

COMMITTEE ON THE PROGRAMME FOR GOVERNMENT

Report on Review of Public Administration and Rural Planning

TOGETHER WITH THE MINUTES OF PROCEEDINGS,
OFFICIAL REPORT AND PAPERS RELATING TO THE
WORK OF THE SUBGROUP AND COMMITTEE

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Committee on the Programme for Government

On 24 November 2006, following a direction from the Secretary of State for Northern Ireland, the Rt Hon Peter Hain MP, the Business Committee established a Committee on the Programme for Government to agree priorities for a restored Executive and to make preparations for restoration. The Secretary of State directed that the Committee should, initially, be chaired by the deputy presiding officers, Mr Jim Wells and Mr Francie Molloy.

Membership

The Committee has ten members with a quorum of six, with at least one representative present from each party on the Committee. The membership of the Committee since its establishment on 24 November 2006 is as follows –

Gerry Adams MP
Jeffrey Donaldson MP
Mark Durkan MP
Sir Reg Empey
Michelle Gildernew MP
Martin McGuinness MP
David McClarty
Ian Paisley Jnr
Margaret Ritchie
Peter Robinson MP

At its meeting on 27 November 2006, the Committee agreed that deputies could attend if members of the Committee were unable to do so.

The Committee met on nine occasions between November 2006 and 23 January 2007. At the first meeting on 27 November 2006, the Committee noted the direction from the Secretary of State dated 23 November 2006 that a Committee on the Programme for Government should be established to agree priorities for a restored Executive and to make preparations for restoration. (A copy of the direction issued by the Secretary of State is attached at Appendix six).

The Committee agreed to consider the Ministerial Code, Victims and Survivors issues and the Lifetime Opportunities strategy and to set up Subgroups to consider and report back on –

- Economic Issues
- Workplace 2010 and Public Sector Job Location
- Policing and Justice Issues
- Schools Admissions Policy
- Review of Public Administration and Rural Planning

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- Comprehensive Spending Review and Programme for Government; Rates Charges and Water Reform

Subgroup on Review of Public Administration and Rural Planning

The Committee agreed the Subgroup's terms of reference on 4 December 2006. The subgroup submitted its report on 18 January 2007.

Approval of the Report and Further Action

The Committee considered the report on 23 January 2007 and agreed that it should be printed. The Committee also agreed to write to the Secretary of State welcoming the decision of the Health Minister, Paul Goggins to meet with MLAs in January 2007 to update members on progress so far, and to provide further briefings on, the implementation of reforms in the Health Service. The Committee suggested that similar arrangements should be established by the Education Minister, Maria Eagle to update and brief members on the re-organisation of Education Services and other related issues, such as the Bain Report.

Subgroup on Review of Public Administration and Rural Planning

Membership and Terms of Reference

The Subgroup had six members with a quorum of four, with at least one member from each of the four parties represented on the Committee on the Programme for Government. The membership of the Subgroup since its establishment on 27 November 2006 was as follows:

- Tommy Gallagher SDLP
- Alex Maskey SF
- Philip McGuigan SF
- Edwin Poots DUP
- Mervyn Storey DUP
- Jim Wilson UUP

The Committee on the Programme for Government agreed at its meeting on 11 December 2006 that the Subgroup on Review of Public Administration and Rural Planning would be chaired by a member from SDLP. Patsy McGlone was nominated as Chairperson by the party. Francie Molloy had chaired the initial meeting of the Subgroup on 8 December 2006. On 10 January 2007, the Subgroup was chaired by Pat Ramsey (SDLP) as substitute for Mr. McGlone.

The Committee on the Programme for Government agreed that deputies could attend if members of the Subgroup were unable to do so. The following members attended at various times:

- Dominic Bradley SDLP
- Thomas Burns SDLP
- Tom Elliott UUP
- Pat Ramsey SDLP (Substitute Chair)
- Peter Weir DUP

On 4 December 2006 the Committee on the Programme for Government agreed the terms of reference, set out below, for the Subgroup.

Review of Public Administration

To consider –

- The announcement by the Secretary of State in November 2005 on the future of local government; education and health and social services structures;

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- The announcement by the Secretary of State in March 2006 on the remaining public bodies;
 - The initial proposals on new council areas published by the Boundaries Commissioner in November 2006;
 - Any draft legislation on the proposals for Health and Social Services and education reform;
 - All issues identified by the local Government Task Force; and
 - To identify and consider any other alternative arrangements.

Rural Planning

To consider –

- The proposals set out in PPS 14;
- The impact of the proposals, if adopted, on rural development, rural regeneration and future planning in the countryside; and

To identify any alternative proposals.

To report to the Committee on the Programme for Government on both issues by 18 January 2007.

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Executive Summary

Review of Public Administration

General

Costs And Savings

1. The Subgroup was informed that departments had provided some initial high level costs and savings associated with the implementation and roll out of the RPA. A costs and savings report, (www.rpani.gov.uk) produced by consultants Deloitte MCS Limited (Deloitte) in 2005, would initially be used to identify the level of efficiencies to be achieved. However, departments, as the RPA progresses, would refine these estimates.
2. Forecast costs and savings would be collected from departments and scrutinised centrally by Central Finance Group to ensure the data provided was robust and accurate at the time of collection. The quality of data collected would be expected to improve as the RPA progressed and greater certainty crystallised. A process to periodically collect, monitor and report the costs and savings associated with the RPA was currently being developed - it was envisaged that this process should be in place by the end of September.
3. **The Subgroup agreed by consensus that the accuracy and reliability of the cost and savings estimates was of paramount importance since they had been used as the rationale and justification for many of the RPA decisions. Members agreed that refinement of these estimates was an issue that needs to be addressed urgently.**

Equality And Other Issues

4. In November 2005 direct rule Ministers published “An Updated Consideration of Equality, Social Need, Good Relations, Human Rights and Rural Issues” (www.archive.rpani.gov.uk/final.htm) which stated that since its launch in June 2002, the RPA had proactively woven equality, social need, good relations, human rights and rural considerations into both the development of the proposals. The RPA Central Unit provided a further paper to the Subgroup on 9 January 2007, outlining the present position on the implementation of equality monitoring.
5. **The Subgroup considered the issues raised in departmental documents and agreed by consensus that detailed monitoring would be required during implementation.**

Coterminosity

6. At the meeting of the Subgroup on Friday 8 December 2006, members expressed concerns that the principle of coterminosity had been lost or at best weakened by the final decisions announced by Ministers in relation to the RPA, particularly in relation to the setting up of seven health commissioning bodies and five health trusts and other decisions in the education sector.
7. Officials stated that the main benefits of coterminosity stemmed from the ability to plan, commission and purchase services for a common area. To this end, service delivery agents in any sector would need to align their delivery proposals with the seven commissioning and planning areas.
8. The evidence from officials did not convince members of the Subgroup that the optimum 1 to 1 coterminosity, as promised during the RPA process, had been achieved. The RPA Central Unit provided a further paper to the Subgroup on 9 January 2007, outlining the present position on the implementation of coterminosity.
9. **The Subgroup agreed by consensus that a devolved administration should not accept that DHSSPS, DENI and DEL could not have achieved the optimum 1 to 1 coterminosity, promised during the RPA process, in planning the reorganisation of health and education services. Further consideration should be given to this issue since it could have serious implications for the development of an effective community planning process.**

Local Government

Funding For Functions Transferring To Local Government

10. During their discussions within the Subgroup, members stressed the need to ensure that functions being transferred should be sufficiently funded at the point of transfer to ensure that the same quality of service was available to citizens pre- and post-transfer in a manner that ensured that at the point of transfer there was no additional cost to the ratepayer.
11. Members recognised it was essential that skilled staff were transferred with the function as it was these staff who would ensure that services to citizens were maintained and improved.
12. **The Subgroup agreed by consensus that detailed discussions should take place between central and local government, within the Local Government Task Force Policy Panel dealing with transferred functions, on the detail of the functions transferring and to agree, among other things the resources to be transferred and the number, capacity levels and skills of staff who should transfer.**

Number Of Councils

13. Submissions from the four political parties showed clearly that there was lack of agreement on the Secretary of State's decision to reduce the number of local councils from twenty six to seven. The DUP, SDLP and UUP supported the creation of a fifteen council model, while Sinn Féin supported the 7(c) option selected by the Secretary of State.
14. **The Subgroup was unable to reach a consensus position in relation to the number of councils.**
15. **Members did, however, recognise if the primary legislation to give effect to the seven council model required approval by a devolved administration in July 2007, that failure to reach an agreed position could lead to potential stalemate.**
16. **Members agreed that it would be preferable for the parties before that date to seek to reach consensus on whatever number of councils was needed to achieve strong, effective and efficient local government, delivering quality services within a framework of equality, and effective and robust protection for minority rights.**

Timetable For Implementation

17. A timetable for the implementation of the RPA decisions under direct rule was endorsed by Ministers and it was the responsibility of the RPA Steering Group to ensure co-ordinated implementation of this timetable. The Local Government Boundaries Commissioner had, however, informed the Subgroup that his timescale for local government could not be met if the number of councils was to be changed from seven.

Modernisation And Reform

18. Following an independent review, a revised structure for the Local Government Taskforce was to be established to support the effective implementation of the overall programme, with appropriate political involvement. DUP, Sinn Féin, SDLP, UUP and Alliance parties had agreed to participate in the work of the Taskforce but four of the parties, apart from Sinn Féin, would work only on the modernisation and reform agenda, while continuing to oppose the seven council model.

The Taskforce was to consist of three elements:

- a Strategic Leadership Board,
- five Policy Development Panels, and
- a Social Partners Forum.

19. **The Subgroup welcomed the proposed involvement of the political parties in the work of the Local Government Taskforce and agreed by consensus that it was important that the work of the Taskforce be closely monitored by the Committee on the Programme for Government.**

Health Service

Consultation on Health Services Restructuring

20. At a meeting of the Subgroup on 8 December 2006, members asked departmental officials about the potential for political representatives to be involved in discussions about planned changes in the health and education sectors.
21. The Department responded that it was in the process of developing further reform proposals for discussion with local political parties and Minister Paul Goggins was seeking to organise a meeting with MLAs early in the new-year to take parties' views on the RPA process so far.
22. **The Subgroup welcomed the decision of the Minister to meet with MLAs and agreed by consensus that DHSSPS should continue to engage with the Assembly as implementation of the RPA decisions proceeded.**

Education

Consultation on Education Re-Organisation

23. Department of Education officials met with each of the five main political parties as part of the bilateral process following the Minister's second announcement on RPA. All political parties received relevant policy papers in December 2006. Political parties also received the RPA Moving Forward newsletter and were on the main RPA Distribution list.
24. **The Subgroup agreed by consensus that the Department of Education should be asked to set up mechanisms, similar to those within the Department of Health and Social Services, to keep the Assembly informed of progress on the implementation of the re-organisation of education services.**

Other Bodies

Quangos

25. The Secretary of State announced in March 2006 that the remaining eighty-one public bodies were to be reduced to fifty four.
26. All appointments to public bodies in Northern Ireland were to be made on merit. For the future, all Board members would be appointed under the guidelines laid down by the Commissioner for Public Appointments.

27. **The Subgroup agreed by consensus that the reduction in the number of Quangos had not gone far enough. Members considered further significant reductions, based on an assessment of each body, should be made and that clear lines of democratic accountability to either central or local government should be established within a devolved administration for those bodies to be retained.**

Rural Planning

PPS 14

28. Draft Planning Policy Statement 14 - "Sustainable Development in the Countryside" was published by the Department for Regional Development on 16 March 2006 (www.drdni.gov.uk/DRDwww_Consultations/archive.asp). It set out a new policy to replace the relevant existing policies contained within the rural planning policy document - "A Planning Strategy for Rural Northern Ireland" [DOE 1993]. Parallel to the publication of the draft policy, NIO Minister Shaun Woodward made a Ministerial Statement to ensure the policy would take precedence for all new applications received after 16 March.

Prior Consultation

29. Members of the Subgroup considered the results of the consultation exercise on an issues paper on development in the countryside published by the Department for Regional Development in 2004.
30. Only eighty-six responses were received, with submissions from local councils, rural community groups, environmental interest groups, as well as professional bodies and individuals.
31. In numerical terms the responses were divided, approximately 50/50 between those in support of (or opposed to) retaining the 'presumption in favour' of single dwellings in the countryside outside of Green Belts/CPAs.

Policy Options

32. In September 2005, Department for Regional Development officials produced a paper which set out four options that covered a range of policies, from continuation of the existing policy approach, to introducing a presumption against approval of single dwellings in the countryside.

These four options are set out in paragraph 148.

33. In their consideration of the options officials made the following recommendation:

“No option would attract universal favour. It would also be important to frame a policy that can command as widespread public acceptance as possible. There is strong political support for a continuation of the presumption in favour of single dwellings in the countryside beyond Green Belts and CPAs. However, all the political parties recognise that the volume and scale of the new development needs to be brought under more strict control. The impact of any option chosen would need to be carefully monitored”.

34. Officials recommended that Option Three be adopted, which involved:

- the ongoing extension of Green Belts and CPAs through the Development Plan process;
- a review of rural development control policies; and
- the introduction of a kinship condition in the Rural Remainder.

35. This option expanded the option previously approved by Minister John Spellar to include a kinship condition in the Rural Remainder.

Outcome of Ministerial Consideration

36. Prior to consideration by the Minister, the draft submission was sent to the Special Adviser to the Secretary of State (the Adviser).

37. In his consideration of the issues the Adviser advised officials,

‘ I actually feel that we should now go for Option Four and bring us into line with the rest of UK. I am particularly opposed to the ‘kinship’ addition to current practice for wider political reasons ’.

38. No further information on what was meant by wider political reasons was given.

39. Following a meeting with officials at which the Adviser indicated that *‘a particular direction might be appropriate in the present circumstances’*, he wrote by email on 9 November 2005, that he had spoken to the Secretary of State and the Minister and that both agreed to proceed with the most restrictive policy, in line with the wider sustainability agenda.

40. A submission to the Minister on 17 November 2005, highlighted a potential adverse reaction to the adoption of Option Four from all the local political parties. Despite this advice Ministers decided to proceed with Option Four, which introduced a region wide presumption against development in the countryside with certain exceptions.

Results of 2006 Consultation

41. Members of the Subgroup were informed that, of the 8513 written responses received during the consultation period from 16 March to 9 June 2006, 95% were opposed to the broad thrust of Draft PPS 14. The main focus of those who expressed opposition was in relation to the inclusion in the policy of a presumption against development in the countryside.

42. Many responses expressed the view that PPS 14 would have a detrimental impact on rural schools, community groups, sporting organisations, businesses and, by definition, the rural community.
43. Many respondents pointed out that farming had changed so much in recent years that many farms would never meet the farm viability test contained in PPS 14.
44. In relation to the proposed replacement policy, many people expressed a view that it was just too restrictive and recommended that it should be much more flexible. Restrictions on the size and siting of replacement dwellings were considered unnecessary by some, and many felt that they led to additional costs.
45. The proposals in relation to social housing policy were generally welcomed, but many people highlighted potential problems and shortcomings where improvements could be made.
46. In view of the current trends, many people felt that there was an inconsistent approach to planning and that rural approvals lacked effective enforcement. Therefore, they called for greater accountability in the planning process and better co-ordination between Government departments.
47. The consultation process identified kinship ties and occupancy conditions as the most strongly represented alternatives to the proposed presumption against development.
48. A general theme throughout the responses was that there was agreement that something needed to be done to stop speculative developers but that there was also a need for balance between sustainability and supporting vibrant rural communities.

Views of the Political Parties and Other Selected Organisations

49. The Subgroup considered the views of the following organisations: Rural Development Council (RDC), Rural Community Network (RCN), Friends of the Earth (FoE) and Royal Society for the Protection of Birds (RSPB).
50. All the political parties had stated that PPS14 did not strike the right balance between sustainable development of rural communities and protection of the countryside. However, the parties also acknowledged that ‘doing nothing’ – in effect adherence to pre-PPS14 policy – was not an option.
51. The political parties, the Rural Development Council (RDC), Rural Community Network (RCN), Friends of the Earth (FoE) and Royal Society for the Protection of Birds (RSPB) acknowledged the need to protect the environment from inappropriate development. However, both the Friends of the Earth and the RSPB were supportive of PPS14 as the means of doing this.
52. There was broad agreement between the parties, the RDC and RCN that there was the potential for PPS14 to have widespread negative effects on rural communities including impacting on the viability of schools, businesses, contributing to increased house prices, possible depopulation of areas and affecting the social structure of rural areas.

53. Both the RDC and RCN stated that the inclusion of viable full-time farming as a prerequisite for obtaining planning permission on a farm did not reflect the nature of modern day farming with the emphasis on diversification and the need to secure alternative sources of income to support the farm business.

Policy Development Process

54. Members of the Subgroup considered the decision making process which led to the introduction of Draft PPS14 and concluded that it had been seriously flawed. Members expressed serious concerns that the detailed work over a 2 to 3 year period undertaken by professional staff within the Department for Regional Development, the Department of Agriculture and Rural Development and the Department of Environment had effectively been dismissed in a matter of weeks by the Secretary of State's Special Adviser.
55. Members were appalled that such an important decision was taken because '*of wider political reasons*' and that '*a particular direction might be appropriate in the present circumstances*' rather than on the basis of sound planning policy reasons.

Subgroup Conclusions

56. **The Subgroup agreed by consensus that the restrictive policies contained within PPS14 should be subjected to a fundamental review and new policies developed to address the strong opposition from all of the main political parties and the vast majority of those who responded to the consultation exercise.**
57. **The Subgroup agreed by consensus that a devolved administration should initiate a fundamental review of the planning system throughout Northern Ireland, involving all relevant stakeholders, to develop comprehensive planning policies that were appropriate to Northern Ireland rather than attempt to impose policies devised specifically for other regions. The review should seek to integrate planning policy with the widest range of social, economic and environmental policies rather than seek to deal with them in isolation.**
58. **While members agreed that unrestricted development in the countryside was not sustainable, the Subgroup agreed by consensus that the policies contained within PPS 14 were unduly restrictive and inflexible.**
59. **The Subgroup agreed by consensus that presumption in favour of development in the countryside should apply. However certain restrictions would be required to ensure that stakeholders within the rural community, either in terms of housing need or a strong connection with the area, received preferential treatment. Such a policy should operate throughout Northern Ireland.**
60. **The policy in relation to farm dwellings did not take account of the changing nature of farming in Northern Ireland and needed to be changed. For example, the farm viability test had been set at such a high level that many farms could never meet the criteria required. The Subgroup agreed by consensus that a new policy on farm**

dwellings needed to be developed in conjunction with the farming community and other relevant stakeholders.

- 61. The Subgroup agreed by consensus that a much more flexible and innovative approach to policy in relation to replacement of dwellings in the countryside that have been abandoned or unoccupied for a long period needed to be developed. Replacement of such dwellings would make a significant contribution to the rural landscape rather than allow such dwellings to gradually reduce to a pile of rubble.**
- 62. The Subgroup agreed by consensus that economic development, including development of tourism and small businesses, was an essential element in creating vibrant and sustainable rural communities and that the general presumption against development in the countryside contained in PPS 14 could seriously limit opportunities for funding and development of rural projects.**

Conclusions

	Review of Public Administration
Paragraph	Conclusion
	Costs And Savings
97	The Subgroup agreed by consensus that the accuracy and reliability of the cost and savings estimates was of paramount importance since they had been used as the rationale and justification for many of the RPA decisions. Members agreed that refinement of these estimates was an issue that needs to be addressed urgently.
	Equality and Other Issues
100	The Subgroup considered the issues raised in departmental documents and agreed by consensus that detailed monitoring would be required during implementation.
	Coterminosity
104	The Subgroup agreed by consensus that a devolved administration should not accept that DHSSPS, DENI and DEL could not have achieved the optimum 1 to 1 coterminosity, promised during the RPA process, in planning the reorganisation of health and education services. Further consideration should be given to this issue since it could have serious implications for the development of an effective community planning process.
	Funding for Transfer to Local Government
110	The Subgroup agreed by consensus that detailed discussions should take place between central and local government, within the Local Government Taskforce Policy Panel dealing with transferred functions, on the detail of the functions transferring and to agree, among other things the resources to be transferred and the number, capacity levels and skills of staff who should transfer.
	Number of Councils
117	The Subgroup was unable to reach a consensus position in relation to the number of councils.
118	Members did, however, recognise if the primary legislation to give effect to the seven council model required approval by a devolved administration in July 2007, that failure to reach an agreed position could lead to potential stalemate.
119	Members agreed that it would be preferable for the parties before that date to seek to reach consensus on whatever number of councils was needed to achieve strong, effective and efficient local government, delivering quality services within a framework of equality, and effective and robust protection for minority rights.
	Modernisation and Reform
128	The Subgroup welcomed the proposed involvement of the political parties in the work of the Local Government Taskforce and agreed by consensus that it was important that the work of the Taskforce be closely monitored by the Committee on the Programme for Government.
	Health Service Restructuring
131	The Subgroup welcomed the decision of the Minister to meet with MLAs and agreed by consensus that DHSSPS should continue to engage with the Assembly as implementation of the RPA decisions proceeded.
	Education Re-organisation
133	The Subgroup agreed by consensus that the Department of Education should be asked to set up mechanisms, similar to those within the Department of Health and Social Services, to keep the Assembly informed of progress on the implementation of the re-organisation of education services.
	Other Bodies
136	The Subgroup agreed by consensus that the reduction in the number of Quangos had not gone far enough. Members considered further significant reductions, based on an assessment of each body, should be made and that clear lines of democratic accountability to either central or local government should be established within a devolved administration for those bodies to be retained.

	Rural Planning – PPS 14
184	The Subgroup agreed by consensus that the restrictive policies contained within PPS14 should be subjected to a fundamental review and new policies developed to address the strong opposition from all of the main political parties and the vast majority of those who responded to the consultation exercise.
185	The Subgroup agreed by consensus that a devolved administration should initiate a fundamental review of the planning system throughout Northern Ireland, involving all relevant stakeholders, to develop comprehensive planning policies that were appropriate to Northern Ireland rather than attempt to impose policies devised specifically for other regions. The review should seek to integrate planning policy with the widest range of social, economic and environmental policies rather than seek to deal with them in isolation.
186	While members agreed that unrestricted development in the countryside was not sustainable, the Subgroup agreed by consensus that the policies contained within PPS 14 were unduly restrictive and inflexible.
187	The Subgroup agreed by consensus that presumption in favour of development in the countryside should apply. However certain restrictions would be required to ensure that stakeholders within the rural community, either in terms of housing need or a strong connection with the area, received preferential treatment. Such a policy should operate throughout Northern Ireland.
188	The policy in relation to farm dwellings did not take account of the changing nature of farming in Northern Ireland and needed to be changed. For example, the farm viability test had been set at such a high level that many farms could never meet the criteria required. The Subgroup agreed by consensus that a new policy on farm dwellings needed to be developed in conjunction with the farming community and other relevant stakeholders.
189	The Subgroup agreed by consensus that a much more flexible and innovative approach to policy in relation to replacement of dwellings in the countryside that have been abandoned or unoccupied for a long period needed to be developed. Replacement of such dwellings would make a significant contribution to the rural landscape rather than allow such dwellings to gradually reduce to a pile of rubble.
190	The Subgroup agreed by consensus that economic development, including development of tourism and small businesses, was an essential element in creating vibrant and sustainable rural communities and that the general presumption against development in the countryside contained in PPS 14 could seriously limit opportunities for funding and development of rural projects.

Introduction

63. On 24 November 2006, following a direction from the Secretary of State for Northern Ireland, the Rt Hon Peter Hain MP, the Business Committee established a Committee on the Programme for Government to consider the priorities for a new Executive and to make preparations for restoration. The Secretary of State directed that the Committee should, initially, be chaired by the Deputy Presiding Officers, Mr Jim Wells and Mr Francie Molloy.

Establishment Of Subgroups

64. At a meeting on 27 November 2006, the Committee agreed a work programme up to 30 January 2007. This included the setting up of a number of subgroups to consider:-
- Comprehensive Spending Review and Programme for Government; Rates Charges and Water Reform
 - Economic Issues
 - Policing and Justice
 - Review of Public Administration and Rural Planning
 - Schools Admission Policy
 - Workplace 2010 and Public Sector Jobs Location
65. The Subgroup on the Review of Public Administration and Rural Planning met on six occasions between 8 December 2006 and 15 January 2007. At the first meeting on 8 December, the Subgroup agreed a work programme and procedures for taking forward its work.
66. The Subgroup agreed to take oral evidence from a number of organisations and the evidence sessions took place on 8 and 13 December 2006. These organisations were also invited to make a short written submission to the Subgroup setting out their views. A list of those witnesses and organisations who gave oral evidence is attached at pages 45 and 46.
67. Other evidence considered by the Subgroup included consultation documents, research papers, etc. that were in the public domain.
68. The Subgroup met on 15 January 2007 and agreed that this report should be submitted to the Committee on the Programme for Government.

Review of Public Administration

Consideration of Issues

69. The report on the Review of Public Administration was published in March 2006 (www.rpani.gov.uk). It involved a comprehensive examination of the organisation and delivery of public services in Northern Ireland covering almost 150 bodies, including the 26 district councils, the Health Boards and Trusts, the five Education and Library Boards, and about 100 other organisations.
70. The Northern Ireland Executive initiated the review in June 2002, and since the suspension of devolution in October 2002 it had been taken forward by direct rule ministers. The Secretary of State announced the final outcome of the review in two parts: in November 2005 he announced final decisions on the future of local government, education and health and social service structures; in March 2006 he announced decisions on the remaining public bodies.

Summary Of RPA Decisions and Timetable

71. Local councils would be reduced from twenty-six to seven by 2009.
72. An independent Boundary Commissioner would decide the exact boundaries of the new councils based on groupings of the existing councils.
73. The new councils would have an increased range of powers including: local roads, planning, rural development, planning local bus services, fire and rescue, future European programmes and some housing related functions.
74. The councils would also have a statutory duty to lead a community planning process, and there would be a statutory duty on all other agencies to work with the councils.
75. Councils would have a power of well-being.
76. Each of the seven new councils would have approximately sixty councillors.
77. A system of statutory checks and balances would be developed to ensure there was fair and transparent decision-making within the new councils.
78. A new system of local government finance would be developed.

Education

79. A new Education and Skills Authority would be established to focus on the operational delivery of educational services. It would also be involved in the strategic planning of the schools' estate and ensuring delivery of the ages 14 to 19 curriculum.
80. The Department of Education would continue to be responsible for education policy and strategy. Some of the operational functions currently performed by the Department of Education would transfer to the new Authority.
81. The Authority would bring together all the direct support functions currently undertaken by the Education and Library Boards, CCEA and the Regional Training Unit. It would also have responsibility for front-line and related functions currently undertaken by CCMS, NICIE and CnaG.
82. The Authority would be the sole employing authority for teachers and support staff, which would result in greater coherence and consistency.
83. A new Education Advisory Forum would be established which would provide a direct link between education sectors and the Department.

Health and Social Services

84. A considerably smaller and strategically focused Government Department.
85. A single Health and Social Services Authority replacing the existing four Health and Social Services Boards to drive performance management of the system: go-live date April 2008.
86. 7 Local Commissioning Groups (LCGs) within the Health and Social Services Authority; these would map onto the new district councils and would be demand led by patients and driven by GPs and primary care professionals.
87. One Patient and Client Council to replace the existing four Health and Social Services Councils.
88. 18 HSS Trusts reduced to five (the Ambulance Service to remain as a separate Trust).

Quangos

89. The remaining eighty one public bodies were to be reduced to fifty four. This would be achieved in the main by merging bodies or transferring complete functions to local government or central government. Many of the remaining bodies would have reduced responsibilities through some of their functions transferring to local government. All of the bodies that remain would be required to work with councils in the community planning process.
90. All appointments to public bodies in Northern Ireland were to be made on merit. For the future, all Board members would be appointed under the guidelines laid down by the Commissioner for Public Appointments.

Tribunals

91. To secure greater independence and more streamlined administration, responsibility for the administration of those Tribunals currently sponsored by departments would transfer to the Northern Ireland Courts Service as part of the new Courts and Tribunal Service.

Future Progress

92. The relevant departments were now taking forward implementation of the decisions arising from the Review. A Central Steering Group chaired by the Head of the Civil Service had been set up to oversee the implementation of decisions across government. A central RPA unit within OFMDFM supports the Steering Group.

Timetable For Implementation

93. A timetable for the implementation of the RPA decisions under direct rule had been endorsed by Ministers and it was the responsibility of the RPA Steering Group to ensure co-ordinated implementation of this timetable. Key dates in this timetable are set out below. The Local Government Boundaries Commissioner had, however, informed the Subgroup that his timescale for local government could not be met if the number of councils was to be changed from seven.

Local Government

November 2006	Initial proposals on new council areas published by the Boundaries Commissioner
February 2007	Legislation proposals for Local Government (Structures) and Local Government (Transfer of Functions) drafted
May 2007	Boundaries Commissioner to make final recommendations to the Department of the Environment
July 2007	Primary legislation scheduled to be laid at Parliament
April 2009	New Councils assume full roles and responsibilities

Health

October 2006	Adverts placed for remaining Trust Director posts and for Chief Finance Officer of the Health and Social Services Authority
Feb 2007	Legislation proposals for Health and Social Services reform drafted
Apr 2007	5 new HSS Trusts fully operational
Apr 2008	HSS Authority operational
Apr 2008	Local Commissioning Groups fully operational
Apr 2008	Patient Client Council fully operational

Education

January 2007	New Chief Executive (Designate) of Library Authority appointed
January 2007	New Chief Executive (Designate) of Education and Skills Authority in post
January 2008	Education and Skills Authority operating in shadow form
April 2008	Education and Skills Authority operational
April 2008	New Library Authority operational

Costs And Savings

94. The Subgroup was informed that departments have provided some initial high level costs and savings associated with the implementation and roll out of the RPA. A costs and savings report, (www.rpani.gov.uk) produced by consultants Deloitte MCS Limited (Deloitte) in 2005, would initially be used to identify the level of efficiencies to be achieved. However, departments, as the RPA progresses, would refine these estimates.
95. Forecast costs and savings would be collected from departments and scrutinised centrally by Central Finance Group to ensure the data provided was robust and accurate at the time of collection. The quality of data collected would be expected to improve as the RPA progressed and greater certainty crystallised. A process to periodically collect, monitor and report the costs and savings associated with the RPA was currently being developed - it was envisaged that this process should be in place by the end of September.
96. Members were informed that: “in order to identify the indicative costs of implementation of the RPA proposals, Deloitte made a number of base assumptions with regard to the governance and design of the implementation programme. (Chapter 10, Deloitte Report refers). Dependant on the implementation decisions taken (Chapters 9-14, Deloitte Report refer), the potential implementation costs as outlined in Chapter 15 (Deloitte Report) ranged from £133m-£397m. It should be noted that the transfer of functions from central to local government and the subsequent Ministerial announcement in March 2006 were outside the scope of the exercise. Minister Shaun Woodward subsequently advised the NI Grand Committee 28 March 2006, that implementation costs would be in the order of £400m”.
97. **The Subgroup agreed by consensus that the accuracy and reliability of the cost and savings estimates was of paramount importance since they had been used as the**

rationale and justification for many of the RPA decisions. Members agreed that that refinement of these estimates was an issue which needed to be addressed urgently.

Equality And Other Issues

98. In November 2005 direct rule Ministers published “An Updated Consideration of Equality, Social Need, Good Relations, Human Rights and Rural Issues” (www.archive.rpani.gov.uk/final.htm) which stated that since its launch in June 2002, the RPA had proactively woven equality, social need, good relations, human rights and rural considerations into both the development of the proposals and in the way in which the Review had been conducted. The document also claimed that no direct adverse impacts had been identified, however research and feedback from the ‘Further Consultation’ had reinforced the three key equality issues as:
- access to services, (particularly for those who were most vulnerable and rural communities);
 - participation and diversity in public life; and
 - public sector employment.
99. The RPA Central Unit, OFMDFM, provided a further paper to the Subgroup on 9 January 2007, outlining the present position on the implementation of equality monitoring.
100. **The Subgroup considered the issues raised in departmental documents and agreed by consensus that detailed monitoring would be required during implementation.**

Coterminosity

101. At the meeting of the Subgroup on 8 December 2006, members expressed concerns that the principle of coterminosity had been lost or at best weakened by the final decisions announced by Ministers in relation to the RPA, particularly in relation to the setting up of seven health commissioning bodies and five health trusts and other decisions in the education sector.
102. Officials from the RPA Central Unit later informed the Subgroup that coterminosity was central to the aim of the RPA and that its benefits would be unlocked through the community planning process whereby other statutory agencies would be required to work with councils in developing and delivering effective plans. These benefits did not rely on each council area having its own service providers within its boundaries. Indeed, the concept of shared service delivery across boundaries was another important theme of RPA. Officials also pointed out that it had never been the intention that each council area would have its own health trust, university and further education college etc. They argued that the main benefits of coterminosity stemmed from the ability to plan, commission and purchase

services for a common area. To this end, service delivery agents in any sector would need to align their delivery proposals with the seven commissioning and planning areas. In his evidence, The Permanent Secretary, DHSSPS informed the Subgroup that coterminosity was essential at the planning stage to ensure the alignment of planning and the prioritisation of services. He pointed out that since the five trusts were providers of services it did not matter so much if they were not coterminous, because they are there to do what the seven commissioning bodies asked them to do. The Permanent Secretary stressed the importance of placing the funding and planning power in the hands of the seven coterminous commissioning groups who should have the leverage to require the service-provider organisations to answer to them.

103. Members were not convinced by the evidence from the RPA Central Unit and DHSSPS that 1 to 1 coterminosity, as promised during the RPA process, had been achieved. The RPA Central Unit provided a further paper to the Subgroup on 9 January 2007, outlining the present position on the implementation of coterminosity.
104. **The Subgroup agreed by consensus that a devolved administration should not accept that DHSSPS, DENI and DEL could not have achieved the optimum 1 to 1 coterminosity, promised during the RPA process, in planning the reorganisation of health and education services. Further consideration should be given to this issue since it could have serious implications for the development of an effective community planning process.**

Funding For Functions Transferring To Local Government

105. In the course of his announcement on 22 November 2006, the Secretary of State set out a vision of the future in which a small or core Civil Service lets go of the reins of service delivery and passes them on to local government and other organisations. He emphasised the need for local government to be at the centre of service delivery and civic life, playing a key role in engaging with their communities.
106. The Secretary of State continued that the implementation of the RPA proposals would bring back to local government the major functions such as planning, local roads, physical regeneration, local economic development. He stated that it was right that, as far as possible, services and functions which affected only the people in a local area should come under the control of representatives elected by the citizens who live there and that elected representatives must have meaningful input into the local delivery of regional services.
107. Finally, the Secretary of State announced the mechanism whereby the vision of joined-up public services serving the needs of the public would be created. He announced that councils would have the central role in delivering joined-up services by the introduction of a new system of community planning which would impose a statutory duty on councils to develop and co-ordinate the delivery of plans to address the requirements of their communities. These plans were to be built on the principles of sustainable development

and shared future and other public service organisations would be directed in legislation to co-operate fully with councils in this planning process.

108. During their discussions within the Subgroup, members stressed the need to ensure that functions being transferred should be sufficiently funded at the point of transfer to ensure that the same quality of service was available to citizens pre- and post-transfer in a manner that ensured that at the point of transfer there was no additional cost to the ratepayer. Members agreed that all the resources associated with the function in terms of estate, fleet and human resources together with a proportionate amount of the back office administration and human resources associated with the exercise of the function should transfer.
109. Members recognised that it was essential that skilled staff were transferred with the function as it was these staff who would ensure that services to citizens were maintained and improved.
110. **The Subgroup agreed by consensus that detailed discussions should take place between central and local government, within the Local Government Taskforce Policy Panel dealing with transferred functions, on the detail of the functions transferring and to agree, among other things the resources to be transferred and the number, capacity levels and skills of staff who should transfer.**

Number Of Councils

111. Submissions from the four political parties showed clearly that there was lack of agreement on the Secretary of State's decision to reduce the number of local councils from twenty-six to seven.
112. The DUP, SDLP and UUP supported the creation of a fifteen council model, while Sinn Féin supported the 7(c) option selected by the Secretary of State.
113. The DUP opposed the seven council model on the basis that it did not provide local government but instead delivered a sub-regional administration with no local identity. In order to provide this local identity and good local government the DUP supported the introduction of a fifteen council model. The DUP would also contend that the terms of reference for the Review of Public Administration were too narrow and should have been extended to include central government and deal with institutions set up under the Belfast Agreement in 1998.
114. Sinn Féin supported the seven council model on the basis that it would intrinsically ensure greater protection of minority communities in that in all council areas where there was a nationalist or unionist majority, there would be a substantial minority of 20 to 25% and as such would provide the greatest community balance. Sinn Féin also argued that concerns about local identity and participatory democracy could effectively be addressed through implementation of recommendations in relation of Area Based Committees and Local Area Community Planning Forums.

115. The UUP considered that the current proposal for seven councils would create large remote political entities with no community locus. In line with its submission to the RPA consultation document, the UUP remained of the view that the proposed reduction of Local Councils from twenty-six to seven was unacceptable. The UUP had consistently campaigned for a reduction to fifteen based on the Parliamentary Constituency boundary model and its position had been widely endorsed by others including by NILGA.
116. The SDLP position is that a seven Council model could have serious implications for community relations through what had been referred to as ‘balkanisation’ of Northern Ireland, creating large areas dominated by one community and making power-sharing more difficult. The SDLP contended that a model based on up to fifteen Councils would create bodies with big enough population bases and budgets to take on significant responsibilities and meet their constituents’ demand for their views to be heard and taken into account in the development and delivery of public services.
117. **The Subgroup was unable to reach a consensus position in relation to the number of councils.**
118. **Members did, however, recognise if the primary legislation to give effect to the seven council model required approval by a devolved administration in July 2007, that failure to reach an agreed position could lead to potential stalemate.**
119. **Members agreed that it would be preferable for the parties before that date to seek to reach consensus on whatever number of councils was needed to achieve strong, effective and efficient local government, delivering quality services within a framework of equality, and effective and robust protection for minority rights.**

Modernisation And Reform

120. In response to the local government modernisation and reform programme arising from the RPA, the Department of the Environment established a Local Government Taskforce, which comprised initially a Political Panel and a Working Group to provide strategic direction and cohesion to the project. Nine subgroups were tasked with bringing forward policy proposals to inform legislation, and identifying key implementation tasks.
121. Following an independent review, a revised structure was being established to support the effective implementation of the overall programme, with appropriate political involvement. DUP, Sinn Féin, SDLP, UUP and Alliance parties had agreed to participate in the work of the Taskforce but four of the parties, apart from Sinn Féin, would work only on the modernisation and reform agenda, while continuing to oppose the seven council model.
122. The Taskforce was to consist of three elements:
- a Strategic Leadership Board,
 - five Policy Development Panels, and

- a Social Partners Forum.

The Strategic Leadership Board

123. The Strategic Leadership Board would act as the pinnacle and driver of the implementation process, and included ten political party representatives nominated by NILGA and the political parties. It would be chaired by the DoE Minister with the NILGA President acting as Vice-Chair. An advisory officer group comprising three senior NICS representatives, drawn from departments transferring functions, and two senior representatives from local government, would support the Board. The Director of Local Government Reform Division in DoE and the Chief Executive of NILGA would act as joint Secretaries to the Board with secretariat support being provided jointly by DoE and NILGA.

The Policy Development Panels

124. Policy Development Panels would be established to lead the policy development and implementation process on key areas, commissioning research, task and finish projects and taking their lead from and reporting back to the Strategic Leadership Board. The areas that each panel would address, which have been linked thematically, were as follows:
- Human Resources and Capacity Building;
 - Central/Local Government Relationships and Performance Management;
 - Shared Services, Finance and Estates;
 - Community Planning and Governance; and
 - Transfer of Functions.
125. A political representative who, for continuity purposes, would be drawn from the Strategic Leadership Board would chair each panel. The membership of each panel would include a further nine political representatives, drawn from the five main parties. The make up of the wider panel membership would be tailored to meet the requirements of the work streams being delivered by the Policy Development Panel and would be drawn from local government, central government and others, as appropriate. Support to each panel would be provided jointly by DOE and NILGA.

