

An advisory Council to the
Department of the Environment

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Prof. Gabriel Cooney BA MA PhD
Chairman

2nd October 2009

Mrs C. Smith
Chief Executive
Planning Service
19-25 Millennium House
Great Victoria Street
Belfast
BT2 7BN

Dear Mrs Smith,

This is a covering letter to the Historic Monuments Council's completed 'online response' to the Department of the Environment's consultation paper on 'Reform of the Planning System in Northern Ireland: Your chance to influence change'. Council welcomes the opportunity to respond and to provide its advice to the Department on this paper given the significance of the changes proposed which will impact on every aspect of the planning system. Combined with the proposed transfer of responsibilities to district councils under the Review of Public Administration this represents a very wide-ranging change to the planning system.

In responding to the consultation paper Council has concentrated on what it adjudges to be five key questions (**1, 25, 33, 49, and 76**) which have much wider consequences. Detailed responses are provided to these questions in the online response document. To emphasize the significance that Council places on the relevant issues raised by these five questions I wish to place formally on record the view of the Historic Monuments Council on these questions in this letter. In addition, Council would like to make a comment on the issue of permitted development which while discussed in the paper does not appear to have questions directly pertaining to it. In this context the comment is placed as seems appropriate from the text of the paper, prior to the response to question 49.

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?

No, The Historic Monuments Council does not agree with this question. Planning Policy Statement 6 on Planning, Archaeology and the Built Heritage has proved to be a very effective policy statement in the management and protection of the quality of the historic environment. What PPS 6 is based on is the public value of sustaining the quality of the historic environment. For the present and well into the future, until after the new planning and district council structures have been put in place the established policies contained in PPS need to be retained.

Cont'd.

They provide a clear, coherent and strategic overview for Northern Ireland, guiding planning decisions and forming a critical and coherent element in the overall Regional Development Strategy. There is a very real danger that the quality and coherence of the management and protection of the built heritage will decrease significantly if left to local interpretation in development plans, plans which have yet to be prepared and at a time when the level of advisory and expert resources that will support the preparation of development plans is unclear. Of course at some future date it might be plausible if appropriate structures and resources are available to guide district councils that planning policy statements should provide strategic direction and regional policy advice only.

- The Historic Monuments Council wishes to reiterate its advice that presently and for the foreseeable future it is vital to maintain the status of planning policy statements, specifically PPS 6, as policy statements, provide the basis and direction for the implementation of planning policy in development plans. Given that one of the aims of the proposed reform of the planning system is to 'engage communities' this opportunity should be taken to strengthen the operational guidance and advice contained within PPS 6 to embed the concept of 'public value' in the practice of development-led archaeology in Northern Ireland.

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?

No, the Historic Monuments Council does not agree with this question. In the relevant chapter (4) of the consultation paper there is no statement or clarity on the vital question of who will assess the impact on the quality and sustainability of the historic environment of different categories of development under the proposed new planning hierarchy. At the moment impacts are expertly assessed by NIEA under the SLA (Service Level Agreement) with the Planning Service. It would seem clear that this arrangement will continue for regionally significant developments. It is not at all clear how the impact of major and local developments will be assessed by district councils. Who will provide expert advice to these councils? Will there be SLAs or a different mechanism between the councils and NIEA? Both individually and cumulatively the potential impact of local developments can be significant. How will NIEA continue to be involved at all levels of the proposed hierarchy? For example in terms of local developments Listed Building Consent may be required and this is not a minor matter. Such small-scale local developments may also require Scheduled Monument Consent if the development impacts on a scheduled monument as defined under the HMAO Order 1995. Scheduled Monument Consent does not come under the planning system at all but the consultation paper shows little awareness of how proposed changes, such as the planning hierarchy, will impact on archaeological monuments that have such statutory protection.

It is clear from the consultation paper that there has been inadequate consideration of the consultation with bodies such as the NIEA, and statutory councils such as the Historic Monuments Council, in the context of the reform of the planning system and the Review of Public Administration.

- The Historic Monuments Council would advise that there should be a formal consideration of how consultation with bodies such as the Council, the other statutory advisory councils and indeed NIEA itself, will be conducted in the planning process after the Review of Public Administration.

Question 33 - Do you agree that developers should hold pre-application consultation with the community on regionally significant developments?

