If so, what do you think the time limit should be reduced to - for example, 4, 3 or 2 months?

QPANI considers a timeframe of 3 - 4 months to be reasonable, a lesser time could present a case of submitting appeals to only secure time therefore presenting ill-informed appeals.

Question 59

Do you agree:

a) that the PAC should be given the powers that would allow it to determine the most appropriate method for processing the appeal;or

Yes No

b) that applicants should be allowed to choose the appeal method?

Yes No

QPANI is opposed to PAC being given such powers and that appellants should be allowed to choose the appeal method.

Question 60

Do you agree that parties to appeals should not be allowed to introduce new material beyond that which was before the planning authority when it made its original decision?

Yes No

What is being proposed is less flexible and less responsive. The introduction of new material at an appeal allows for more movement and presents an opportunity to keep dialogue open.

Question 61

Do you agree with the proposal that the planning authority should be able to refuse to consider a planning application where a 'deemed application' associated with an appeal against an enforcement notice is pending?

Yes No

Question 62

Do you agree that the planning authority should have the power to decline repeat applications where, within the last two years, the PAC has refused a similar deemed application?

Yes No

Question 63

Do you agree that a time limit of 2 months should be introduced for certificate of lawful use or development appeals?

Yes No

QPANI feel this should be 3 months, keeping consistency.

Question 64

Do you agree that the PAC should be given a power to award costs where it is established that one of the parties to an appeal has acted unreasonably and put another party to unnecessary expense?

Yes No

Question 65

Do you think the new district councils should be able to establish local member review bodies to determine certain local planning appeals?

Yes No

All appeals procedures must be fully independent of the decision making body.

Question 66

If so, what types of applications should this apply to?

None

Question 67

Should provision for third party appeals be an integral part of the NI planning system or not? Please outline the reasons for your support or opposition.

Yes No

QPANI is strongly against this proposal and we consider that in running a Third Party Appeals system would add to notable delays and additional costs. QPANI considers that the front loading of the system through best practice in pre-application consultation already enhances and makes for a more democratic process.

Question 68

If you do support the introduction of some form of third party appeals, do you think it should an unlimited right of appeal, available to anyone in all circumstances or should it be restricted?

N/A

Question 69

If you think it should be a restricted right of appeal, to what type of proposals or on what basis/circumstances do you think it should be made available?

N/A

CHAPTER 6 - ENFORCEMENT AND CRIMINALISATION

Question 70

Do you agree that a premium fee should be charged for retrospective planning applications and, if so, what multiple of the normal planning fee do you think it should be?

Yes No

QPANI agree that a premium fee should be charged for retrospective planning applications in order to discourage illegal operations and development. In the past mineral operators have been forced to proceed without planning permission because of the unduly time delays in the system and put in for retrospective planning based in business need e.g. Replacement equipment that doesn't change impact or any measure that reduced environmental impact and improved health & safety, including minor works - wheel washes, covers for conveyors, creation of hardstanding etc... QPANI understand post-RPA we will be operating in a more efficient planning system and with the anticipated Permitted Development Rights for the minerals industry should do away this practice.

QPANI call for a 12-month delay in implementing a premium charge for retrospective planning until the handover to Councils is well into operation. We also propose that

anything identified under the Review of Old Mineral Permissions (ROMPS) should be excluded.

QPANI would suggest a multiple of 3 as per ROI.

Question 71

Do you think the Department should consider developing firm proposals for introducing powers similar to those in Scotland, requiring developers to notify the planning authority when they commence development and complete agreed stages?

Yes No

This is untested in Scotland, and should be monitored for a few years before the Department considers.

Question 72

Do you think the Department should consider developing firm proposals for introducing Fixed Penalty Notice powers similar to those in Scotland?

Yes No

As above, untested as yet in Scotland.

Question 73

Do you think the Department should give further consideration to making it an immediate criminal offence to commence any development without planning permission?

Yes No

QPANI work endlessly to promote a level playing field for legitimate responsible companies, steady supply of sustainable aggregates and to ensure the protection of the environment. Illegal operators fly in the face of this and because of legal limitations by the regulators they have been unwilling or unable to stop unauthorised extraction operations. Many illegal operators have been able to supply materials in to local markets, and in some cases to Government projects and agencies, without planning permission and other required licences to the detriment of legitimate business and the reputation of the industry.

As an industry we support any powers that send a clear message too and deters illegal operations that damage lawfull businesses and the environment, however, this would be subject to clarification on all levels and QPANI agree with the arguments against criminalisation set out in paras 6.15 and 6.16 of the consultation paper.