The Social Partners Forum

126. A Social Partners Forum would also be established to facilitate the involvement of social partners (i.e. voluntary, community and private sectors) in all aspects of the implementation process.
127. The Forum would provide the opportunity for regular meetings between the social partners and the Chair, Vice Chair and other representatives of the Strategic Leadership Board. Department of Environment senior officials would also be exploring with the social partners the potential for one or two individuals to represent the interests of the Forum on the Strategic Leadership Board.

128. **The Subgroup welcomed the proposed involvement of the political parties in the work of the Local Government Taskforce and agreed by consensus that it was important that the work of the Taskforce be closely monitored by the Committee on the Programme for Government.**

Consultation On Health Services Restructuring

129. At the meeting of the Subgroup on 8 December 2006, members asked departmental officials about the potential for political representatives to be involved in discussions about planned changes in the health and education sectors.
130. A reply from the OFMDFM on 21 December 2006 reported that DHSSPS had discussed the RPA proposals with representatives of Political Parties during the RPA consultation during 2005 and took into account responses from Parties in advising Ministers in advance of the decisions announced on 22 November 2005. The Department reported that much of the period since then had been focused on the mechanics of implementing ministerial decisions as part of a wider reform programme, of which the RPA was one key element. The reply did point that the Department was in the process of developing further reform proposals for discussion with local political parties and Minister Paul Goggins was seeking to organise a meeting with MLAs early in the new year to take parties' views on the RPA process so far. DHSSPS also hoped to put primary legislation proposals out for consultation in January and, if this was possible, it would provide an important opportunity for political parties to take stock of progress so far in implementing the RPA reforms and to influence the next steps.
131. **The Subgroup welcomed the decision of the Minister to meet with MLAs and agreed by consensus that DHSSPS should continue to engage with the Assembly as implementation of the RPA decisions proceeded.**

Consultation On Education Re-Organisation

132. In relation to the education sector the Central RPA Unit reported to the Subgroup that the main political parties received the consultation documents on RPA in 2003 and 2005 although these were not specific to Education. Those who responded in 2003 were Alliance, Green Party, SDLP, Sinn Fein and UUP. In 2005, responses were received from Alliance; DUP; Green Party; UUP; SDLP and Sinn Fein. Department of Education officials met with each of the five main political parties as part of the bilateral process following the Minister's second announcement on RPA. All political parties received relevant policy papers in December 2006. Political parties also received the RPA Moving Forward newsletter and were on the main RPA Distribution list.

133. **The Subgroup agreed by consensus that the Department of Education should be asked to set up mechanisms, similar to those within the Department of Health and Social Services, to keep the Assembly informed of progress on the implementation of the re-organisation of education services.**

Other Bodies

Quangos

134. The Secretary of State announced in March 2006 that the remaining eighty one public bodies are to be reduced to fifty four. This would be achieved in the main by merging bodies or transferring complete functions to local government or central government. Many of the remaining bodies would have reduced responsibilities through some of their functions transferring to local government. All of the bodies that remain would be required to work with councils in the community planning process.
135. All appointments to public bodies in Northern Ireland were to be made on merit. For the future, all Board members would be appointed under the guidelines laid down by the Commissioner for Public Appointments.
136. **The Subgroup agreed by consensus that the reduction in the number of Quangos had not gone far enough. Members considered further significant reductions, based on an assessment of each body, should be made and that clear lines of democratic accountability to either central or local government should be established within a devolved administration for those bodies to be retained.**

Rural Planning

Rural Planning Policy Statement 14

137. Draft Planning Policy Statement (PPS) 14 - “Sustainable Development in the Countryside” was published by the Department for Regional Development on 16 March 2006 (www.drdni.gov.uk/DRDwww_Consultations/archive.asp). It set out a new policy to replace the relevant existing policies contained within the rural planning policy document - “A Planning Strategy for Rural Northern Ireland” [DOE 1993]. Parallel to the publication of the draft policy, NIO Minister Shaun Woodward made a Ministerial Statement to ensure the policy would take precedence for all new applications received after 16 March.

Aims of policy

138. The stated aim of PPS 14 was:

- to manage development in the countryside in a manner consistent with achieving the strategic objectives of the Regional Development Strategy for Northern Ireland 2025.

139. The objectives of PPS 14 were:

- to manage growth in the countryside to achieve appropriate and sustainable patterns of development that meet the essential needs of a vibrant rural community;
- to conserve the landscape and natural resources of the rural area and to protect it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution;
- to facilitate development necessary to achieve a sustainable rural economy; and
- to promote high standards in the design, siting and landscaping of development in the countryside.

140. Justification for the introduction of the policies contained within PPS14 relied on what the Department described as:

‘the significant concern expressed by many about development trends and the enhanced pressures being exerted on the countryside, particularly in view of the Government’s commitment to sustainable development’.

141. The Department also claimed that:

‘In recent years there had been an accelerating pressure for development throughout the countryside, in particular single new dwellings. Over 63,000 approvals have been granted in the last 10 years, with over 9,500 alone approved in year 2004/2005.’

142. The Department concluded that:

'The continuation of current development trends in the countryside is now judged to represent a significant threat to the environment and therefore is considered to be unsustainable. For this reason stricter controls would now be exercised over new housing development throughout the countryside with a limited number of exceptions to meet the needs of the rural community including farmers.'

143. The consultation period for comment on PPS14 closed on 9 June 2006 but it was now subject to a judicial review, which was granted to Omagh District Council and others. This review was scheduled for the end of January 2007.

Prior Consultation

144. In 2004 an Issues Paper was published by the Department for Regional Development to stimulate debate and elicit views on future policy direction on development in the countryside.

145. Only eighty-six responses were received, with submissions from local councils, rural community groups, environmental interest groups, as well as professional bodies and individuals. In addition, departmental officials undertook a round of meetings with the main stakeholders, including the four main political parties.

146. In numerical terms the responses were divided, approximately 50/50 between those in support of (or opposed to) retaining the 'presumption in favour' of single dwellings in the countryside outside of Green Belts / CPAs. In general terms, those in favour of retaining the 'presumption in favour' were the political parties, District Councils and rural community groups. The Rural Development Council advocated a more restrained approach. Those opposed were the professional bodies and the environmental groups. For example, the National Trust called for an immediate moratorium on the grant of planning permission for single dwellings in the countryside, pending the review of PPS 14.

147. There was a broader consensus on a number of other issues:

- a large majority of respondents advocated tailoring policies to reflect different local needs and development pressure across the Region;
- an equally large majority were in favour of the introduction of a 'local needs' criteria in respect of single dwellings in the countryside. Opinion varied on how this should operate in practice;
- there was widespread recognition for the need to achieve improvements in the design and siting of new dwellings.

Alternative Proposals

148. In September 2005, Department for Regional Development officials produced a paper which set out four options that covered a range of policies, from continuation of the existing policy approach, to introducing a presumption against approval of single dwellings in the countryside. These four options are set out below:

Option One:

Ongoing extensions to Green Belt and CPAs through the Development Plan Process while maintaining current Planning Policies

“The existing policy approach of a presumption in favour of single dwellings in the Northern Ireland countryside, except where Green Belts and CPAs are designated, would continue. The current policies would remain, as at present, with applicants required to prove ‘need’ to live in a Green Belt/CPA, while in the rest of the countryside (the “Rural Remainder”) applications would continue to be assessed solely against environmental planning criteria focussed on the integration, siting and design qualities of a proposal.

The areas designated as Green Belts and CPAs are likely to be extended, based on local pressure analysis, with the further publication of updated Area Plans. This is in addition to the recently published draft plans for Down and Ards, Magherafelt, Northern and BMAP. It is anticipated that the extent of Green Belts/CPAs designations would, within the next 4-5 years, be close to 50% of the countryside of the Region.

This option would continue to protect the environment of the rural areas close to the major urban centres and seek to discourage urban generated housing demand in other areas. This may elicit some political/community opposition given the volume of adverse comment currently received on proposed extensions to Green Belt and CPAs in recently published plans, but is likely to be more favourably received than some of the other options.

It would attract opposition from environmental groups as it allows for the continued growth in the number of approvals in areas outside of Green Belts and CPAs (where the majority of approvals are concentrated), leading to further erosion in the character and landscape of the rural environment.

A number of weaknesses and policy gaps have been identified in the current policy. Leaving them unchanged may attract criticism from certain quarters that we have not seriously considered the scope to improve the situation.

Continuation of the rate of approvals, particularly in the areas outside of Green Belts/CPAs, would undermine Sustainable Development objectives, and the Regional Development Strategy, which had a focus on developing main and local towns. It may, in the medium to long-term, give rise to ‘infraction issues’ in relation to EU Directives on Water Quality due to the high numbers of septic tanks associated with rural house development and failings in their design and maintenance.

Overall it is considered this option would not be sufficient to deal with the unprecedented numbers of planning applications for single dwellings currently being submitted in the

Rural Remainder. In the longer term it would have an impact in the areas proposed as Green Belts/CPAs, but this in itself may serve only to move development pressure into other areas.

Option Two:

Ongoing extensions to Green Belt and CPAs through the Development Plan Process and review the content of current Planning Policies

“This option expands Option One to include a review of the content of a number of the rural development control policies that currently apply.

As with Option One, this option would in time geographically expand areas designated as Green Belts / CPAs. This would be achieved through the programme of Area Plan Reviews.

As part of this option there would be a review of development control policies affecting both the Green Belt/CPAs and the Rural Remainder with a general view to tightening the criteria used to assess proposals. Officials have been working on this and details are attached at Annex 2.

The advantages of this option are:

- *It would maintain a strong presumption against development in Green Belts/CPAs. Certain policy tests, such as those related to personal circumstances and replacement dwellings, would be tightened, however, some additional flexibility to accommodate the sons and daughters of the farming community could be introduced. As Green Belts expand their policies impact on more people, a slightly more flexible approach to reflect this wider impact and the changing nature of farming seems appropriate.*
- *The presumption in favour of single dwellings in the countryside subject to environmental planning criteria is still retained for a large part of the north and west of Northern Ireland. This option would however allow refinements and amendments to the general policies relating to the integration, siting and design of rural dwellings to be considered with a view to reducing the overall impact of new development on the rural landscape and character of the countryside.*
- *It can be seen as a pragmatic response to local development pressures, tailoring policies to reflect local needs.*

The disadvantages of this option are:

- *Environmentalists may argue that this option is in effect simply a continuation of the existing policy approach and, therefore, does not go far enough to stem the significant increase in the number of rural approvals and the damage to the amenity, character and environment of the countryside. They may also oppose any additional flexibility of Green Belt/CPA policy.*
- *It is uncertain whether the proposed refinements and amendments to the existing general policies relating to the integration, siting and design of rural dwellings would alone impact on the significant numbers of planning applications being submitted in the Rural Remainder and the consequent number of approvals.*

- *The timescale anticipated by DOE for production of Area Plans means that it would be several years before there would be full coverage of Northern Ireland with development plans drawn up under the new strategic framework provided by the RDS.*

Option Three:

The use of Personal Information in the Rural Remainder (the Kinship Option)

This option expands Option 2 to include a Kinship condition in the Rural Remainder.

As indicated above, at present beyond Green Belts / CPAs, applications for rural dwellings are assessed solely on the basis of environmental planning criteria. Under the 'Kinship Option' a distinction would be made, in these areas, between those applicants who can demonstrate a social / economic connection to the particular rural area and those who make speculative applications or merely desire to live there.

Any approval would be made personal to the applicant by means of an occupancy condition for a minimum period (somewhere in the order of 7 years).

While this would represent quite a tightening of existing policy in the Rural Remainder, it is considered that this option could attract some political and community support, dependent upon how the detailed assessment criteria are drawn and the policy implemented. This was reflected in several of the responses to the PPS 14 Issues Paper. If operated in a flexible manner, this approach would be seen as meeting the needs of the indigenous rural communities by filtering out urban generated housing demand. This approach is used in the Republic of Ireland, although direct comparisons are difficult due to the differences in administering the planning system.

The advantages of this option are:

- *This brings with it broadly the same advantages as for Option 2. It retains the presumption in favour of development of single dwellings in the Rural Remainder subject to environmental criteria, but in effect limits this to the indigenous rural community.*
- *While this Option falls quite a bit short of the level of restriction operated in Green Belts / CPAs, the environmental lobby may cautiously welcome this move on the basis that it is still likely to reduce the current level of demand witnessed in the Rural Remainder.*
- *Restricting approval of new single dwellings in the Rural Remainder through personal occupancy conditions to members of the indigenous local community may assist rural affordability.*

The disadvantages of this Option are:

- *Dependent upon how drawn up, the kinship filter could prove ineffective given the large rural population base of Northern Ireland.*
- *It could result in operational difficulties for Planning Service namely: additional administrative pressure to an already overloaded planning system, additional delays in*

processing applications and difficulties for those responsible for practical implementation so that there is consistent decision-making.

- *If there is abuse of the occupancy conditions then enforcement problems would inevitably follow.*

Option Four:

Application of Green Belt / CPA policy to all of Northern Ireland (Removal of Presumption in Favour)

This option would reintroduce the presumption against approval of single dwellings in the countryside across the region in line with the rest of the United Kingdom.

It would immediately impact on applications and significantly reduce the number of approvals. Approvals would be limited to exemptions such as agricultural need, retiring farmer, special personal or domestic circumstances and replacement dwellings.

It would generate significant political and community opposition in that it would be perceived as a draconian measure undermining the long-term sustainability and viability of indigenous rural communities. There would be every likelihood that, if devolution were restored, this policy (if it were to be adopted) would be reversed. Even if the exemptions were reviewed and extended, opposition would remain.

Adoption of a strict control policy across all of Northern Ireland, would however be seen, particularly by the environmental lobby, as being essential for the drive towards Sustainable Development. It would also be seen as an important step in the prevention of further damage to the quality of the rural landscape.”

149. In their consideration of the options departmental officials made the following recommendation:

“No option would attract universal favour. It would also be important to frame a policy that can command as widespread public acceptance as possible. There is strong political support for a continuation of the presumption in favour of single dwellings in the countryside beyond Green Belts and CPAs. However, all the political parties recognise that the volume and scale of the new development needs to be brought under more strict control. The impact of any option chosen would need to be carefully monitored.

It is recommended that we proceed by means of Option Three, which involves:

- *the ongoing extension of Green Belts and CPAs through the Development Plan process;*
- *a review of rural development control policies; and*
- *the introduction of a kinship condition in the Rural Remainder.*

This option expands the option previously approved by John Spellar to include a kinship condition in the Rural Remainder. This change is proposed because:

- *the further increase in approvals in the Rural Remainder; and*
- *in reviewing development control policies, officials found little scope to improve policy to reduce the number of approvals.*

This option is recommended because:

- *whilst retaining the presumption in favour in the Rural Remainder, it in effect limits this to the rural community;*
- *whilst it may prove difficult to operate and be open to some abuse, the net impact should be to reduce the number of approvals;*
- *local politicians would be generally supportive of the kinship condition;*
- *multiple applications shall be less likely.”*

Outcome of Ministerial Consideration

150. Prior to consideration by the Minister, the draft submission was sent to the Special Adviser to the Secretary of State.
151. In a series of emails released to under Freedom of Information, the Adviser advised officials, *‘I actually feel that we should now go for Option 4 and bring us into line with the rest of UK. I am particularly opposed to the ‘kinship’ addition to current practice for wider political reasons’*.
152. No further information on what was meant by wider political reasons was given.
153. Following a meeting with officials at which the Adviser indicated *‘a particular direction might be appropriate in the present circumstances’* he wrote by email on 9 November, that he had spoken to the Secretary of State and the Minister and that both agreed to proceed with the most restrictive policy, in line with the wider sustainability agenda. He advised that the Minister wanted a short note on the likely political reaction.
154. This note, which was submitted to the Minister on 17 November 2005, highlighted a potential adverse reaction to the adoption of Option 4 from all the local political parties. Despite this advice Ministers decided to proceed with Option 4, which introduced a presumption against development in the countryside.

Results of 2006 Consultation

155. The Subgroup on the RPA and Rural Planning met on 8 December 2006 and heard evidence from Mr. Mike Thompson and Mr. Tom Mathews, officials from the Department for Regional Development.
156. Mr. Thompson informed the Subgroup that of the 8513 written responses received during the consultation period from 16 March to 9 June 2006, 95% were opposed to the broad thrust of Draft PPS 14. The main focus of those who expressed opposition was in relation to the inclusion in the policy of a presumption against development in the countryside.

157. Typical comments received by the Department were:
- “Draft PPS 14 should be withdrawn, reconsidered and substantially amended”, and:*
- “Its proposals are too sweeping, too restrictive and take no account of their impact on the rural economy, house prices or the history and social life of rural dwellers.”*
158. Another comment said:
- “PPS 14 is inherently wrong as it fails to acknowledge or illustrate any real understanding of the sensitivities, needs and complexity of the rural context. The proposals are simply inappropriate and threaten to undermine the future of rural communities.”*
159. On a similar note, many expressed the view that that PPS 14 represented a total ban on building single dwellings in the countryside and that it would have a detrimental impact on rural schools, community groups, sporting organisations, businesses and, by definition, the rural community. Many held the view that rural areas and populations were not homogeneous and that implementing a one-size-fits-all blanket policy such as draft PPS 14 across all of Northern Ireland was inappropriate.
160. Mr Thompson referred to four policy areas on which the Department considered respondents had provided useful ideas. The first area involved farmers and the farm viability tests. Many respondents pointed out that farming had changed so much in recent years that many farms would never meet that viability test. Mr Thompson conceded that the Department would have to look again at the viability test because it would appear to be irrelevant to a large swathe of agricultural Northern Ireland. In his view the proposed policy simply would not work.
161. Respondents also pointed out that part-time farming was increasing and financial input to many farms came from income earned off-farm. The message given to the Department was that the overall total financial input from farming families should be taken into account rather than simply an assessment of the farm viability. There were many comments and ideas about this issue, and it was felt that any new definition of viability should allow both small and large farms to be considered eligible.
162. In relation to the proposed replacement policy, many people expressed a view that it was just too restrictive and recommended that it should be much more flexible. The main issue involved residential abandonment — the old abandoned house in the countryside with the roof fallen in, which many respondents felt should be possible to bring back into residential use.
163. Restrictions on the size and siting of replacement dwellings were considered unnecessary by some, and many felt that they led to additional costs. Some respondents also suggested that policy should maximise the potential afforded by rural brownfield opportunities.
164. Similarly, it was suggested that not allowing the replacement of existing derelict buildings could actually lead to a greater loss of built heritage. In many instances, replacement, conversion and re-use of existing buildings as residential accommodation was seen as the only economic and viable alternative.

165. Issues around VAT were also raised. Many felt that it was wrong that VAT was payable when restoring an existing building, but that it was not payable on new builds.
166. Mr Thompson reported that the proposals in relation to social housing policy were generally welcomed, but many people highlighted potential problems and shortcomings where improvements could be made. The issue of affordability on which Sir John Semple had recently reported was a key issue raised by many respondents.
167. In view of the current trends, many people felt that there was an inconsistent approach to planning and that rural approvals lacked effective enforcement. Therefore, they called for greater accountability in the planning process and better co-ordination between Government departments.
168. Many people felt that the planning policy should be tailored across the region to reflect differing needs and pressures. Furthermore, they wanted the dispersed rural community designation to be reinstated. There were similar calls for the reinstatement of policy to facilitate special personal or domestic circumstances.
169. Mr Thompson identified kinship ties and occupancy conditions as the most strongly represented alternatives to the proposed presumption against development. Many respondents suggested that the Department should operate instead a presumption favouring development with restrictions, and that such restrictions could perhaps focus on providing connections with the land.
170. A frequent request in the consultation exercise was that planning permission for houses should be given to local people who could provide evidence of links with the land in their local area. It was suggested that such a link might be to have lived, worked or gone to school locally; to be able to trace grandparents back to a particular bit of land; or to provide a family connection with the land through parish records. The system operated by the Republic of Ireland's was often cited as a system the Department should operate here.
171. Many people stated that if a presumption against development were to be introduced, it would have a better chance of success if realistic exceptions that centred on genuine rural need were factored into the equation.
172. Mr Thompson pointed out that there was general agreement that speculative development throughout the countryside was harmful and that it must be stopped and genuine rural needs addressed.
173. Mr Thompson stated that the contents of draft PPS 14 already applied to a large extent across Northern Ireland, particularly in the east of the Province, via the old green belt regulations. Therefore, while many in the east of the region did not see it as a new policy its impact had been felt particularly strongly in western areas, which provided most of the consultation responses.
174. In conclusion, Mr. Thompson told the Subgroup that a general theme throughout the responses was that there was agreement that something needed to be done to stop speculative developers but that there was also a need for balance between sustainability and supporting vibrant rural communities.

Views of the Political Parties and Other Selected Organisations

175. All the political parties had stated that PPS14 did not strike the right balance between sustainable development of rural communities and protection of the countryside. There was broad agreement between the parties, the Rural Development Council (RDC) and Rural Community Network (RCN) that there was the potential for PPS14 to have widespread negative effects on rural communities including impacting on the viability of schools, businesses, contributing to increased house prices, possible depopulation of areas and affecting the social structure of rural areas. PPS14 was perceived as not only failing to address the needs of rural communities but failing to recognise what those needs were and could therefore ultimately contribute to the loss of the ‘rural way of life’. Friends of the Earth (FoE) rejected the argument that PPS14 would negatively impact on social cohesion and cited a survey carried out in the RoI that indicated that almost 40% of non-farming rural households in the Republic of Ireland (RoI) had no involvement with community, voluntary or sporting organisations in the area where they lived.
176. However, the parties also acknowledged that ‘doing nothing’ – in effect adherence to pre-PPS14 policy – was not an option. All shared the objective of striving for truly sustainable rural communities while opposing unrestricted development, but they also agreed that that a ‘one-size-fits-all’ approach to rural planning was not conducive to achieving this objective and, consequently, that PPS14 should be withdrawn. There was also general agreement that an inconsistent approach to planning in rural areas had contributed to the trend of increased isolated development in the countryside.
177. The political parties, the RDC, RCN, FoE and RSPB acknowledged the need to protect the environment from inappropriate development. However, both FoE and the RSPB were supportive of PPS14 as the means of doing this. The political parties on the other hand believed there should be a more nuanced approach in determining need and applicability, before planning permission could be granted for an individual dwelling. Specifically, the application for planning permission could distinguish between speculative development and ‘legitimate’ rural dwellers by incorporating kinship testing or evaluating links with the community and area where the planning permission was being sought. This type of approach – possibly based on a points system was also suggested by the RDC and RCN and, it was argued, could be underpinned by the inclusion of an ‘occupancy’ clause in any planning permission, as was the case in the RoI planning guidelines. FoE disagreed with this and suggested that a rural dweller had no more right to live in a rural area than an urban dweller had to live in a particular street or town.
178. Both the RDC and RCN suggested that a more locally-led approach to planning should be adopted with both citing the Community Planning process. This would involve an evaluation of the capacity of an area to accommodate different types of housing including affordable housing and sites for individual houses. This would allow development to proceed within the capacity and need of specific areas. This was in broad agreement with party positions that local area plans could show more flexibility in relation to planning depending on the requirements and capacity of the specific area.

179. Some of the political parties made specific comment that PPS14 did not address the issue of affordable housing and referred to the ‘gifting’ of a site as one way that housing was made affordable to rural dwellers e.g. a site was gifted to a son or daughter which reduced the cost of a house relative to the purchase of a house in a town or village.
180. Both the RDC and RCN stated that the inclusion of viable full-time farming as a prerequisite for obtaining planning permission on a farm did not reflect the nature of modern day farming with the emphasis on diversification, and the need to secure alternative sources of income to support the farm business.
181. There was general agreement that the building style of any dwelling for which planning permission was granted should be in keeping with the dwellings in the local area and sympathetic to the landscape.

Policy Development Process

182. Members of the Subgroup considered the decision making process which led to the introduction of Draft PPS14 and reached the conclusion that it had been seriously flawed. Members expressed serious concerns that the detailed work over a two to three year period undertaken by professional staff within the Department for Regional Development, the Department of Agriculture and Rural Development and the Department of Environment had effectively been dismissed in a matter of weeks by the Secretary of State’s Special Adviser.
183. Members were appalled that such an important decision was taken because ‘of wider political reasons’ and that ‘a particular direction might be appropriate in the present circumstances’ rather than on the basis of sound planning policy reasons.

Subgroup Conclusions

184. **The Subgroup agreed by consensus that the restrictive policies contained within PPS14 should be subjected to a fundamental review and new policies developed to address the strong opposition from all of the main political parties and the vast majority of those who responded to the consultation exercise.**
185. **The Subgroup agreed by consensus that a devolved administration should initiate a fundamental review of the planning system throughout Northern Ireland, involving all relevant stakeholders, to develop comprehensive planning policies that were appropriate to Northern Ireland rather than attempt to impose policies devised specifically for other regions. The review should seek to integrate planning policy with the widest range of social, economic and environmental policies rather than seek to deal with them in isolation.**

186. **While members agreed that unrestricted development in the countryside was not sustainable, the Subgroup agreed by consensus that the policies contained within PPS 14 were unduly restrictive and inflexible.**
187. **The Subgroup agreed by consensus that presumption in favour of development in the countryside should apply. However certain restrictions would be required to ensure that stakeholders within the rural community, either in terms of housing need or a strong connection with the area, received preferential treatment. Such a policy should operate throughout Northern Ireland.**
188. **The policy in relation to farm dwellings did not take account of the changing nature of farming in Northern Ireland and needed to be changed. For example, the farm viability test had been set at such a high level that many farms could never meet the criteria required. The Subgroup agreed by consensus that a new policy on farm dwellings needed to be developed in conjunction with the farming community and other relevant stakeholders.**
189. **The Subgroup agreed by consensus that a much more flexible and innovative approach to policy in relation to replacement of dwellings in the countryside that have been abandoned or unoccupied for a long period needed to be developed. Replacement of such dwellings would make a significant contribution to the rural landscape rather than allow such dwellings to gradually reduce to a pile of rubble.**
190. **The Subgroup agreed by consensus that economic development, including development of tourism and small businesses, was an essential element in creating vibrant and sustainable rural communities and that the general presumption against development in the countryside contained in PPS 14 could seriously limit opportunities for funding and development of rural projects.**

List of Witnesses Who Gave Evidence to the Subgroup

8 Dec '06

- Damian Prince - RPA Central Unit
- Jim McKeown - RPA Central Unit
- Laura Hague - RPA Central Unit
- Ian Maye - DOENI
- Mike Thompson - DRD
- Tom Mathews – DRD

13 Dec '06

- Stephen Peover – Permanent Secretary, DOE
- Dr Andrew McCormick – Permanent Secretary, DHSSPS
- Dr Denis McMahon – DHSSPS
- Dr Edward Rooney – Under Secretary, DENI
- RH (Dick) Mackenzie – Local Government Boundaries Commissioner
- Ms Amanda Morrison – Secretary to LG Boundaries Commission

List of Written Submissions, Evidence and Papers Considered by Subgroup

08 Dec '06

RPA:

Statement by Secretary of State for NI Nov '05 (http://www.nio.gov.uk/speech_by_secretary_of_state_on_outcome_of_review_of_public_administration_22_november_2005.pdf?keywords=rpa)

Reform of Local Government – Lord Rooker Nov '05 (<http://www.archive.rpani.gov.uk/rookerspeech.pdf>)

Ministerial Statement – Lord Rooker March '06 (<http://www.archive.rpani.gov.uk/statement210306.pdf>)

Better Government for NI – Final RPA Decisions (<http://www.archive.rpani.gov.uk/bettergovernment.pdf>)

Press Release – LG Boundaries Commissioner Nov '06

(http://www.lgbc-ni.org/final_press_release_2-11-06_.pdf)

Briefing Papers - Research & Library Services

Rural Planning:

Briefing Papers - Research & Library Services

Background Paper - PPS 14 Consultation Document

http://www.drdni.gov.uk/DRDwww_FOISearch/document.asp?doc=8324

13 Dec '06

RPA:

Review Programme (Nov 2006 to May 2007) Key Milestone Dates - Boundaries Commissioner - RH Mackenzie

Party Position Papers

Rural Planning:

Rural Community Network - Response to draft Consultation document (<http://www.ruralcommunitynetwork.org/text/PPS14%20RCN%20Response.PDF>)

Rural Development Council Policy Paper (<http://www.rdc.org.uk/publications/RDC%20POLICY%20ON%20HOUSING%20IN%20THE%20COUNTRYSIDE.doc>)

Report from campaign group PPS14.com (www.pps14.com)

Party Position Papers

20 Dec '06

RPA:

Location of Health Headquarters - Dr Andrew McCormick DHSSPS

Rural Planning:

PPS 14 Submission - Mike Thompson DRDNI

Friends of the Earth Response to Draft Consultation Document

(http://www.foe.co.uk/resource/briefing_notes/pps14_ni.pdf)

RSPB - Response to draft Consultation Document

Research & Library Services – Comparison of PPS 14 within UK & RoI

03 Jan '07

RPA:

Update on matters arising (meeting 08/12/06) - RPA Central Unit

Deloitte Report - Costs and Efficiencies Briefing Paper (http://www.rpani.gov.uk/deloitte_report_-_costs_and_efficiencies.pdf)

Executive Summary of the Deloitte Report (<http://www.archive.rpani.gov.uk/costs.pdf>)

Rural Planning:

'A Planning Strategy for NI' - Annex 2 - DRD NI

10 Jan '07

RPA:

Submission – Equality Monitoring and Coterminosity – RPA Central Unit

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Appendix 1

**Minutes of Proceedings
Relating to the Report**

Friday, 8 December 2006 in Room 135, Parliament Buildings.

In the Chair: Francie Molloy

Present: Dominic Bradley
Tommy Gallagher
Alex Maskey
Philip McGuigan
Edwin Poots
Peter Weir
Jim Wilson

In Attendance: Martin Wilson (Principal Clerk)
Michael Rickard (Assembly Clerk)
Roisin Fleetham (Assistant Clerk)
Elaine Farrell (Clerical Supervisor)
Tim Moore (Senior Researcher)

Observing: Damian McGinity (SF Researcher)
Clive McFarland (DUP Researcher)
Mark Neale (UUP Researcher)
Nuala O'Neill (SDLP Researcher)

The meeting commenced at 1.43pm.

1. **Apologies**

Mr Storey (Mr Weir attended as DUP representative in place of Mr Storey).

2. **Introductions**

Members noted details of secretariat support staff and sub-group membership.

3. **Terms of Reference for the Sub-Group**

Members noted the Terms of Reference for the sub-group, as approved by the Programme for Government Committee.

4. **Sub-Group Procedures**

Members agreed the procedures for the sub-group, as provided by the Programme for Government Committee.

The Chairperson proposed the following:

- i. meetings would be held in closed session;
- ii. proceedings would not be recorded by Hansard, except during witness sessions.

There was consensus and the proposal was agreed.

The Chairperson proposed that a tape recording of the discussions would be taken for use exclusively by Committee staff. There was consensus and the proposal was agreed.

5. Declaration of interests

The Chairperson reminded members that in relation to Members' Interests, the Transitional Assembly's Standing Orders 29(f) state that *'before taking part in any debate or proceeding of the Assembly, a Member shall declare any interest, financial or otherwise, which is relevant to that debate or proceeding, where such interest is held by the Member or an immediate relative.'*

Members were advised that 'proceeding' of the Assembly includes meetings of the sub-group.

The following interests were declared:

Alex Maskey – Member of Belfast City Council;

Philip McGuigan – Member of Ballymoney Borough Council;

Edwin Poots – Member of Lisburn City Council;

Peter Weir – Member of North Down Borough Council, Vice Chair NILGA and SEELB member.

6. Transitional Assembly Privilege

The Chairperson advised members that under Paragraph 8 of Schedule 1 to the Northern Ireland (St Andrews Agreement) Act 2006 states that *'a written or oral statement made by a member in or for the purposes of the Transitional Assembly is to be privileged from action for defamation unless it is proved to have been made with malice.'* In other words in the Transitional Assembly statements made by Members are not granted absolute privilege by the Northern Ireland (St Andrews Agreement) Act 2006 but they are granted qualified privilege.

The term *'for the purposes of the Transitional Assembly'* includes written or oral statements made by members during meetings of Transitional Assembly Committees and sub-groups and press notices issued on their behalf.

Members were advised that privilege does not extend to press conferences or statements made to the press (i.e. statements/ interviews/ comments which members or parties may make to the press).

The Chair advised the members that Standing Orders do not extend privilege to witnesses giving evidence to the sub-group.

7. Review of Public Administration

Officials from the Office of the First and Deputy First Minister and Department of Environment joined the meeting at 1.55pm.

Officials gave a presentation on the current position in relation to the RPA. Officials in attendance were: -

Damian Prince - RPA Central Unit

Jim McKeown - RPA Central Unit

Laura Hague - RPA Central Unit

Ian Maye - DOENI

Mr Bradley left the meeting at 2.00pm

Mr Gallagher joined the meeting at 2.01pm

Mr Poots joined the meeting at 2.05pm

A question and answer session ensued. Departmental Officials agreed to provide further information in response to members' questions.

Departmental Officials left the meeting at 2.46

8. Rural Planning

Officials from the Department for Regional Development gave a presentation at 2.48pm on the current position in relation to Rural Planning (PPS 14). Officials in attendance were: -

Mike Thompson - DRD

Tom Mathews – DRD

A question and answer session ensued. Mr Thompson agreed to provide further information in response to members' questions.

Mr Weir left the meeting at 3.06pm

Mr Maskey left the meeting at 3.13pm

Mr Maskey joined the meeting at 3.15pm

Departmental Officials left the meeting at 3.40pm

9. Draft Work Programme

Members considered a draft work programme. The Chairperson proposed that the sub-group meet all day Wednesday 13 December and report to the Programme for Government Committee by 18th January 2006. There was consensus and the proposal was agreed.

The Chairperson proposed that the sub-group invite Permanent Secretaries from DOENI, DENI and DHSSPS to provide a strategic overview of the RPA at the next meeting. The Chairperson also proposed that the Local Government Boundaries Commissioner, Mr Mackenzie be invited to inform members of the work he is undertaking. There was consensus and the proposals were agreed.

The Chairperson proposed that members submit a short paper identifying issues to be addressed in the sub-group report. There was consensus and the proposal was agreed.

10. **Next Meeting**

The sub-group will next meet at 10.00am 13 December 2006 in Room 152, Parliament Buildings.

The meeting adjourned at 4.21 pm.

Chairperson: Francie Molloy

Date: 13.12.06

Wednesday, 13 December 2006 in Room 152, Parliament Buildings.

In the Chair: Patsy McGlone

Present: Tommy Gallagher
Alex Maskey
Philip McGuigan
Edwin Poots
Mervyn Storey
Jim Wilson

In Attendance: Martin Wilson (Principal Clerk)
Michael Rickard (Assembly Clerk)
Roisin Fleetham (Assistant Clerk)
Elaine Farrell (Clerical Supervisor)

Observing: Damian McGinity (SF Researcher)
Clive McFarland (DUP Researcher)
Nuala O'Neill (SDLP Researcher)

The meeting commenced at 10.14pm.

1. **Apologies**

None

Mr Poots joined the meeting at 10.18 am

2. **Minutes of Meeting 8 Dec '06**

These were agreed for publication on the Assembly website.

3. **Declaration of interests**

The following interests were declared:

- Patsy McGlone – Member of Cookstown District Council;
- Mervyn Storey – Member of Ballymoney Borough Council;

4. Matters Arising

Members discussed whether the meeting would be held in closed or public session. It was agreed that meetings would be held in closed session, except during witness sessions and a tape recording of the discussions would be taken for use exclusively by Committee staff.

The Clerk reported that Mike Thompson, DRDNI has agreed to forward the papers that were released recently under a Freedom of Information request in respect of PPS 14 and to clarify the position in relation to policy proposals on farm buildings. The Clerk also reported that Damian Prince, OFMDFM would be providing further clarification of redundancy costs in respect of local government and the current position of co-terminosity within the RPA.

In response to a query from Jim Wilson members indicated that party position papers would be submitted during the meeting.

5. Revised Procedures for Sub-Groups

Members noted the revised procedures for the sub-group, as approved by the Programme for Government Committee.

The Chairperson brought to the attention of members the letter from the Secretary of State's Office dated 30 Nov 06 to the Programme for Government Committee. Members wished to record that they did not accept that witnesses should nor be asked to state Departmental views as outlined in Paragraph 4 and agreed that this be relayed to the PFG Committee.

6. Review of Public Administration

Senior Departmental Officials from the Department of Health Social Services and Public Safety, Department of Education and Department of Environment joined the meeting at 10.30am.

Officials gave a presentation on a strategic overview in relation to the three main strands of the RPA. Officials in attendance were: -

- Stephen Peover – Permanent Secretary, DOENI
- Dr Andrew McCormick – Permanent Secretary, DHSS&PS
- Dr Edward Rooney – Under Secretary, DENI
- Dr Denis McMahon – DHSS&PS

Mr McGuigan arrived at 10.32am

A question and answer session ensued.

Departmental Officials left the meeting at 11.32 am

Dick Mackenzie – Local Government Boundaries Commissioner for N. Ireland accompanied by Ms Mandy Morrison – Secretary to LGBCNI gave a presentation on the work he is undertaking in relation to the new local government boundaries and the timescale involved.

A question and answer session ensued.

Mr Mackenzie and Ms Morrison left the meeting at 12.00 noon

The meeting adjourned at 12.02 pm

The meeting resumed at 12.19 pm

Mr Poots left the room at 12.19 pm

Mr Poots entered the room at 12.22 pm

7. Rural Planning

A discussion on PPS 14 ensued.

Mr Maskey left the room at 12.33 pm

The meeting adjourned at 12.38 pm for lunch

The meeting resumed at 12.52 pm

Mr Maskey entered the room at 12.56 pm

The chairperson proposed that the Clerk provide the following papers for consideration at the next meeting:

Papers from DOENI, DARD, DRD and NIO outlining the advice that had been provided to the Minister prior to publication of PPS 14.

It was agreed that the Clerk should prepare a draft section for inclusion in the sub-group's report setting out the issues relating to PPS 14.

The chairperson proposed that papers from the following groups outlining their position in relation to PPS 14 should be obtained for the next meeting:

Royal Society for Protection of Birds

Friends of the Earth

8. Party Position Papers

All parties submitted a paper. It was proposed that the Clerk would distil key points from these papers for inclusion in a draft report. There was consensus and the proposal was agreed.

The Clerk circulated a suggested structure and headings for the sub-group report. A debate ensued.

It was agreed that the sub-headings would be:

RPA

General

Equality Issues

Funding for Transferring functions

Costs & savings

Co-terminosity

Local Government

Number of Councils

Party Positions

Modernisation and Reform

Set of Principles

Local Government Taskforce

Governance

Community Planning

Human Resources

Finance

Shared Services

Estate Issues

Central Local Government Relationship

Performance Management

Transferring Functions

Health

Structures

Operating Arrangements

Location of Headquarters

Co-terminosity

Education

Structures

Operating Arrangements

Location of Headquarters

Further Education Colleges

Political Accountability

Other Bodies

Quangos

Political Accountability

Equality Impact

PPS 14

Party Positions

Pros and Cons

Policy Alternatives

It was agreed that the Clerk would provide members with copies of the Deloitte report, which dealt with projected costs and savings arising from the RPA. Other relevant papers, such as the views the Local Government Finance Officers Group, would also be obtained.

9. Draft Press release

Members considered a draft press release. The Chairperson proposed that both he and the Principal Clerk re-word the heading and issue to the press, there was consensus and the proposal was agreed.

10. Next Meeting

The sub-group will next meet at 10.30am, 20 December 2006 in Room 152, Parliament Buildings.

The meeting adjourned at 2.05 pm.

Wednesday, 20 December 2006 in Room 152, Parliament Buildings.

