

<b>Institution:</b> Queen's University, Belfast
<b>Unit of Assessment:</b> 16 Architecture, Built Environment and Planning
<b>Title of case study:</b> Improving Regulation and Practice in Planning
<p><b>1. Summary of the impact</b> (indicative maximum 100 words)</p> <p>The research has impacted for over a decade via contributions to changes in planning legislation, policy, guidance and practice in both Northern Ireland (NI) and the Republic of Ireland. Now as the framework for local government reform is being developed in NI, planning is undergoing structural change to enable powers to be devolved to the new councils. In an advisory capacity to the Minister for the Environment on the Ministerial Planning Advisory Forum and also to the Northern Ireland Assembly, specific contributions have been made to the development of the Planning Act (NI) 2011 and a new single planning policy statement which will inform planning decision making. Impact is also manifested in the preparation of government guidance for plan-making in the Republic of Ireland. The research impacts upon all aspects of urban and rural planning decision making in the jurisdiction of NI (population 1.8 million) and also on design based urban and rural planning decision making in the Republic of Ireland (population 4.58 million).</p>
<p><b>2. Underpinning research</b> (indicative maximum 500 words)</p> <p>The problem which the research initially focused upon was the need to develop appropriate policy and legislative mechanisms to ensure that the tools employed to foster regulatory compliance are fit for purpose. The focus has been widened to ensure that the new legislative and policy framework can accommodate the devolution of planning powers. In a similar context, new policymaking guidance has been produced for the Government of the Republic of Ireland to facilitate the development and implementation of a suite of nationwide development plans (Local Area Plans).</p> <p><b>Theme 1 – developing planning enforcement legislation and practice</b></p> <p>The Department of the Environment funded McKay's (Senior Lecturer) research into planning enforcement from 1998 to 2001. This resulted in the presentation of a number of reports to the DoE and international journal publications (research reference 1). These advocated changes to the law and practice, including Planning Contravention Notices (PCNs) and Breach of Condition Notices (BCNs) which enable immediate action to be taken against specific breaches of planning control. These changes subsequently came into force through the Planning Amendment (NI) Order 2003.</p> <p><b>Theme 2 – advising on the development of planning legislation</b></p> <p>In 2011, Ellis (then Senior Lecturer), McAreavey (Lecturer), McKay and Sterrett (Senior Lecturer) were appointed by the Northern Ireland Assembly (NIA) to analyse and provide insights into the suitability of the provisions in the emerging Planning Act 2011. Recommendations were made to the Environment Committee on the content of the Planning Bill, identifying areas which required further consideration and amendment before enactment. This resulted in the publication of a number of briefing and information papers by the NIA (Web link 1).</p> <p><b>Theme 3 – providing guidance for statutory plan making in the Republic of Ireland</b></p> <p>As a result of over-zoning for housing development in the Republic of Ireland (RoI), a new suite of development plans is being prepared using rigorous processes. In 2011, Abdelmonem (Lecturer) and McKay were appointed by the Department for Environment, Heritage and Local Government in the RoI to contribute to the preparation of good practice and procedural guidance, to assist in remedying the negative impacts of the current raft of local plans and to shape policy development. First, they were lead partners in the production of the Manual for Local Plans, a companion document to the Guidelines for Planning Authorities on Local Area Plans, which is a good practice guide on design and will inform the new Local Area Plan preparation process. Specifically, planning authorities must refer to the manual when preparing all Local Area Plans. Second, they</p>

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assessed and commented on the pre draft Guidelines for Planning Authorities: Creating Sustainable Communities, which will be employed in the preparation of the nationwide suite of Local Area Plans (research reference 5).

**Theme 4 – evaluating policymaking processes**

In 2011, in the context of advising the Minister and as a member of the Ministerial Planning Advisory Forum, McKay, together with Murray (reader), critically reviewed the public consultation and evidence-testing processes underpinning the revised Regional Development Strategy, with the research outputs published in Space and Policy (research reference 4).

**Theme 5 – reviewing the public inquiry and independent examination processes**

McKay has conducted investigations into the role of the Planning Appeals Commission (PAC) and the practices it employs, specifically in the context of Public Inquiry and Examination in Public processes. These processes are under scrutiny both nationally and at a global level. The work was underpinned by an extensive empirical investigation which engaged with key stakeholders and demonstrated how skilled inquisitors are widely considered to be impartial, whilst Examination in Public fora are generally more appropriate arenas for planning discourses. Research outputs are published in Environment and Planning 'A' (research reference 3).

**3. References to the research** (indicative maximum of six references)

1. McKay, S., (2003), Sheriffs and Outlaws: In Pursuit of Effective Enforcement. Town Planning Review, 74 (4), pp 423-444.
2. McKay, S., (2010), An Investigation into the role of Ethics, Legitimacy and Power in Planning. Town Planning Review, 81 (4), pp 425-444.
3. McKay, S. (2010), In Pursuit of Parrhesia: An Investigation into Knowledge Selection in Inquisitorial Planning Practice. Environment and Planning 'A', 42 (2), pp 116-134.
4. McKay, S., Murray, M. and Liu, Pinghui, (2011), Pitfalls in Strategic Planning: Lessons for Legitimacy. Space and Polity, 15 (2), pp 107-124.
5. Department of the Environment, Heritage and Local Government (2012) Manual for Local Plans: a companion document to the Guidelines for Planning Authorities on Local Area Plans: Creating Sustainable Communities. Dublin: DEHLG. Hard copy available upon request.