Council would be concerned about the transparency and fairness of such a process. As defined in the paper (p.60) such proposals have a critical contribution to make to the economic and social success of Northern Ireland as a whole, or a substantial part of the region. In this context it is difficult to envisage how the diversity of the 'community' of Northern Ireland could be effectively represented at such a consultation. Clearly there needs to be definition of who or what the community is and care would have to be taken that the consultation was not confined to individuals or groups supportive of the development.

COMMENT ON PERMITTED DEVELOPMENT

Given the potential of the expansion of permitted developments (see pp 83-85, paras 4.66-77) to uncover archaeological deposits, for example in terms of renewable energy generation where ground heat pumps are installed to extract geothermal energy, Council would advise that such proposed changes and expansion should be put out to consultation and that clarification is required on a number of issues, for example in the definition of what is 'small-scale' when applied to householders and non-household.

Question 49 – Do you agree that, post-RPA:

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

Yes, the Historic Monuments Council would strongly agree with both parts of this question. A major flaw in the consultation paper is that it is not clear that there has been any detailed consultation with bodies such as the statutory advisory councils, or the NIEA itself as to how the consultation process will work, post-RPA. With reference to Question 25 above how can there be any confidence in the ability of the proposed planning hierarchy to assess the impact of proposed developments when the question of the process of consultation is literally that and has not be considered as an integral part of how the reform will work on the ground?

- The Historic Monuments Council advises that it is absolutely critical if the planning system is going to sustain the quality of the historic environment for the public benefit of the people of Northern Ireland that current types of consultation, as per the SLA between NIEA and the Planning Service should be maintained. These include consultations that would have an impact on State Care Monuments, Scheduled Historic Monuments, Areas of Special Archaeological interest, historic sites and monuments and their settings and other sites as recorded in the NISMR (Northern Ireland Sites and Monuments Record), Gardens and Demesnes of Special Historical Interest for Northern Ireland and listed buildings.

Council would advise that SLAs or a similar, appropriate mechanism be established between the planning offices in each of the district councils and the NIEA to ensure the generally effective response to potential impacts on the historic environment in the current planning system in Northern Ireland.

Question 76 – Alternatively, should a level 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?

The impact of site-specific developments on the historic environment is mitigated in a number of different ways. Where significant impact occurs archaeological excavation takes place, providing knowledge about the past *in lieu* of the loss of *in situ* historic sites. It is entirely reasonable that the cost of such work and the integral post-excavation and publication of the results should be borne by the developer.

However the cumulative result of this work in the past, and the reality that it will continue into the future, has resulted in the formation of a very important archive of material. This archive needs long-term storage and conservation which is beyond the resources of any single government agency. In other countries a general financial level from developers have been used in a number of ways to supplement government funding on archaeological work.

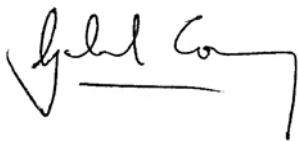
- The Historic Monuments Council would suggest that it would be both appropriate and a public benefit to have included in such a levy system funding for the storage and conservation of archaeological material with a view to securing it for future use and display.

The detailed comments made in response to specific questions highlights the concern of the Historic Monuments Council that the reform of the planning system and the RPA does not result in a fragmentation of expertise and the potential inconsistent application of policy inherent if moved to devolved structures. It is vital that the current successful, integrated system for the protection of the historic environment of Northern Ireland is maintained.

On a broader level Council was surprised that there was no strong sense in the consultation paper of how the proposed system would work in practice. Also while there is mention of places there appears to be no consideration of the significance of historic settlement patterns, landscape or land-use planning. One might have expected, for example, some reference to the *Landscape Character Assessment of Northern Ireland* (2000) in the process of sustainable planning and indeed it is also surprising that there is no mention of the *European Landscape Convention* (2000), with its dual focus on the management and planning of all landscapes and the significance of the concept of the living landscape.

It is the hope and view of Council that the consultation paper will be seen as the start of a wider process considering more broadly how the planning process, post-RPA, should underpin the sustainable management of the landscape and the development of Northern Ireland.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gabriel Cooney', with a horizontal line extending from the end of the signature.

Professor Gabriel Cooney
Chairman

Attachment