In the Chair: Patsy McGlone

Present: Tom Elliott
Tommy Gallagher
Philip McGuigan
Edwin Poots
Mervyn Storey

In Attendance: Nuala Dunwoody (Clerk Assistant)
Martin Wilson (Principal Clerk)
Michael Rickard (Assembly Clerk)
Roisin Fleetham (Assistant Clerk)
Elaine Farrell (Clerical Supervisor)
Dr Kevin Pelan (Researcher)

Observing: Damian McGinity (SF Researcher)
Clive McFarland (DUP Researcher)
Nuala O'Neill (SDLP Researcher)
Stephen Barr (UUP Researcher)

The meeting commenced at 10.39 am.

1. **Apologies**

Mr Wilson (Mr Elliott attended as UUP representative in place of Mr Wilson)

Mr Maskey

2. **Minutes of Meeting 13 Dec '06**

These were agreed for publication on the Assembly website.

3. **Declaration of interests**

The following interests were declared:

Mr Elliott – Member of Fermanagh District Council

4. **Rural Planning**

A discussion on PPS 14 ensued.

Kevin Pelan, Assembly Researcher gave a presentation on the Planning Policy adopted by the Scottish Executive.

The chairperson proposed that the Clerk should request the following papers for consideration at the next meeting:

Note of meeting between DRDNI Officials and Phil Taylor Nov '05;

Annex 2 - Mike Thompson DRDNI PPS 14 Draft Submission 23 September 2005.

It was agreed that the Clerk would produce a summary of the sub-groups deliberations on each of the 4 options contained in the Draft Submission of 23 September 2005 and members' recommendations for inclusion in the next draft of the report.

Mr Storey joined the meeting at 11.48 am

Members noted policy papers from the Rural Community Network, Rural Development Council, Royal Society for Protection of Birds and Friends of the Earth. The Chairperson proposed and it was agreed that a summary of these submissions and the views of political parties be included in the sub-group report.

5. Review of Public Administration

Members noted the letter from Dr Andrew McCormick DHSS&PS.

6. Next Meeting

The sub-group will next meet at 12.00 pm, 3 January 2007 in Room 135, Parliament Buildings.

The meeting adjourned at 12.26pm.

Wednesday, 3 January 2007 in Room 135, Parliament Buildings.

In the Chair: Patsy McGlone

Present: Thomas Burns
Alex Maskey
Philip McGuigan
Edwin Poots
Mervyn Storey
Jim Wilson

In Attendance: Martin Wilson (Principal Clerk)
Michael Rickard (Assembly Clerk)
Roisin Fleetham (Assistant Clerk)
Elaine Farrell (Clerical Supervisor)

Observing: Stephen Barr (UUP Researcher)
Damian McGinity (SF Researcher)
Clive McFarland (DUP Researcher)
Nuala O'Neill (SDLP Researcher)

The meeting commenced at 12.10 pm.

1. **Apologies**

Tommy Gallagher (Mr Burns attended as SDLP representative in place of Mr Gallagher)

2. **Minutes of Meeting 20 Dec '06**

These were agreed for publication on the Assembly website.

3. **Declaration of interests**

The following interests were declared:

Thomas Burns – Member of Antrim Borough Council

4. **Review of Public Administration**

A debate ensued on the subgroup draft report.

Mr McGuigan left the room at 12.13pm

Mr McGuigan entered the room at 12.14pm

Mr McGuigan left the room at 12.15pm

Mr Storey left the room at 12.47pm

Mr Storey entered the room at 12.49pm

Mr McGuigan entered the room at 1.08pm

Mr Storey left the room at 1.24pm

The meeting adjourned at 1.26pm for a short break

The Meeting resumed at 1.38pm

The chairperson proposed that the Clerk request a short paper from DEL, DHSS&PS and DENI outlining how each Department would integrate coterminosity within the proposed seven council model.

It was agreed that the Clerk would produce a summary of the members' recommendations for inclusion in the next draft of the report, which will be emailed to members no later than Mon 8 Jan '07.

Mr Maskey left the room at 1.50pm

5. Rural Planning

Members noted the documentation from DRDNI, particularly the email stating that no note had been taken of the meeting with Phil Taylor.

6. Next Meeting

The sub-group will next meet at 10.30am, 10 January 2007 in Room 152, Parliament Buildings.

It was also agreed that members would be available on Mon 15 January 2007 (a.m.) if a meeting is required.

The meeting adjourned at 1.56 pm.

Wednesday, 10 January 2007 in Room 152, Parliament Buildings.

- In the Chair:** Pat Ramsey
- Present:** Tom Elliott
Tommy Gallagher
Philip McGuigan
Mervyn Storey
- In Attendance:** Martin Wilson (Principal Clerk)
Michael Rickard (Assembly Clerk)
Roisin Fleetham (Assistant Clerk)
Elaine Farrell (Clerical Supervisor)
- Observing:** Stephen Barr (UUP Researcher)
Damian McGinity (SF Researcher)
Clive McFarland (DUP Researcher)

The meeting commenced at 10.36am

1. **Apologies**

Mr Maskey

Mr McGlone (Mr Ramsey attended as Chair in place of Mr McGlone)

Mr Poots

Mr Wilson (Mr Elliott attended as UUP representative in place of Mr Wilson)

2. **Minutes of Meeting 03 Jan '07**

These were agreed for publication on the Assembly website.

3. **Declaration of interests**

The following interests were declared:

Mr Ramsey – Member of Derry City Council

4. **Matters Arising**

Members noted the further information provided by the RPA Central Unit (OFMDFM), which had been requested during the meeting on 3 January.

5. **Consideration of the draft Report from the Subgroup on Review of Public Administration and Rural Planning**

Members considered the 2nd draft of the report from the Subgroup to the Committee on the Programme for Government on a 'paragraph-by-paragraph' basis as follows:

Front Page	Agreed
Membership and Terms of Reference	Agreed
Introduction	
Paragraphs 63 to 68	Agreed
Paragraphs 69 to 92	Agreed
Page 22	Agreed
Consideration of Issues	
Paragraphs 93 to 96	Agreed
Paragraphs 97 to 98	Agreed as Amended
Paragraphs 99 to 101	Agreed
Paragraph 102	To be Amended
Paragraphs 103 to 108	Agreed as Amended
Paragraphs 109 to 117	Agreed as Amended
Paragraphs 118 to 126	Agreed
Paragraphs 127 to 129	Agreed
Paragraphs 130 to 131	Agreed as Amended
Paragraphs 132 to 134	Agreed as Amended
Paragraphs 135 to 141	Agreed
Paragraphs 142 to 145	Agreed
Paragraphs 146 to 147	Agreed
Paragraphs 148 to 152	Agreed
Paragraphs 153 to 172	Agreed
Paragraphs 173 to 179	Agreed
Paragraphs 180 to 181	Agreed as Amended
Paragraphs 182 to 188	Agreed as Amended

List of witnesses who gave oral evidence and other papers considered by the Subgroup

Pages 46 & 47	Agreed
Executive Summary	
Paragraph 28	Agreed
Paragraphs 29 to 31	Agreed
Paragraphs 32 to 35	Agreed
Paragraphs 36 to 40	Agreed
Paragraphs 41 to 48	Agreed
Paragraphs 49 to 53	Agreed
Paragraphs 54 to 55	Agreed as Amended
Paragraphs 56 to 62	Agreed as Amended

Conclusions

The Chair proposed and it was agreed by consensus that paragraphs 1 to 27 and the Conclusions would be dealt with at the next Subgroup meeting if agreement had been reached on the rest of the report.

It was agreed that the Clerk would produce a summary of the members' amendments for inclusion in the next draft of the report, to be discussed on 15 January.

6. Next Meeting

The sub-group will next meet at 10.00am, 15 January 2007 in Room 152, Parliament Buildings.

The meeting adjourned at 12.01pm.

Monday, 15 January 2007 in Room 152, Parliament Buildings.

In the Chair: Patsy McGlone

Present: Tommy Gallagher
Alex Maskey
Edwin Poots
Mervyn Storey
Jim Wilson

In Attendance: Martin Wilson (Principal Clerk)
Michael Rickard (Assembly Clerk)
Roisin Fleetham (Assistant Clerk)
Elaine Farrell (Clerical Supervisor)

The meeting commenced at 10.09am

1. **Apologies**

Mr McGuigan

2. **Minutes of Meeting 10 Jan '07**

These were agreed for publication on the Assembly website.

3. **Consideration of the draft Report from the Subgroup on Review of Public Administration and Rural Planning**

Members had agreed the majority of the report during the meeting 10 January 07.

Members considered the 3rd draft of the report from the Subgroup to the Committee on the Programme for Government on a 'paragraph-by-paragraph' basis as follows:

Executive Summary

Paragraph 1 to 3	Agreed
Paragraphs 4 to 5	Agreed
Paragraphs 6 to 9	Agreed
Paragraphs 10 to 12	Agreed
Paragraphs 13 to 16	Agreed

Paragraph 17	Agreed
Paragraphs 18 to 19	Agreed
Paragraphs 20 to 22	Agreed
Paragraphs 23 to 24	Agreed
Paragraphs 25 to 27	Agreed

Conclusions

Pages 14 to 16	Agreed
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Members then agreed the report from the Subgroup to the Committee on the Programme for Government, subject to the amendments being made as agreed.

4. **A.O.B**

The Chair thanked members and deputies for their co-operation and hard work in meeting the deadline for producing the report.

Members thanked the staff for their contribution in the preparation of meetings during tight timescales, and for producing documents for consideration by the Subgroup at short notice.

Mr Poots entered the room at 10.23am

5. **Minutes of Meeting 15 January 2007**

The Subgroup agreed that it was content for the Chairperson to approve the minutes of the meeting of 15 January, relevant to consideration of the report, to facilitate their inclusion in the report.

The meeting adjourned at 10.26am.

Appendix 2

Official Reports

Friday 8 December 2006

Members present:

The Chairman, Mr Francie Molloy
Mr Tommy Gallagher
Mr Alex Maskey
Mr Philip McGuigan
Mr Edwin Poots
Mr Peter Weir
Mr Jim Wilson

Witnesses:

Ms Laura Hague	} Office of the First Minister and the Deputy First Minister
Mr Jim McKeown	
Mr Damian Prince	
Mr Ian Maye	} Department of the Environment
Mr Mike Thompson	
Mr Tom Matthews	} Department for Regional Development

The subgroup met at 2.00 pm.

(The Chairman (Mr Molloy) in the Chair.)

1. **The Chairman (Mr Molloy):** You are all very welcome to the first meeting of the subgroup. Let us allow the members of the team to introduce themselves and open the presentation. We will ask questions afterwards.

2. **Mr Damian Prince (Office of the First Minister and the Deputy First Minister):** Thank you, Chairman. My name is Damian Prince, and I am head of the Review of Public Administration (RPA) Central Unit of OFMDFM. On my left is Laura Hague, and to my right Jim McKeown, who are also with the unit. At the far end is Ian Maye, who deals with RPA in the Department of the Environment.

3. We have modelled our initial presentation to the subgroup around its own terms of reference. I will cover the first three items and then hand over to Jim for the fourth and to Ian for the fifth.

4. Members will know that in the current circumstance we can give some factual briefing of where we are with the RPA, but must steer

clear of items that are subject to confidential briefing to Ministers. However, we hope that everything that we say will be helpful.

5. We do not propose to use this time to rehearse all the reforms that will arise from the RPA, but rather to tell the subgroup how we are implementing it and to provide an update on the progress on the various strands. We will also leave an information pack containing useful links, which members can peruse at their leisure.

6. If members are happy for me to do so, I will deal with terms of reference 1 and 2 together. Taken together, they start to embrace the full scope of the RPA. A programme structure has been put in place to help with the implementation. To make the programme manageable, we have divided the RPA programme into four sectors: the first is health and social services; the second, education and libraries; the third, local government; and the fourth, other public bodies. Each of the relevant lead Departments has its own implementation team. The range of changes that we have embarked upon is so complex that we may not be able to answer some of your questions today. In that case, we will have to refer them to colleagues in other Departments, but we will try to bring the information to you as soon as we can.

7. We think of the four sectors as the four vertical strands of the RPA. They represent the outcomes: the changes that the man and woman on the street will see. For example, the five education and library boards will become one education authority and one library authority.

8. However, it is also important to draw members' attention to the 12 cross-cutting themes. They are very important because if we accept that the four vertical streams — health, education, local government and other public bodies — mean that we are doing the right thing, the 12 cross-cutting streams ensure that we are doing our job correctly and that equality,

cost benefit and common boundaries are taken into account.

9. The scope of the 12 cross-cutting themes can be found on our website, which sets out exactly what each theme will endeavour to do. Four of the 12 themes relate to local government, and the fifth relates to legislation, which Ian and Jim will pick up on later. The remaining seven themes are all very important, but I want to draw your attention to two in particular: common boundaries and capacity building. I mention those themes because we recently published new research on each area, and that is available on our website.

10. As regards the governance arrangements, members will already know that David Hanson has ministerial responsibility for the RPA. A steering group has also been set up, which is headed by Nigel Hamilton. It meets monthly and reports to the Minister.

11. I also wanted to bring to the subgroup's attention the important work of the Public Service Commission (PSC). The RPA will bring big changes for service users, but it will also have a big impact on service providers. Staff in organisations affected by the RPA will see a great deal of change in their work.

12. The PSC has produced six guiding principles, which are designed to steer the human resources strand of the RPA. There have been principles on communication, managing vacancies, staff transfers, filling posts in new organisations, voluntary severance schemes, and employer responsibilities. To date, the Government have accepted and endorsed four of those guiding principles; the remaining two are still under discussion.

13. Staff interests are also represented by the Northern Ireland Committee, Irish Congress of Trade Unions (NICICTU) and the various medical unions, with which we meet monthly to resolve any issues and to keep the lines of communication open.

14. I will give an overview of progress to date on each of the main themes in the situation report. However, I will leave local government and legislation to Jim and Ian. Members

probably already know that David Sissling has been appointed chief executive of the new health authority. The chief executives and the finance directors have been appointed for the new health and social services (HSS) trusts. The five new HSS trusts are scheduled to go live on 1 April 2007, as are the seven local commissioning groups.

15. It is hoped that the chief executive of the education and skills authority will be in post by January and that the chief executive of the libraries authority will be in post shortly afterwards. It is also hoped that the education advisory forum will be established, on an informal basis, in the spring of 2007.

16. The fourth sector that I mentioned is that of the other public bodies. Changes to that sector are primarily driven by the legislative programme, which is moving ahead as we speak. For example, one of the main developments so far is that the Public Record Office of Northern Ireland (PRONI) has become a division of the Department of Culture, Arts and Leisure and is no longer an agency.

17. Under section 3 of its terms of reference, the subgroup is to consider the work of the Boundary Commissioner. As the Boundary Commissioner is an independent officer, I cannot comment on the detail of how he is going about his work and so forth. Nevertheless, it should be useful for members to know that OFMDFM has put a great deal of information and research on the RPA website. That research provides information about the current design model that OFMDFM is using to implement the RPA, including the 7C seven-council model that has been the subject of so much recent debate.

18. Some of the research is quite technical. However, the picture that the body of research paints is, in our view, fairly consistent. In the pack that OFMDFM will leave with members is a reading list detailing all of the available research, from attitudinal surveys to comparative studies with other areas of the UK and Ireland.

19. I also want to draw the subgroup's attention to two particular pieces of research: Queen's University's research on population and geographical compactness, and the University

of Ulster's research on the evenness of the rating base. To put their findings into ordinary language, both say that the seven-council model provides the best means of avoiding major disparities between rich and poor councils, big and small councils and of deriving councils capable of delivering a new, enhanced portfolio of functions.

20. At this point, I will hand over to Jim McKeown to give members an update on the relevant legislation.

21. **Mr Jim McKeown (Office of the First Minister and the Deputy First Minister):**

Good afternoon, everyone. Since September 2005, part of my role has been to work alongside the RPA Central Unit, initially to design implementation arrangements at the centre, in OFMDFM, and subsequently to provide an overview of the progress on legislation and relationships with the Public Service Commission.

22. As Damian mentioned, the implementation process, which includes the preparation of relevant legislation, is carried out by lead Departments. In addition to subordinate legislation, seven pieces of primary legislation are required to implement the RPA decisions taken by Ministers. The main items are listed in the information pack that I will leave with members this afternoon. I will talk about the legislation with reference to each of the four strands that Damian mentioned.

23. In relation to health and social services, legislation enabling a reduction in the number of trusts is already in place in the form of the Health and Personal Social Services Order 1991. Five pieces of subordinate legislation have been made under the 1991 Order creating the five new trusts that will come into operation on 1 April 2007. One piece of primary legislation is required to create the new health and social services authority and the patient client council, with effect from 1 April 2008, and it is currently being drafted.

24. In the second strand, one piece of primary legislation is required to create the new education and skills authority. The Department of Education has recently put some related issues out to consultation, and drafting of that legislation has, therefore, not commenced. A single piece of

primary legislation is also required to establish a new library authority. That legislation is well advanced, and it is expected that drafting will be completed in December.

25. Thirdly, there are three pieces of primary legislation on local government issues. The first of those, the Local Government (Boundaries) (Northern Ireland) Order 2006, has been made. It enabled the appointment of a Local Government Boundaries Commissioner and established the procedures that he must follow in relation to the creation of seven new district areas. The other two provide for the operation and modernisation of councils and for the transfer of new functions to local government.

26. The fourth strand and final piece of primary legislation deal with those public bodies that do not fall into the three main sectors and provides for their winding-up or dissolution.

27. The Secretary of State initially asked that Departments aim to have the remaining six pieces of primary legislation laid at Westminster by July 2007. Elections, and the restoration of the Assembly in March 2007, are likely to have an impact on that timetable, since there is normally a period in advance of elections when no new consultation processes are commenced. All matters dealt with in the legislation fall within the Assembly's competence, and proposals would therefore be introduced as Assembly Bills.

28. Finally, as part of this summary, it is worth drawing specific attention to the fact that there are likely to be common provisions in primary legislation for the transfer of staff to new organisations. The Public Service Commission has just published a third guiding principle to deal with that matter. The Government have accepted its recommendations and are translating them into legislative provisions in the Draft Libraries (Northern Ireland) Order 2007, which will act as the model to be followed.

29. **The Chairman (Mr Molloy):** Thank you very much.

30. **Mr Maye (Department of the Environment):** I shall speak only briefly. We will leave a paper with you on the origins and evolution of the local government task force.

However, I want to talk to you about the work of the task force since its inception in March 2006. Some members present are on the task force and will know that, since its inception, 10 meetings of its political panel have taken place, and there have been several meetings of the task force working group and the nine subgroups.

31. The initial task force structure was designed with the modernisation and reform of local government in mind. The implementation of the review of public administration was part of that, but the task force was not initially designed to deal with the transfer of functions. It subsequently took that work on after Easter, when Ministers decided that the Department of the Environment should take the lead in working with local government and with Government departments on the transfer of functions. That is an important point to bear in mind: it was not designed with the transfer of functions in mind at the outset. However, it took that work on board.

32. The initial focus was on developing policy on the preparation of two pieces of legislation. First, the Local Government (Structures) (Northern Ireland) Order 2007 will modernise and reform local government and put new finance and governance arrangements in place. It will deal with several modernisation and reform issues and give effect to ministerial decisions on the RPA.

33. The second major piece of legislation, which the initial work of the subgroups helped to inform, is the Local Government (Transfer of Functions) Order, which will give effect to the decisions made by Ministers about the functions that will transfer to local government on the creation of the new councils in 2009.

34. The initial focus of the task force, from political panel level — the top-level leadership group — to the working group, which was essentially an officer group, and the nine thematic subgroups, was to develop the policy that would underpin those pieces of legislation. However, the nine subgroups and the political panel began to map the way forward on how we would manage the process of modernising and reforming local government over the next two and a half to three years and beyond. The political panel, in particular, recognised that modernisation and

reform was a long-term process and that it was not just a matter of implementing the decisions of the RPA.

35. The subgroups reported at the end of June. The political panel and the working group considered those reports in July and broadly endorsed them, although some required further substantial work, particularly the report by the governance subgroup. That work has been in hand since then. We have been using those subgroup reports as the basis for preparing the legislation and for thinking again about the shape and structure of the task force.

36. In July, the political panel agreed that it was time to review the task force structures and that we had moved beyond the initial policy development phase. There was still further policy development work to do, but we needed to look at the task force again to ensure that there was shared political ownership of the implementation process between central and local government. We also had to make sure that the structures that we had in place were designed to take us through the implementation phase of the modernisation and reform programme.

37. We jointly commissioned the Improvement and Development Agency (IDeA) of the English Local Government Association. Throughout September, they met a range of key stakeholders, including the members of the political panel and the working group, in which they brought forward proposals that the political panel and working group considered in the two months that followed. We considered that report, in particular, at the political panel over the course of the last two meetings. In those meetings we agreed on how to take forward the top two elements of the structure that the IDeA proposed.

38. The top element of the structure will be the driving force for implementation, and will be known as the strategic leadership board. It is designed to clearly demonstrate central Government's commitment to working in partnership with local government and the five main political parties in modernising and reforming local government. The Minister will chair it, and the president of the Northern Ireland Local Government Association

(NILGA) will be the vice-chair. It will have 10 representatives from the five main political parties, and NILGA will act as the voice of local government. It will be supported by a number of chief executives from local government, and by a number of senior officers who will be transferring functions. The Department of the Environment and NILGA will provide a joint secretariat to that board. The aim, having agreed the composition of the board, is to hold the first meeting on 15 January. NILGA and the political parties agreed nominations to the board yesterday.

39. The second layer in the new task force will comprise five policy-development panels. Those panels will weave together the work and issues identified by the nine subgroups, and the transferring functions. By agreement, the work has been divided among those five policy-development panels. One important item of note, which is a significant change from how the work was carried out at earlier stages, is that each panel will be politically chaired, and there is agreement on how those chairs will be distributed among the five main political parties. There will be strong political representation — each policy-development panel will have 10 members, representing political parties and local government. They will be supported in their work by a range of officers and officials from central Government, and potentially others. A joint DOE and NILGA secretariat will support them.

40. The policy-development panels will be responsible for devising regional policy that will inform the development of detailed work at a lower level. They will be able to commission, task and finish work. They will be able to call on local government, central government, and other bodies such as the Housing Executive to look at particular issues and bring forward proposals on how they should be dealt with in the next two and a half years and beyond.

41. Below that level, the IDeA recommended the establishment of seven local implementation pilot schemes, in the seven prospective council areas. There has not yet been agreement on whether those pilots will be put in place, and if so how. There is further discussion to be under-

taken, in particular in the strategic leadership board, on how to take that recommendation forward. There is recognition that work must be done at a local level to examine local implementation issues, but because of continuing debate about the number of councils, there is not yet agreement on how the pilots should be formed. That work is still ahead of us, but it must be addressed in due course.

42. Our aim is to have the first meeting of the strategic leadership board in January, and we want to agree with them how the five policy-development panels should be put together; their terms of reference; their initial tasks; and the officer and official support staff who will work with the 10 elected members on each panel. We wish to establish those panels and have them up and running as quickly as possible — certainly before the end of March.

2.15 pm

43. **Mr Maskey:** I would like to clarify one point. There was a discussion at the last panel meeting about their composition of the policy-development panels. You have mentioned the two members from each of the five major parties, but there was also an issue about the need to bring in other stakeholders who are not politicians. I was not sure how you would do that.

44. **Mr Maye:** At the first meeting of the strategic leadership board we plan to propose what the composition of those panels should be. We will do that as part of the joint secretariat relationship that we have with NILGA. It must be decided whether officers and officials will be involved in the panels. We must also decide on the involvement of the social partners and other bodies, such as the Local Government Staff Commission, which is likely to have a role in developing work on human resources over the next couple of years.

45. In some cases, our proposals will mean that wider discussion in the strategic leadership board will be necessary. The Minister and the Department have not yet taken a view on precisely how those panels will be comprised; that issue is still open for discussion at the board.

46. **Mr Maskey:** I do not know the official NILGA position, but its representatives argued that no one, other than politicians, should be on the policy panels. That argument was not agreed to. Therefore I am concerned as to whether the delivery will proceed with just NILGA representatives. However, those representatives had a clear view on the matter.

47. **Mr Weir:** There was no consensus on the matter. Some of us took the view that the policy development panels should comprise elected representatives and officials; others had a different view. The final decision on whether additional people will join the elected politicians, how many there will be and in what circumstances they will join has been left to the strategic leadership board. There are other issues of whether their joining is accepted in principle, whether the level of involvement means that social partners should be on the panels almost permanently, or whether the membership should rotate when different subjects are being discussed.

48. There are five boards, and even if it were agreed that a certain number of representatives sit on those boards, that number may not apply necessarily to all the boards. It could be argued that certain subject matters have a greater need. For example, the trades unions would have a strong input on human resource matters.

49. I would like to clarify one point of Ian's. No nominations were made to the strategic leadership board yesterday, and none was intended. It is a matter for each of the parties to decide who its two representatives should be. However, the five parties selected which of the five panels they would chair, and it was also suggested — although this may not be adopted — that a vice-chairperson should be chosen and that each party would have one. That point needs to be put on the record.

50. **The Chairman (Mr Molloy):** Do you have any further questions to ask on that?

51. **Mr Weir:** I am perhaps more familiar with the Government aspects of the issue, but this matter is perhaps more concerned with what happens on the other side. Therefore I wish to comment on three areas. First, although some discontent was expressed, through local

government, there is clearly direct political involvement. What consultation or opportunities for discussion with politicians has there been on the health and education aspects of the implementations?

52. **Mr McKeown:** I do not have an answer to that. We would need to ask the individual Departments.

53. **Mr Weir:** Perhaps you would come back to the subgroup on that.

54. Secondly, with regard to transparency and ensuring that people are informed, you mentioned that four of the cross-cutting issues involve local government. Presumably meetings are going on in Government in those four areas.

55. Mention was also made of the higher-level steering group. I appreciate that a lot of its work will involve technical issues, but has any thought been given to making available the information that arises from those meetings in minute form to the strategic leadership board when it is established in January? We cannot have a situation at one level — particularly where those issues that affect local government are concerned — in which decisions will be taken by a strategic leadership board while, behind the scenes, the Civil Service will make completely different decisions.

56. We need to take decisions on the basis of knowledge. Has anything been done to ensure that the minutes of that steering group, which is chaired by Nigel Hamilton, are published?

57. **Ms Hague (Office of the First Minister and the Deputy First Minister):** They are published on the RPA website.

58. **Mr Weir:** A lot of claims were made regarding funding, cost implications and efficiency. As regards health and education, what is the current estimate of the overall costs and savings of implementing RPA?

59. **Mr Prince:** We are still working on the Deloitte report, which provided the strategic outline case for RPA. At the high level, the report stated that RPA would cost a maximum of £400 million and that there would be the potential for £200 million per year in efficiencies and savings. The report was based on a series of assumptions

about the use of shared service centres. However, it did not actually cover the full ambit of RPA as it currently stands, principally regarding the transfer of central Government services to local government. Work is ongoing to consolidate the figures and set a budget for RPA.

60. **Mr Weir:** I cannot speak for the health and education sectors, but there was a feeling of scepticism, and that is putting it mildly, on the parts of finance officers and elected politicians in local government towards some of the assumptions made in the Deloitte report and, consequently, on some of the potential savings and costs stated in the report.

61. It would be useful if a better idea could be given as regards savings. You specifically mentioned the cost of transferring functions, but a main area of concern for the public purse is that there are heavy cost implications in transferring Civil Service staff into local government pension schemes, say under the Northern Ireland Local Government Officers' Superannuation Committee Pension Scheme (NILGOS) system. Has that cost been estimated? You may not be in a position to give me a figure today.

62. **Mr Maye:** We do not have a better estimate than that which appeared in the Deloitte report.

63. **Mr Weir:** What was that estimate? Obviously we do not have the Deloitte report in front of us. Was there a particular figure put on the pension side?

64. **Mr Maye:** There was a range identified, from £37 million to well over £100 million.

65. **Mr Weir:** Was that on the local government side?

66. **Mr Maye:** Yes. There were quite substantial costs involved. We are trying to refine those cost, and we will be working over the next few months to develop a much more detailed business case, which will look at costs and savings — not only the cash savings that might flow from this process but non-cash benefits such as improved service delivery to the citizen. We want to spend quite a bit of time on that over the next few months.

67. **Ms Hague:** There is an executive summary of the Deloitte report on the RPA website with a break down of all figures.

68. **Mr Weir:** One really has to question a potential cost gap of between £37 million and £100 million. I appreciate that there is a range of different assumptions involved. However, it is useless trying to draw satisfactory information from that, given such a wide range. Questions were raised by a lot of people about the assumptions that were made in the Deloitte report. For example, assumptions made about savings were based on the number of chief executives involved and their salaries, which were fairly wide off the mark.

69. **Ms Hague:** The main reason for the range of people costs in the Deloitte report is whether to give enhanced pensions.

2.30 pm

70. **Mr Maskey:** In the few short weeks that we have to deal with this matter, we cannot pour over it or deliberate on all the detail of the huge amount of work that has been done. However, I want to endorse what Peter said about the health and education sectors. I said many times at the political panel that it would have been very helpful for us, when dealing with the local government aspect, to have more awareness of how the RPA will affect the health and education sectors. Health and education are a big part of the review, yet we on the political panel did not even get an update on them.

71. I hope that we get some more information over the next couple of weeks in our work programme, although we cannot second-guess the work that has been done to date. However, not having a good sense of what is happening in the health and education sectors — which are a big part of the review — makes our job more difficult.

72. **Mr Gallagher:** I must apologise for my late arrival. I want to ask about the governance subgroup and the report. You described the report as needing further work, and you said that although there was broad endorsement, more work needs to be done. Am I right in saying that there is not agreement on the governance subgroup's report?

73. **Mr Maye:** It was clear from the report and from the discussions in the task force and from the discussions between the Minister and the political parties that there are broad areas of support for the governance arrangements. However, some issues remain to be teased out, and there are one or two differences. They are not major differences, but areas on which the parties suggest slightly different approaches; we still have to work through them.

74. Our aim, through the task force and through the strategic leadership board in particular, is to introduce much more detail into the governance arrangements over the next few months, particularly into the legislative proposals. We would like to do that before legislation is published that can be used for public consultation. There is work in hand that we want to bring back to the leadership board and to others on the task force to test our work before we go to public consultation on the legislation. Beyond the legislation, there will be more work to do, as much of the detail of what is likely to happen will not be contained in the primary legislation. The standing orders, the subordinate legislation and the statutory guidance will have to be worked out. That will be a strong element of the task force's work over the next couple of years.

75. **Mr Gallagher:** One of your colleagues spoke about the workforce and voluntary redundancies. Is it fair to assume that, as a result of the reform, job losses will go beyond those who leave under voluntary redundancy schemes?

76. **Mr Prince:** It is recognised that there will be fewer jobs at the end of the RPA process. Employers are required to ensure that they avoid redundancy as best they can and take all measures to avoid compulsory redundancies. However, it is unlikely that compulsory redundancies can be avoided altogether.

77. **Mr J Wilson:** I am not my party's spokesman on health or education, so I am not as well tuned in on those matters as I might be. However, I share the concerns that have been expressed on those issues. Most of us accept that every opportunity has been afforded to us to have a political input into the proposals as far as local government is concerned.

78. However, I am not aware of any opportunity being presented to us to have a political feed into health and education. I look forward to your response to our concerns about that.

79. With regard to local government, there is a view, which is gathering some support, that the programme leading up to the shadow elections in 2008, with councils in place by 2009, is simply not doable. The review of council boundaries is ongoing, and the commissioner has expressed concern that his programme for reporting is extremely tight — he did so at the launch in Belfast. That review will then be followed by the appointment of a district electoral area commissioner, with a further review of district electoral areas. Furthermore, the uncertainty of this Assembly and the result of the vote on the debate on the RPA this week should also be considered. Taking all those factors into consideration, and given that, as you said, there is an extensive legislative programme, which you outlined clearly to us, between now and 2008-09, surely you must all be concerned that that entire programme is not doable by those dates.

80. **Mr Prince:** You raise some interesting points. We shall note what you have said. At the moment, we are planning on the basis that the programme is still doable, but there are so many variables that could intervene. We cannot see into the future.

81. **Mr Poots:** Chairman, it would be useful if we could have some questions answered today, as opposed to evaded, otherwise this session will be a pointless exercise. My question is about coterminosity. Who decided not to go ahead with that? When was that decided?

82. **Mr Prince:** Coterminosity is still very much on the agenda and is part of the benefit of the RPA. Is that the question you asked?

83. **Mr Poots:** Yes, absolutely.

84. **Mr Prince:** Coterminosity is still on the agenda. One of the benefits of the RPA will be common boundaries. That will allow services to be delivered to citizens within a boundary in which they can get the full range and ambit of services available to them. It is more important that that delivery of service is coterminous in

relation to commissioning, that people have the services available to them. The location from where services are delivered is a different matter — there are five health trusts, and the hospitals are where they are. Our research found that people feel that it is more important that they can get the services that they need when they need them, that those services are of good quality, that they are responsive and that people can influence those services. That is done from the commissioning side rather than from the supply side. In that sense, common boundaries — coterminosity — are still being pursued.

85. **Mr Poots:** I thought that that had been forgotten. There will be five health trusts and seven councils, but it appears that the Department for Employment and Learning (DEL) gets to do what it likes. That Department went off at a complete tangent and did nothing to deliver coterminosity in any respect. Within the new councils, certainly in my area, three very important functions will be stretched across new boundaries. I thought that that was to be done away with.

86. Chairman, I should declare that I am a member of Lisburn City Council.

87. **Mr Prince:** Coterminosity works, and the greatest benefits come from common boundaries. With the people who commission services making sure that those services are available to citizens. The actual supply of the services is of less importance; the real benefits come from ensuring that all services are available to a common area.

88. Mr Poots. I have one further question. What does that mean for local economic development? Councils are currently responsible for local economic development. Will that stay the same? Will it be enhanced? How much of Invest Northern Ireland's (INI) current work will come to local government? Will INI pick up the type of work that the Local Economic Development Unit (LEDU) used to do? Can we have some more teeth on that one?

89. **Mr Maye:** Unfortunately, we do not yet have answers to those questions. I am not being evasive. The task force structure has been deliberately designed to tease out those answers,

because there are questions over exactly what Ministers meant when they announced that local government would take a greater role in local economic development and local tourism development.

90. Ministers clearly meant for our local Government to have a more extensive role than at present. We do not yet know just how extensive that role should be, but we want to use the new task force structures to facilitate the debate on that role and, ideally, reach agreement on what it will mean in practice.

91. **Mr Maskey:** I have two points to make. The task force will recommence next month. In the last number of months, members from all parties have been concerned about the transfer of functions, the functions to be transferred, whether the correct budget will transfer with the functions and so forth.

92. We have received a number of presentations from the various Departments involved in the transfer of functions. I stand to be corrected, but it is probably fairly accurate to say that most members of the political panel thought that the presentation from the Department of Enterprise, Trade and Investment, for example, was a bit minimalist, to say the least. I am probably being generous with that comment.

93. Among the issues that the political panel raised were the supporting people programme and the provision of Travellers' accommodation. All that work is ongoing. In fact, as the departmental officials have explained, we have already agreed that a policy panel will be set up specifically to deal with the transfer of functions. All the issues will be teased out through that policy panel in the time ahead.

94. Chairman, I want to put something on the record because of misleading statements in relation to the governance arrangements that were made during the Assembly debate on Tuesday. To be clear, the final detail of the governance agreements has not been agreed. In fact, several months ago, I rejected an earlier set of proposals on those governance arrangements from the political panel. That work is in hand.

95. There is no question that most parties agreed on the issue of proportionality and that some other checks and balances should be built in. For the record, there is not yet full and final agreement on the extent of the checks and balances that are required — certainly not from Sinn Féin’s point of view. I put that on the record solely because of the misleading things that some Members said during the debate.

96. **Mr J Wilson:** I want to pick up on two points that I raised earlier. How much time has been set aside for the appointment of the district electoral area commissioner and the completion of the commissioner’s work? Has that been factored in?

97. **Mr Maye:** We have factored that in to the overall timetable insofar as possible, given our current knowledge. However, the timetable could well change. If the current Boundary Commissioner takes longer than initially expected to produce a report, for example, that will impact on the district area electoral commissioner, the work that must be done and the timescales to which the commissioner will have to work.

98. **Mr J Wilson:** Are you factoring in the result of the Assembly debate on the review of public administration this week? If so, how will that decision be dovetailed into the presentation that you made earlier?

99. **Mr Maye:** The decision in relation to —

100. **Mr J Wilson:** The decision in relation to the number of councils.

101. **Mr Maye:** At almost every political panel meeting within the task force, all but one of the political parties made clear their opposition to the option 7C model. Equally, however, those parties have continued to engage in the process because the process does not concern the option 7C model; rather, the process concerns modernisation and reform.

102. The option 7C model is part of the modernisation, but it does not represent the totality of what the local government task force is seeking to achieve. That issue has always been on the table, but it has been parked because local government, central Government and the political parties recognised that there was a

broader job of work to do. At the last meeting of the political panel, we agree with the parties to push ahead with that broader job of work.

103. We want to take account of what emerges from all debates and discussions. We will also want to take account of this subgroup’s report. Of course, we will have to take into account the effect that a restored Assembly and Executive will have. However, there is a valuable job of work to be done in the meantime, which is to continue to press ahead with the much-needed reforms and modernisation work that we are already engaged in.

104. **Mr Gallagher:** I want to return to the issue of modernisation and the huge task involved, both in terms of resources and personnel. I want to ask about the work that has been done so far. First, has the cost of modernisation been estimated? Secondly, is there a timescale for modernisation?

2.45 pm

105. **Mr Maye:** We do not have firm estimates yet, but we are working with NILGA to tie down a firm estimate of implementation costs and the longer-term savings it will produce. We plan to spend time on that over the next six months. We will have to keep an eye on costs, because as work continues and the detail of implementation emerges, it will have an impact on costs and the potential for savings over the longer term.

106. We intend to put the basics of modernisation in place by April 2009: that is the instruction that has been given to us by Ministers, and that is the timetable we are working to. However, Ministers — and everyone involved in the process — recognise that modernisation will continue well beyond that date. We have embarked upon a modernisation and reform programme that will continue over the next 10 years or more. Much work will remain after 2009 to continue modernising local government.

107. **The Chairman (Mr Molloy):** Are there any further questions for the members of the delegation? They are leaving a paper for the subgroup and will forward the other documentation to which members referred. The Clerks will contact the representatives about that. I thank the delegation for attending.

108. I remind Members to switch off mobile telephones. They interfere with the sound recording.

109. The next delegation is on rural planning. I welcome Tom Matthews and Mike Thompson from the Department for Regional Development. Members have before them the terms of reference:

“To consider —

- *the proposals set out in PPS 14;*
- *the impact of the proposals, if adopted,”*

— although it does seem as though they have been adopted already —

“on rural development, rural regeneration and future planning in the countryside; and

To identify any alternative proposals.”

110. Mr Thompson, would you like to begin?

111. **Mr Mike Thompson (Department for Regional Development):** I thank members for the invitation. Members will be aware that draft Planning Policy Statement 14 (PPS 14) is subject to a judicial review, which was granted to Omagh District Council and Liam Ward. The case is scheduled for 15 to 17 January 2007. That will have an impact upon what I can say.

112. Our job is to provide the subgroup with factual briefing. I propose to summarise the rationale behind draft PPS 14, review the policy and try to provide a review of the results of the consultation process undertaken by the Department for Regional Development. That would be the most useful way to spend the time. It will provide fresh and useful information for members.

113. Draft PPS 14 was published on 16 March 2006 and introduced, for the first time, a presumption against development across the whole of Northern Ireland. Large areas were already in green-belt zones, so for those there was not much change. The rationale for the statement was grounded in ‘Shaping Our Future: Regional Development Strategy For Northern Ireland 2025’, which was published in 2001. It identified concerns about the cumulative impact of development in the open countryside; the loss of agricultural land and habitats; fields being sold off to house townspeople; increased traffic

on rural roads; increased risk of pollution from growing numbers of septic tanks; and so on.