**4. Details of the impact** (indicative maximum 700 words)

The impact of the work on the legislative and policy-making community has been significant in both Northern Ireland and the Republic of Ireland, as recommendations, underpinning planning and environmental decision-making, have been reflected in legislative development and both policy and guidance.

**Theme 1 – developing planning enforcement legislation and practice**

The research into enforcement led to recommendations, some of which later came into force under the Planning Amendment (Order) 2003 and the Planning Reform (Northern Ireland) Order 2006 and have been consolidated in the Planning Act 2011 (corroboration sources 1 and 2). McKay was invited by the Director of the DoE Planning and Local Government Group to present the key lecture on planning enforcement at the Minister for the Environment's Enforcement Summit on June 25th 2012 and is an appointee to the Planning Advisory Forum which advises the Minister on the development of legislation and policy. He has advised the previous two Ministers and has been reappointed to advise the new Minister who is in post since September 2013 (corroboration sources 1 and 2).

**Theme 2 – advising on the development of planning legislation**

Ellis, McAreavey, McKay and Sterrett advised the Northern Ireland Environment Committee on the outcomes of the consultation process for the new Planning Act (Northern Ireland) 2011. A key

focus of the work was to conduct a detailed analysis of the strengths and weaknesses of the draft legislation. This involved preparing briefing papers for the elected Members of the Legislative Assembly (MLAs) and presenting evidence to the Environment Committee (Web link 1). The evidence enabled MLAs to address potential weaknesses in the draft legislation and provided recommendations regarding how perceived problems might be remedied (corroboration source 3).

### **Theme 3 – providing guidance for statutory plan making in the Republic of Ireland**

As appointees of the Department of the Environment, Housing and Local Government in the Republic of Ireland, Queen's University (Abdelmonem and McKay) was lead partner in the production of the best-practice Manual for Local Plans: a companion document to the Guidelines for Planning Authorities on Local Area Plans: Creating Sustainable Communities and, in tandem with this process, assessed and commented on the pre-draft Guidelines for Planning Authorities: Creating Sustainable Communities. Both documents will be used by all planning authorities in the Republic of Ireland for the production of Local Area Plans and will underpin the implementation of spatial planning at a national level (corroboration source 4).

### **Theme 4 – evaluating policymaking processes**

McKay has contributed to the review of the policy for sustainable development in the countryside in NI. This involved engaging in dialogue with the key participants such as elected representatives on the policy-making process and commenting on the procedures which should be employed to redraft the policy. Re-launched in June 2010, the new adopted policy, which has an impact on all rural planning decisions in the jurisdiction of Northern Ireland, was based on the evidence gathered in the revised consultation procedure (corroboration source 2 and research reference 2).

Mc Kay is a member of the Department of the Environment's stakeholder group which is currently informing the development of Northern Ireland's Strategic Planning Policy Statement defined by DOE as "an essential element of the broader planning and local government reform programme that will assist in the transition of the two tier planning system in 2015. It provides the vehicle for detailed operational policies to be brought forward in all future development plans (corroboration sources 1 and 2).

At the higher tier of strategic planning, McKay and Murray have evaluated the processes underpinning the revised Regional Development Strategy for Northern Ireland, the outputs which critique the process have been disseminated to the policy-making community (corroboration sources 2 and 5, research reference 4).

### **Theme 5 – reviewing the public inquiry and independent examination processes**

The impacts of the public inquiry and independent examination research, which have significance for planning decision making and policy development at a wider level, have been realised as a member of a working group comprised of organisations which deal with the PAC, including community representative bodies, the legal profession and planning practitioners, all of whom co-operated in the process. The PAC previously considered development plan consultation responses via the Public Inquiry process and the research demonstrated the value of the procedures employed in the Examination in Public approach. This has now become the preferred option and a subsequent key development has been the provision of formal, detailed legislation in the Planning Act 2011 for Independent Examinations, which follow the same procedures as Examinations in Public (corroboration sources 2 and 5, research reference 3).

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**5. Sources to corroborate the impact** (indicative maximum of 10 references)

Source 1

Director of Planning Policy Division, Department of the Environment.

Source 2

Minister for the Environment, Department of the Environment.

Source 3

Senior Researcher, Research and Information Service, Northern Ireland Assembly.

Source 4

Research Director, Department of Arts, Heritage and Gaeltacht.

Source 5

Secretary, Council for the Irish Planning Institute.

Web link 1

[www.niassembly.gov.uk/environment/2007mandate/Research/2010/Planning\\_Bill\\_Research\\_follow\\_up.pdf](http://www.niassembly.gov.uk/environment/2007mandate/Research/2010/Planning_Bill_Research_follow_up.pdf)