QPANI opposes criminalisation, and proposes a significant increase in the level of fine on prosecution when the system is deliberately abused.

CHAPTER 7 - DEVELOPER CONTRIBUTIONS

Question 74

Do you agree that there is a case for seeking increased contributions from developers in Northern Ireland to support infrastructure provision?

Yes No

QPANI is fine with the concept and knows of contributions developers have completed to date. However, in response to this question our opinion is no. Government and DOE should be mindful of the current economic situation and this is not the right time to introduce such scheme placing additional burdens on development in the present circumstances which would deter a recovery.

QPANI support CBI in their response:

The principle that a planning agreement should relate directly to a development should be reiterated in any new legislation. A development tariff should not be considered as it breaks any link between the two and is open to future abuse.

The development plan should specify clearly what type of contributions would and will be sought from relevant developments.

The Councils should have strict rules and an administrative set up to enable them to manage the income from planning agreements and ensure these are spent directly on the necessary and relevant infrastructure for each development.

Given the position of the property market and construction industry in N Ireland at present this is not the right time to implement a scheme for increased contributions to infrastructure.

Question 75

If so, should any increase be secured on the basis of extending the use of individual Article 40 agreements with developers on a case by case basis?

Yes No

No Comment

Question 76

Alternatively, should a levy system of financial contributions from developers be investigated in Northern Ireland to supplement existing government funding for general infrastructure needs, e.g. road networks, motorways, water treatment works etc., in addition to the requirements already placed upon developers to mitigate the site-specific impact of their development?

Yes No

QPANI feels this is a further tax on development. In respect to QPANI Members' commercial interest - Quarrying and quarry products manufacturing development should be void from such a levy system.

Quarrying is a fundamentally different form of development. The introduction of levy system of financial contributions for quarry development would introduce unacceptable market distortions and would have a negative impact on essential mineral supplies.”

Question 77

What types of infrastructure should be funded through increased developer contributions, e.g. should affordable housing be included in the definition?

No Comment.

Question 78

If such a levy system were to be introduced in Northern Ireland should it be on a regional i.e. Northern Ireland-wide, or a sub-regional level?

No Comment.

Question 79

If such a levy system were to be introduced should all developments be liable to make a financial contribution or only certain types or levels of development e.g. residential, commercial, developments over a certain size?

QPANI is opposed to such a levy system (as per Q. 76). To reinforce this message the introduction of levy system of financial contributions for quarry development would introduce unacceptable market distortions and would have a negative impact on essential mineral supplies. In regard to 'certain development types or levels', quarrying

operations can cover large areas of land, therefore “developments over a certain size” should not be defined by reference to their size. All mineral development should be void from contributions.

CHAPTER 8 - ENABLING REFORM

Question 80

The Department invites views on how we (and other stakeholders) might ensure that all those involved in the planning system have the necessary skills and competencies to effectively use and engage with a reformed planning system.

Planning Service and District Councils will need sufficient resources and priority to ensure the smooth transition of roles and responsibilities. This should include the retention of experienced and competent Minerals staff to retain a centralised Minerals Unit for all District Councils to avail off.

The transition to Councils needs to be carefully timetabled so competent staff are in place to carry out the new planning responsibilities come May 2011. Capacity training needs to take place to support the change in culture away from development control to development management. Councillors will have a particularly important role in planning. It is therefore vital that those elected who are involved in taking planning decisions understand the operation of key elements of the new planning system and the ethical issues underlying the handling of planning matters. QPANI will continue to engage with the Department, Councils and Stakeholders on all matters of the industry and to facilitate understanding.

The essential element of the reformed planning system is a comprehensive and up-to-date set of PPSs and Local Area Plans that should included a Policy on Minerals. QPANI believe that a positive approach and higher profile to minerals extraction must be adopted by District Councils, Consultees and the public based on the fact that quarrying is an essential part of modern society and aggregates are a vital resource for economic growth and development, making a significant contribution to Northern Ireland’s prosperity, quality of life and not least in helping to create and develop sustainable communities. Everyone involved in the planning process must understand and appreciate that these vital materials can only be worked where they occur.

Question 81

Post-RPA, do you agree that central government should continue to set planning fees centrally but that this should be reviewed after 3 years and consideration given to transferring fee setting powers to councils?

Yes No

There needs to be a level playing field across Northern Ireland and therefore one standard fee across all Councils.

Question 82

Do you agree that central government should have a statutory planning audit/inspection function covering general or function-specific assessments?

Yes No