114. Since the regional development strategy was published, there has been an explosion in the number of planning approvals for single dwellings in the countryside. During the 1980s and 1990s, approval rates were approaching 3,000 per annum; however, those figures started to push up in about 2000.

115. There were approximately 8,800 planning approvals for single dwellings in the countryside in 2004-05. That was for full and outline planning applications, not reserved applications. To put that into context, that is like approving the size of a town like Coleraine in one year. Those levels of approvals are unprecedented. It is a new phenomenon. It was those levels of approvals that led Ministers to the view that the regional development strategy was being undermined and that a presumption against development in the countryside had to be introduced.

116. I have already mentioned the ministerial statement to give draft PPS 14 immediate, substantial weight in the determination of all planning applications after 16 March 2006. Ministers took that decision because they felt not to have done so would have meant that the Planning Service would have been swamped with pre-emptive applications.

117. I wish to make a couple of points about Draft PPS 14. First, many have said it is a moratorium on development, but it is not: single dwellings can still be approved under draft PPS14, but at a reduced level. The evidence for making that statement comes from looking at the old green belts in the east of the Province. There were usually 1,000 approvals a year, so, pro rata, the introduction of draft PPS 14 would have meant that approvals for single dwellings in the countryside would have gone down to about 2,000 to 3,000 a year. That was a guesstimate and no more than that.

118. The exceptions to draft PPS 14 are based on local people. It is those exceptions on which much of the consultation focused. At the consultation, we had community technical aides facilitate six public meetings, which about 380 people attended. The PPS 14 team and I

were available to appear at council meetings and public meetings. A number of members present at this subgroup attended or, indeed, chaired those public meetings. We met with councils, interested groups and, of course, elected representatives. There was a good, open, wide-ranging debate in both the community and the media about what rural planning should mean and about what the right rural planning for Northern Ireland should entail.

119. The consultation closed on 9 June, and we received 8,513 written responses. That is a phenomenal number of responses for a consultation to receive. Breaking down the results, the vast majority of responses — 87% — was made up of about 10 different types of petition letters for which political parties, pressure groups and other interested parties canvassed. For example, the largest number of responses came from Sinn Féin, from whom we received 3,247 pamphlets that were opposed to draft PPS 14. The other 13%, or 1,147 responses, were usually, but not exclusively, substantive replies from individuals, professional bodies, councils, political parties and other non-Government bodies. To set aside the petition-type letters for a moment, those 1,147 responses amount to a really large number for any consultation. Normally, consultations receive 100 or 200 replies.

120. What were the conclusions of the consultation? Of the 8,513 responses, not surprisingly 95% of respondents were opposed to the broad thrust of draft PPS 14. The main focus of those who objected to it was on the presumption against development. The type of comments that we received were:

“Draft PPS 14 should be withdrawn, reconsidered and substantially amended”, and:

“Its proposals are too sweeping, too restrictive and take no account of their impact on the rural economy, house prices or the history and social life of rural dwellers.”

121. That gives a flavour of the comments that we have received.

122. Another comment said:

“PPS 14 is inherently wrong as it fails to acknowledge or illustrate any real understanding

of the sensitivities, needs and complexity of the rural context. The proposals are simply inappropriate and threaten to undermine the future of rural communities.”

123. On a similar note, many expressed the view that that PPS 14 was a ban on building single dwellings in the countryside and that it would have a detrimental impact on rural schools, community groups, sporting organisations, businesses and, by definition, the rural community. Many held the view that rural areas and populations were not homogeneous and that implementing a one-size-fits-all blanket policy such as draft PPS 14 across all regions was inappropriate. There was much debate about that one-size-fits-all approach. We have always believed that adopting a pepper-pot approach — different policies in different areas — would only result in demand being moved around and funnelled into areas that had looser planning policies.

124. I will turn now to specific policies, and I want to mention four areas about which people had useful ideas. The first area involves farmers and the farm viability tests. Draft policy CTY 2 states that planning permission for a dwelling house on a farm would be granted where it was essential to the needs of the farm and the farm business was established and viable according to the definition of viability as stated by the Department of Agriculture and Rural Development. That test of viability, and the linking of it to PPS 14, was discussed by a lot of consultees and participants. People pointed out that farming has changed so much in recent years that many farms would never meet that viability test. We had to look again at the test because it was irrelevant to a large swathe of agricultural Northern Ireland. It simply did not work.

125. It was also pointed out that part-time farming is increasing and financial input to many farms comes from income earned off-farm. Part-time jobs provide essential supplementary income that helps to support farms. People told us that the overall total financial input from farming families should be taken into account rather than simply an assessment of the farm viability. There were many thoughts and ideas about that, and it was felt that any new definition

of viability should allow both small and large farms to be considered eligible. People felt that the farm viability tests worked against the smaller farm and discriminated against small agricultural holdings.

126. The replacement policy also generated a lot of interesting debate. Many of those who were unsupportive of that policy expressed a view that it was just too restrictive and recommended that it should be much more flexible. The issue involved residential abandonment — the old abandoned house out in the countryside with the roof falling off it. Many people felt that as such houses were blots on the landscape, they should be able to bring them back into residential use. Again, I will quote from a interesting comment made by a consultee at one of our workshops:

“There are far too many examples throughout Northern Ireland of what were once sound family homes that have now become derelict and cannot be replaced because of antiquated planning regulations.”

127. Restrictions on the size and siting of replacement dwellings were considered unnecessary by some, and many felt that they led to additional costs. Some also suggested that policy should maximise the potential afforded by rural brownfield opportunities. Similarly, it was suggested that not allowing the replacement of existing derelict buildings could actually lead to a greater loss of built heritage. In many instances, replacement, conversion and re-use of existing buildings as residential accommodation was seen as the only economic and viable alternative.

128. Issues around VAT were also raised. Many felt that it was wrong that VAT was payable when restoring an existing building, but that it was not payable on new builds.

129. I will discuss only four policies today, the third of which is the social housing policy. It was generally welcomed, but people were aware that it had problems and shortcomings and could be improved in a number of areas. That leads to the issue of affordability, which obviously applies to urban, as well as rural, Northern Ireland. It is an important issue, and Sir John Semple is currently investigating it. One consultee remarked that:

“Future policy should proactively address integrated social and affordable housing in rural Northern Ireland.”

3.00 pm

130. In view of the current trends, many people felt that there was an inconsistent approach to planning and that rural approvals lacked effective enforcement.

131. Therefore, they called for greater accountability in the planning process and better co-ordination between Government departments.

132. Many people felt that the planning policy should be tailored across the region to reflect differing needs and pressures. Furthermore, they wanted the dispersed rural community designation to be reinstated. There were similar calls for the reinstatement of policy to facilitate special personal or domestic circumstances.

133. I now turn to kinship ties and occupancy conditions, the most strongly represented alternatives to the proposed presumption against development.

134. Participants suggested that we operate instead a presumption favouring development with restrictions, and that such restrictions could perhaps focus on providing connections with the land.

135. A frequent request in the consultation was that planning permission for houses be given to local people who could provide evidence of links with the land in their local area. It was suggested that such a link might be to have lived, worked or gone to school locally; to be able to trace grandparents back to a particular bit of land; or to provide a family connection with the land through parish records. The Republic of Ireland’s system was often cited to us as a system we should operate here.

136. However, there are a number of reasons why we have not implemented that system. We discussed those issues in the consultation. First, we raised issues about enforcement. Would a kinship or local needs test work when approximately 400,000 people already live in the open countryside? Would there be any point in having it?

137. Secondly, we raised equality considerations, which were not accepted by the people we were talking to. They said that the presumption against development would have a better chance of success if realistic exceptions that centred on genuine rural need were factored into the equation.

138. I think that everyone agreed that speculative development around the countryside was harmful and that we must stop it and address genuine rural needs.

139. In that quick overview I focused on four broad areas that may clarify the consultation. I make two final points.

140. The contents of draft PPS 14 already applied to a large extent across Northern Ireland, particularly in the east of the Province, via the old green belt regulations. Therefore, many did not see it as a new policy. However, its impact has been felt particularly strongly in the west of the Province, and most of the consultation responses came to us from that area.

141. The general agreement seemed to be that something needed to be done to stop the speculative developers. There was broad agreement about the need for balance between sustainability and thriving rural communities. However there is a strong feeling that these two should not be mutually exclusive: we should be able to have both. The challenge for us was how to marry the two.

142. **The Chairman (Mr Molloy):** We will take questions beginning with the DUP, then Sinn Féin, the SDLP and finally the Ulster Unionists.

143. **Mr Weir:** Thank you. Mr Thompson, you mentioned that there had been an escalation from 1,800 to 8,500 successful single-building applications. You said that as a measure that the policy was working, you would expect that number to be between 2,000 and 3000 per year in areas that would be covered by PPS14. What are the figures now?

144. **Mr Thompson:** We do not know yet, because there is a time lag in the introduction of draft PPS 14.

145. Because of the backlog of applications, our colleagues in the Planning Service are still working

through applications that were made before draft PPS 14 was introduced. I am not sure whether the Planning Service has started to process any applications that came in after the introduction of draft PPS 14. The only reason that I used the figures 2,000 to 3,000 is because, historically, that was the typical number of applications for single dwellings in the countryside. I do not think that there is any right number.

146. **Mr Weir:** I appreciate that, because of the timing of applications that are going through the system, DRD is not in a position to monitor the figures. However, if only 300 applications were being made in countryside areas, that would clearly indicate that the policy had gone badly wrong. At the other end of the scale, if the idea were restricted and there was a shift down from 8,500 to 8,000 applications, there would not be a great deal of impact. There may not necessarily be a right number, but there would be clear indications as to whether the policy has gone badly wrong — or not.

147. **Mr Thompson:** I totally agree with that.

148. **Mr McGuigan:** Thank you for your submission. You will be aware of my party's position with regard to draft PPS 14. My party submitted a proposal and felt that that the Minister made the wrong policy choice. My party is still of that opinion today.

149. I want to make a few points about your presentation. The 3,427 leaflets that you mentioned were not Sinn Féin leaflets. They were submitted by 3,427 individuals who chose to use that method. Those people should not be disregarded; I certainly do not want that to happen. The fact that 95% of people are opposed to the policy gives a good indication of the strength of feeling that the policy has engendered.

150. I do not want to rehash all the arguments that were made throughout the consultation process. At the time, there was a dispute — a non-consensus, shall we say — with regard to figures. Your presentation highlighted that a large number of people submitted applications at a time when they knew that proposals were being put forward that would later restrict those applications. That does not create an accurate sense of the number of people who were planning to build at

that time. People submitted applications because they knew that restrictions were being put in place. I do not believe that it would have been the case that several thousand houses would have been built in the countryside in any given year.

151. Under the previous policy, as members who are also local councillors will know, it was quite clear that one reason for refusing applications to build dwellings in the countryside was the build-up argument. To some extent, that was built into the previous policy. Many of my party's difficulties concerned the level of enforcement of the planning policy that was in existence.

152. I have some further general points. The consultation process ended in June. I would have expected that a decision would have been announced. You raised four of the policy issues. Is that an indication that you expect changes to be made on those four policy areas when the Minister has responded? Does the judicial review restrict the Minister in making a decision?

153. **Mr Thompson:** Thank you for those points. I will try to cover them all. If I do not, please return to any that I have missed.

154. The Department certainly did not in any way disregard the 3,427 people who submitted leaflets. I apologise if what I said came across as otherwise. That was not intended. Indeed, the Department acknowledged every single one of those responses individually and separately — as it did with the other 8,500-odd people. In our analysis, each one is included as a unique individual response. I hope that, from our presentation, members are in no doubt about our understanding of the clear message that came through from the consultation.

155. I attended many of the meetings, and I am in no doubt about the views expressed.

156. There are many factors involved in the increase in the number of approvals. There is no question that a number of pre-emptive applications were submitted. However, a trend started from around 2000, and the number of applications has crept up every year since then. There were other factors responsible. The change in agriculture and Common Agricultural Policy (CAP) reforms were driving forces. It is hard to consider rural

housing in isolation. Rather, it is necessary to examine the housing market as a whole. As house prices began to increase, building in the countryside became a much more attractive option. People's perceptions of where they want to live and work are changing, and many people travel greater distances than they did 30 or 40 years ago. There is a wide range of factors: lifestyle choices and perceptions are starting to kick in, as are mortgage rates and readily available finance.

157. However, although I do not dispute that pre-emptive applications were being submitted, that alone does not explain the total number of applications made. It is difficult to say how many applications were due to one cause and how many were due to another. It is a complicated picture, and all the factors are mixed up.

158. That point strengthens the reason for the ministerial statement, if that is the case, for the immediate introduction of draft PPS 14 — but that is another point. The judicial review impacts on the Department, and legal advice is that we should not move to finalise draft PPS 14 until after the outcome of the review, which is currently listed to be heard by the courts on 15 — 17 January 2007. The two cases will be heard at the same time, and the judgement will be made about three or four weeks after that. We are in the hands of the court, but that is the sort of time frame involved.

159. **Mr Gallagher:** I am very concerned about the outworkings of draft PPS 14 and the way in which it has been handled. With respect to the Department officials here today, they are preoccupied with the pre-emptive and speculative applications submitted over a number of years. On top of that, there was a consultation period that was not really a consultation period. On such a contentious issue as planning, there should be, in the future, a proper and detailed consultation on rural planning. I hope that there will be an Assembly to facilitate that.

160. A further couple of points, which bear out what I have just said, relate to some of the issues that have arisen today. Part of the replacement dwelling issue to which Mr Thompson referred is the test of abandonment. Already, in my

experience, that test is creating problems and is impacting unfairly on some applicants. Everyone understands that a house with four walls, no roof, no windows and no doors can hardly qualify under the rules for a replacement dwelling.

161. However, I have experience of cases in which new farmhouses were built, perhaps 20 years ago, without Housing Executive grants or anything like that, and where the original farmhouse has been maintained in good condition: roofed, weatherproofed and could be habitable. However, when an application is submitted to planners, there is a strict interpretation of the test of abandonment. That aspect must be re-examined.

162. Some outworkings of draft PPS 14 are also unfair in respect of applications submitted before 16 March. I am referring to unresolved issues, and we all know that in going through the process unresolved issues will crop up. Up until draft PPS 14, resolution was facilitated. Now, if an issue arises with an application submitted before 16 March, such as road frontage, it can be difficult to resolve if neighbouring property comes into it. I have come across several examples, and my colleagues, and elected representatives from other councils, have had the same experience. A little bit of time resolved the issue, and the planners are now saying that because an application was made before 16 March, it has to come in as a new application, which means that it comes in under the very strict criteria operating since the date of effect. That must also be examined urgently.

3.15 pm

163. **Mr Thompson:** The point about the consultation is, perhaps, one for another day. The matter of the replacement and abandonment test was raised frequently, and there was a great deal of good discussion about it. Many ideas and options to consider came out of the consultation.

164. On the question of applications received before 16 March, or applications not fully completed, the Planning Service line has been that an application only becomes a proper application when it is complete, and some have been caught out. That is an operational issue that is outside my remit, but it is an issue for the Planning Service, so I cannot comment on it any further.

165. **Mr Tom Matthews (Department for Regional Development):** I may be able to offer some help on the abandonment issue. It was a part of the old rural strategy policy, Housing and Mixed Use (HMU) 13. Draft PPS 14 has utilised some guidance provided by the Court of Appeal in 2000, which clarified how to assess the issue of abandonment properly. Much of the thrust of that is in the old policy. What is new is the decision on what an owner's intentions were. It is not really a new test, but the courts provide clarification, and we have tried to adapt and incorporate that clarification into the new policy, albeit that it was something that came forward during the consultation as a major issue.

166. **The Chairman (Mr Molloy):** One of the things that I picked up on was that even in Tommy's example, where there was no roof on a house, it had mature trees around it, was on a good site and had integrated well with its surroundings over a 50- to 100-year period. It may be down to its foundations now, but it was a good site. It also lends credence to the line being followed in the case of normal brownfield sites. The example that was given was that of a brownfield site that had been reactivated.

167. **Mr J Wilson:** I would not agree with those who argue that draft PPS 14 should be scrapped and that we should go back to the drawing board — far from it. As someone who has lived his whole life in the countryside, I tend to get uptight when people who live in cities try to tell me how I should spend my life in the countryside and what the countryside should be like.

168. That is the personal element out of the way.

169. **Mr Maskey:** You have too much time on your hands, Jim.

170. **Mr J Wilson:** There is an argument for re-examining the particular part of draft PPS 14 that says that there should only be a "few exemptions" to the presumption against new development. We must examine the whole question of exemptions, particularly with regard to retirement dwellings for farmers. In the research that we have been provided with, there is an interesting phrase, which is "dwellings for non-farm enterprises." I think I know what that means,

but at a time when the farming community is under considerable pressure, diversification is very much the “in” thing, and there surely is a case for looking at other developments in support of farm incomes. To scrap the whole thing, however, is out of the question.

171. I can give many examples of bad planning in the countryside, planning verging on the irresponsible. Great damage has been done to the countryside. In some instances, bad planning policy is to blame; in others, ill-considered implementation of policy. There are many examples of large-scale development in the countryside with little or no consideration for infrastructure. The infrastructure — roads, sewerage or drainage — is simply not there. That has resulted in gridlock in many small towns and villages. Villages are used not just as places for commuters to begin their journey, but as through-routes, yet they are not designed for the traffic they are taking.

172. With respect to some planning decisions, it is the case that, during the consultation process, the Environment and Heritage Service advised against the granting of planning permission, yet permission was granted nevertheless. So much for joined-up government. In other examples the Roads Service advised against the granting of planning permission, and its advice was disregarded. I have proof of that. I am not simply making it up. There are examples, although members might find them hard to believe, of several hundred houses being built on a greenfield site without connection to a main sewer — the sewage was tinkered for a long period until the Department could find the money to provide a sewerage system. Houses can hardly be brought closer to the sewers. Those are all examples of bad practice which had to stop; and cessation of those practices was due more to pressure groups like Friends of the Earth than to sensible proposals by the Government.

173. I therefore support the broad principles underlying draft PPS 14, but in certain circumstances, it may be too restrictive. It should remain in place as a principle. Were I a candidate for the proposed super-councils, I would relish taking the planning portfolio, for

restrictions and exemptions are best dealt with at local level.

174. **Mr Thompson:** Thank you for those comments. Many of those consulted offered their experience of the implementation of existing planning policy. Many had concerns about inconsistencies in planning.

175. **The Chairman (Mr Molloy):** Mr Wilson mentioned the lack of sewerage. I recall several instances when the Water Service refused to consider provision of a main sewer until houses were in place. It refused to put in a sewer in case the houses were not built. Chicken-and-egg situations then arose. In such cases overall planning is poor.

176. **Mr McGuigan:** In the countryside there are developments that have not been well-planned. No one here argues that good decisions have been made with regard to every application. However, a presumption against development was a drastic way of addressing the problems. Other measures may have been taken to ensure that good planning practice was implemented and supported by sound enforcement policies.

177. The Minister was presented with a number of options prior to his decision on draft PPS 14. Requests under the Freedom of Information Act have attempted to garner the information given to the Minister and the nature of those options — it would be useful to this subgroup to have all of that information without redaction.

178. If the Assembly were to get up and running in March, I imagine that it would consider that issue very carefully under devolution. If this subgroup is to do the job that is expected of it, we should be furnished with that information.

179. **Mr Thompson:** That freedom of information request is currently under appeal. I will check its status and see what we can do.

180. **Mr Poots:** Thank you for coming to the subgroup today. It seems that you have gone from a free-for-all to something that Trotsky would be proud of in respect of state interference in an individual's rights.

181. I am concerned about paragraph 4.26 of the consultation document, which refers to other

development opportunities and states that permission for additional houses will be refused where other development opportunities exist. Many people have found themselves in a situation that they could not have foreseen, in that sites have been sold off from farms that were not originally in the green belt.

182. Under the new policy, sons and daughters working on their parents' farms will be unable to get a site because a site has previously been sold off. That will apply throughout the country, given the circumstances of the agriculture industry, particularly in the last 10 years. Many farms were only sustained because farmers sold off sites from their dwellings.

183. That is one of the most reprehensible aspects of draft PPS 14. I note that you did not mention it, even though you referred to other matters. I hope that that will not pass unnoticed, because that policy will have a crucial impact on individuals whose farms were not previously part of the green belt, as most of my constituency was. However, if those people now try to get a site through legitimate means and there is a farm to act as a basis for the site, they will not get a site because of those circumstances.

184. **Mr Thompson:** I mentioned two areas within the range of available policy options that could address such a situation. The first is the farm viability test. Many people wanted the test changed to make it more adaptable for such a scenario, namely for farmers' sons and daughters. The second option, which many people indicated to the Department as their preference, is the kinship option. However, implementing the kinship option involves many operational and practical difficulties.

185. I understand your point, but suggestions that would address those concerns have been highlighted in the range of options that have been put to us through the consultation exercise.

186. **Mr Poots:** My local planning office has referred me to paragraph 4.26 of the consultation document, which is very clear about other development opportunities. It states that:

"if any houses or sites have been sold off from the farm holding."

187. In other words, if anyone has ever sold a site, there is no specific period of time during which the policy applies; it applies for ever. If a site has ever been sold off from a farm holding, an applicant will not be entitled to a site. It does not matter whether a farmer has 500 milking cows and only one house on the farm; the farmer will not be entitled to an additional site.

188. **Mr Matthews:** I can perhaps provide some assistance. Under the old rural strategy and the policies that applied, that was the criterion. However, it was agreed that that option was essentially only applicable in green belts or countryside policy areas.

189. **Mr Poots:** Under the old system, there was a time frame of about 10 years, but there is no time frame with this policy.

190. **Mr Matthews:** There was not a time frame in the old one; a 10-year period may have been as a rule of thumb. However, one issue that arose through the public consultation was that the criteria dealing with other development opportunities, and their sell-off, should be time limited. At some of the public meetings held as part of the consultation, time limits of five, 10 or 15 years were bandied about. Perhaps the policy should be time limited, and that is something to consider.

191. **The Chairman (Mr Molloy):** The main problem is that the policy has effect from 16 March 2006, so anyone who had already sold sites did not have that type of opportunity.

192. **Mr Matthews:** Yes; that is a question of planning ahead.

193. **The Chairman (Mr Molloy):** The idea of Lord Rooker as a Trotskyite is interesting. *[Laughter.]*

194. **Mr Poots:** That will cut no ice with the Department.

3.30 pm

195. **Mr J Wilson:** There is something that I should have mentioned earlier. I do not wish to get too bogged down in detail, but I referred to restrictions that apply to the farming community and those who provide services for it. That matter must be re-examined. However, in doing so, we

should also re-examine criteria that may be laid down by agencies other than the Planning Service. For example, when a farmer makes a proposal to diversify or build a retirement dwelling, DARD lays down strict criteria, particularly in respect of diversification. The Tourist Board may also impose criteria. Easing such restrictions would assist in removing hostility to draft PPS 14. The principle behind draft PPS 14 is not wrong.

196. **Mr Poots:** There are a couple of other issues that I would like to raise. One is health, which was addressed in the old policy but has since disappeared. I do not suppose that health problems suffered by people in rural areas have disappeared. It is critical that that measure is restored. The number of sites approved in such circumstances was limited but, nonetheless, the health measure should be reinstated. There was no reason for its removal.

197. Other matters include the building of developments within older courtyards, which contain many vernacular buildings. Has consideration been given to crossroads developments, where four or five dwellings already exist around a crossroads and there is scope for further development? In such cases, a small sewerage works might be built so that a proliferation of septic tanks does not arise.

198. **Mr Thompson:** Both of those suggestions are interesting. The development of a social housing policy was challenging, but the service did not get it quite right. We are starting to push in the right direction. People talk about the old clachan concept: a small group of houses at the crossroads, beside the church, the sports club or school, where one can install support facilities. The idea of using older farmyards and vernacular buildings is very interesting.

199. **The Chairman (Mr Molloy):** There is concern about social housing policy because some small blocks of Housing Executive houses were simply dropped into the middle of the countryside without provision of services. The style and design of developments is important.

200. **Mr J Wilson:** I have concerns about development around settlements. I recall that, in the past, extension of development around small villages and settlements was permitted.

However, instead of one or two houses being built along the roadside in support of a local school, or a church or — dare I say — a local pub, fields to the north, south, east and west of those settlements were bought, and thousands of houses were built around villages, creating commuter and gridlock problems. That policy contributed to instances of housing development without infrastructure.

201. **The Chairman (Mr Molloy):** And the need for a bigger pub. *[Laughter.]*

202. **Mr McGuigan:** On the agricultural viability test, has DARD set a test in terms of income, for example, on an average industrial wage? Even before draft PPS 14, in green belt areas, many complaints were made to the effect that the Planning Service had rejected applications that had been approved by other agencies. For example, when the Tourist Board has agreed that there is a need for tourist accommodation, and has proved that need, the Planning Service should take that into account.

203. **Mr Thompson:** I cannot speak about individual cases. I have no knowledge of them, nor do I have the authority to comment on them. However, the Tourist Board looks at proposals from one perspective only; the Planning Service considers it from a different perspective. It is feasible and understandable that each may, from time to time, produce different answers because each asks a different question. However, I do not know the details, and that is beyond my remit. I take the point about joined-up governance and, as we are striving to promote farm diversification and tourism, the views of the Tourist Board are an important consideration. Much depends on other factors in making a determination.

204. The farm viability test is a test undertaken by DARD. There are options with how that test is utilised.

205. **The Chairman (Mr Molloy):** Another measure that the Assembly introduced was that DARD would undertake rural proofing that should cut across all Departments. Rural proofing seems to have become lost in PPS 14.

206. **Mr Thompson:** Reference is certainly made to that. We went through a rural-proofing

process in developing this policy. Rural proofing is about the differential between urban and rural, but by definition this policy is a rural policy.

207. **The Chairman (Mr Molloy):** But you need people living in rural areas.

208. **Mr Thompson:** Absolutely.

209. **The Chairman (Mr Molloy):** That is important. Are there any other pressing questions?

210. **Mr Poots:** I have a question relating to business and diversification. Some time ago, I became aware that DARD grants from European funds were being awarded but could not be used because about one third of planning permission applications were not being granted. That was before this policy came into operation and when about a third of Northern Ireland was green belt. My concern is that, as virtually nobody in the green belt was getting planning permission then, virtually nobody will get it now. Those people who want to stay in the countryside, who want to establish a business in the countryside or who want to develop tourism in the countryside will, as a result of this policy, come under the same restrictions. As a consequence, a substantial number of economic development opportunities will be lost.

211. Let me put it like this: I am glad that this is a draft document and that it will not be the final PPS 14. Issues such as those that I have outlined need to be addressed prior to draft PPS 14 becoming a fully operational document.

212. **Mr Matthews:** On the diversification issue, we are working with our colleagues in DOE in respect of where there is overlap, for example, between draft PPS 4, which includes an element on farm diversification, and draft PPS 14. We need to iron out the overlaps and ensure that there is less ambiguity and as much clarity as possible.

213. **The Chairman (Mr Molloy):** This has been a useful meeting as regards the subgroup's consultation with the Department. However, I hope that you will be able to view this meeting as consultation with the Assembly subgroup in regard to draft PPS 14. As such, it is a two-way process. We may request additional papers or information from you.

214. I have a final question. I heard recently that a new policy is being developed in relation to farm buildings, as opposed to farm dwellings. If that policy is in draft form, it might be useful for the subgroup to see it. If the policy will restrict the building of silos and other buildings on farms, it will have a big effect on the viability of farms.

215. **Mr Thompson:** That is not something that I am fully familiar with.

216. **The Chairman (Mr Molloy):** I think that it may be a Planning Service document.

217. **Mr Thompson:** We will check with our DOE colleagues. I am not aware of that policy, but I will check.

218. **The Chairman (Mr Molloy):** You will come back to the subgroup on that?

219. **Mr Thompson:** Yes. We will also reply on the FOI issue. We will check the progress on that and see whether we can give you further information.

220. **The Chairman (Mr Molloy):** Thank you very much.

Adjourned at 3.38 pm.

Wednesday 13 December 2006

Members present:

The Chairman, Mr Patsy McGlone
 Mr Tommy Gallagher
 Mr Philip McGuigan
 Mr Alex Maskey
 Mr Edwin Poots
 Mr Mervyn Storey
 Mr Jim Wilson

Witnesses:

Dr Andrew McCormick	}	Department of Health, Social Services and Public Safety
Dr Denis McMahon		
Mr Dick Mackenzie	}	Local Government Boundary Commissioner for Northern Ireland
Ms Amanda Morrison		
Mr Stephen Peover	}	Secretary to the Local Government Boundary Commissioner for Northern Ireland
Dr Eddie Rooney		
	}	Department of the Environment
	}	Department of Education

The evidence session started at 10.32 am.

(The Chairman (Mr McGlone) in the Chair.)

221. **The Chairman (Mr McGlone):** We shall now hear evidence from representatives of the relevant Departments. That will be followed by a question-and-answer session. Mr Peover, have you agreed a speaking order?

222. **Mr Stephen Peover (Department of the Environment):** As members received a presentation on local government on Friday, I did not intend to make a presentation today. However, I am happy to do so, if members prefer. I understood that the subgroup wanted to use this morning for questions. Andrew McCormick has brought some papers that he wishes to make

available to the subgroup, but it is the subgroup's decision as to how it wishes to use the time.

223. **The Chairman (Mr McGlone):** We shall begin with Andrew's submission on health and social care, and members may ask questions on any issue arising from that. We shall then turn to health and education.

224. **Dr Andrew McCormick (Department of Health, Social Services and Public Safety):** The Department of Health, Social Services and Public Safety (DHSSPS) has the privilege of being first in line in the review of public administration (RPA), so its process is further advanced than that of other Departments, as I will explain. That sequence affects the nature of our present work.

225. I shall begin by setting the context in which changes are being driven and in which the factors leading to the current model have emerged.

226. Health and social care can be organised in several ways. The DHSSPS is characterised by several unique features whereby social care is integrated with healthcare. The nature of the organisation is such that there are increasing demands on the service, as members will know from their constituency business. There is no more pressing issue than the day-to-day demand for better health and social care. There are rising costs, rising opportunities to provide new forms of care and demographic changes. Northern Ireland has a higher level of ill health than other regions, so all of those issues must be addressed. The major expansion and expenditure that has taken place over the past few years will tail off, owing to the nature of the comprehensive spending review.

227. Those issues make up the context in which the DHSSPS is organised to achieve the best outcomes.

228. The objective of the structural change is to secure those best outcomes. Northern Ireland has had too many small health and social care

organisations, and that is an issue with regard to providing safe and high-quality hospital care. Securing the best outcomes is difficult to do when the trend in medicine is to increase specialisation, etc. There are also serious issues to consider in providing the best possible care for rural areas.

229. The service needs to secure better performance and to deal with efficiency and productivity. Those issues, along with a range of other challenges were highlighted in the independent review of health and social care in Northern Ireland that Prof John Appleby produced last year.

230. The strategy that was carried through into devolution is essentially public-health led. The only way to improve health and social care is to make more people take responsibility for looking after themselves and to have a system that makes prevention and early intervention high priorities. However, the present structures do not serve those aims very well, so some of the structural changes are designed to make that better.

231. Although we plan to enact some elements of the reform programme first — that is a matter of fact — those elements are part of the wider RPA process. Therefore, we must consider how we can improve coterminosity and have the same principles that are applied in the rest of the RPA, in which accountability, efficiency and getting services closer to the public are the underlying principles. Those are the reasons for change.

232. The overarching diagram of the model is complicated, so I have created a simpler version. If the subgroup wants to talk at greater length about the Patient and Client Council (PCC) and the Regulation and Quality Improvement Authority (RQIA), we can do so later. However, the simplified diagram of the model draws out the main points.

233. The Secretary of State last November decided to create a regional health and social services authority that would take responsibility for the management and operation of the service and to reduce the number of trusts from 18 to five. The ambulance trust stands unchanged. However, the idea is to have five health and social care provider organisations that will provide the full range of care from acute secondary care, through to community care. The health and social

services authority will oversee the planning process and will work with the new local commissioner groups to plan and prioritise services. The trusts will then provide that service. That is a continuation of the separation that has existed since the early 1990s, with the process of planning and prioritisation on the one hand, and provision on the other.

234. There is an increasing emphasis on primary and community-based care through the planning process, which provides a proposed strong link with local authorities. Those are the fundamental points of the model, and that is the point of coterminosity in planning and commissioning.

235. One major strength of the model is that the regional authority will be accountable for delivery and can say to the trusts that it is up to them, as a team, to deliver a better performance for the public. The regional authority will have a strong performance management role in the trusts, and they will require them to deliver part of the improved services. They will also hold them to account. Therefore a challenge is going out and ensuring that that accountability is coming back. That is a major part of how we drive through change.

236. Present structures have not served that aim of clear accountability very well; it has been more complicated than accountability in the proposed model would suggest. The roles of the Department, the boards and the existing trusts are not resolved and they do not provide clear lines of accountability.

237. We put together some thoughts on the rationale for the changes, to explain why we use this particular model and why we do things a certain way. If planning decisions are in the hands of the provider organisations, there is a strong risk that the community would not be as well served as possible. Therefore, the Minister decided to separate the planning aspects from provision, and to link them as closely as possible to a community base.

238. That is the reason for the alignment between community planning in the local government sector, and health and social care planning by the commissioning groups. That is the reason for the proposal to have commissioning groups

aligned with local councils. That is the Minister's position on how things should be organised, and it should better serve the strategy for improving health and well-being. If commissioning were led by public health and by the desire to have better prevention and earlier intervention, the effect would be to change the balance of roles and to secure a better strategic direction. It should result in less dependency on hospital care and more on self-care and support in the community. Patients should be able to stay closer to home.

239. A further intention is to maximise the benefit of the integration of hospital and community care, so the five trusts will be unique in that sense. They will carry the full range of responsibilities and that provides opportunities for improving service delivery.

240. It is important to have a strong voice providing feedback from service users, patients and clients. A stronger patient and client council will replace the existing four health and social services councils. That provides a balance between a strong voice at regional level and a strong local voice. Both regional and local dimensions are catered for. There is a need for strong regulation, and the Regulation and Quality Improvement Authority will provide standards. That is its function.

241. I return to my fundamental point that the Department will step back from the operational management of the service, which has been its preoccupation, because the Department has been the only regional organisation up to this point. Having a strong regional tier of management can provide a different way of doing things.

242. Trusts came into being as legal entities on 1 August last, and we are making appointments to them. Chairpersons and chief executives were appointed over the summer. Those appointees are now appointing directors. Those organisations are coming into being, and the transfer of staff will occur under secondary legislation. That is all firmly on track; it can and will be completed by 1 April.

243. The chief executive designate of the Health and Social Services Authority was appointed in August. The decision was taken to proceed with aspects of that appointment without prejudice to

future legislation. All of the changes in the organisation of the authority require primary legislation. The trust mergers did not require that, as that could be achieved under existing powers. That is how it has been possible for those mergers to proceed. The powers are in place already. The plan is to complete the mergers and to have the trusts working as fully fledged service providers by April.

244. The question is how best to manage the transition to the new structure. A joint committee of the existing boards will be established to provide a step towards the new structures — again, that is subject to legislation. The seven commissioning groups will, on present plans, reflect the configuration of seven councils. We intend to have members of those groups appointed, in place and able to begin work by March because planning of services for 2008-09 and onwards will then be possible. The timetable, as set by the ministerial team, is to have that full process completed by April 2008, although that depends on legislation.

245. The final diagram illustrates that the idea behind these reforms and changes is that health and social care can be a black hole.

10.45 am

246. Previously, on that issue, Ministers sensed that it was hard to see what was going on in the system and to have drivers for change. If we have in place a system of planning and commissioning, strong performance management and a new system of financial management, the intention behind all of that is to secure a better outcome for the public. If, for example, those who commission services can say, "That is not a good enough service, and, as commissioners, we have the right to exercise financial control", and, "No longer will we buy from this provider; we will buy from that provider instead", then that is a powerful lever for change, and often it is sufficient to have the possibility of that in people's minds as a way of improving services. That is what we have found in dealing with the waiting list issue over the past 18 months. It is the possibility of change.

247. **Dr Eddie Rooney (Department of Education):** As Dr McCormick said, health is a little in front of education in this area. We are

working towards the same deadline, but we are behind on some of the elements of the process. I will give you a quick overview of where we are.

248. The RPA decisions made in November 2005 resulted in fundamental changes in every aspect of education administration. None of the existing groups escaped fundamental change, not least the Department itself. Our decisions were clear: like health, we are much more focused on the policy and strategy, transferring operational functions from the Department to an operational body, and on occupying a strategic leadership role within education.

249. The bulk of functions and decisions centre around the establishment of a single, large education and skills authority to take all the functions of the current education and library boards, and the support functions of a range of other bodies that currently exist in education, to provide a single home that supports front-line education. That body will also act as a single employing body for all teaching and non-teaching staff in the education sector. These changes are part of bringing cohesion to what has been a fragmented system. The changes will also impact on other educational support organisations, with the support functions that they provide moving to the new education and skills authority.

250. There is recognition that the Department and the Minister must have a much stronger direct relationship with the widest range of education stakeholders. That means not just the owners of schools and those with an interest in the sector, but, crucially, directly with teachers, staff in schools, boards of governors, parents and young people. Traditionally, those links have been weak, and we acknowledge that information must be communicated directly between those stakeholders and the Department to help it in its strategic role.

251. Those bodies and interested parties will have a statutory education and advisory forum that will report directly to the Minister to reflect their views, offer advice, and act as a sounding board on how the system is actually working.

252. From the outset, we have recognised that schools are changing — and changing dramatically. Policies have been in place since

1989 regarding community use of schools, but that was a limited development. In recent years, in particular, we have seen a significant shift in the link between schools and their communities that has been driven by educational needs.

253. Teachers and those at the front line recognise that the ability to teach and deliver education would be increasingly difficult without those community links. That is very much in the context of the extended school, or full-service school, with health services coming into schools. It is a model of schooling that is very different from what it has been in the past, and an acknowledgement that, within the context of community planning in particular, those linkages are vital in the planning of education.

254. Yesterday we named the chief executive designate of the new Education and Skills Authority (ESA), which is the first concrete appointment to the new body. We have been concentrating on fleshing out the decisions taken on 22 November and getting under the detail of the policy. We have issued policy papers to all stakeholders, including political parties, and we want feedback by 19 January 2007 to help us refine the next stage. That is the basis of the legislation. The policy papers are there to help us write the legislation and to ensure that it is in place by April 2008.

255. **Mr Peover:** Members are probably as familiar with the local government position as I am. The RPA timetable is diverse, and ours is the furthest back of the three and currently scheduled for implementation in April 2009. Our process has been open. The structure in place to date consisted of a political panel, supported by a working group and underpinned by nine subgroups.

256. The real rationale for local government reform is to give local government a fuller role in the governance of Northern Ireland overall. That will be done by increasing the size of the authorities and their budgets and functions on the one hand, and giving them a role in community planning on the other, which would allow them to engage, as of right, with other public bodies in the determination of the services provided for local populations.

257. The concept is fairly straightforward, but the policy is tricky. The subgroups reported on time at around the end of June or early July, and some further work had to be done after that. We are now in the process of replacing the structures that were used for the purpose of policy development with a new structure for the next phase of implementation, consisting primarily of a strategic leadership board chaired by the Minister, with a vice chairman from the Northern Ireland Local Government Association (NILGA) and 10 political party representatives supported by various officials. Underneath that, there will be five work streams, again led by politicians and supported by officials. The work streams will spin off subgroups — research and task groups, etc — and we see that structure being in place from now right through to the implementation phase of the process.

258. Our documentation, including policy papers and minutes, is all on our website and is freely available to anyone who wants to read it. It is a challenging process. Dick Mackenzie, the Boundaries Commissioner, will be joining us and giving evidence later. The legislation in place on our side is The Local Government (Boundaries) (Northern Ireland) Order 2006. Mr Mackenzie has been working to the remit given by the Government to the Boundaries Commissioner to devise boundaries based on the seven areas defined in the RPA provision.

259. That legislation is in place, but the rest is not. Our intention was to publish proposals for a draft Order in Council in the spring, and that will depend on political developments. We will have to wait and see what happens with the Assembly. The work involved in drafting the legislation is going on. We have had inputs from the subgroups under the political panel and the working group, and that informed the process of legislative development. However, how that will be managed from here is not a matter for officials. We will have to wait and see how it shapes up.

260. So far, it has been going well. The issue that we have in common is how the other public services, and not just education and health, fit into their own government structure through the community planning process. That is key to the

whole arrangement and the chosen route, which gives local government the purchase on the wide range of services.

261. We in the DOE, and certainly our Minister, see local government as the point for looking at the needs of a defined population in a geographical area. It has a clear geographical focus, and it is a broadly-based one, not a functional focus on any of the specific public service delivery areas. The aim is to try to ensure that there are arrangements in place that allow the other services, whether housing, health, education, the police or anybody else, to integrate with Government and to allow the various services to develop a creative synergy, and build up a more unified delivery of service to local populations. That will be the challenge for all of us. Most of you are as familiar with this as I am. We have had the general inquiry where we had to take questions on it, but you know what the arrangements are for it.

262. **The Chairman (Mr McGlone):** Go raibh maith agat. Before we move on to the questions, may I advise people in the room to switch off mobile phones, which may cause some interference with the audio recording system.

263. The members will be called in party order as follows: DUP, Sinn Féin, SDLP, UUP.

264. **Mr Poots:** I wish to ask Dr McCormick a question about the health trust model that has been set up. Previously, we had a situation in which the patients had the primary care, the general practitioners, the providers, health trusts and the health boards. Now we have a situation in which we have the trusts, the commissioning groups and the health and social services authority. So, there is another group there, when this exercise is about achieving efficiencies. I am sure that you have an explanation for that.

265. **Dr McCormick:** The commissioning groups are not separate specific organisations. They are subcommittees — the proposal is that they are subcommittees of the health and social services authority — so all the rationalisation of employment is possible in that context. The difference is that, previously, there were 15 local health and social care groups, so they are being, in a way, replaced by seven local

commissioning groups. The intention is that they will play a significant part with the new local commissioning groups.

266. At every level, there is a smaller number of organisations. The clear requirement of Ministers is to deliver substantial efficiency savings within the new structure.

267. A lot of things are coming together on a regional level because of the commissioning groups and a better relationship with primary care. This exercise is about finding a way to have simplification, as well as a strong engagement with communities. The desire is to achieve both.

268. **Mr Poots:** Can you demonstrate how efficiencies will be achieved? Huge amounts of money go to paper trails and to the exercises that take place currently in commissioning. We want work to be carried out so that patients can benefit from the new builds that are coming along and the extra care packages that are needed as a result of the reductions in the waiting lists for operations. That is what public representatives are being asked to deliver.

269. We support any aspect of the RPA that achieves efficiencies, so it can deliver more services on the ground, and reduce the amount of paperwork involved. I am sure that you can demonstrate to us how there will be a reduction in the paperwork work that needs to be done.

270. **Dr McCormick:** Yes; the process that you are describing is related to the relationship between the current Department and the four boards. There is an extensive amount of process among the boards, 18 trust organisations and 15 local health and social care groups. That is a very large number of networks to deal with. This model will be simpler, with fewer senior posts. A very substantial amount of work is already happening in the trust context, with the number of senior executives going down from around 150 to around 50. That is a very significant change in leadership and personnel.

11.00 am

271. The second stage will be when those groups merge into the new authority in April 2008. There will be some cost in providing for the commissioning groups, but that is a means to

promoting the relationship between the community planning side in the wider sector to secure links with other services, and to promote a public health agenda. That is regarded as a worthwhile investment to improve health and social care. I can provide more detail if that would be helpful.

272. **Mr Poots:** What we have heard thus far is helpful; if there is any further detail we would be interested in seeing it.

273. **Mr Maskey:** There are a few points that I would like to raise with Dr McCormick and Mr Peover. Dr McCormick, you dealt with the question of the impact on management staff. Can you give us any indication of what, if any, greater role the medical side will have in the placement of resources to health provision? I am interested, as coterminosity is one of the drivers of all this, to know why we have five trusts and seven commissioning groups. Can there not be the same number?

274. **Dr McCormick:** A role is intended for doctors as well as other health and social care professionals in designing and commissioning services. The commissioning groups will include GPs, other independent contractors such as dentists and pharmacists, and other professional staff from the boards. They will make up the new authority. As colleagues have said, the commissioning groups will have lay representation as well. There will be a balance of a strong professional lead and accountability and openness to wider community interests. That is an essential feature of the model.

275. I am sorry; I have forgotten your second point.

276. **Mr Maskey:** It was about coterminosity.

277. **Dr McCormick:** Coterminosity is essential at the planning stage; hence the alignment of planning and the prioritisation of services. That is the idea. The trusts are providers; it does not matter so much if they are not coterminous, because they are there to do what the commissioners ask them to do. We should think of the trusts as groups of people, assets and equipment. They are there to serve whomever plans the service.

278. Of course, a lot of business is done by the Belfast hospitals on behalf of other major

hospitals. There are lots of services that cross boundaries anyway. It is up to us to ensure that we promote equal and fair delivery of services. The money and the planning power should be in the hands of the seven coterminous commissioning groups. They should have the leverage to require the service-provider organisations to answer to them. *[Inaudible.]*

279. **Mr Maskey:** Is there any direct link between the current level of the health budget and the proposed changes: in other words, is there any tangible link between reducing management, or other structures, by a certain amount and freeing up X amount of the budget for front-line services?

280. **Dr McCormick:** The obligation to produce savings has already been taken into account in the financial decisions taken by Ministers over the last year or more. Those decisions have produced savings and have made some service developments possible. Looking ahead, service developments will only be made possible by the efficiency gains secured.

281. **Mr Maskey:** The public is fairly well aware of current developments. As regards the structure of the task force, there is a bit of work to be completed on policy planning. Drafts are being worked on in order to put into practice some of the deliberations that have taken place thus far, or to prepare for legislation. What portion of the work done by the subgroups and the RPA political panel has the Minister taken on board?

282. **Mr Peover:** The DOE has not had any great difficulty with any of the subgroups' recommendations, although the subgroup that discussed local governance left some issues unresolved. In general, the draft legislation closely reflects what came out of the subgroups, and I cannot think of any major disagreement that we have had with their work.

283. The issue for us is how much should be put into primary and subordinate legislation. As regards Dr McCormick's point about commissioning groups, one community-planning issue is how to define those who are mandated to be at the table and who will have a duty to engage with local authorities when decisions are being made about community planning. That issue could be dealt with in primary legislation,

but the Department will probably not choose to do that, because it would be too awkward to amend the legislation in the future.

284. I cannot think of any major issue that arose from the subgroups' reports that the Department could not live with. The Minister is still considering some of the issues. Although not all issues have been resolved, we are getting close to that point, and I do not foresee any major difficulties. There may be some negotiations in some of the policy development panels on specific issues, but there are no major problems with broader policy.

285. **Mr Gallagher:** I have a couple of questions for Dr McCormick on coterminosity and on the apparent sense of confusion that persists, even when people look at the new arrangements. He talked about how the Department can handle coterminosity and how groups of hospitals within the new trusts are already working well together.

286. From my experience, that is not the case. For example, patients with fractures cannot be transferred for treatment — and that occurs in hospitals that will be grouped together under the new trusts. Patients who require dialysis, some of whom are seriously ill, will have to be transferred between hospitals that will be grouped together under the new trusts. I am concerned whether that arrangement will deliver an efficient service.

287. I want to ask you about the legislation. The commissioning groups have the important role of ensuring that the needs of service users are met. Is the legislation specific about the wider groups to which you referred? I am sure that other subgroup members have had the same experience in dealing with people with physical and learning disabilities and with those in need of respite care. Those people say constantly that they are never asked about the kind of service that is delivered to them. Will the legislation be specific about who exactly will be consulted so that we can better target the resources at those who need them?

288. My second question is about jobs. How many people does the Department employ centrally now and how many will it employ when this exercise is over?

289. My third question is about the very short consultation exercise on the new boundaries, a question that I also intend asking of the Boundaries Commissioner. That is compounded by the Christmas holidays. We will end up with a shorter consultation period than usual on this important issue.

290. **Dr McCormick:** I take your point about the difficulties in the present system. Part of our intention is to drive through performance improvement to help to set the minimum standards of service that people can expect. We will enforce those standards and require their delivery. Our challenge is to do that, as much more needs to be done to improve networking between the various agencies.

291. Dr McMahan will speak about the specifics of the legislation later. At this stage, the plan is to try to get the legislation into the public domain for consultation before 23 January 2007. We are nearly ready to do that. We want to ensure that the public has an input into the process.

292. **Dr Denis McMahan (Department of Health, Social Services and Public Safety):** There are two important elements in the primary legislation that were not included before. One is the structure and role of the patient/client council, which will be a statutorily separate organisation. At present, there are four health and social services councils, and the people who work for them are employees of the boards. The complaint has been that something more independent with teeth is needed, so there will be statutory provision in the proposed legislation to allow for that.

293. The second important element is that, for the first time, we are proposing a duty of engagement, which will involve much more than the consultation requirements under section 75. It will mean engaging with people in communities about their health and well-being and about the design, management and prioritisation of services. Under the new arrangements, that statutory duty will be placed on all the new health and social services organisations. Those are proposals at this stage.

294. **Dr McCormick:** The new arrangements will deal with what are often thought of as the Cinderella services, but those services are critical

to people in the long term. I am thinking of carers and those with a learning disability. We also have to deal with the Bamford review. There is a range of issues to be addressed.

11.15 am

295. On your third point, indicative figures show that the number of departmental staff will be reduced from around 1,000 to around 500 as some of the main functions move to the regional authority or to other organisations, leaving the Department to support the Minister on policy, legislation, the highest level of performance management and planning. A lot would be delegated.

296. **Mr Peover:** As regards timescales — let them blame me for this. The timescale is set by working back from the end date, 1 April 2009. It is like the old Irish saying: if we had wanted to get to where we are going, we would not have started from where we did. In our case we would have started about two years earlier.

297. All of us could have done with more time. There are several key stages for the DOE. First, there is the establishment of councils in shadow form in the summer of 2008, and the political panel has discussed how long the shadow period should be. The longer the period, the better. However, given the timescales we are working to, we do not think that it is possible to make it longer than the period from June 2008 to April 2009.

298. If you work back from 1 April 2009 as regards the legislation, the work of the Local Government Boundaries Commissioner, the decisions needed on the basis of his work, followed by the decisions needed on the district electoral areas, the Commissioner had to be given a very tight timescale in which to complete his work. He did a very good job. He produced the proposals on time and is still working to the timetable.

299. I take the point that the formal consultation period is relatively short. However, there will be public hearings, and a submission went to the Minister yesterday about the appointment of assistant boundaries commissioners to chair those hearings. I hope that that submission will be cleared in the next few days. The process will

kick off in January 2007, and I know that Mr Mackenzie wants to make arrangements so that he and the assistant boundaries commissioners can engage with the politicians and other interest groups in the run up to the hearings.

300. The timetable is tight in every respect. It will be difficult for any of us to meet the deadline of 1 April 2009; the only way we can possibly do it is by keeping every element in the process as tight as possible. All I can do is offer my apologies. The process is dictated by the timetable.

301. To pick up the point about numbers, I will answer your question before it is asked. The DOE will change dramatically for several reasons. A large part of the Planning Service will move out of the Department because of the RPA, and we expect that the outcome of the review of environment governance will, more than likely, result in the creation of an independent body, although that decision has yet to be made. There is also the merging of the Driver and Vehicle Testing Agency (DVTA) and Driver and Vehicle Licensing Northern Ireland (DVLNI) and the efficiencies resulting from that.

302. The DOE has 3,030 staff, but we expect that number to halve as a result of the RPA, the review of environmental governance and the merger of DVTA and DVLNI.

303. **Mr J Wilson:** Following on from that, you will all be aware that there is only some support — from one particular party — for the seven-council model. Indeed, the Assembly voted against having seven councils. Should a future Assembly decide to increase significantly the number of councils, how would such a decision be factored into your proposals with respect to the target date?

304. As regards health, during the consultation period many folk took the view that a separate hospitals authority would be a good proposal. It did not turn out that way. As time has passed, is that over and done with, or is there still some support for that?

305. Looking at the models that you have presented to us, I see that community care is not mentioned. Having read material in support of the models, it seems to me that community care

is deemed to be taken care of under primary care. However, those are two separate issues. I am wondering why community care is not mentioned; it is an important matter. I would like to hear your comments on that.

306. Dr Rooney, you mentioned sharing of services. You suggested that better partnerships would be formed with the new local authorities, whatever number is decided upon. Some of us remember the bad old days when most schools closed at 3.30 pm or 4.00 pm and services — school halls, playing fields — were locked up. That attitude still exists in many education circles. I hope that you are suggesting that partnerships will be formed with local government — local government being a provider of sporting and leisure facilities. I would like you to comment on that.

307. I would like to ask Mr Peover how he is factoring in an Assembly decision to change from a seven-council model.

308. **Mr Peover:** All that we can do at present is to have in place a contingency plan. As the Chairman said at the outset, we are working to the decisions made by the Secretary of State earlier this year. Therefore, our planning has been based on the structural model decided upon by the Ministers. In the local government sphere, there is not a huge amount that is contingent on the number of councils. Community planning, the new roles of local government, the modernisation process and the governance arrangements are, largely, independent of numbers. They are affected by, but not dependent on, the number of councils.

309. One issue that is slightly dependent on numbers — or more than slightly, I suppose — is the transfer of functions. In the case of my Department, it is envisaged that the bulk of Planning Service staff will move from the centre to the local authorities. That amounts to between 600 and 700 members of staff — probably 700. If there are seven local authorities, that means a pretty substantial planning department in each authority. If there are 11 authorities, the planning departments will be smaller. If there are 15, they will be smaller still. If there are 26, they will be very small.

310. If there were to be a different number at the end of a process of decision by the Assembly, a lot of thought would need to be given to the operational arrangements for the Planning Service, the Roads Service, the transfer of functions, and so on. That is the major issue with regard to changes to structures.

311. If the legislation does not proceed on the basis of a seven-council model, we will have to find a boundaries commissioner and give that person a remit to look at a different number. The process can be curtailed slightly because of the work that Dick Mackenzie has done. There is a framework of factual information in place that can be drawn upon. We would have to go through the basic process again of considering that information and mapping it onto a different structure, looking at the consultative arrangements — hopefully, a longer period of consultation than the one that Mr Gallagher referred to — and holding public hearings.

312. It would not be possible to have a neat and tidy timescale that takes us to 1 April 2009. It would be possible only if there were no shadow period for the councils. Otherwise, it would be unmanageable. There is huge jeopardy for our planning in all of this, and we are conscious of that. However, as we said earlier, we are working to the remit given to us by the Secretary of State; we have no other remit at the moment. We shall see how matters pan out over the next three months.

313. **Dr McCormick:** As far as we are concerned, the plan is to go ahead with the recruitment and appointment of members to the seven local commissioning groups by the end of March. It would be possible to reassign those individuals, even after they have been appointed, to a different configuration. That is possible, and we need to make sure that it is possible.

314. Whether it will continue to be one commissioning group for each of the, say, 15 councils, or whether it might be better to have one commissioning group for each two councils together rather than have too many commissioning groups, will have to be decided. Coterminality could still be preserved if the ratio were 1:2 rather than 1:1, and the action could proceed. There

is no great impediment to timetable or action, as far as we are concerned. We can proceed, and we can adapt if necessary at a future stage. That is manageable and achievable.

315. In terms of your questions about hospitals authority and community care, the model that we are trying to promote is the one that has maximal integration, so that trusts have the full range of responsibilities from the acute side in hospitals through to, and including, community care. Community care is there in full; all five trusts will have that as part of their responsibilities. The strategy is to strengthen and promote that and to see more care being provided in a community setting, through investment in infrastructure and through changing the pattern of delivery; moving money; fewer beds in acute hospitals; more community care packages. We see a hospital as a provision of last resort. The norm should be the maximum possible care outside hospital. No one is asking for a separation of hospitals. All the trends in service delivery and in terms of the consultation are to promote integration.

316. **Dr Eddie Rooney (Department of Education):** The number of councils is probably less critical for us than for some other Departments. The unit of delivery of education is at a very local level. It is done by schools and youth services throughout the community. Some of those have fewer than 20 pupils. We have the flexibility to adapt to whatever the structures may be. Likewise, the new education and skills authority will have the flexibility to adapt to whatever way those areas are defined. It is not yet embedded.

317. You are right about the relationship between schools and the community. We are at the start of a very long path. There have been many difficulties for a whole host of reasons, whether structural issues, support issues or attitude issues. They have isolated schools from communities. It is changing very dramatically, faster in some areas than others. It is recognised officially. We have an extended schools policy and funding streams in place for that. This is the first year of those developments, and the take-up is very high. There is an immense amount of interest in schools. It is the way of the future.

318. With a different hat on, I chaired the task force on tackling childhood obesity. The policy rationale for joint working is screaming out. These are the same children in the same communities; there are only so many directions that you can hit them from in terms of separate policies. The “joined-up” concept is being firmly embedded. We all recognise that that is the way we have to go in the future.

319. **The Chairman (Mr McGlone):** Are there any members who have not spoken and wish to ask something, or members who want to request further detail?

320. **Mr Storey:** I have a question for Dr McCormick. I appreciate the answers that we have been given and that there may be some more detail to follow. Recently, you wrote to us with regard to the estates and how that process will be managed. I noticed that the title “Permanent Secretary and Chief Executive” was at the top of your letter; I had not noticed that previously. Will you clarify why that is?

11.30 am

321. **Dr McCormick:** That title was used to emphasise the fact that those roles reflect the management responsibility in the current and future structure. They also encompass the classic policy advice role. There is a need to bring together the different aspects of the service and to provide for the overarching nature of the new authority, the existing boards, the Regulation and Quality Improvement Authority and the Patient and Client Council. For example, the Department of Health in England is managed by two individuals, one of whom is the Permanent Secretary and the other is the Chief Executive of the NHS. Our structure shows that you are getting two for the price of one.

322. **Mr Storey:** Certain education providers have expressed considerable opposition to change. That has been highlighted by this week’s statement from the Catholic bishops. What problems do you see in implementing a more streamlined and efficient educational service, given that there is a plethora of education providers and a reluctance to change?

323. **Dr Rooney:** Inevitably, this scale of change means that a lot of issues will emerge, some of which were expressed last week. I do not think that the nature of those views and concerns are surprising, given that we have recognised within the policy development processes that we still have to nail down a number of implementation issues. A lot of those relate to how much the legislation — when we finish that work — will reflect the balance of functions between the Education and Skills Authority and local schools. There are not only sectoral issues; there are general issues about where within the continuum of provision we have consistency and very clear, effective and efficient central support within a model that also recognises maximum autonomy for those who deliver education.

324. We have a fair bit of work to do to specify those issues. That was the purpose of the policy papers that stimulated the comments. They were designed to create debate and to get the issues fleshed out so that we can reflect on those views and put them into the legislation.

325. Therefore, we are not at the end of this road. It is not surprising that those issues will come up for comment. There will be further detailed discussion on those matters to find a resolution and a clear way forward for us.

326. However, that is in a context of us never having had a sense — and a lot of this came from yesterday’s stakeholder meetings — of people not recognising that fundamental change is necessary and is happening. We are on that path — everybody is on that path — but we have issues to resolve.

327. **Mr Maskey:** I would not like Eddie to go away thinking that, because I have not asked any questions, I am entirely happy with all of the Department of Education’s proposals. I am currently taking counsel on that, so I will not go into the issue now.

328. **The Chairman (Mr McGlone):** Do members have any other questions?

Members indicated dissent.

329. **The Chairman (Mr McGlone):** Thank you very much for giving your time to be with us today.

330. I have been advised that you may stay to listen to the rest of the meeting, if you wish.

331. **Mr Peover:** I am happy to stay if you want me to.

332. **The Chairman (Mr McGlone):** This part of the meeting relates to the local government boundaries. I do not think that I have met Mr Mackenzie and Ms Morrison before. You are very welcome. As with your previous appearance before the subgroup, you will make a presentation and then field questions from members.

333. **Mr Dick Mackenzie (Local Government Boundaries Commissioner):** I am a bit blind as to what presentation I am to give.

334. **The Chairman (Mr McGlone):** Have you not been advised what was requested of you?

335. **Mr Mackenzie:** No.

336. **The Chairman (Mr McGlone):** We will look over the previous minutes.

337. **The Committee Clerk:** The subgroup wanted Mr Mackenzie to give an overview of the work that he is carrying out, and the timescales involved. At the last meeting of the subgroup, a concern was raised that the timescales were particularly tight, and members wanted to explore that matter.

338. **The Chairman (Mr McGlone):** Is there a specific reference to that in the minutes?

339. **The Committee Clerk:** The subgroup's terms of reference state that the subgroup should consider the initial proposals on the new council area boundaries that were published by the Local Government Boundaries Commissioner in November 2006.

340. **Mr Mackenzie:** If it would be helpful, Mr Chairman, I could give an overview of the work that I have been doing to date, and the timescale involved.

341. **The Chairman (Mr McGlone):** I would appreciate that.

342. **Mr Mackenzie:** I started this work on 1 June this year. Mandy Morrison, who is the secretary to the Commissioner, was appointed a few weeks before me.

343. At the outset of my work, I did two things. On 26 June, I met representatives of the political parties represented in the Assembly. I explained the work that I was proposing to do, the timescale involved, and the various procedures that I would follow. I then met the chief executives of the current district councils in Northern Ireland and explained the procedures to them. I am enjoined by the legislation not to consult before I make my provisional recommendations, so I did not speak to anyone about what I proposed to do in making my provisional recommendations.

344. I started work on the provisional recommendations in the last week of June. To do that, I had the assistance of the Geographic Information System (GIS), which was provided by Ordnance Survey Northern Ireland (OSNI). Over the two summer months, I worked in the Ordnance Survey offices in Stranmillis. I finished my preliminary work on the boundaries in the first week in September. That work was sent for mapping and printing, and the proposals were published on 7 November at an event at the Ramada Hotel. Copies of my provisional recommendations were circulated to all MLAs and district councils. In addition, the provisional recommendations were displayed in 160 venues in Northern Ireland.

345. I allowed a period of eight weeks for responses to the proposals to be made, plus three additional days to allow for the three public holidays of Christmas Day, Boxing Day and New Year's Day. In setting an eight-week consultation period, I had regard to the code of practice for the public sector, which states that a minimum of eight weeks should be allowed for responses to consultation processes. Following the minimum period, plus three days, responses to the preliminary proposals should be received by 5 January 2007. I gave the subgroup staff a copy of my programme. Has that been circulated?

346. **The Committee Clerk:** Yes.

347. **Mr Mackenzie:** I will begin a series of public hearings on 11 January, which will run through to 9 February. At an early stage, I decided that I would not hold the hearings myself; I have asked the Department to appoint seven assistant

commissioners. I was concerned that people at the public hearings might be worried that, if I held the hearings, I would be seen as judge and jury in my own cause. The Department has been very helpful and is about to appoint seven assistant commissioners, whose names I expect to be announced next week.

348. The assistant commissioners will hold seven hearings and, under their terms of reference, I have asked them to report to me within four weeks.

349. A verbatim note will be taken of those hearings, and a full record will be published on our website. I will start to receive the commissioners' reports in February, and we will start working on revised recommendations. As you can see from my schedule, I need to start publishing my revised recommendations by the end of March. If I make any revisions — and, at this point, it is fair to assume that I will — there will be four weeks to respond, as set out in the legislation. I will finalise my report in May, and the Minister has asked me to report by 31 May.

350. That is the procedure and timescale that I am following. Thus far, we have received 12 representations in response to my provisional recommendations. I have not as yet heard from the political parties or the local councils, bar one council.

351. When I produced my provisional recommendations, the parties asked for additional information. They wanted to know the street names in each ward in Northern Ireland, and we had to do some work on our GIS software to make that available. The street names and postcodes for all the wards have now been posted on the website. We are trying to be as helpful as we can to the parties. In the four weeks since I published my provisional recommendations, it is the parties that have engaged with us most.

352. Chairman, is that fair enough for an opening statement?

353. **The Chairman (Mr McGlone):** Yes, thank you.

354. We now move to members' queries. We will work in the following order: DUP, Sinn Féin, SDLP and UUP.

355. **Mr Poots:** Dick, it is good to see you again. Your task of producing boundaries for the seven councils flies in the face of what most people in Northern Ireland want. I recognise that you have a job to do, but none of us will be happy with the outcome because we were not happy with the terms of reference in the first instance.

356. However, the terms of reference allowed for up to 65 councillors in certain areas, and they also allowed for the number to fall below 60. Why did you decide to have 60 councillors in each council when there is a significant disparity between certain areas? Some have a high population concentration and others a more dispersed population. You may put forward the argument that it is harder to meet the needs of rural communities than those of urban areas, which have denser population centres, but that does not stand up. For example, councils in the south-east of the Province cover areas of high population that are also quite rural. What was the thought process behind that decision?

357. **Mr Mackenzie:** The legislation is interesting because it pushes the commissioner towards a 60-ward model. It states that, subject to two sub-paragraphs, in each district, "the number of wards shall be 60". Thus, there is a presumption that there will be 60 wards. It goes on to say that that number can be varied between 55 and 65, having regard to the size, population and physical diversity of a district.

358. In my initial work, I did not see a particular case, based on those three criteria, for moving away from the presumptive figure of 60. However, the recommendations are provisional, so if people put forward persuasive arguments, I am open to moving between 55 and 65 wards. For example, I would be surprised if the proposed West Council, which runs from Belleek to Ardboe —

359. **The Chairman (Mr McGlone):** Ballyronan, even — it straddles three counties.

360. **Mr Mackenzie:** Ballyronan; even better.

361. I suspect that there will be arguments about the proposed West Council, as it will cover a substantial area. People will point out that the area that a councillor in the West Council would have

to cover would be substantially greater than the area that a councillor in Belfast Council would have to cover.

362. **Mr Poots:** That is why I drew the south-east as a comparator, particularly the area around Dromore.

363. **Mr Mackenzie:** I am open to persuasion on the matter, Chairman.

364. **Mr Maskey:** Mr Mackenzie, since my party colleagues are already engaging with you, I am happy to leave that process to one side.

365. **Mr Mackenzie:** That engagement is very helpful.

11.45 am

366. **Mr Maskey:** As you said, there is quite an amount of detail to consider. Our party's support for a particular model is based on a number of outcomes. If those are not delivered, we are not wedded to any figure whatsoever, so we are very keen that that process should continue.

367. For the record, Sinn Féin's initial submission argued that, while there was no real need for the number of councillors in Belfast to be changed, for example, we are not voting the argument down. However, we could see anywhere up to 75 members in some councils, taking land mass, rural nature and other factors into consideration. We are more than happy that there should be a very critical look at, and consideration of, the number of councillors that it would be appropriate to have in some of the council areas. Depending on the nature of community planning and the range of functions that have to be transferred, there is an important issue around dealing with the democratic deficit caused by reducing the number of councillors by a couple of hundred.

368. **Mr Mackenzie:** That figure is 160.

369. **Mr Maskey:** There will still be a couple of thousand or more public appointees to the quangos, so the democratic deficit argument does not stack up. Sinn Féin is happy that that very detailed work should continue. My colleagues, along with the other parties and other stakeholders, are involved in very detailed discussions. There is a lot of work to be done.

370. **Mr Gallagher:** Earlier, I asked the permanent secretary about the length of the consultation. You have said that it is to be the minimum, rather than the maximum. If there were a spectrum of low, middle and high public interest, in my view there would be a high level of public interest in what is a pretty contentious area of work, whether on Westminster boundaries or anything else, and yet we have settled for the minimum period of consultation. I find that very odd, and I wonder if you have any views on that.

371. That brings me, again, to the length of the delay. You pointed out that some unforeseen enquiries arose from the maps that you published, because there was a lack of detail, particularly in the urban areas, which concerned the political parties, who then wanted clarification.

372. What was the length of the delay? How long did it take to produce the new maps? That is important, in terms of the case for extending the consultation period. Work in many areas could not start until that information was available again.

373. Finally, when you complete your part of the work, do you hand over to commissioners?

374. **Mr Mackenzie:** It goes to the assistant commissioners.

375. **Mr Gallagher:** You will be handing over information to them, I presume?

376. **Mr Mackenzie:** Yes.

377. **Mr Gallagher:** Could you give us an idea of exactly what kind of information you will be handing to them? Following that, there will be a commissioner for the district electoral areas, as I understand it.

378. **Mr Mackenzie:** Yes; that is right.

379. **Mr Gallagher:** Could you tell us what kind of information, if any, you will make available? What do you think that you will be required to hand over to the commissioner for the district electoral areas?

380. **Mr Mackenzie:** I shall start with the point about the timescale. At the meeting that I had with the parties on 26 June, I outlined the programme that I proposed, including the timescale for representation — the eight-week period — that I mandated at an early stage. One of the first things

that we did was to work out a programme as to how I would deliver by 31 May 2007. In a room down the corridor from here, I mentioned that I would propose an eight-week period. No issue with that was raised at that time.

381. It took four days for the software to be changed in order to give the parties the street names in each ward.

382. Although the closing date is 5 January 2007, the first public inquiry does not open until 11 January in Derry. Therefore, an extra week is available between those dates. I will not hold parties to the deadline of 5 January as long as they provide information before the opening of the relevant public inquiry. I hope that we have been as helpful as possible to the parties. We met some party representatives to discuss what further information and help we could provide. In the end, however, I decided on a period of eight weeks, with a further three days to allow for the public holidays. I discussed that matter with the parties and with the chief executives in June. If I were to extend the deadline beyond 5 January, the consequence would be that I would have to seek dispensation from the Minister to report at a later date.

383. We have produced a booklet with information for the assistant commissioners. The contents are as follows: terms of reference; a code of practice; a brief on the work that I have done; legislation; the legal advice that I have received; questions and answers; a procedure guide; and suggested opening remarks. All being well, if the Minister appoints the assistant commissioners next week, I hope to provide them with a written brief then, and to take them to Ordnance Survey to give them a demonstration of the software. Perhaps the subgroup would also like to see a demonstration of that. It is the most amazing software. I drew up the boundaries, from start to finish, in nine weeks. I was able to do that simply because of the software, the aerial photography and the skilful operators in OSNI.

384. What was your third question, Mr Gallagher?

385. **Mr Gallagher:** I asked about the district electoral areas commissioner.

386. **Mr Mackenzie:** The district electoral areas commissioner is the person who comes after me, as it says in the good book. He or she will be given all of the data and information that I have. The Northern Ireland Office, not the Environment Minister, appoints the commissioner. In 1980 and 1990, the local government boundary commissioner was the late Sir Frank Harrison. He also became the district electoral areas commissioner. Maurice Hayes was the boundary commissioner in 1991. He could not be appointed until the same process that I have undertaken was finished.

387. Last week, legislation was presented at Westminster to enable the district electoral areas commissioner to be appointed as soon as possible. The intention is that the district electoral areas commissioner will be appointed before I finish my work. Therefore, that person will be in post, I imagine, in January or February.

388. **Mr Gallagher:** At the meeting that you mentioned, I recall pointing out concerns on behalf of the SDLP about the short timescale. I referred to the mid-winter and the roads in Tyrone and Fermanagh as being possible problems. Poor roads, combined with bad weather conditions, could cause problems.

389. **Mr J Wilson:** Over many years, I have had contact with a number of commissions, and, like yourself, Mr Chairman, I have done so wearing the hat of party official, councillor or MLA. This time, the contact between the political parties has been good, and the available information has been helpful.

390. However, I have concerns about the timescale. I mentioned that to you at the launch of your provisional recommendations. I think that you agreed that the timescale was very tight. There are two upcoming matters that might derail your plans. First, as Tommy Gallagher said, the appointment and work of a district electoral area commissioner will take a long time.

391. The second matter relates to the option seven-council model, and I mentioned that to the departmental officials who were here earlier. You are working on that option now, but that could change. How much work would be involved in changing that proposal to an option that involves more than seven district councils?

392. **Mr Mackenzie:** I will take the second question first. I am not supposed to think about that, but, of course, I have. Before a revised system can be devised, the Assembly would have to set out the context for it. The first necessary action would be to introduce new legislation on local government boundaries. Given that cross-party support would be required to pass such legislation, I do not know how long it would take the Department and the Assembly to deal with it.

393. The new legislation might prescribe the number of wards per council, but the current legislation does not do that. Therefore, there are a varying number of wards in each of Northern Ireland's 26 district councils. If the legislation were to prescribe the number of wards per council, the process would be speeded up dramatically. For instance, it is easy to calculate the electoral average if there are 60 wards per district. The Chief Electoral Officer could tell me the number of electors in each of the districts. I would then divide that number by 60 to get the electoral average. Therefore, defining wards becomes almost a mathematical exercise.

394. Depending on the legislation, the delineation of wards could be achieved in nine weeks, which is what I did previously. It might even be possible to delineate the wards in eight weeks; a few glitches with the software in our first week prevented that from happening previously.

395. Interestingly, the mapping and the printing take almost as long as the delineation; therefore, another eight weeks could be added. In that case, it would take four months to delineate the boundaries and get to the stage of making provisional recommendations. Another eight or 12 weeks could be added for the public hearings. Therefore, from the point of decision, it would take an additional year to 18 months to change the system. Is that helpful, Mr Wilson?

396. **Mr J Wilson:** Yes.

397. **Mr Mackenzie:** What was your first question?

398. **Mr J Wilson:** I commented on how long it would take to appoint a district electoral area commissioner.

12.00 noon

399. **Mr Mackenzie:** Again, that is hypothetical. If I were in a court of law, I would probably not answer the question. However, I am trying to be as helpful as I can. Because of the hearing system, the process will take a minimum of six months.

400. The delineation of the district electoral areas could be achieved very quickly, once the final number of wards per district is known. The legislation provides that there will be five, six or seven wards per district. The timescale will have to allow for the public hearings, objections and so on. From what I hear, the district electoral areas could be more problematical for local politicians than the electoral wards. The process will take at least six months. If my boundaries are eventually accepted by the Assembly — which is itself another issue — by July 2007, the district electoral areas will not be finalised until the end of 2007.

401. **Mr J Wilson:** That brings me back to the timescale. I am not trying to box you into a corner, but, being realistic, even without increasing from seven districts, a timescale leading up to 2009 is impossible.

402. **Mr Mackenzie:** With respect to the Department, if the district electoral area model changes, keeping to the deadline of 1 April 2009 will not be possible.

403. **Mr J Wilson:** Even if the model is not changed, adhering to the timescale will be extremely difficult.

404. **Mr Mackenzie:** I am determined to report by 31 May 2007. It will then be up to others.

405. **The Chairman (Mr McGlone):** Thank you very much for your time. It has been good to meet you, Mr Mackenzie.

406. **Mr Mackenzie:** All that is left is for me to wish you a merry Christmas.

407. **The Chairman (Mr McGlone):** Thank you — we will be spending Christmas looking at the boundaries. *[Laughter.]*

Adjourned at 12.02 pm.

Appendix 3

**Papers Prepared by
Assembly Research
and Library Services**

Review of Public Administration

Introduction

The Secretary of State announced the final outcome of the Review of Public Administration in two parts: in November 2005 he announced final decisions on the future of local government, education and health & social service structures; in March 2006 he announced decisions on the remaining public bodies. Implementation of these decisions is now being taken forward by Government departments. The Committee may, therefore, wish to consider a decision or decisions or the effectiveness of arrangements for and progress with implementation.

Key Decisions

- Local councils will be reduced from twenty-six to seven by 2009.
- A new Education and Skills Authority will be established to focus on the operational delivery of educational services. The Department of Education will continue to be responsible for education policy and strategy. Some of the operational functions currently performed by the Department of Education will transfer to the new Authority.
- A single Health and Social Services Authority replacing the existing four Health and Social Services Boards and a considerably smaller and strategically focused Government department.
- Eighty-one public bodies are to be reduced to fifty-four. This will be achieved in the main by merging bodies or transferring complete functions to local government or central government.

RPA Implementation Arrangements

The implementation of the RPA is being driven by both the Secretary of State, Peter Hain MP and by Minister of State, David Hanson MP. There is a central RPA steering group chaired by Nigel Hamilton, Head of the Civil Service, overseeing the implementation of decisions across government. Implementation of RPA decisions is being taken forward by departmental project teams and other groups. To help drive and inform the process of reform in local government, the Department of the Environment has established a Local Government Reform Taskforce. The Taskforce remit is to produce proposals for modern and effective local government in light of the requirements of the RPA and other drivers for change. As regards implementation, the RPA Steering Group has identified 12 cross-cutting issues which are likely to affect or impact on more than one department. These themes are set out below grouped under the departments that have been given lead responsibility.

OFMDFM	DFP	DoE
Equality and Good Relations	Human resources	Checks and balances
Communications Strategy	Costs and efficiency	Community planning
Co-ordination of Legislative Programme	Estate issues	Financing/funding of councils and new bodies
Common Boundaries Capacity Building		Central/local government relationships

Timetable

A timetable for the implementation of the RPA decisions has been endorsed by Ministers and it is the responsibility of the RPA Steering Group to ensure co-ordinated implementation of this timetable. Key dates in this timetable are set out below.

Local Government

November 2006	Initial proposals on new council areas published by the Boundaries Commissioner
February 2007	Legislation proposals for Local Government (Structures) and Local Government (Transfer of Functions) drafted
May 2007	Boundaries Commissioner to make final recommendations to the Department of the Environment (DOE)
July 2007	Primary legislation scheduled to be laid at Parliament
April 2009	New Councils assume full roles and responsibilities

Health

October 2006	Adverts placed for remaining Trust Director posts and for Chief Finance Officer of the Health and Social Services Authority
Feb 2007	Legislation proposals for Health and Social Services reform drafted
Apr 2007	5 new HSS Trusts fully operational
Apr 2008	HSS Authority operational
Apr 2008	Local Commissioning Groups fully operational
Apr 2008	Patient Client Council fully operational

Education

January 2007	New Chief Executive(Designate) of Library Authority appointed
January 2007	New Chief Executive(Designate) of Education and Skills Authority in post
January 2008	Education and Skills Authority operating in shadow form
April 2008	Education and Skills Authority operational
April 2008	New Library Authority operational

Employees

Implementation of the RPA has the potential to impact significantly on staff employed in a range of public sector bodies. A Public Service Commission and a Central Joint Forum have been established to address RPA implementation issues affecting the interests of employees.

Background Briefing on Draft Planning Policy Statement 14 (PPS 14) – Sustainable Development in the Countryside

1. **Origins**

Draft PPS 14 was prepared by the Department of Regional Development (DRD), and is one of a number of strategic policies that originated from the Regional Development Strategy (2001) also produced by the DRD. In the ‘Strategy’ there is explicit reference to a Landscape Character Assessment for all of Northern Ireland, which indicates the threat to the countryside by *‘inappropriate development’*, and it refers specifically to *‘fields being sold off to house townspeople’*. RNI 5.1 of the Strategy refers to the necessity to *‘monitor urban and rural housing development patterns against unbalanced development...’* and *‘Where adverse cumulative impacts are identified, difficult decisions will be required at the local level in relation to the control of individual proposals’*.

2. **Consultation**

Department indicates a roughly 50/50 split from consultations on the option of retaining or removing the presumption in favour of building in the open countryside. However, the majority of respondents acknowledged that development was an issue and that there needed to be more control.

3. **Reason for its Introduction**

The aim of PPS 14 is:

‘To manage development in the countryside in a manner consistent with achieving the strategic objectives of the Regional Development Strategy for Northern Ireland 2025’.

This includes meeting the needs of the rural community while conserving natural resources by achieving high levels of environmental protection. The level of development, particularly with respect to single dwellings, is seen as a specific threat e.g. according to DRD, approvals for single dwellings in the countryside has risen from 1800 in 1991/2 to 9500 in 2004/5.

4. **Outline of main points**

- 14 new Countryside (CTY) policies have been developed.
- Presumption against new development with few exemptions. In effect, the green belt policy has been applied to all rural areas of Northern Ireland.

- Exemptions are tightly restricted: retirement dwellings for farmers, dwellings for non-farm enterprises, social housing, mobile homes, farm dwellings. All of these must meet the requirements of the relevant countryside planning policy (CTY policy). For example, a farmer must meet 8 criteria in order to get approval for a retirement dwelling (CTY 3).
- Economic development is tightly restricted: agriculture and forestry development, farm diversification; tourism development in accordance with TOU policies of PSRNI1; industry and business uses in accordance with PPS4; mineral development in accordance with MIN Policies of PSRNI; outdoor sport and recreation uses in accordance with PPS8; renewable energy projects in accordance with PSU12 of PSRNI.
- Social Development also confined to necessary community facilities to serve the local rural population.

5. **Comparison with England**

PPS14 reflects to some degree PPS7 developed by Defra and applied in England. In this document, local planning authorities are advised that they should:

‘strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans’.

And

‘Isolated new houses in the countryside will require special justification for planning permission to be granted’.

Again, the presumption is against development unless it complies with the exemptions or there is special justification.

6. **Impact of PPS14 on other existing policy provisions**

PPS14 will supercede 32 existing provisions and the following designations will be withdrawn:

- Dispersed Rural Communities
- Green Belts
- Countryside Policy Areas (CPAs) with the following exceptions:
 - The Islands CPA as identified in Fermanagh Area Plan 2007;
 - The Undeveloped Coast CPA as identified in Larne Area Plan 2010;
 - The Slieve Croob CPA Zone A as identified in Banbridge District Rural Area Subject Plan 1986-1998;
 - The Ring of Gullion CPA Zone A as identified in Newry and Mourne Rural Area Subject Plan 1986-1999; and

- The Mourne Area of Outstanding Natural Beauty CPA Zone A as identified in Newry and Mourne Rural Area Subject Plan 1986-1999.

These areas will change to Special Countryside Areas.

Comparison of PPS14 with England, Scotland, Wales and RoI.

Introduction

The aim of this paper is to highlight the main issues in the relevant policy / guidance documents of RoI, Scotland, Wales and England pertinent to the Committee's discussions regarding PPS14 – Sustainable Development in the Countryside.

1. Republic of Ireland

Key Document: Sustainable Rural Housing: Guidelines for Planning Authorities

Presumption against single dwellings: No

Developments compatible with broad environmental/sustainable parameters (e.g. water quality, protection of flora/fauna, visual amenity etc.): Yes

Guidelines provide that:

- People who are part of the rural community should be facilitated by the planning system in all rural areas, including those under strong urban-based pressures,
- Anyone wishing to build a house in rural areas suffering persistent and substantial population decline will be accommodated,
- The development of the rural environs of major urban areas, including the gateways and hubs identified in the National Spatial Strategy 2002 and county and other larger towns over 5000 in population needs to be carefully managed in order to assure their orderly development and successful functioning into the future.

Holiday homes: can be facilitated but emphasis placed on development in clusters and preferably in adjoining small towns

One size fits all policy: No. National Spatial Strategy (NSS) identified four broad categories of rural types requiring tailored settlement policies:

- In rural areas under strong urban influences, the NSS stresses that development driven by cities and larger towns should generally take place within their built up areas or in areas identified for new development through the planning process.
- In stronger rural areas, the NSS suggested that the extensive village and small town structure had much potential in accommodating additional housing development catering for persons working in larger cities and towns but desiring a rural lifestyle.

- In structurally weaker rural areas, the NSS emphasised the importance of accommodating any demand for permanent residential development, while acknowledging the importance of supporting the urban structure of such areas as well.
- In areas where there is a tradition of highly dispersed rural settlement, particularly parts of the south west, west and north west coast, the NSS emphasised the importance of locating new housing in a way which fits in with the traditional settlement patterns and strengthens existing patterns of housing.

Approach: Define rural area types. Then tailor policies that respond to:

- The different housing requirements of urban and rural communities
- The varying characteristics of rural areas.

Rural Generated Housing: Key question is how to define rural generated housing needs. This should not be prescriptive i.e. should not only be confined to those engaged in full-time farming. Examples include:

- (i). Persons who are an intrinsic part of the community.
 - Those who have spent substantial periods of their lives living in rural areas e.g. farmers, their sons and daughters, anyone taking over the ownership and running of farms. Returning emigrants who spent substantial part of their lives in rural areas and have returned to be near other family members, to work locally etc.
- (ii). Persons working full-time or part-time in rural areas
 - This may include persons working in full-time farming, forestry, inland waterways, as well as part-time occupations that are farming/natural resource related. Could also encompass workers intrinsically linked to rural areas e.g. teachers in rural schools.

Having defined rural housing needs and subject to meeting the normal planning considerations relating to siting and design the planning authority will look favourably upon an applicant's proposal for an individual house in a rural area where the applicant comes from within the development plan definition of need.

Planning Applications: a standard form is being considered. Part A would be standard for all planning authorities (design, provision of access with visibility, wastewater treatment facilities etc.). Part B would allow the authority to seek additional, locally relevant information e.g. how the application is consistent with the rural settlement approach in the development plan and provide supporting information.

Assessing Housing Circumstances: in those areas under substantial pressure from development a balanced approach will be required regarding the applicant's circumstances. In particular, planning authorities should recognise that exceptional health circumstances – supported with relevant medical documentation – may require a person to live in a particular environment or close to family support. While still subject to the normal criteria, in the absence of any strong arguments the authority should consider granting the permission.

Occupancy conditions: As noted above in those rural areas subject to considerable development pressure (i.e. adjacent to larger towns or main cities) permission should generally be confined to persons with roots in or links to those areas. Consequently, permission

awarded on these grounds can stipulate that the dwelling shall be occupied for a specific period by the applicant, members of the applicants immediate family or by any other person who has similar links.

2. **Scotland**

Key Document: Scottish Planning Policy 15 (SPP15): Planning for Rural Development; Scottish Planning Policy: Planning for Housing

Presumption against single dwellings: No. It encourages a more supportive attitude towards 'appropriate development' whilst acknowledging the diversity of rural Scotland.

Developments compatible with broad environmental/sustainable parameters (e.g. water quality, protection of flora/fauna, visual amenity etc.): Yes

Key Issue: 260,000 houses are forecast in Scotland by 2025 and rural areas have an important role in helping meeting this demand

Planning Vision: the countryside should be able to absorb more people to live and work there and view is that the scale of this potential is not replicated anywhere else in the UK.

Objectives: To put planning policies in place that can accommodate modest selective growth.

One size fits all policy: No. Developments should be foreseen, agreed and programmed to reflect the local circumstances. One 'countryside' policy is unlikely to be suitable for the whole of a sizeable rural area.

New Developments: It is expected that green belts will continue to presume against most new developments. However, a review of national policy on green belts is underway and it is possible that if the national policy is to be realised i.e. strong, diverse and competitive economy, then land previously considered not suitable for development may no longer be designated as such.

Prime agricultural land should be continued to be protected and not eroded in a piecemeal way but used to meet strategic development objectives e.g. long-term settlement strategy.

Diversification: Planning authorities are encouraged to support diversification in rural areas (principally by landowners/farmers) by recognising that the formation of some new businesses can depend on having new build or conversion housing, for sale or rent, providing early funding. Development plans should identify where housing and business opportunities can be advanced together.

SPP15 refers unspecified examples where housing has led to innovative business opportunities, the re-use of buildings, environmental enhancement and significant employment generation.

Housing: *SPP3: Planning for Housing* is the first point of reference on the general policy for housing. It advances policy in respect of small scale rural housing developments including groups and clusters in close proximity to settlements, replacement housing, plots on which

to build individually designed houses and holiday homes. It is considered that there is considerable scope for allowing more housing developments of this nature.

‘Normal’ planning considerations apply e.g. wastewater treatment, accessibility, proximity to services etc.

Housing requirements in rural areas: normally should be met in towns and villages.

Development of land outside settlements: Planning authorities must set out their criteria where development on land not identified in local plan and outside settlements is acceptable. Parameters must be established to determine the number of houses that might be allowed in a given area, and it is recognised that small clusters and groups of dwellings could be feasible in many places to meet demand that has hitherto been unsatisfied.

Individually designed homes: Planning authorities are encouraged to support the development of individually designed houses in rural Scotland, particularly where the existing dwelling is run down, in order to attract entrepreneurs and investors to live in rural Scotland and start new businesses.

Holiday Homes: large demand for holiday, weekend and second homes. In recognition of the significant economic role that these can play planning authorities should allocate land in their development plans to help meet this demand.

Appropriate development: development must meet the test of ‘appropriateness’ to the circumstances of the area. What is suitable in one part of the local authority area may not be in another. Location, scale, design and sustainable transport have to be addressed. Rural planning typologies, a local vision and an evidence-based policy approach are deemed to be essential elements for guiding and promoting sustainable rural development.

3. Wales

Key Documents: Planning Policy Wales; Technical Advisory Note 6 (TAN 6) 2000: Agriculture and Rural Development

Presumption against single dwellings: Yes.

Developments compatible with broad environmental/sustainable parameters (e.g. water quality, protection of flora/fauna, visual amenity etc.): Yes

Housing in rural areas: New house building and other new development in the open countryside, away from established settlements, should be strictly controlled.

Exemptions: Yes. Isolated new houses in the open countryside require *special justification*, for example, where they are essential to enable farm or forestry workers to live at or close to their place of work in the absence of nearby accommodation. Whether this is essential in any particular case will depend on the needs of the farm or forestry enterprise concerned and not on the personal preference or circumstances of any of the individuals involved.

Are farmers exempt from this? No. Agricultural needs cannot justify the provision of new dwellings as retirement homes for farmers

Rural Exception sites: These are sites, either within or adjoining existing villages, allocated for development to help ensure the viability of the local community. As with isolated individual sites they must be fully justified i.e. evidence-based justification setting out the type of need and the kind of development falling within the terms of the policy.

Residential Conversions: Where residential conversion is part of a scheme for the re-use of a building or complex of buildings for employment purposes planning authorities may wish to consider whether to impose a condition to tie occupation of the dwelling to the operation of the enterprise, in order to prevent it being sold separately without further application to the authority. Alternatively, they may seek a planning obligation to tie the dwelling to the rest of the building re-use.

Holiday Conversions: Whilst residential conversions have a minimal impact on the rural economy, conversions for holiday use can contribute more and may reduce pressure to use other houses in the area for holiday use.

Permanent Agriculture Dwellings: New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:

- (a) there is a clearly established *existing* functional need;
- (b) the need relates to a *full-time worker*, or one who is primarily employed in agriculture, and does not relate to a part-time requirement;
- (c) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
- (d) the functional need could not be fulfilled by another dwelling already on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (e) other normal planning requirements, for example, on siting and access, are satisfied.

Viability: New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A financial test is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain.

Occupancy Conditions: these can be attached to an agricultural or forestry dwelling. Ensures that it is kept available to meet the needs of farm or forestry business in the locality. When permission is given for a new agricultural building, any occupancy condition attached to it could also be extended on any existing dwellings on the unit which are under the control of the applicant, and do not have occupancy conditions and need at the time of the application to be used in connection with the farm.

4. **England**

Key Documents: Planning Policy Statement 7: Sustainable Development in Rural Areas

Presumption against single dwellings: Yes. New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled.

Priority: Priority should be given to the re-use of previously-developed ('brownfield') sites in preference to the development of greenfield sites, except in cases where there are no brownfield sites available, or these brownfield sites perform so poorly in terms of sustainability considerations (for example, in their remoteness from settlements and services) in comparison with greenfield sites.

Location of Development: planning authorities should focus most new development in or near to local service centres where employment, housing (including affordable housing), services and other facilities can be provided close together. Limited development allowed in or next to rural settlements that are not designated as local service centers in order to meet local business and community needs and to maintain the vitality of these communities.

Housing: local planning authorities must plan to meet housing requirements in rural areas, based on an up to date assessment of local need.

Special Justification: the exceptional quality and innovative nature of the design of a proposed, isolated new house may provide this special justification for granting planning permission.

Agricultural, Forestry and other occupational dwellings: this exemption will depend on the need of the enterprise concerned and not the circumstances of the individual.

Permanent Agricultural Dwellings: New permanent agricultural dwellings should only be permitted when:

- (i) there is a clearly established existing functional need (i.e. workers required to be readily available at most times);
- (ii) the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- (iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so (see paragraph 8 below);
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (v) other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

Re-use of buildings in the countryside: allowed where sustainable development objectives are met but re-use for economic development purposes is preferable. Residential conversions may be more appropriate in some locations, and for some types of building. Planning authorities must lay out criteria for this.

Replacement of buildings in the countryside: supportive of replacement for economic development purposes. Planning authorities must lay out criteria for this.

Replacement of non-residential buildings with residential buildings: to be treated as new housing and the appropriate policy applied.

Local Landscape designations: only to be maintained where criteria-based planning policies cannot provide the necessary protection.

5. Northern Ireland

Key document: PPS14 (Draft) – Sustainable Development in the Countryside. *But* it links with other major publications: Regional Development Strategy for NI 2025, NI Sustainable Development Strategy, Rural Development Strategy as well as European Directives and Regulations regarding the environment.

Policy Context: Regional Development Strategy (RDS) provides an overarching strategic framework for development plans and planning policies. RDS also has a Plan, Monitor and Manage approach to regional development. PPS14 states that *'Existing planning policy did not envisage the very high rates of applications to build in the countryside'*, suggesting that current policy is not designed to cope with the application rate.

Main Focus of PPS14: although the policy is multi-faceted given that it addresses issues relating to sustainability in the countryside, the main focus is on the cumulative impact of development in the countryside.

Impact on existing provisions: 32 provisions of A Planning Strategy for Rural Northern Ireland (PSRNI), 1993 will be superseded.

A number of existing designations will also be withdrawn e.g. green belt, Dispersed Rural Communities, and Countryside Policy Areas (with some exceptions)

14 new countryside planning policies (CTY) introduced.

Presumption against development: Yes. In effect, the green belt has been extended to cover all countryside areas of NI. But there will be a number of Planning Policy Statements that distinguish between development in Green Belts and non-policy areas.

Countryside: defined as land lying outside of settlement limits as identified in development plans.

Housing: presumption against development in countryside.

Housing Development exemptions: Yes. In accordance with the following policies:

CTY2: for a dwelling house on a farm where an applicant can demonstrate all of the following:

- (a) it is essential to meet the needs of the farm;
- (b) it is essential for the proper functioning of the farm for a worker to be readily available at most times;

- (c) the farm business is established and viable;
- (d) need relates to a full-time farm worker or one who is mainly involved in agriculture;
- (e) there are no alternative development opportunities available on the farm; and
- (f) no dwellings or development opportunities have been sold off from the farm holding.

In exceptional case where a son or daughter works mainly on the farm permission may also be granted although it is may not be strictly necessary on agricultural grounds for a farm worker to live on the holding.

CTY 3: a farmer retiring from agriculture, or for the surviving partner of a farmer, where the applicant can demonstrate *all* the following:

- (a) the applicant last worked mainly as a farmer, or is a surviving partner of someone who last worked mainly as a farmer;
- (b) the applicant is of retirement age and has recently retired or is about to retire, or has to retire prematurely from farming because of ill-health or is a surviving partner as in the above criterion;
- (c) the site for the new dwelling house is on the land which the applicant, or in the case of a surviving partner, her/his partner farmed until retirement;
- (d) the farm is viable and therefore capable of supporting a farmer in full-time employment;
- (e) the farm retirement dwelling is required to facilitate the orderly sale or transfer of the farm holding as a going concern;
- (f) the existing farmhouse will continue to be used as the main farmhouse on the farm;
- (g) there are no alternative development opportunities available on the farm; and
- (h) no dwellings or development opportunities have been sold off from the farm holding.

CTY 4: Permission for a dwelling house will be permitted in connection with an established non-agricultural business enterprise where a site-specific need can be clearly demonstrated.

CTY5 Replacement Buildings:

Presumption is in favour of retention of listed buildings therefore replacement of listed buildings *not* allowed unless exceptional circumstances exist.

Presumption in favour of non-listed *vernacular* buildings. Replacement will only be considered if **(i)** the building is an important element in the landscape but cannot be made structurally sound or otherwise improved; or **(ii)**. If the dwelling is not an important element in the landscape, planning permission will be granted for a new dwelling where the existing structure is retained and appropriately incorporated into the new development scheme.

Other dwellings: Planning permission will be granted for a replacement dwelling where the proposed replacement would not have a visual impact significantly greater than the existing dwelling.

CTY 12: Planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate one house within an otherwise substantial and continuously built up frontage.

Planning permission will also be granted in the countryside for:

- the provision of social housing in accordance with Policy CTY 6;
- the conversion of a listed or vernacular building to residential accommodation in accordance with the policies of PPS 60;
- an extension to a dwelling house where this is in accordance with Policy HOU 16 of PSRNI;
- a residential caravan or mobile home where this is in accordance with Policy CTY 7; or
- a transit site for Travellers where this is in accordance with Policy HS 3 of PPS 12.

Planning permission will be granted for non-residential development in the countryside in the following cases:

- agricultural and forestry development in accordance with Policy CTY 8;
- farm diversification proposals in accordance with Policy CTY 9;
- tourism development in accordance with the TOU Policies of PSRNI;
- industry and business uses in accordance with PPS 4;
- minerals development in accordance with the MIN Policies of PSRNI;
- outdoor sport and recreation uses in accordance with PPS 8,
- renewable energy projects in accordance with Policy PSU 12 of PSRNI; or
- a necessary community facility to serve the local rural population.

Appendix 4

**Written Submissions
Review of Public
Administration**

Key Milestone Dates for Completion of Current Review of Northern Ireland Local Government Boundaries

Provided by Local Boundaries Commissioner

Milestone	Programme
7 November 2006 - 5 January 2007	Receipt of written representations on Provisional Recommendations.
2 January 2007	Appointment of seven Assistant Commissioners by Minister of the Environment.
11 January 2007 - 9 February 2007	Programme of public hearings to be held by Assistant Commissioners in respect of the proposed boundary and name of the districts and the proposed number, boundaries and the names of the wards within the districts. Hearings are scheduled to last up to two days each. The exact times, dates and venues for the hearings are listed below.
9 February 2007 - 9 March 2007	Receipt of Assistant Commissioners Reports on Provisional Recommendations. Reports are to be submitted to the Commissioner within 4 weeks of end of each hearing.
10 February 2007 - 29 March 2007	Consideration by Commissioner of Public Hearing Reports.
	Revision of Provisional Recommendations, as appropriate.
30 March 2007	Publication of Revised Recommendations, if appropriate.
30 March 2007 - 30 April 2007	Receipt and consideration of any further written representations by Commissioner.
2 May 2007 - 30 May 2007	Finalisation of recommendations and final report writing.
31 May 2007	Submission of final report to the DOE detailing final recommendations.

Public Hearings Schedule

	Venue	Dates
	The City Hotel, Queen's Quay, Derry, BT48 7AS	11 - 12 January 2007 Morning Session: 9.30am to 12.30pm Afternoon Session: 2pm to 5pm
West	Omagh College, 2 Mountjoy Road, Omagh, BT79 7AH	15 - 16 January 2007 Morning Session: 9.30am to 12.30pm Afternoon Session: 2pm to 5pm
Belfast	Belfast City Hall, Belfast, BT1 5GS	18 - 19 January 2007 Morning Session: 9.30am to 12.30pm Afternoon Session: 2pm to 5pm
East	Lough Moss Centre Hillsborough Rd, Carryduff, Belfast, BT8 8HR	23 - 24 January 2007 Morning Session: 9.30am to 12.30pm Afternoon Session: 2pm to 5pm
North East	University of Ulster, Coleraine Campus, Cromore Road, Coleraine, BT52 1SA	30 - 31 January 2007 Morning Session: 9.30am to 12.30pm Afternoon Session: 2pm to 5pm
South	Armagh City Hotel, Friary Road, Armagh, BT60 4FR	5 - 6 February 2007 Morning Session: 9.30am to 12.30pm Afternoon Session: 2pm to 5pm
Inner East	Templeton Hotel, 882 Antrim Road, Templepatrick, BT39 0AH	8 - 9 February 2007 Morning Session: 9.30am to 12.30pm Afternoon Session: 2pm to 5pm

From the Permanent Secretary
and HPSS Chief Executive
Dr Andrew McCormick



Department of
**Health, Social Services
and Public Safety**

An Roinn
**Sláinte, Seirbhísí Sóisialta
agus Sábháilteachta Poiblí**

www.dhsspsni.gov.uk

Castle Buildings
Stormont Estate
BELFAST BT4 3SQ
Tel: 028 9052 0559
Fax: 028 9052 0573
Email:
andrew.mccormick@dhsspsni.gov.uk

Letter to MPs, Members of the NI Assembly,
HSS Councils, Public Service Commission,
District Councils

25 October 2006

Dear

REVIEW OF PUBLIC ADMINISTRATION: LOCATION OF HEADQUARTERS OF NEW HEALTH AND SOCIAL SERVICES ORGANISATIONS

The Department has received a number of representations concerning the location of the headquarters of the new HPSS bodies that are to be established under the Review of Public Administration (RPA). I thought it would be helpful to update key stakeholders on the current position.

Decisions on the Review of Public Administration in Northern Ireland were announced on 22 November 2005 and 21 March 2006. Determining the location of the headquarters of new HPSS bodies is an important factor in implementing these decisions, and it is critical that due consideration is given to organisational requirements, staff interests, the impact on communities and any potential equality impacts.

The Department has therefore established a Relocation Project to take forward accommodation issues relating to the establishment of the new Health and Social Services Authority (HSSA), Trusts, Local Commissioning Groups (LCGs) and Patient and Client Council (PCC). This project is working closely with the Department's Human Resources Project Team that is responsible for addressing the staffing implications of the RPA and also the RPA Estates Sub Group established under the Department of Finance and Personnel that has a coordination role with regard to relocation across the public sector.

While the phased implementation of RPA decisions across the public sector will mean that all decisions on location cannot be taken at the one time, it is important as we move ahead that we try to coordinate these decisions so that they complement each other in terms of service delivery, staff needs and the potential wider impact on communities.

The HSSA and the PCC are not scheduled to assume responsibility until April 2008 and the location of their headquarters will be subject to separate option appraisals which will be issued for public consultation in 2007. In light of representations made to the Department,

Working for a Healthier People



Working for a Healthier People

it is important to give assurance that both option appraisals will consider locations throughout Northern Ireland, as was indicated by the then Minister, Shaun Woodward, in November 2005.

The new Trusts are due to be up and running by April 2007 but it is clear that we will not be able to establish long-term headquarters facilities by that date. Work on the management structures and staffing profiles of the new Trusts will continue well into 2007 and, until we have this information, we will not be able to determine the size of the headquarters and identify locations.

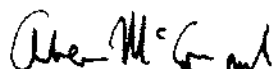
Scoping work is also underway to review the potential for much more sharing of supporting administration (e.g. payroll) with a view to sharing functions between health and social services organisations, and potentially with organisations in other public sectors. The potential impact of this on the size of Trust headquarters will not be known before April 2007 but it is likely to be considerable. Even if we were clear on these issues, however, simply identifying and securing appropriate accommodation of the necessary scale and quality by next April in line with procurement procedures would present practical difficulties.

Together these factors mean that the decisions on the location of long-term Trust headquarters can not be taken until 2008/9 following a formal option appraisal, consultation by the Trusts, and appropriate assessment of equality considerations. Each Trust will undertake public consultation on their option appraisal that will include consideration of potential locations throughout their area and will focus on all key stakeholders, particularly staff and staff representative groups. Each Trust will also take account of extant policy guidance and available information relating to public sector relocation in other sectors.

In the meantime, the Trusts will (with the Department's support) need to find accommodation for Chairs, Chief Executives, their immediate top team and a number of support staff by April of next year. These arrangements will be time-limited in nature, will involve approximately 30-40 staff per Trust and will be revised as appropriate following the review/consultation. We will ensure that this does not prejudice the long term location of the Trust Headquarters. The majority of staff working in Trust management / administration positions are not likely to be affected by these temporary arrangements. We will, however, discuss proposed arrangements with staff representatives, where possible with staff themselves, and subject them to an equality screening in the normal way. When we are clear as to the location of these temporary premises I will write to inform you.

I hope this provides clarity on our planned approach with regard to the new health and social services organisations. We are trying to take an approach which allows us to meet service needs while taking the views of all key stakeholders into account. If you have any queries please do not hesitate to contact the project team or myself.

Yours sincerely



ANDREW McCORMICK

Review of Public Administration - Matters Arising from Meeting on 8 December 2006

Document Provided by RPA Central Unit

Item One – The group asked about the potential for political representatives to be involved in discussions about planned changes in the health and education sectors.

Health

The DHSSPS discussed the RPA proposals with representatives of Political Parties during the RPA consultation during 2005 and took into account responses from Parties in advising Ministers in advance of the decisions announced on 22 November 2005. Much of the period since then has been focussed on the mechanics of implementing Ministerial decisions as part of a wider reform programme, of which the RPA is one key element. The Department is in the process of developing further reform proposals for discussion with local political parties and Paul Goggins is seeking to organise a meeting with MLAs early in the new year to take parties' views on the RPA process so far. DHSSPS also hopes to put primary legislation proposals out for consultation in January and, if this is possible, it will provide an important opportunity for political parties to take stock of progress so far in implementing the RPA reforms and to influence the next steps

Education

The main political parties received the consultation documents on RPA in 2003 and 2005 although these were not specific to Education. Those who responded in 2003 were Alliance, Green Party, SDLP, Sinn Fein and UUP. In 2005, responses were received from Alliance; DUP; Green Party; UUP; SDLP and Sinn Fein.

Department of Education Officials met with each of the 5 main political parties as part of the bilateral process following the second Minister's announcement on RPA.

All political parties received the policy papers last week.

Political parties also receive the RPA Moving Forward newsletter and are on the main RPA Distribution list.

In addition both Government Departments gave updates on 13th December 2006 to the Transitional Assembly Sub- Group on Review of Public Administration.

Item Two – The group asked for further information on the pension costs of civil servants transferring into the local government pension scheme.

It is not possible, at this stage, to be precise as regards the transfer values associated with moving civil servants to alternative pension arrangements in local government as this will depend on the accrued benefits and future liabilities associated with the actual staff to be transferred and the specific pension arrangements that will be provided for them. However, a broad estimate would be that transfer values of between £55m and £75m would be needed. The precise value of the bulk transfer will be subject to negotiation between the actuaries appointed by the sending and receiving pension schemes.

Item Three – The group asked for further information on the application of coterminosity principle in the RPA proposals.

Coterminosity and common boundaries remains a central theme of RPA. The research from the consultation on the reform indicated strongly that citizens and stakeholders want:

- Services that they can influence;
- Services that are high quality;
- Services that are accountable and easily understood;
- Services that are responsive to local needs;
- Services that are easily accessible; and
- Services that will not cost them more.

It was in response to all of these factors that the seven council model was determined to be the optimum for delivering better services and enhanced local representation. Clearly there are tensions and trade-offs within the model. While smaller councils may be capable of closer local representation, they progressively lack the capacity to deliver the improved high value services they are planned to deliver. The research has shown that as the number of councils increases the benefits of the reform dissipate rapidly with the:

- Loss of common boundaries with other service providers and a negative impact on community planning;
- Generation of councils of mixed sizes – large and small;
- Generation of councils with uneven wealth bases – rich and poor.

Coterminosity is central to the aim of the RPA and its benefits are unlocked through the community planning process. These benefits do not rely on each Council area having its own service providers within its boundaries. Indeed, the concept of shared service delivery across boundaries is another important theme of RPA. It has never been the intention that each Council area would have its own Health Trust, University, FE College etc. The main benefits of coterminosity stem from the ability to plan, commission and purchase services for a common area. To this end service delivery agents in any sector will need to align their delivery proposals with the seven commissioning and planning areas. The Government's publication "Better Government for Northern Ireland – Final Decisions of the Review of Public Administration" is unambiguous that the Councils lead in developing Community Plans will enable them to influence service providers at the regional and sub-regional level:

“All other statutory agencies will be required to work with Councils in developing and delivering these plans.” (Page 7, para 4).

The benefits of common boundaries/coterminosity has been well researched. Latest findings are on the RPA website: (http://www.rpani.gov.uk/common_boundaries_final_report_goldblatt.pdf). Nevertheless, coterminosity will not happen “automatically” with the reconfiguration of organisations. It needs to be built into the service delivery mechanisms of the reformed public services. Discussions with the lead implementers of the RPA reform indicate that Health and Social Services, Roads Service and PSNI have already developed structural plans to align with the new arrangements. The other key sectors are aware of the need for alignment and are actively working toward this.

Taking account of citizens expectations of their public services (noted above) it is clear that the cost implications of any planning and delivery model must be taken into account. People in Northern Ireland do not want to pay more for their public services. To accomplish the outcome of better services at no additional cost it is necessary to generate efficiencies from both the planning and service delivery activities. The November 2005 cost and savings model for seven councils arrives at its efficiency gains through a series of benefit streams, including one in respect of coterminosity, which is cited as providing £27m p.a.. Coterminosity is, therefore, not simply a desirable administrative convenience. It is also an important strand of the economic argument supporting the reform.

**FROM: Maurice Dowling
RPA Central Unit**



DATE: 20 December 2006

TO: Michael Rickard

Sub-Group on Review of Public Administration and Rural Planning – Request for Deloitte Report.

You asked for a copy of the RPA Deloitte Report and a summary briefing of its contents. I have enclosed the Report and an Executive Summary which is available on the RPA website http://www.rpani.gov.uk/deloitte_report_-_costs_and_efficiencies.pdf.

2. BACKGROUND

- 2.1 As indicated in the RPA Consultation document March 2006, change on the scale proposed will require up-front investment and will take time to achieve. However, to be worthwhile, this investment must be outweighed by the long-term efficiency of the new arrangements. The proposals are for a system of administration that is inherently more efficient than the current model since it involves significantly fewer organisations co-operating closely together. Creating new larger organisations also gives the opportunity to design new management structures and to make full use of new working methods and technologies. In particular, it is envisaged that the new organisations will share administrative services to the maximum possible extent and, thereby, avoid unnecessary duplication and waste.
- 2.2 Deloitte's were commissioned in August 2005 to estimate the efficiency savings and costs of implementing the RPA proposals as set out in the March 2005 RPA 'Further Consultation' document. The work was designed to focus on areas agreed within the terms of reference (Para 1.2 Deloitte Report refers). It was not designed to identify all costs and savings associated with the implementation of the RPA proposals (eg operational efficiencies; the transfer of functions from central to local government and the subsequent Ministerial announcement in March 2006 were outside the scope of the exercise).
- 2.3 Deloitte's presented their Final Report in November 2005. To understand the findings of the Report, the reader must have a full appreciation of the 'Analytical Framework and Costing Principles' detailed in Chapter 2 of the Report. This is key to the common approach taken in each of the Health; Education and Local Government sectors and the findings presented.

3. SAVINGS

- 3.1 Based on options and proposals for Health; Education and Local Government as set out in the March 2005 RPA 'Further Consultation' document, Deloitte's analysed the potential savings from 18 model models (Table 7.1 refers).
- 3.2 A key issue for the analysis is the extent to which efficiency can be derived through the delivery of policy and the delivery of local government, health and education services through common boundaries (Table 7.2 – Options 4, 10, 13 & 16 refer)
- 3.3 Evidence would suggest that where public service boundaries are aligned, the optimum potential efficiency benefit can be achieved in terms of service planning and coordination.
- 3.4 It must also be clearly understood the best practice model illustrated in the report is projected to be the position 5-10 years post implementation of the initial reforms.
- 3.5 Option 4 produces the greatest economic efficiency. However option 13, with one combined Education Support Body; a new Health Model and a 7 Council Model, was selected by Minister as the best way forward for RPA delivery. This has a lesser impact on staff than option 4 (Table 7.3 refers) and still delivers a potential £200m savings 5-10 years post implementation.
- 3.6 It is worth noting that significant elements of the potential savings are dependant on the use of Shared Services in each Sector.
- 3.7 As stated by the Secretary of State the potential savings "...cannot be quantified precisely at this stage.... Whatever the figure turns out to be, the important point is that the money released stays in Northern Ireland and is available for reallocation to front-line services".

4. COSTS

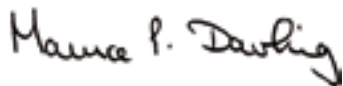
- 4.1 In order to identify the indicative costs of implementation of the RPA proposals, Deloitte's made a number of base assumptions with regard to the governance and design of the implementation programme. (Chapter 10 refers).
- 4.2 Dependant on the implementation decisions taken (Chapters 9-14 refer), the potential implementation costs as outlined in Chapter 15 range from £133m-£397m. It should be noted the transfer of functions from central to local government and the subsequent Ministerial announcement in March 2006 were outside the scope of the exercise.
- 4.3 Minister Woodward advised the NI Grand Committee (28/03/06), that implementation costs would be in the order of £400m

5. WAY FORWARD

- 5.1 To support the RPA implementation there are 12 cross-cutting themes. The Department of Finance and Personnel (DFP) are taking in the lead to implement the cross-cutting

theme 'Costs and Efficiencies'. The report, produced by Deloitte, will initially be used to identify the level of efficiencies to be achieved.

- 5.2 However, it is accepted as the RPA implementation progresses the costs and efficiencies identified in the Deloitte's Report need to be refined. A process to periodically collect, monitor and report the costs and savings associated with the RPA is currently being developed by DFP and it is planned that refined figures will be available for February 2007.
- 5.3 In addition, each of three sectors of Health, Education and Local Government will be developing Business Cases which will include costs and savings details. It is intended the Business Cases will be completed for April 2007.
- 5.4 The development of the Business Cases will inform the needs for the Comprehensive Spending Review 2007 (CSR 07). The outcome of CSR07 may also influence the RPA implementation decisions.



MAURICE DOWLING

Document Provided by RPA Central Unit

An Updated Consideration of Equality, Social Need, Good Relations, Human Rights and Rural Issues (November 2005)

The document cited above sets out the arrangements for equality monitoring of RPA implementation. It says:

The approach will contain three elements:

- *firstly there will be individual sectoral equality impact assessments as appropriate;*
- *secondly, these will consider each of the three key issues identified in this assessment – access to services, participation in public life, and employment patterns; and*
- *thirdly there will continue to be an overarching cross-sectoral analysis of key issues. Baseline equality monitoring data will be continue to be collated to ensure that the impact of the review can be monitored across the 9 categories in relation to both employment and service provision.*

The Present Position

Each Department is individually designated for the purposes of Section 75, and has a duty to mainstream equality considerations into all of their decisions.

OFMDFM Equality Directorate is leading on developing a coordinated approach to mainstreaming equality and other considerations into RPA implementation by:

- providing **advice, support and challenge** to Departments as they implement their individual decisions as and when required, and liaising with the appropriate officials (including Equality Officers) in the Departments concerned;
- providing **strategic advice and guidance** to the cross-cutting groups established on the location of the public sector estate and employment;
- the **establishment of a forum** for early and ongoing engagement with key external stakeholders, including senior officials, on issues relating to equality, rights, social need and good relations;
- statisticians in OFMDFM are compiling a database in order to provide a valuable source of information on staff locations and changes over time, over the course of RPA implementation – periodic **statistical analysis, or “snapshots”** of the changing composition of the workforces affected will be carried out by OFMDFM, using this data. This will also be made available to Departments and other public authorities for their own detailed analysis;

- **monitoring completed screening exercises and EQIAs** to ensure sharing of information between and within Departments and sectors throughout the whole RPA implementation process.

Key cross-cutting groups have been established, with strategic equality input from OFMDFM Equality Directorate, to inform work being taken forward by Departments. In practical terms this means that OFMDFM is involved in supporting departments in developing and reviewing the equality considerations to be taken into account in decisions associated with e.g. employment using the “affected group”, and location issues.

Local Government Boundaries

The Local Government Boundaries Commissioner has not been designated as a public authority under Section 75 of the Northern Ireland Act 1998. He is not required under the Northern Ireland Act 1998 to take equality issues into account. However, in determining the number and boundaries of wards in a district the Local Government Boundary Commissioner is required to make recommendations based on size, population and physical diversity, as well as proper representation of the rural and urban electorate within the district. While he is not required to produce equality schemes or consider equality impact assessments he is expected to operate in accordance with the general legal standards of fairness and propriety.

Document Provided by RPA Central Unit

Coterminosity in the Implementation Programme

Introduction

The terms of reference for the RPA included consideration of the *Co-ordination and Integration of Services*. Consultation and research has provided evidence that coterminous services will provide real benefits. Therefore, coterminosity, or common boundaries, remains a core principle of RPA implementation.

The March 2005 RPA Consultation Document outlined a two tier model of public administration with regional and sub-regional delivery of public services. This recognised that any re-designed model of public administration needs to take account of the current public service infrastructure and investment, and the operational requirements of the services themselves. The document states, “*The sub-regional or local tier would have at its core strong local government based on council areas, which, wherever possible, shared common boundaries with other public sector providers.*” (para 3.4, pg 23). The key driver is always what will produce the best outcome for the citizen.

Therefore, coterminosity is not to be dogmatically pursued for the sake of conceptual neatness, but rather to the extent that the balance of advantage lies in having it. The research does show that the operational and service delivery advantages of coterminosity are very real. While it was never intended that the RPA would produce seven administrative areas which were completely self-sufficient in providing their own services – i.e. each with its own hospitals, universities, FE Colleges, etc... the goal of coterminosity is to allow public service bodies – whether local government or other agencies – to plan and co-ordinate services on a common basis. The community plan is the primary vehicle for accomplishing this.

How Will Coterminosity Work?

Councils will lead the community planning process. “*All other statutory agencies will be required to work with councils in developing and delivering these plans.*” (Better Government for Northern Ireland – Final Decisions of the Review of Public Administration (March 2006)). This puts councils in a central position to coordinate service delivery to their area. Coterminosity is the core ingredient in building the successful partnerships needed to develop and deliver the community plan. The Local Government Taskforce recognised the need for partnership in its recommendation to adopt the Scottish Model of community planning: “*Such a model would include a duty to advance the process of community planning through partnership and to produce a community plan.*” (Recommendation 1 of Community Planning

Sub-Group). It also recognised the need to manage the interface with other service deliverers in recommendation 9: *“It is recommended that it becomes a statutory duty for the following agencies to participate in the core community planning partnership: the new Health Authority, the new Education and Skills Authority, Policing Board and Chief Constable, Fire and Rescue, NIHE, INI and Translink and a duty of co-operation and promotion should be placed on all Government Departments and public agencies.”*

Working With Other Service Providers

Community Plans are likely to be comprised of an array of themes. Health and Education services are, of course, two key strands. In short, coterminosity allows for there to be a clear and transparent alignment between the community plan and the service delivery plans of other providers.

Community Plans and Health and Social Services

In terms of Health and Social Services, the commitment to a patient-centred service; improved performance management driving through improved service delivery; service planning at local level; greater integration across secondary, primary and community care to improve integrated treatment plans for service users; and a powerful advocacy voice for service users, demonstrate the intention to improve access for all across all health and personal social services.

The new structures for health and social care are therefore specifically designed to address efficiency and quality by having a smaller number of organisations in a more effective accountability framework, including a new Patient Client Council, which will advocate for people using health and care services. Coterminosity with local councils and education is an integral part of designing these new structures.

The new Health and Social Services Authority will interface with the seven councils' community plans through seven Local Commissioning Groups (LCGs). The Authority's Annual Plan will provide a framework for the development of detailed local commissioning plans to be developed by LCGs, reflecting regional and local commissioning priorities and investment plans to secure services for local populations, and informed by the local voice and community planning process coordinated by the new District Councils.

The LCG would represent the principal focus for planning, commissioning, and co-ordinating the delivery of local health and social wellbeing improvement activity in their respective areas. As such they will represent the primary link with other agencies and organisations which have a role to play in these matters. Importantly they would have responsibility for leading and co-ordinating the health and social care input into the community planning processes to be initiated by the new District Councils. Within that planning context, there is no need for coterminosity with the new Trusts, which are provider organisations, and there would not be a primary relationship between the new Councils and the Trusts, because it is for the LCGs to act on behalf of the populations they serve: within practical limitations, it will be open to LCGs to use their commissioning power to change the provider they use to secure the services they want for their populations. Hence if there is dissatisfaction in the community about the standard of service being provided by any provider organisation, while

there could be routine direct challenge to that organisation (whether one of the Trusts or, for example, a voluntary sector provider), any substantive review of what should be done in terms of planning, prioritisation, and the securing of appropriate services would and should be a matter for the LCG.

Community Plans and Education

As with health and social services, the delivery of Education services is a complex matter, with a single Education and Skills Authority, but over 1200 schools of differing types.

The Education and Skills Authority will address educational needs and priorities at both the regional and sub-regional level. It is likely that it will have area based plans built around the concept of travel to learning areas. These will need to take account not only of coterminosity with other service providers, but also other factors such as the need for collaborative partnerships between schools and Further Education Colleges to deliver the education curriculum, and the varying catchment areas of schools of differing types.

The development of new arrangements for area-based planning, with greater coherence between the various school sectors, will be taken forward in the light of the recommendations of the Bain review.

FE is, of course, a vitally important contributor to the education sector. The reform of the current FE service delivery model started in September 2001 and resulted in the publication of the consultation document “Further Education Means Business” in March 2004. This was well received and led on to a study into the best way to deliver its strategic objectives. The outcome was reported in April 2005 and, following a period of consultation with the FE sector and other key stakeholders, the then Minister announced the new structure for the sector in September 2005. Using criteria including efficiency, equality and service improvement a new six college model was judged to provide the best result for students. This gives six colleges of roughly equal size which are able to work co-operatively to provide the best services for students across Northern Ireland; and students are free to attend the college of their choice.

FE has a major role in delivering “Success Through Skills”, the Skills Strategy for Northern Ireland. A Skills Expert Group and six Workforce Development Fora have been established to identify skills needs for Northern Ireland at both the regional and sub-regional level. The new Councils will be key members of the proposed Workforce Development Fora which will, ultimately, guide education and training provision at a sub-regional, as well as a regional, level. This is the key interface for aligning the goals of the community plan with FE services. As FE colleges develop specialism and co-operative partnerships, the more integrated and flexible approach to supply of FE services will be to the advantage of employers who, like learners in their choice of courses, are not constrained by geographical boundaries in sourcing their workforces.

Community Planning and Other Councils

Those services which are transferring fully to Local Councils will, of course, have the best opportunities to deliver the benefits of coterminosity. Therefore, the delivery of local roads and planning services at the local level will allow their operational plans and priorities to integrate fully with the community plan. The enhanced role and responsibilities of Local Government will strengthen their capacity to work with partners in the delivery of joined up public services to their community. Partnership is also, of course, possible and desirable between the seven enhanced Local Councils. (Such partnerships already exists in some areas of the current council configuration, for example in the management of waste.) The benefits of coterminosity do not only arise from different organisations planning service delivery to common geographical boundaries. The establishment of seven large local government organisations with a common set of services, roles and responsibilities offers opportunities to bring forward shared service arrangements across councils delivering efficiencies and economies that can be used for the benefit of the local area.

Other Sectors

Other services such as police, housing, the voluntary and community, and the private sector will be encouraged to provide key inputs to the community plan of each of the new Local Councils. Indeed the community plan will be a key document in developing and reinforcing coterminosity as community identity asserts itself.

Conclusion

Coterminosity remains a central theme of the RPA because research and study have indicated that it generates benefits to service users and service providers. This does not mean that it is to be applied dogmatically. It is applied where and to the extent that it accomplishes the aims of the RPA which remain as set out in the programme's terms of reference. In paraphrase, this means that the overarching goal of the RPA remains to improve the delivery of public services to the citizens of Northern Ireland.

Annex A

RPA Terms of Reference

“In line with the political agreement of 18 December 1998, which sets out policy responsibilities, and reflecting the Executive’s vision as described in the Programme for Government, to review the existing arrangements for the accountability, administration and delivery of public services in Northern Ireland, and to bring forward options for reform which are consistent with the arrangements and principles of the Belfast Agreement, within an appropriate framework of political and financial accountability.”

Characteristics of Public Administration in Northern Ireland

The system of public administration should enable the effective implementation of the values and priorities that are set out in the Programme for Government. It should, in particular, seek to fulfil the following characteristics:

- Democratic Accountability
- Community responsiveness and partnership working
- Cross-community concerns
- Equality and Human Rights (including equity of access)
- Subsidiarity
- Quality of Service
- Co-ordination and Integration of services
- Scope of the public sector
- Efficiency and effectiveness
- Innovation and business organisation

Democratic Accountability

The Review should consider the appropriate democratic oversight of public services, ensuring that elected representatives, both locally and regionally, can play their full role. That role includes decision making about services within their area of responsibility and holding to account, on behalf of the public, those delivering other services. The relationship between

the different tiers of government, and their respective roles in the context of devolution should be clarified.

Community Responsiveness

There is, additionally, the wider issue on a community level of how responsive services are to local needs and variations in those needs. Lessons from the voluntary/community sector, and in particular the various partnership arrangements involved in administering EU and other funding, should be examined for best practice.

Cross-community Concerns

The review should take into account, both in the way it carries out its consultation and in its proposals, the concerns of communities which are in a minority in differing parts of Northern Ireland, particularly in terms of the input they can make to the delivery and accountability of services and ensuring proper protection

Equality and Human Rights (including equity of access)

It will be essential to ensure that the provision and delivery of services are provided fairly to all throughout Northern Ireland and the review should examine issues of equity of access to services and the upholding of human rights. It should also ensure that section 75 and TSN policies are fully considered and that the opportunities to decentralise services, and related employment opportunities, are also examined. The Review itself will be conducted in a manner consistent with equality and human rights legislation and policies.

Subsidiarity

The principle of subsidiarity should also be examined. In particular, consideration needs to be given to which services are best developed, overseen and delivered at local level, sub-regional and regional levels. The extent to which politicians at the different levels influence policy decisions, and give political direction on the delivery of services also needs to be examined. The role of social partners will be considered. Consideration should also be given to the co-ordination of policy-making and service delivery.

Quality of Service

Citizens have the right to expect a certain quality of service (as well as a particular level of service in their areas). While it is important to ensure that services are delivered as efficiently and effectively as possible, this must be done to certain quality standards. In this the impact of information technology should also be considered, along with alternative ways of delivering services – e.g. one-stop shops, partnership working etc.

Co-ordination and Integration of Services

In many instances there needs to be co-operation between different types of services to deliver cross-cutting policies. This is an important aspect of the Programme for Government, and any future system should take this into account. In considering sub-regional or local service delivery mechanisms it may therefore be sensible to examine the potential of creating the same geographical units for the organisation of functions and how far this might allow better co-ordination, including services provided on a cross-border basis. Many individual services are delivered not only at regional but also at sub-regional and even local levels. Thus, for example, in education a number of central departments are involved while Boards act at sub-regional level. An integrated approach to a review, which examines the connections between different levels of government in the development and implementation of services, has value. An integrated approach also needs to examine how best we can facilitate the essential interconnection between key public services such as social services, housing and education. It will also be necessary to review the different advisory and related services that support those public services.

Scope of the Public Sector

We will wish to consider the appropriateness of services being delivered from the public purse, the method of delivery and how to ensure this represents value for money. In addition, the role of the private sector, and the community/voluntary sector in contributing to better public services should be considered, including how business techniques can be harnessed and the scope for increased exchange of personnel and expertise between the public and other sectors. We also need to consider how best to tap into the expertise and experience of individuals in civic society.

Efficiency and Effectiveness

We need to consider the best use of our budget and ensure that any re-organisation creates the most effective and efficient services to the public, avoiding duplication and enabling managerial and bureaucratic expenditure to be minimised while the maximum resources are spent on front line services. The balance between the number of units delivering services (for example, there are currently 26 local councils but five Education and Library Boards) and the potential efficiency of a more centralised or a more decentralised structure will also need to be explored. We also need to examine issues of professional accountability, ensuring that appropriate professional expertise is also applied to the direction and delivery of services;

Innovation and Business Organisation

We need to be forward-looking, examining not just what people want now, but what their needs will be in 5 and 10 years time. Opportunities from new technology need to be addressed as well as better ways of delivering services including one-stop shops and the potential location of services in different areas. High quality, appropriately skilled staff should be retained and attracted to provide better, more modern services, taking advantage of the opportunities posed by new technologies and taking account of rising public expectations.

Appendix 5

**Written Submissions
Rural Planning**

Internal Memo

From: Mike Thompson
Regional Planning and
Transportation Division

Your Ref:
Our Ref: 6/050/05

Tele: 028 90(5)40373

Date: 23 September 2005

To: Stephen Quinn
Stephen Peover (DOE)
Pat Toal (DARD)
David Ferguson (DOE)
Doreen Brown
Gerry McWhinney (DARD)
Phil Taylor

cc: Tom Clarke (DOE)
Pat McBride (DOE)
Ian Raphael
Jim Hetherington
Sharon Mossman
Tom Mathews

Planning Policy Statement 14

1. A working group of DRD and Planning Service officials have been taking forward PPS 14 work over the Summer. The attached draft Ministerial submission reflects this work. Your comments on it are sought.
2. The recommendation made to, and agreed previously by, John Spellar, is not the recommendation being put forward in this paper. This paper suggests that the John Spellar approved option is supplemented by a kinship condition for the rural remainder.
3. I have a commitment to seek Minister's approval for the policy direction by the end of this month so that we have a clear direction for the writing of policy to be completed and submitted to Minister by the end of the year.
4. Some of the detail in Annex 2 is still being finalised and the Map of Green Belts prepared. However, I am keen to seek your endorsement of the general thrust of the draft submission.

[Signed]

MIKE THOMPSON
Director

Draft (23/09): Internal Memo

From: Mike Thompson
Regional Planning and
Transportation Division

Your ref:
Our ref: 6/001/05

Tel: 028 90(5)40373

cc: See copy list

Date: XX September 2005

To: Shaun Woodward MP

Rural Planning Policy

Issue: To agree the policy direction of draft Planning Policy Statement (PPS) 14.

Timing: Routine.

FOI Implications: Seeking early policy direction so would be exempt under Section 35 until draft policy published.

Presentational Issues: None.

Special Advisor:

Recommendation: That you agree the policy direction of draft PPS 14.

Detail

1. DRD is responsible for preparing draft Planning Policy Statement 14 – “The Countryside” which deals primarily with single dwellings in the countryside. This submission reports on work to date, John Spellar’s policy steer, developments since then, and seeks agreement for the policy direction.

Existing Rural Planning Policy

2. Existing rural planning policy for Northern Ireland has remained generally unchanged since 1979. It divides the countryside of the Region into two distinct policy areas.

Green Belts / Countryside Policy Areas

- Firstly, there are the areas designated in development plans as Green Belts (areas close to major urban centres where there is a need to restrain development pressure) and

Countryside Policy Areas (CPAs) (other areas of countryside under pressure from development, including areas of high amenity value). There is a presumption against development in Green Belts / CPAs. Policy discourages speculative development aimed at urban commuters, but will facilitate those who can demonstrate a need to live in the area. Green Belts / CPAs currently account for approximately 30% of the countryside of Northern Ireland. There are current published proposals for extended Green Belts and CPAs in draft Plans which would increase this figure to 40% or thereabouts with a strong likelihood that up to 50% of the Region's countryside would fall into one or other of these designations within the next 4–5 years. Please refer to Map 1.

Rural Remainder

- Secondly, in the countryside beyond Green Belts / CPAs, commonly referred to as the “Rural remainder”, there is a general presumption in favour of single dwellings. Policy advises that planning permission will normally be granted if a number of environmental planning criteria are satisfied. These focus on the integration, siting and design qualities of a proposal.
3. Under the current rural planning policy the number of dwellings approved in the countryside has increased substantially in recent years. During the decade 1983–93, approvals averaged 2,500 per annum. Between 1994–2004 the rate of approvals rose to an average of 4,500 per annum. By 2003/04 the number of approvals in Northern Ireland had risen to over 7,500, approximately three times the number of approved annually in England, Scotland and Wales combined. The most recent figures indicate a further significant increase in approvals to over 9,500 for 2004/05. Annex 1 refers.

Consultation

4. Last year an Issues Paper was published to stimulate debate and elicit views on future policy direction on development in the countryside.
5. Eighty-six responses were made, with submissions received from local councils, rural community groups, environmental interest groups, as well as professional bodies and individuals. In addition, officials undertook a round of meetings with the main stakeholders, including the four main political parties.
6. In numerical terms the responses can be divided, approximately 50/50 between those in support of (or opposed to) retaining the ‘presumption in favour’ of single dwellings in the countryside outside of Green Belts / CPAs. In general terms, those in favour of retaining the ‘presumption in favour’ are the political parties, the District Councils and the rural community groups. The Rural Development Council advocated a more restrained approach. Those opposed are the professional bodies and the environmental groups. For example, the National Trust called for an immediate moratorium on the grant of planning permission for single dwellings in the countryside, pending the review of PPS 14.
7. There is a broader consensus on a number of other issues:
- a large majority of respondents advocate tailoring policies to reflect different local needs and development pressure across the Region;

- an equally large majority are in favour of the introduction of a ‘local needs’ criteria in respect of single dwellings in the countryside. Opinion varied on how this should operate in practice;
- there was widespread recognition for the need to achieve improvements in the design and siting of new dwellings.

Previous Ministerial Direction

8. In February the findings from the consultation were presented to John Spellar, along with a number of policy options. John Spellar approved a continuation of the existing policy approach with Green Belts and CPAs being extended through the further publication of updated Area Plans. He also approved the review of a number of current development control policies.

Recent Developments

9. Since the consultation took place and as indicated above the 2004–05 figure for approvals of dwellings in the countryside has been published showing a further rise in approvals from 7,500 in 2003–04 to 9,520 in 2004–05. To put this into context, this is the equivalent of a large town like Coleraine being approved in a year. In the past twenty years 86,000 approvals have now been granted. Considering this further rise in the number of approvals, officials believe it is prudent to revisit the objectives and broad options available before finalising the draft policy.

Proposed Policy Objectives

10. Emerging from the consultation and analysis are the following objectives:
- deliver on the Government’s commitments under the UK Sustainable Development Strategy;
 - support the spatial development framework of the Regional Development Strategy with its focus on urban development in order to facilitate future investment and economic development;
 - conserve the environmental assets of the rural area;
 - sustain a strong and vibrant rural community.

Options

11. A range of policy options are presented that cover the spectrum, from continuation of the existing policy approach, to introducing a presumption against approval of single dwellings in the countryside.
12. **Option One: Ongoing extensions to Green Belt and CPAs through the Development Plan Process while maintaining current Planning Policies**
- The existing policy approach of a presumption in favour of single dwellings in the Northern Ireland countryside, except where Green Belts and CPAs are designated, would

continue. The current policies would remain, as at present, with applicants required to prove ‘need’ to live in a Green Belt/CPA, while in the rest of the countryside (the “Rural Remainder”) applications would continue to be assessed solely against environmental planning criteria focussed on the integration, siting and design qualities of a proposal.

- The areas designated as Green Belts and CPAs are likely to be extended, based on local pressure analysis, with the further publication of updated Area Plans. This is in addition to the recently published draft plans for Down and Ards, Magherafelt, Northern and BMAP. It is anticipated that the extent of Green Belts/CPAs designations will, within the next 4-5 years, be close to 50% of the countryside of the Region.
- This option would continue to protect the environment of the rural areas close to the major urban centres and seek to discourage urban generated housing demand in other areas. This may elicit some political/community opposition given the volume of adverse comment currently received on proposed extensions to Green Belt and CPAs in recently published plans, but is likely to be more favourably received than some of the other options.
- It would attract opposition from environmental groups as it allows for the continued growth in the number of approvals in areas outside of Green Belts and CPAs (where the majority of approvals are concentrated), leading to further erosion in the character and landscape of the rural environment.
- A number of weaknesses and policy gaps have been identified in the current policy. Leaving them unchanged may attract criticism from certain quarters that we have not seriously considered the scope to improve the situation.
- Continuation of the rate of approvals, particularly in the areas outside of Green Belts/CPAs, would undermine Sustainable Development objectives, and the Regional Development Strategy which has a focus on developing main and local towns. It may, in the medium to long-term, give rise to ‘infracture issues’ in relation to EU Directives on Water Quality due to the high numbers of septic tanks associated with rural house development and failings in their design and maintenance.
- Overall it is considered this option would not be sufficient to deal with the unprecedented numbers of planning applications for single dwellings currently being submitted in the Rural Remainder. In the longer term it will have an impact in the areas proposed as Green Belts/CPAs, but this in itself may serve only to move development pressure into other areas.

13. **Option Two: Ongoing extensions to Green Belt and CPAs through the Development Plan Process and review the content of current Planning Policies**

- This option expands Option One to include a review of the content of a number of the rural development control policies that currently apply. This is the option that John Spellar agreed to.
- As with Option One, this option would in time geographically expand areas designated as Green Belts / CPAs. This would be achieved through the programme of Area Plan Reviews.

- As part of this option there would be a review of development control policies affecting both the Green Belt/CPAs and the Rural Remainder with a general view to tightening the criteria used to assess proposals. Officials have been working on this and details are attached at Annex 2.
- The advantages of this option are:
 - It will maintain a strong presumption against development in Green Belts/CPAs. Certain policy tests, such as those related to personal circumstances and replacement dwellings, would be tightened, however, some additional flexibility to accommodate the sons and daughters of the farming community could be introduced. As Green Belts expand their policies impact on more people, a slightly more flexible approach to reflect this wider impact and the changing nature of farming seems appropriate.
 - The presumption in favour of single dwellings in the countryside subject to environmental planning criteria is still retained for a large part of the north and west of Northern Ireland. This option would however allow refinements and amendments to the general policies relating to the integration, siting and design of rural dwellings to be considered with a view to reducing the overall impact of new development on the rural landscape and character of the countryside.
 - It can be seen as a pragmatic response to local development pressures, tailoring policies to reflect local needs.
- The disadvantages of this option are:
 - Environmentalists may argue that this option is in effect simply a continuation of the existing policy approach and, therefore, does not go far enough to stem the significant increase in the number of rural approvals and the damage to the amenity, character and environment of the countryside. They may also oppose any additional flexibility of Green Belt/CPA policy.
 - It is uncertain whether the proposed refinements and amendments to the existing general policies relating to the integration, siting and design of rural dwellings would alone impact on the significant numbers of planning applications being submitted in the Rural Remainder and the consequent number of approvals.
 - The timescale anticipated by DOE for production of Area Plans means that it will be several years before there will be full coverage of Northern Ireland with development plans drawn up under the new strategic framework provided by the RDS.

14. **Option Three: The use of Personal Information in the Rural Remainder (the Kinship Option)**

- This option expands Option 2 to include a Kinship condition in the Rural Remainder.
- As indicated above, at present beyond Green Belts / CPAs, applications for rural dwellings are assessed solely on the basis of environmental planning criteria. Under the 'Kinship Option' a distinction would be made, in these areas, between those applicants who can demonstrate a social / economic connection to the particular rural area and those who make speculative applications or merely desire to live there.
- Any approval would be made personal to the applicant by means of an occupancy condition for a minimum period (somewhere in the order of 7 years).

- While this would represent quite a tightening of existing policy in the Rural Remainder, it is considered that this option could attract some political and community support, dependent upon how the detailed assessment criteria are drawn and the policy implemented. This was reflected in several of the responses to the PPS 14 Issues Paper. If operated in a flexible manner, this approach would be seen as meeting the needs of the indigenous rural communities by filtering out urban generated housing demand. This approach is used in the Republic of Ireland, although direct comparisons are difficult due to the differences in administering the planning system.
- The advantages of this option are:
 - This brings with it broadly the same advantages as for Option 2. It retains the presumption in favour of development of single dwellings in the Rural Remainder subject to environmental criteria, but in effect limits this to the indigenous rural community.
 - While this Option falls quite a bit short of the level of restriction operated in Green Belts / CPAs, the environmental lobby may cautiously welcome this move on the basis that it is still likely to reduce the current level of demand witnessed in the Rural Remainder.
 - Restricting approval of new single dwellings in the Rural Remainder through personal occupancy conditions to members of the indigenous local community may assist rural affordability.
- There are however a number of disadvantages with the Kinship Option:
 - Dependent upon how drawn up, the kinship filter could prove ineffective given the large rural population base of Northern Ireland.
 - It could result in operational difficulties for Planning Service namely: additional administrative pressure to an already overloaded planning system, additional delays in processing applications and difficulties for those responsible for practical implementation so that there is consistent decision-making.
 - If there is abuse of the occupancy conditions then enforcement problems would inevitably follow.

15. **Option Four: Application of Green Belt / CPA policy to all of Northern Ireland (Removal of Presumption in Favour)**

- This option would reintroduce the presumption against approval of single dwellings in the countryside across the region in line with the rest of the United Kingdom.
- It would immediately impact on applications and significantly reduce the number of approvals. Approvals would be limited to exemptions such as agricultural need, retiring farmer, special personal or domestic circumstances and replacement dwellings.
- It would generate significant political and community opposition in that it would be perceived as a draconian measure undermining the long-term sustainability and viability of indigenous rural communities. There would be every likelihood that, if devolution were restored, this policy (if it were to be adopted) would be reversed. Even if the exemptions were reviewed and extended, opposition would remain.

- Adoption of a strict control policy across all of Northern Ireland, would however be seen, particularly by the environmental lobby, as being essential for the drive towards Sustainable Development. It would also be seen as an important step in the prevention of further damage to the quality of the rural landscape.

Recommendation

16. No option will attract universal favour. It will also be important to frame a policy that can command as widespread public acceptance as possible. There is strong political support for a continuation of the presumption in favour of single dwellings in the countryside beyond Green Belts and CPAs. However, all the political parties recognise that the volume and scale of the new development needs to be brought under more strict control. The impact of any option chosen will need to be carefully monitored.
17. It is recommended that we proceed by means of Option Three which involves:
 - (i) the ongoing extension of Green Belts and CPAs through the Development Plan process;
 - (ii) a review of rural development control policies; and
 - (iii) the introduction of a kinship condition in the Rural Remainder.
18. This option expands the option previously approved by John Spellar to include a kinship condition in the Rural Remainder. This change is proposed because:
 - (i) the further increase in approvals in the Rural Remainder; and
 - (ii) in reviewing development control policies, officials found little scope to improve policy to reduce the number of approvals.
19. This option is recommended because:
 - whilst retaining the presumption in favour in the Rural Remainder, it in effect limits this to the rural community;
 - whilst it may prove difficult to operate and be open to some abuse, the net impact should be to reduce the number of approvals;
 - local politicians will be generally supportive of the kinship condition;
 - multiple applications shall be less likely.
20. In conclusion, you are asked to:
 - (i) agree the policy objectives contained in paragraph 12;
 - (ii) agree to Option Three – Extension of Green Belts through the Development Plan process, review of development controls and introduction of a kinship condition in the Rural Remainder; and
 - (iii) agree the detailed policy changes contained in Annex 2.

21. This submission is the result of a joint working group of DRD and DOE Planning Service officials. **[DARD have also been consulted and are content with the proposals. To be agreed.]**

[Signed]

MIKE THOMPSON

Director

Excerpt from “A Planning Strategy for NI” - DRDNI

ANNEX 2

Proposed Policy Changes ‘A Planning Strategy for Rural Northern Ireland’.

STRATEGIC POLICIES

POLICY REF:	POLICY NAME:	ISSUES:	PROPOSAL:
SP5	Dispersed Rural Communities: To identify and designate dispersed communities in certain rural areas and establish criteria for their future development.	Inconsistencies between strategic Policy (SP5) and operational policy (HOU7). PAC concluded that strict application of integration tests of DES5 is not always appropriate. Difficulties in application of policy as designated are not always defined by a development limit.	Drop policy. Alternative ways of addressing the needs of disadvantaged rural communities to be developed.
SP6	Houses in the Open Countryside: To regulate the development of single houses in the open countryside in terms of normal planning criteria, including visual and environmental impact.	Policy acknowledges the distinctive and traditional pattern of dispersed rural settlement in the region. Policy confirms regulation of rural housing development primarily through landscape capacity, visual impact, siting and design. Areas which are subject to excessive development pressure will be protected.	Thrust of policy retained however regulation to include ‘Kinship/Local Needs’ in rural remainder.
SP7	Economic Development: To facilitate economic development and the diversification of the rural economy.	Superseded by PPS4 insofar as it applies to Industrial Development and may be fully superseded upon final publication of revised PPS4.	No Action.

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POLICY REF:	POLICY NAME:	ISSUES:	PROPOSAL:
SP8	Agricultural Diversification: To facilitate agricultural diversification subject to normal planning considerations	Superseded by PPS4 insofar as it applies to Industrial Development and may be fully superseded upon final publication of revised PPS4.	Future and detail of this policy to be decided in consultation with colleagues in DARD.
SP9	Resources: To protect resources which are important to the regional economy.	No comment.	No Action.
SP12	Rural Landscapes: To protect rural landscapes from excessive or inappropriate development by the designation of Green Belts and Countryside Policy Areas.	Policy deals with strategic purpose and intention of Green Belt and Countryside Policy Area designations.	Thrust of policy to be retained.
SP16	Environmental Protection: To protect the rural environment.	Policy espouses the 'precautionary principle' to the determination of development proposals i.e. Where there are significant risks of damage to the environment, its protection will generally be paramount. (See also paragraph 13, PPS1)	Thrust of policy to be retained and updated in light of possible infraction of EC Directives, i.e. septic tanks.
SP19	Rural Design: To promote high standards for the siting and design of new development in the open countryside.	Overarching strategic policy to operational detail contained in DES5.	Refine policy to ensure that adequate consideration is given to high quality design.

OPERATIONAL POLICIES: Housing.

POLICY REF:	POLICY NAME:	ISSUES:	PROPOSAL:
HOU7	<p>Housing in Dispersed Rural Communities: To accommodate the need for housing in designated dispersed rural communities.</p>	<p>See SP5 above</p>	<p>Drop policy. Alternative ways of addressing the needs of disadvantaged rural communities to be developed.</p>
HOU8	<p>Houses in the Open Countryside: Planning permission will be granted for single dwelling houses in the countryside outside GB/CPA's subject to detailed planning and environmental criteria.</p>	<p>Policy operates with the 'presumption in favour' principle for single dwellings in the countryside outside restrictive policy areas (GB/CPA's). Policy as worded not entirely prohibitive of 'groups' of housing in the countryside however, no policy guidance on what constitutes a 'group'.</p>	<p>Thrust of policy retained with introduction of additional 'Kinship/Local Needs' criteria. New policy to address 'group' issue.</p>
HOU9	<p>Farmworkers Houses: Planning permission will be granted for a dwelling house on a farm in a GB/CPA, where it is essential to the needs of the farm.</p>	<p>Inconsistencies between HOU9 and HOU10. Policy requires review having regard to on-going developments in agri-industry and in consultation with DARD.</p>	<p>Retain and update policies in consultation with DARD.</p>
HOU10	<p>Retirement from Farming: Planning permission may be granted for a dwelling house on a farm in a GB/CPA, for a farmer retiring from farming, or for the widow or widower of a farmer, to facilitate the orderly transfer or sale of the farm.</p>		

ANNEX 2

POLICY REF:	POLICY NAME:	ISSUES:	PROPOSAL:
HOU11	<p>Houses for other Business Enterprises: Planning permission will be granted for a dwelling house which is required for the essential needs of an established commercial or industrial enterprise.</p> <p>Personal and Domestic Circumstances: To grant planning permission for a dwelling house when there are compelling and site specific, personal or domestic circumstances for living in the countryside.</p>	<p>Policy places the onus on the applicant to demonstrate a 'site specific' need makes it essential for an employee of the enterprise/business to live at the site of their work.</p>	<p>Likely to be dropped as an express exception to policy. Requires further consultation between RPTD and Planning Service.</p>
HOU12	<p>Personal and Domestic Circumstances: To grant planning permission for a dwelling house when there are compelling and site specific, personal or domestic circumstances for living in the countryside.</p>	<p>Notoriously difficult policy to administer given the nature and sensitivity of the information/evidence applicant's are invited to submit. Some criticism that Planning Service is not qualified to fully consider detailed medical evidence and that 'panels of experts' should be established for this purpose. Applications for new dwellings under this policy are becoming more frequent and are likely to increase given expansion of GB/CPA coverage.</p>	<p>Likely to be dropped in terms of a new dwelling but may be dealt with by an alternative method e.g. allow only extensions/granny flats NOT dwellings.</p>
HOU13	<p>Replacement Dwellings: Planning permission will be granted for the replacement of a dwelling house, subject to certain criteria.</p>	<p>Legal definition of 'Abandonment' requires clarification in policy. Policy seen as facilitating loss of examples of 'rural vernacular' buildings. PAC held that 'Visual impact' is the critical consideration consequently 'Off-Site' replacements becoming more frequent. Size and Design of replacements also contentious.</p>	<p>Retain and update policy to incorporate legal definition, firm up 'off-site' issues, design and size matters and introduce tighter test for vernacular buildings.</p>

ANNEX 2

POLICY REF:	POLICY NAME:	ISSUES:	PROPOSAL:
HOU15	<p>Residential Caravans and Mobile Homes: Planning permission may be granted for a residential caravan or mobile home, for a temporary period only, in exceptional circumstances.</p> <p>House Extensions: Planning permission will be granted for house extensions, subject to the proposed development meeting certain criteria of design and residential amenity.</p>	<p>Accepted that caravans and mobile homes can provide a temporary solution to meeting the need for accommodation in certain circumstances. Policy overlaps with HOU9, 10 and 12.</p> <p>No issues.</p>	<p>Likely to retain policy. However, requires careful consideration in light of recent court judgement as to the definition of a 'caravan' (Ballyhalbert ... Park Homes).</p> <p>Policy not to be included in PPS14.</p>
HOU16			

ANNEX 2

Operational Policies: Design Principles

POLICY REF:	POLICY NAME:	ISSUES:	PROPOSAL:
DES1	<p>Countryside Assessments: To carry out Countryside Assessments as part of the preparation of development plans.</p>	<p>Policy is an important and useful tool in the identification of environmental 'assets' and development pressure.</p>	<p>Retain and update policy as appropriate.</p>
DES3	<p>The Settings of Towns and Villages: To protect the settings of towns and villages from inappropriate development and urban sprawl.</p>	<p>This policy focuses on the countryside around settlements to maintain a rural setting. Policy framed to resist development that would mar the distinction between settlement and countryside.</p>	<p>Retain and update policy to consider all defined settlements including lower level hamlets.</p>
DES4	<p>Areas of Outstanding Natural Beauty: To require development proposals in AONB's to be sensitive to the distinctive character of the area and the quality of their landscape, heritage and wildlife.</p>	<p>Operationally lack of specific design guidance in some AONBs is an issue. In addition the policy does not introduce a higher test that that set out in the current DES policy.</p>	<p>References to the role of AONBs will be retained but likely that operational policy will be in Planning Service review of PPS 2.</p>

ANNEX 2

POLICY REF:	POLICY NAME:	ISSUES:	PROPOSAL:
DES5	<p>Buildings in the Countryside: Planning Permission will be granted for the erection of a building in the countryside which is:</p> <ul style="list-style-type: none"> • In a locality which has the capacity to absorb another building, without adverse impact on visual amenity; • On a site which can be visually integrated into the landscape; and • Of an appropriate design for the locality; <p>And provided it meets other planning criteria and policy requirements.</p>	<p>Many aspects of the policy are subjective, not defined or lack clarity e.g. integration and prominence. Policy has also been criticised for being ambiguous, inconsistent and lacking certainty.</p> <p>Key issue is that the policy does not address new trend of development off new lane-ways or 'earth-shelter' dwellings.</p> <p>There is an overlap between DES5 and DES6.</p> <p>DES6 lacks definition of rural character and assessment.</p>	<p>Retain and update policy to reflect new trends in rural development. Provide clarity and remove uncertainty/ambiguity. May include more robust landscape section.</p>
DES6	<p>Rural Character: To ensure that the cumulative effects of new buildings in the countryside do not cause detrimental changes to the overall character of rural areas.</p>	<p>Many aspects of the policy are subjective, not defined or lack clarity e.g. no definition of "rural character" or its assessment. Policy pre-dates EHS landscape character assessment document (NILCA 2000). Overlap with DES5 regarding 'build-up'.</p>	<p>Retain but update policy to reflect new trends in rural development and to provide clarity and remove uncertainty/ambiguity.</p>

ANNEX 2

POLICY REF:	POLICY NAME:	ISSUES:	PROPOSAL:
DES7	<p>Ribbon Development: Planning permission will be refused for a building which creates or adds to a ribbon of development.</p>	<p>No significant issues. Some inconsistency in wording.</p>	<p>Retain and update policy to provide clarity and remove uncertainty/ambiguity.</p>
DES8	<p>Renovations and Extensions: Sympathetic design schemes for the renovation or extension of existing buildings will be encouraged.</p>	<p>No issues.</p>	<p>Retain and update as appropriate subject to clarification with Planning Service.</p>
DES10	<p>Landscaping: A landscape scheme will normally be required for all development proposals involving new building.</p>	<p>This policy is intended to compliment DES2 and DES5 and applies in both urban and rural situations. PPS2 (paragraphs 64-67) are the more recent expressions of Departmental policy on Trees and Woodlands.</p>	<p>Retain policy thrust but possibly merge with integration and rural character policies.</p>
AG1	<p>Agricultural Land Quality: To protect the best and most versatile agricultural land within N.A.</p>	<p>Policy as worded is more a strategic objective than an operational planning policy.</p>	<p>DARD to decide the future need for this policy. If retained it would likely be modified and incorporated within the Development Plan section of PPS14.</p>
AG2	<p>Agriculture and Forestry Development: To give favourable consideration to necessary agricultural or forestry development which is appropriate in scale and nature.</p>	<p>Policy ambiguous in terms of definition of 'works' for agriculture etc.</p>	<p>Retain and update policy.</p>

ANNEX 2

POLICY REF:	POLICY NAME:	ISSUES:	PROPOSAL:
AG3	<p>Agricultural Diversification: To facilitate the process of diversification of the rural economy by giving favourable consideration to suitable new farm based enterprises.</p> <p>Community Woodlands: To support the establishment of community woodlands and forests around centres of population throughout N.I.</p>	<p>Policy partly superseded by PPS4 and proposed draft revision. DARD reluctant for a list of acceptable diversification enterprises to be contained within new policy as this may be too limiting.</p> <p>No significant issue however, not a <u>planning policy</u> per se.</p>	<p>Retain and update policy with input from DARD.</p> <p>Retain broad support for the concept but drop as a planning policy.</p>

ANNEX 2

Strategic Policies: Green Belts / Countryside Policy Areas.

POLICY REF:	POLICY NAME:	ISSUES:	PROPOSAL:
GB/CPA1	Designation of Green Belts and Countryside Policy Areas: To establish Green Belts and Countryside Policy Areas through the development plan process.	Policy sets out the strategic objectives of Green Belts and Countryside Policy Areas.	Retain policy and update with a review of policy objectives.

Operational Policies: Green Belts and Countryside Policy Areas.

POLICY REF:	POLICY NAME:	ISSUES:	PROPOSAL:
GB/CPA2	Non-Residential Uses: In GB/CPA's, planning permission will be granted for the construction of new buildings or the change of use of existing buildings for appropriate non-residential development, that is: <ul style="list-style-type: none"> • Essential to the needs of the agricultural industry; • Necessary for outdoor sport or recreation; • A necessary community facility to serve the local rural population; or • A tourist scheme requiring a specific GB/CPA location. 	Policy partly superseded by PPS4 (insofar as it applies to industrial development). Certain aspects of this policy are, or shall be considered in other existing or proposed PPS's e.g. PPS 8 Open Space, Sport and Outdoor Recreation	Retain and update.

ANNEX 2

POLICY REF:	POLICY NAME:	ISSUES:	PROPOSAL:
GB/CPA3	<p>Dwelling Houses: In a GB/CPA, planning permission will be granted for a new dwelling house if it is:</p> <ul style="list-style-type: none"> • To meet the essential needs of an established agricultural, commercial or industrial enterprise; • To facilitate a retiring farmer; • To meet special personal or domestic circumstances; • To replace an existing dwelling; or • To infill a small gap in an otherwise substantially and closely built up frontage. 	<p>Refer to previous sections on HOU 9 – HOU 13.</p>	<p>Retain policy and review policy exceptions with possible additional exceptions to cater for indigenous rural community.</p>
GB/CPA4	<p>Redundant Buildings: Planning permission will be granted for the change of use of an existing building in a GB/CPA provided the proposal complies with certain criteria.</p>	<p>Policy partly superseded by PPS6 (Policy BH15) and PPS4 (insofar as it applies to industrial development). Unclear what is an 'appropriate use' in a GB/CPA location?</p>	<p>Retain and update policy providing clarification as appropriate.</p>

ANNEX 2

POLICY REF:	POLICY NAME:	ISSUES:	PROPOSAL:
PSU9	<p>Septic Tanks: Subject to other policy constraints, planning permission will normally be granted for development which requires the provision of a septic tank, provided it would not result in the creation of or an addition to an unacceptable pollution problem.</p>	<p>Septic tanks and pollution from associated discharge is a major environmental issue. The planning and pollution control systems are separate but complementary. Septic tank installation requires a 'Consent to Discharge' under the Water (NI) Order 1999, governed by DoE/EHS. Policy however, does not adopt the 'precautionary principle' for protection of the environment where pollution increasing to an unacceptable level. Possible 'infracton' of EU Water Framework Directive from cumulative effects of septic tank run-off.</p>	<p>Retain and update policy in consultation with DoE/EHS with the possibility of introducing the 'precautionary principle' and need for parallel applications for planning and 'Consent to Discharge'.</p>

RSPB Response to Draft Consultation Document



PPS14 CONSULTATION RESPONSE May 2006

Introduction

The RSPB works to protect birds and their habitats through direct land management, education and policy advocacy, supported by over one million members in the UK, 10,000 of whom live in Northern Ireland. We have long regarded planning as crucial to the protection of designated sites and species from damage due to development. However, we also recognise that planning is as necessary for economic and social development as it is for the environment. There is a strong connection between a diverse and healthy environment and our quality of life. The RSPB therefore advocates a planning system with sustainable development at its core, focused on the creation and delivery of better spaces for people and for wildlife. We see the promotion of positive planning in PPS14 as a means to achieve this, in a way that merely controlling development cannot.

The RSPB also works closely with the farming community. Our vision is for sustainable systems of farming that produce adequate supplies of safe, healthy food; protect the natural resources of soil, air and water that farming depends on; help to protect and enhance wildlife and habitats; provide jobs in rural areas and contribute to a diverse rural economy. We recently published 'A Living Countryside' that assesses the current situation, and describes our vision for securing a future for Northern Ireland's rural communities, farming sector and wildlife in the post-CAP reform era. We believe that farmland and the biodiversity it supports is helped by farmers working in a 'living countryside that provides a living', not one where sites are sold to developers for houses beyond the financial reach of local people.

The RSPB's comments are therefore restricted to those policies which fall within these two related spheres of RSPB work.

Policy, aims and objectives

The RSPB supports the aim and objectives of PPS14. The RSPB has always offered support to the Regional Development Strategy (RDS) and other policy documents advocating more sustainable patterns of development. We agree that the cumulative impact of development has the potential to disadvantage biodiversity and natural habitats, as well as farm livelihood, where it is unsustainable. These beliefs are reflected in the objective of the RDS.

The Northern Ireland Sustainable Development Strategy and legislation such as the Water Framework Directive and the Conservation Regulations (NI) 1995 provide further encouragement and legal backing to protection and enhancement of the countryside.

We would like to see the Northern Ireland Biodiversity Strategy (NIBS) acknowledged as a relevant policy driver in the policy context section. The importance of the environment has been recognised in numerous Government statements and policies, including for example in the UK 'Quality of Life' wild bird headline indicator. Likewise the value of natural habitats to reduce flood damage, mitigate water pollution and to provide opportunities for healthy exercise: these factors further highlight the need to protect and enhance the environment around us.

The NIBS accepted the 'Recommendations to Government for a Biodiversity Strategy' submitted by the Northern Ireland Biodiversity Group in 2000. Section 5.6 (Construction and Development) of that document recognises that "the cumulative impacts [on biodiversity] of small developments and individual scattered houses may be substantial". The loss of wetland, scrub and species rich grassland in Co. Down over the last 25 years due to an increase in single dwellings is given as an example. The potential for significant indirect impacts e.g. new infrastructure such as roads, more effluents entering watercourses, more traffic, and disturbance of species by domestic pets, is also noted. Policies in PPS14 must ensure development does not adversely affect biodiversity, and where possible aim to secure biodiversity benefits in line with NIBS targets.

We believe that the draft policies should be a material consideration in the determination of planning applications. Given the continued high number of planning applications over the last few years, and the number that remain in the planning system or have recently been granted, the pressure on the environment will remain for some time. This fact is highlighted in the Strategic Environmental Assessment (SEA) for the draft policies, and it is a similar approach to that taken with draft PPS15 which seeks to avoid another environmental threat, that of development in floodplains.

In regard to the potential effect on rural communities, it would be revealing to learn from Planning Service, if possible, the proportion of single dwellings built by landowners and farmers for local use, compared to the number of dwellings constructed by developers on bought plots to be sold as holiday properties or to commuters. The latter situation may not contribute to sustainable rural life and could exacerbate house price rises.

Policies

CTY1

The RSPB backs this proposed policy. We believe that this policy will help to reduce loss and fragmentation of both habitats and agricultural land, and will slow the increase in water pollution by reducing the number of new septic tanks in the countryside. There will also be knock-on benefits to the environment, for example by reducing the number of new car journeys.

We are pleased that the policy also considers non-residential development, and that Planning Service will continue to sympathetically view appropriate agricultural diversification schemes.

CTY2

We support this policy. We concur there is a need to ensure that viable farm units can provide accommodation on the farm for workers where that is necessary. Where new dwellings are constructed, the siting and design should take into account local environmental context e.g. avoiding areas of priority habitats and watercourse for both the building and septic tank, seeking options for biodiversity benefit as part of the dwelling (bird and bat boxes), landscaping using native species.

Paragraph 4.30 details the occupancy clause. While we agree that it is necessary to ensure that the dwelling remains available to meet the needs of the farm, this could create a vacuum and be difficult to enforce over time if farmers continue to leave the industry. However, we believe that the following paragraph 4.31 provides the option for removal of the clause in the long term if that does become the case, with priority given to the building being available for the local community.

CTY3

The average age of farmers in Northern Ireland is 57, so a large number could be expected to retire over the lifetime of this policy. **The RSPB therefore supports this policy for dwellings for retiring farmers or for their surviving partner.**

CTY4

In order for the rural community to remain viable, and therefore the land and habitats in the rural areas, support for farm diversification is essential. Where a need for on-site accommodation can be shown, and there will be no adverse impact on the local environment, **the RSPB would support this policy.**

CTY5

We support this policy, as the reinstatement of original dwellings is likely to have less environmental impact than a replacement dwelling. However, it would be necessary to ensure that all dwellings to be restored or removed are surveyed for birds such as barn owls and swallows, and bats, which may use the building for roosting or nesting. The design of the restored or replacement dwelling can then incorporate features to ensure continued habitat for these species. The PPS should also inform potential housebuilders of their legal obligations e.g. not removing vegetation during the bird breeding season to avoid disturbance to nesting birds (illegal under the Wildlife (NI) Order 1985), protection of bats, and the regulations governing trees protected by Tree Preservation Orders.

Where a replacement dwelling is granted permission, we agree that good siting and landscaping are necessary. The use of native species for landscaping and the retention of existing landscape and habitat features will benefit biodiversity and be in line with regulation 32 in the Conservation Regulations (NI) 1995.

CTY6 and CTY7 – no comment.

CTY8

We understand that much development related to agriculture and forestry will be given permitted development rights through the General Development Order (GDO). However, for the purposes of this policy, **it may be necessary to define forestry**, for example the scale and nature of works. A recent planning appeal (2004/E018) was permitted, allowing some minor development in connection with 'forestry operations'. These 'operations' were, in the RSPB's view, not strictly necessary for either wildlife or forestry (i.e. timber harvesting) purposes, nor for a forestry business. This loophole could result in damage to the environment.

We agree that new buildings should be integrated into the local landscape through appropriate planting or bunds – this includes any new slurry tanks not underground.

CTY9

The RSPB fully supports farm diversification where it will not have adverse impact on natural heritage and environment, as specified in this policy. We agree that diversification should be facilitated through the re-use of existing buildings (paragraph 4.68), e.g. for boilers in biomass generation plants. Our comments made under CTY5 regarding nesting or roosting birds and bats also apply here.

CTY10

We support this policy. Sensitive landscaping and design is also an opportunity to provide benefits for local wildlife or to enhance habitats. Paragraphs 4.76 and 4.77 refer to the use of native species for landscaping, the retention of existing features and appropriate tree management, all of which engender our support. Our comments made under CTY5 regarding nesting or roosting birds and bats also apply here. We agree that field and road boundaries should be retained where possible (paragraph 4.88). We also support resource efficient housing design, utilising the most up-to-date environmental design principles to minimise energy and water use.

CTY11 – 13 - no comment

CTY14

The RSPB offers strong support to this policy. Water pollution in Northern Ireland from a variety of sources, including the quantity of individual septic tanks not connected to the sewerage system, has resulted in Lough Neagh, and to a large extent Upper Lough Erne, being hypereutrophic. This nutrient enrichment has a number of effects including contaminated drinking water, added costs of water treatment, loss of biodiversity and fisheries and added costs to industry and agriculture¹.

Monitoring and review

We agree it is vital that the implementation and effect of these proposed policies is monitored over time. Should outcomes not reflect the original aim and objectives, the policies must be reviewed. Any review must also incorporate a Strategic Environmental Assessment.

Draft Environmental Report

We are pleased to see that a Strategic Environmental Assessment of this document has been undertaken. We agree that the effect on the environment of these policies is likely to be predominantly positive. We appreciate that the correct process has been used, and hope that this continues with monitoring of the outcome of the policies in future. If any unforeseen effects arise as a result of these policies, appropriate steps can be taken to amend the policies as necessary.

Additional comments

Planning agreements

One way to counteract some of the adverse effects of development on the environment and community is to encourage the developer to make a financial or practical contribution to the development of habitats, biodiversity or community facilities in the area through planning agreements. This option is available in Northern Ireland through an Article 40 agreement under the Planning (NI) Order 1991, but is little used in comparison to the equivalents in England, Scotland and Wales. The RSPB advocates the use of planning agreements to mitigate for adverse impacts where development is permitted, for example payment for connection to mains sewerage, creation of biodiversity habitats in line with the NIBS, or a contribution towards a local bus service.

Technical advice for farmers

We feel that a supporting technical advice note could provide more detail about planning legislation affecting rural dwellers and farmers. For example, the Environmental Impact Assessment (Uncultivated Land and Semi-natural areas) Regulations (NI) 2001 is planning legislation that applies to certain farm operations, but does not appear to be widely applied and enforced. Stronger support of this legislation should be provided in local plans.

Averting damage prior to submission of application

The countryside and biodiversity continue to be damaged by development or clearance prior to the granting of planning permission, or indeed even before a planning application has been submitted. We welcome the commitment of the Government to assess the case for the creation of a criminal offence where development commences without planning permission (Reforming Planning – public consultation paper August 2004). Common examples include the removal of trees and hedgerows and the infilling of wetlands, and this despite policy support for the retention of these features in the RDS (SPG-ENV1). We would therefore like to see a policy to deter damage of this nature, by stating

¹ EHS (1999) Eutrophication in Northern Ireland's waters – proposals for a strategy to control nutrient enrichment.

that such damage would be taken into account when determining planning applications for development in the countryside.

*RSPB Northern Ireland
May 2006*

Appendix 6

Party Position Papers

RPA / RURAL PLANNING

DUP POSITION PAPER

REVIEW OF PUBLIC ADMINISTRATION

We reiterate our opposition to the 7C Council model currently being taken forward by the Review of Public Administration. There is no evidence of the predicted savings materialising from this model, and the already high costs are spiralling. We believe that a seven council model does not provide local government but instead delivers a sub-regional administration with no local identity. In order to provide this local identity and good local government we would support the introduction of 15 Councils.

At the outset we indicated that the terms of reference for the Review of Public Administration were too narrow and should have been extended to include central Government and deal with institutions set up under the Belfast Agreement in 1998.

We support the introduction of safeguards to protect the interests of minorities within the new council boundaries. However we believe that these should be set at a realistic level and not at a level which would render the Council unworkable and therefore not deliver the good governance which is obviously the main aim.

We support the idea that there should be a single Education Board for the whole of the Province and believe that consideration should be given to ensuring that functions of the new body should be spread across Northern Ireland to alleviate the effects of job losses from closure of existing Boards.

We believe that arrangements in relation to health should be designed with the primary focus on what is best for the health service. This premise leads to the conclusion that there should be five new bodies which can cater for clusters of councils.

RURAL PLANNING

The DUP recognises that there have been problems with planning in the countryside. While it is clear that something needed to be done about planning in the countryside, the DUP does not support PPS 14. PPS 14 has got the balance wrong and in implemented would result in all kinds of undesirable and unforeseen consequences.

Whilst we do not support Draft PPS 14 we also believe that doing nothing is not an option and we support a system which limits building in the countryside but not one which prevents those who have grown up on a farm and other long-term rural dwellers being prevented from staying in the countryside.

We believe that the presumption against development is overly restrictive and support a return of a presumption in favour. Obviously those applications that would be granted planning permission should meet planning conditions consistent with sustainable rural development.

Countryside policy 11 on rural character states that outlines the generality of rural character and we support it. However, the problem is that Planning Service has not been applying that over the past number of years. There has been a lack of consistency and because of the inability of Planning Service to apply its own criteria it is using a sledgehammer to crack a nut by introducing a policy that discriminates against an entire rural community.

We do not support unrestricted development in the countryside and see a need to ensure that there is not undue pressure placed on rural areas through unnecessary build-up. However, the onus should be on Planning Service to interpret their policy in a sensible manner and ensure that a realistic level of development can take place as well as protecting the rural economy and making use of the replacement of existing dwellings.

Sinn Féin Submission to the Programme for Government Review of Public Administration and Rural Planning sub-committee

(Including also the party submission of Oct 2005)

- Sinn Féin welcomes the work of the Taskforce.
- Sinn Féin acknowledges that much of the work yet to be done.
- The Taskforce should continue with its work and in particular on core issues, including:
 - Governance/Community Planning
 - Transfer of functions
 - Local government finance arrangements
 - Area Based Committees
- The Taskforce, under the Strategic Leadership Board, should seek to close the gaps of agreement/disagreement between parties and stakeholders.
- Sinn Féin believe that the outcome of RPA must be guided by principles of good governance, equality and effectiveness
- The decisions on the new arrangements should be made on the basis of objective evidence and deliver open and transparent governance that addresses both representative and participative democracy and is efficient, effective, fair and responsive underpinned by appropriate checks, balances and equality provisions.

December 13th 2006

SINN FÉIN



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**Submission on the
REVIEW OF PUBLIC ADMINISTRATION**

October 2005

Summary

Sinn Féin's approach the review of public administration is underpinned by the republican principles of democracy, equality and Irish unity. We wish to see an administrative system that is efficient, effective and responsive.

The review must deliver an administrative system that addresses both representative and participatory democracy. Decisions should be made on the principle of subsidiarity –made at as local a level as is functionally feasible. However, in specific areas it is inappropriate for services to be administered at council level for reasons of effectiveness and efficiency.

The role of the Assembly and the subsequent all-Ireland legislature should be to provide strategic direction and oversee and monitor standards of public administration at local government level.

Sinn Féin's support for the reforms emanating from the Review of Public Administration is in the context of the reestablishment of institutions. Under direct rule, democratic accountability cannot be delivered.

We are opposed to the use of Quangos to administer large areas of policy. The appointment system of these bodies does not meet democratic criterion. Quango members have no democratic mandate and are not democratically accountable. The appointment system has profoundly advantaged certain sections of the community to the cost of others. Democratic accountability would be considerably improved if the functions of many of these bodies were transferred to councils, or to the appropriate regional government department.

However, there are some areas of policy where practitioners and specialists need to be involved in either an executive or strategic capacity. In this case, these people should be elected to their position from appropriate occupational electoral colleges. However, the boards of these bodies should be constituted with a majority of elected representatives.

Sinn Féin also supports the development of fora where communities can have a direct input into the development of policy. However, elected representatives should have the responsibility for policy decisions.

The six counties continue to suffer from sectarianism and discrimination, and public administrative bodies are not immune from this. One of the reasons for the limited powers of councils and the wide powers of Quangos and more centralised forms of public administration is the fact that local government has abused power and practiced discrimination.

Sinn Féin have serious concerns about political and sectarian discrimination at local government level therefore it is essential that reform of public administration is accompanied by robust legislation to prevent abuses of powers.

There must be need to be legally prescribed mechanisms for the fair sharing of responsibilities and posts – modelled on the Good Friday Agreement institutions.

There should also be quick and effective channels for redress to citizens who feel that their rights have not been upheld by a council and that, if discrimination is proven, the sanctions applied should be proportionate and applicable not just to the council as a corporate body, but to individual councillors or council employees.

We are not opposed in principle to the reconfiguration or some amalgamation of local government. However, some smaller councils can be seen as bodies that were set up in response to fears about how the people of those areas would be treated by larger, unionist dominated councils. We will not be party to alterations in the configuration of local councils that expose people to the effects of sectarian discrimination.

Sinn Féin believe this will be the last reform of public administration to be carried out in the six counties – that the next review will relate to how public administration throughout the island can be assimilated into one system. It is essential that this should be reflected in the review.

Serious consideration needs to be given to how the structures that emerge from this review will be more compatible with structures in the 26 counties.

There are a number of issues in relation to efficiency and effectiveness that must govern the outcome of the review.

Sinn Féin believe that there should be an appropriate split of responsibilities between regional and local government on issues including:

- Housing
- Planning
- Arts
- Sports
- Youth
- Waste Management
- Health
- Education

Sinn Féin also that the council should have new key functions above and beyond service delivery for example:

- Community Planning
- Power of general competence or power of well-being

The 4 overarching principles that guide the review must deliver:

- Economies of scale - We recognise that there are certain functions that require a threshold population in order for them to be run efficient and effective manner and we accept that the size of public administrative bodies should reflect this.
- Co-ordination - Efficiency and effectiveness is dependent upon co-ordination. The capacity for both regional and local government to co-ordinate services needs to be built in to the administrative system.
- Accessibility - Effectiveness is measured by the service that citizens receive. Service delivery needs to be organised so it is readily accessible by all whether

or not they live near administrative centres. The development of larger local government units should not undermine this. Enlargement of councils will require the development of complementary local structures to ensure that the relationship between public bodies and citizens is not remote.

- **Accountability** - Efficiency and effectiveness can only be guaranteed if those designing and delivering services are accountable to those receiving them. There needs to be clear and transparent lines of accountability that ensure that citizens receive adequate services promptly and can gain effective and prompt redress if this is not the case.

Equality Requirements

The importance of equality issues in the Review of Public Administration cannot be emphasised enough. Equality provisions need to be uniform, formal, comprehensive and legally enforceable. These provisions must be built in to the composition and functioning of all public bodies from the outset.

Equality provisions should relate both to the structures of councils – how persons are allocated to posts and to their functions and how the council allocates resources and services.

There should be no ambiguity in the proposals that equality provisions will be rigorous and legally binding. History and contemporary experience give cause for no faith in informal, voluntary or flexible arrangements.

Sinn Féin will not support proposals that do not contain sufficient clarity of purpose in relation to equality.

The issue of equality is at the core of the peace process. This is reflected in the comprehensive manner with which it was dealt in the Good Friday Agreement and consequent legislation. The provisions agreed in the Good Friday Agreement relating to the Assembly, the Executive and other public bodies should be applied to the new councils.

d'Hondt

The adoption of the d'Hondt system should be used for the appointment of all positions of authority on councils and on the outside bodies on which councillors are represented. In order to ensure inclusiveness, a single exercise of d'Hondt should be run following council elections, including all posts for the entire period of that council, including those posts where the holder changes annually, along with all outside posts. This would maximise the number of positions available and maximise the opportunity for smaller parties and independents to fill posts of responsibility.

In relation to ensuring that councils carry out their functions in an equitable manner, the system of 'designation of identity' applied in the Assembly should be extended.

Petitions of concern

The 'petitions of concern' used in the Assembly, should also be extended to councils. As there will be differing proportions of councillors of nationalist or unionist identity

in each council, the number of councillors required for an effective petition of concern should relate to a percentage of the members of a designated group, rather than to a whole number as is the case for the Assembly.

There are serious concerns that councils with a relatively small proportion of nationalists will present the greatest potential for unequal treatment. The required number of 30 MLAs needed to trigger the cross-community requirement represents approximately 70 per cent of the smallest designated group in the Assembly – nationalists. We believe that the adoption of this percentage of 70 per cent of a designated group to trigger the cross-community requirement on the councils would be fair and would remain firmly within the spirit of the Good Friday Agreement.

Pledge of Office and Code of Conduct

In order to formalise councillors' commitment to equality and proper practice, and to provide an avenue of justice if they fail to live up to their commitments, there needs to be a Pledge of Office and a Code of Conduct that all councillors will be obliged to sign up to.

Councillors pledge:

- (a) to discharge in good faith all the duties of office
- (b) commitment to non-violence and exclusively peaceful and democratic means
- (c) to serve all the people of the council area equally, and to act in accordance with the general obligations on government to promote equality and prevent discrimination
- (d) to comply with the Councillors Code of Conduct

Code of Conduct

Members of the council will observe the highest standards of propriety and regularity involving impartiality, integrity and objectivity in relationship to the stewardship of public funds; be accountable to users of services, and the community for the activities within their responsibilities, their stewardship of public funds and the extent to which key performance targets and objectives have been met; ensure all reasonable requests for information from users of services and individual citizens are complied with; and that council staff conduct their dealings with the public in an open and responsible way; comply with rules relating to the use of public funds; operate in a way conducive to promoting good community relations and equality of treatment; not use information gained in the course of their service for personal gain; nor seek to use the opportunity of public service to promote their private interests; ensure they comply with any rules on the acceptance of gifts and hospitality that might be offered; declare any personal or business interests which may conflict with their responsibilities. The council will retain a Register of Interests. Individuals must ensure that any direct or indirect pecuniary interests which members of the public might reasonably think could influence their judgement are listed in the Register of Interests.

An Independent Commissioner will be required to ensure that the Pledge and Code of Conduct are adhered to; to investigate complaints about breaches of the code; and to impose significant sanctions upon those found to have breached the code, including

dismissal from office. It will be imperative that the Commissioner has the powers and resources to carry out these functions promptly and effectively. The Assembly Ombudsman and Commissioner for Complaints could provide the basis for this function, as Councils already come under the aegis of this office. However, the Ombudsman's present lack of power to enforce recommendations is completely unsatisfactory.

All of these provisions should be included in a uniform and compulsory set of Standing Orders, which would apply to all Councils.

Councils will also continue to come under the requirements for public bodies in relation to the equality legislation embodied in the 1998 Act relating to Section 75 categories. Sinn Féin is concerned that the powers and resources currently afforded to the Equality Commission are insufficient for the full and proper implementation of its functions. We require reassurance that the new councils would be subjected to effective monitoring and redress by the bodies designated such a function in the 1998 Act in order to ensure that Councils are rigorous in the discharge of their responsibilities.

Gender Equality

An opportunity exists, with the review, to modernise local government and change the male-dominated culture of public administration. This will require proactive intervention. The reduction in Councils and Quangos will involve a reduction in the number of senior officers, and this could further squeeze and reduce the numbers of women currently employed at these levels. Unless there are specific measures to address women's under-representation, then there is a real possibility that gender inequalities will be exacerbated as a result. The review needs to take a radical stance.

Sinn Féin calls for the introduction of quotas to ensure at least 40% female representation on the new bodies, in line with EU objectives. For its part, Sinn Féin is committed to further increasing the proportion of elected activists who are women.

Training and development to prepare both men and women for potential vacancies as a result of the review needs to start now. This should involve the proactive encouragement of women to participate. Women can benefit from women only development opportunities and these should be made available to them.

Council Configuration

Sinn Féin notes that the independent research commissioned to examine the various council configurations clearly identified the option now termed 7C as the optimum configuration, based on objective evidence about the fairness and efficiency of the model. Sinn Féin accepts this evidence and therefore strongly supports this option.

The independent research included evidence that a seven council configuration would be most effective in ensuring greatest equality in the rates burden. Given that this option has been demonstrated to most effectively promote equality, we could not condone the adoption of other, less equal options in response to extraneous pressure.

The commitment to the promotion of equality entered into in the Good Friday Agreement is not negotiable.

Sinn Féin also notes that the seven council model (7 C) will intrinsically ensure greater protection of minority communities in that in all council areas, whether there is a nationalist or unionist majority, there will be a minority of at least 25%. As such it would provide the greatest community balance. In conjunction with strong legal requirements and the effective and fair operation of the d'Hondt system, this will support equal and fair treatment both inside the councils and in the delivery of council functions.

Concerns about local identity and participatory democracy can be effectively addressed through implementation of recommendations in relation of ABCs and Local Area Community Planning Forums.

One of the major strengths of the 7C option is the fact that it creates councils large enough to enable the establishment of one-to-one co-terminosity with other public administration bodies. We see the benefit of co-terminosity as providing the opportunity for democratic control over agencies that will be situated within the same boundaries as councils. As such, we are concerned at reports and rumours that a number of bodies are planning to develop their structures in ways that would not be compatible with co-terminosity. These include:

- The commissioning units for new schools estate being developed between the Department of Education and the Strategic Investment Board.
- The plans for the aggregation of further education colleges into six units.
- Plans to reduce the number of health bodies to five

In all of these cases, the number of bodies allegedly being proposed is less than seven. This is unacceptable. If departments are able to ignore the review of public administration, and flout the principle of co-terminosity, then the whole exercise has little meaning. There needs to be clear central leadership on this issue, instructing the relevant departments that they have an absolute obligation to plan their services within the bounds of co-terminosity.

Numbers of Councillors

Given the increased workload expected of councillors associated with the widening of council functions, there is a good argument that the number of councillors should be increased.

The issue of the number of councillors is especially acute in rural areas. With the reduction in the number of councils, predominantly rural councils will involve large areas, much of them sparsely populated. It is not appropriate to use the metropolitan council of Belfast, with its dense population, as a model for the number of councillors for these councils. Sinn Féin proposes that, using Belfast councillor numbers as a baseline, the number of councillors for each council should be based on a formula based on landmass and population density, with an upper limit of 75 councillors.

Participation in Local Democracy

Public administration should mirror at all levels a framework for participatory human rights based governance as set out in the Good Friday Agreement. While ensuring that democratically elected bodies do not act in discriminatory ways is a necessary core requirement, it is not enough. Effective democracy requires the active participation of citizens. The new structures to emerge from the review should ensure:

- Subsidiarity
- Transparency
- Accountability
- Participation
- Consultation

Subsidiarity

While there are merits in terms of efficiency and effectiveness in having a small number of councils coterminous with bodies such as health and housing boards, however this would not, on its own, constitute sufficiently democratic forms of governance.

There is a need to develop a model that is both participative and efficient for the proposed larger council area. We believe that the local democratic deficit can be met by Area Based Committees (ABCs) composed of councillors elected from local areas working in conjunction with local stakeholders and providing local input into the councils, if they are set up in a sufficiently robust and democratic manner.

The ABCs would comprise of membership that is cross-sectoral and interdepartmental. Particular care should be given to ensuring that ABCs' membership includes appropriate partners, communities and communities of interest. Members of the council elected in the electoral area covered by the ABC should be core members. Also effective equality procedures should be in place to offset the Committee being dominated by particular sectors.

In terms of functions, ABCs should submit proposals to the main council that would enable it to develop an overall community plan which could:

- Identify and reshape services and patterns of service delivery
- Promote innovative change in service delivery
- Refocus policy and target resources to identified need and community priorities
- Promote inter-departmental working and monitor joined-up service delivery
- Generate integrated solutions to problems that single agencies or departments cannot solve
- Enhance the co-ordination of services across organisational and sectoral boundaries
- Promote economies of scale through the pooling of sovereignty and resources
- Develop an efficient 'participative' democratic structure that addresses local need and facilitates local identity/interest.
- Utilise enhanced local government powers to develop local self-governance and Cross Border Integration (where it is spatially appropriate)
- Re-shape Regional (6 Counties) Policy to promote local self-governance and Cross Border Integration (where it is spatially appropriate)

The ratio of ABCs to Council Areas should be defined by certain criteria:

- Manageable Areas and Economies of Scale
- Local Need and Identity
- Efficiency and Effectiveness
- Equality, Inclusion and Accountability

The remit for an ABC could be within the current council boundaries (i.e. one to every current council area). This would meet these criteria and allow for seamless local governance within proposed larger council configurations.

ABCs if properly developed as an inclusive cross-sectoral and interdepartmental partnership of equals can promote an essential shift in the working methodologies and organisational culture of government departments and agencies – from dysfunctional isolationism to functional interdependence with the social partners.

Community Planning and Local Area Community Planning Fora

Community Planning and development of established area based Community Partnerships/Networks and Neighbourhood Renewal Structures present further opportunities to enhance the 'participative' basis of local governance and the elevation of community priorities to a strategic level.

The ABCs should operate on the basis of Community Planning Frameworks. Community Planning should not be viewed as just another scheme but one of the core contexts for planning within Council Areas across the 6 Counties – a 'catch-all' planning methodology and framework for real change – moving beyond maintenance towards effective and democratised public administration and self-governance.

ABCs should be required to demonstrate that they have appropriate arrangements in place to ensure grassroots community consultation, co-operation and participation.

This could be facilitated by the ABC through the development of Local Area Community Planning Forums that could involve a clustering of established area based Community Partnerships and Neighbourhood Partnership Boards within a defined geographical area (i.e. District Electoral Area).

The Local Area Community Planning Forums could:

- Promote Co-ordination of service delivery and mainstreaming at a neighbourhood management level
- Co-ordinate forward planning by residents, community partnerships, council officials and the private sector at a neighbourhood management level
- Ensure the involvement of residents at the beginning of community planning processes rather than the end
- Focus the attention of local service delivery to promote quality of life for all constituent neighbourhoods and constituencies
- Ensure that the articulation of defined community priorities takes place within the wider strategic context of community planning, within an ABC Area.
- Link up local priorities to sub-regional and regional priorities within a Council Area creating a holistic developmental paradigm.

Connecting services to people – The One-stop Shop

Beyond a more local tier of governance through the ABCs and Local Area Community Planning Forums larger councils to ensure that their activities are closely connected to the people they represent.

Sinn Féin proposes the development of a 'one-stop shop' system to fulfil this need and the need for co-ordinated access to governmental services of all kinds. This would create public access to government services is facilitated through a single location for as many services as possible, and co-ordinated by the larger council.

Quangos

The tendency to reduce the Review of Public Administration to the reform of district councils is a mistake. Review and abolition or reform of Quangos need to be a greater priority within the review process.

There should be a formal review on a case-by-case basis of all Quangos with the purpose of determining whether or not there is a valid rationale for their continued existence. In each case the appropriate minister must provide the basis upon which any Quango should remain in existence.

For those Quangos deemed necessary to retain, it is essential that these are under effective democratic control.

In his letter of October 2004, British Minister Ian Pearson usefully differentiated Quangos into three different types of body:

- Executive Public Bodies: Those, which spend money and employ staff, and are dependent upon public funding.
- Advisory Public Bodies: These provide advice to ministers or departments.
- Tribunals: These perform a judicial role.

To this list, we would add - Government Companies (Go-Cos). These are agencies run on a commercial basis, but whose sole shareholder is a government department.

For Executive Public Bodies, Sinn Féin proposes that their boards are made up of four constituencies.

- Directly elected representatives (selected by the d'Hondt system from either the Assembly or councils, depending on the remit of the Quango), which would make up the majority of board members, and would have a non-executive status.
- Representatives of the workforce employed by the Quango, directly elected by their peers and having a non-executive status.
- Directly elected consumer representatives having a non-executive status.
- Executive directors.

For Advisory Public Bodies, Sinn Féin proposes:

- Directly elected representatives (selected by the d'Hondt system from either the Assembly or councils, depending on the remit of the Quango), which would make up the majority of board members.
- Directly elected consumer representatives having a non-executive status.
- 'Experts' elected by their sector and functioning under stringent equality regulations.

Sinn Féin accepts the requirement for tribunals to be seen as independent in their operations. However, we believe there is a need for a strategic oversight of their workings.

Sinn Féin opposes the undemocratic and unaccountable nature of Go-Cos. Where they exist, we propose that the boards of Go-Cos should be constituted in the same manner of those of Executive Public Bodies.

Unity

Sinn Féin views the omission of the All Ireland dimension in the RPA as extremely disappointing. The review needs to take account of how the proposed new structures will fit into an all-Ireland dimension. This pertains to both Quangos and councils.

Sinn Féin believes that it should be the responsibility of councils to co-ordinate and co-operate with the work of other councils throughout Ireland. Councils' involvement in spatial planning is of great significance here, especially for those Councils that lie along the Border Corridor. These Border Council Areas should have an obligation to include the Common Chapter Commitments in their development plans and promote cross-border interdepartmental support for the delivery of their plans through the Cross-Border Corridor Groups, Government departments, the SEUPB and the All-Ireland Ministerial Council.

Cross-border initiatives

Current EU proposals encourage governments to facilitate local government administrations to promote cohesion through the integration of border areas within the Union. Sinn Féin believes that this needs to be a core function, especially for those councils that will be contiguous with the border. We call for the maximum discretion allowed within the EU framework to be given to councils to allow them to carry out this important function.

Health

The division of health care services by the border has had a major detrimental effect on those populations living in the vicinity of the border. We believe that services should be based on the criteria of effectiveness and accessibility, rather than on arbitrary geographical lines. As a result, we are proposing that, where health care considerations warrant it, the remit of the new HPSS Agencies should be a cross-border one.

This, in turn, will mean that the co-ordinating and managerial functions of the Regional Forum will extend to areas of the 26 counties. In order to reflect this cross-

border remit, we propose that the Regional Forum be established and funded jointly by the DHSSPS and the DHC. To take into account the reality of health care along the border.

Roads

Partition has served to have a hugely negative impact for those who live in the Border region. The implementation of Integrated Area Plans, which Sinn Féin believes is the only viable option to redress the socio-economic deprivation experienced by Border Communities, would allow for the capacity to subsume into Local Councils crucial regional infrastructure planning. The key area of co-operation in transport cannot be ignored when addressing the island wide planning aspect central to developing roads infrastructure along the Border Corridor, developing economic growth, tourism and promoting job creation.

New Council Powers

Sinn Féin want to see a broadening of services provided by local, democratically accountable bodies. We are in favour of the transfer of all functions to councils listed in Section 4.3. Indeed, this list is too limited, involving less than 10% of governmental spend. Sinn Féin believe that a number of specific areas to be part of the council remit, including:

- Local public transport
- Procurement
- Environmental heritage including management of rivers and coasts

Community planning

Sinn Féin support the community planning role envisaged for local government, indeed we see it, along with the power of general competence, as an essential aspect of the reforms.

We believe that the community planning function should be set up on a statutory and enforceable basis, so that all agencies involved in the community plan are obliged to act according to that plan, as passed by the councils following genuine democratic participation in the formulation of the plan.

We believe that the four-year council cycle is too restrictive for effective community planning. We propose a 10-year planning cycle, containing three action plan/review cycles within it.

To ensure joined up government, it is essential that councils should have a statutory role in the formulation of regional plans, just as area based committees should have a formal role in informing plans as to localised needs.

Councils should also have a statutory role in the formulation of national plans that involve the integration of services on an all-Ireland basis.

Power of general competence

A local government 'power of general competence' or power of well-being would allow councils to make decisions that lie outside their prescribed roles providing they

act in good faith with best interests of the community and do not break any existing laws.

This would give councils the flexibility to act swiftly in response to particular circumstances, and to provide a 'joined-up' service that would overcome the problem of 'buck-passing' of responsibility from agency to agency. Councils should also have the power to charge departments for services that are carried out by the council where they are required and should have been the responsibility of the department.

Health, Education and Housing

The three biggest spending areas currently run by Executive Public Bodies are health and social services, education and housing. All of these should come under democratic accountability and strategic control. Some of that accountability and control will come under the aegis of the appropriate minister in the Executive, or, in the future, all Ireland institutions. However, this review is an opportunity for much of that accountability and control to become part of the function of the councils.

Sinn Féin supports the return of extra power to local government under the principle of enhancing local democratic accountability. However, our fundamental requirement in relation to the Review of Public Administration is that it ensures that all public bodies covered by the review – both councils and Quangos – are governed by rigorous statutory regulations.

Housing and Planning

The issue of ensuring equality and good governance is particularly sensitive in relation to the areas of housing and planning.

Councils should have a formal strategic role in conjunction with the Housing Executive and relevant Executive departments in the planning of housing provision, as an important part of the community planning exercise.

As stated previously, we also believe that the Housing Executive must be reformed and made democratically accountable.

In relation to planning, for planning powers to be given to councils, robust and effective equality provisions, along with provisions to prevent clientelism and political discrimination would be essential.

The councils' planning role should largely be at a strategic level, entailing spatial planning as part of community planning. Individual planning decisions should be considered under the guidance of comprehensive environmental and economic development criteria developed by councils in conjunction with the relevant Executive departments.

Health

The Health Service has been through a number of structural reviews in recent years and what is needed now is action. The Health Service is over managed with 19 trusts and 4 Boards

Our central concern is the need for democratic accountability and the need to ensure maximum efficiency of the service. We reject the confinement of health services within the border, and argue that where health care benefits will accrue from cross-border services these should be implemented.

Health is a designated area of co-operation under the terms of the Good Friday Agreement. Sinn Féin object to the omission of any mention of the all-Ireland dimension in the review.

Delivery Bodies

The number of HPSS Agencies must reflect the needs of a modern health Service. Sinn Féin have not yet considered the implications of the Appleton Report in this response but we remain convinced of the need for health bodies to be co-terminus with local government. While the figure of between 5 and 7 are realistic figures, the powers and make up of such Agencies are equally important. They need to be open and transparent with equality and democratic accountability both essential. Part of that accountability should be the co-terminosity of health bodies with councils.

The proposals that council representation is made up from nominations from elected representatives and Council Chief Executives should not be at the cost of reducing elected representation. It is also essential that staff side and service users are represented on these bodies.

A Regional Forum

We believe that the deployment of staff should be flexible in order to enable services to meet need as efficiently as possible. The Regional Forum should constitute the single unified employing authority for all staff with unified terms of employment and service-wide negotiating structures for collective bargaining.

The democratic deficit within the proposals for the Regional Forum must be addressed. There is to be no elected representative membership or staff side representation. The Forum's functions and powers need to be further clarified. To strengthen such a Forum and take advantage of the opportunity for greater efficiency and co-ordination of Health services on the island as whole, the Forum should:

- be responsible for the commissioning of all regional services.
- have an obligation to ensure maximum devolution of those services; to ensure that regional services are not the monopoly of Belfast hospitals, and, specifically, that the Hospitals West of the Bann are allocated regional services where these are clinically appropriate.
- be responsible for the co-ordination and development of managed clinical networks that relate to regional services.
- have management comprised, in addition to representatives from the DHSSPS, service users, health care staff directly elected by their peers, nominees of trades unions and professional bodies, and elected representatives.
- have terms of reference drawn up to include the requirement of maximum transparency.

Education

Sinn Féin supports the establishment of a single education body, rather than the two bodies currently being proposed. We accept that centralisation of educational

administration has the potential to promote equity of service provision and to simplify the delivery of services. In addition to containing representation from the various schooling sectors, it should also have democratic representation as laid out in our general proposals in relation to remaining quangos.

We believe the new authority should be located west of the Bann.

Sinn Fein has long promoted the concept of Learning Neighbourhoods, particularly as a mechanism to address inconsistencies in access to services, duplication, complicated accountability and lack of geographic alignment with other services. The development of ABCs and the Local Area Community Planning Forums would have a strong role in managing and developing learning neighbourhoods. To ensure that local communities are able to play a full role, it is essential that education services are the subject of community planning.

Councils should play a role in the running of the schools estates in order to ensure that those estates are used to their full potential as community resources and as the key focus of learning neighbourhoods.

Transport

The transfer of roads functions to Local Government would allow for economies of scale, increased levels of efficiency and a reduction in costs spread over seven Council Areas as opposed to 11 or 15 council structures.

There are two key considerations:

- Procurement
- Integrated area planning

The success of any transfer to local government must mean stringent, open and transparent accounting with adequate budgetary resources made available and ring fenced.

The procurement process for local road capital works plans must be subject to the full rigor and application of equality screening.

This must translate to long-term fiscal policy with minimum planning periods covering 10-year lifespan, with inbuilt robust review procedures. A key proviso must mean that the equality screening of all road policy be subject to a maximalist approach.

The Border Corridor Councils, as envisaged under the review, have an integral role in developing plans for local roads. The establishment of Integrated Area Plans must feature in any future strategy. This is not merely a joining together of the Regional Development Strategy (RDS), the National Spatial Strategy (NSS) and the National Development Plan (NDP).

The bulk of transport spending attributed to road building, must incorporate co-ordinated forward planning which would move us from the current situation of two internal road networks linked only by a small number of national roads, to a network servicing the whole island, not only built around Belfast and Dublin as hubs.

Sinn Féin is supportive of the transfer of powers on the basis that the funding for the services carried out by councils would be ring-fenced, and would not be part of the local rate burden.

In order to negate the current regional disparity in infrastructure, any new amalgamation of local government must adopt the power to plan for 'regional' road networks.

Sinn Féin's response on the Rural Planning Policy PPS14.

Sinn Féin engaged in a wide consultation on the Planning Policy Statement 14, published by the Department of Regional Development (DRD) on March 16th. Following this consultation process within the party and by means of public meetings and contributions sought from other key stakeholders Sinn Féin has formed the view that in the interests of rural communities the draft proposals on Rural Planning (PPS14) should be rejected in its entirety.

We also wish to register our complete opposition to the approach of the consultation process. The consultation on this draft policy was published, by way of a Ministerial statement on March 16th. However, the planning service have operated on the basis of the draft proposals from that date. This not only undermines the consultation process, it also sends out a signal that changes to this policy are unlikely to come about following the close of the consultation on June 9th.

We believe that if the proposals in PPS14 are adopted they will seriously mitigate against the objectives of a range of other policies such as New TSN, Shared Future and Section 75 itself. We are very concerned that the draft EQIA (for PPS14) with respect to the historic planning context East / West leaves open the view that the Department has discriminatory motives in setting this policy, as it will adversely affect not only nationalist communities, but also a range of Section 75 groups from across the community. Given the serious nature of our concerns we will be responding to the EQIA separately.

This policy has been ill thought out and has failed to understand the needs of rural communities. It ignores the traditional rural settlement pattern and has failed to understand the social and cultural traditions, such as rural community's sense of identity, kinship and close family connections. More importantly the Department has not taken into account the negative impacts such a policy would have on the long-term sustainability of rural communities.

There are also very serious issues raised by the failure to give clear figures on the number of homes actually being built within rural areas as opposed to figures for approvals or applications. Planning Service and Building Control do not keep figures for the number of homes built in rural areas.

These draft proposals in Planning Policy Statement 14 (PPS14) taken in tandem with the current drafting of area plans by the Department of the Environment's Planning Service, where many rural settlements, hamlets, villages and towns are having land de-zoned for housing will immediately create a rural housing crisis, which would continue for the duration of this policy.

There is a clear attempt to try and impose a British model of rural living onto rural communities living in Ireland where the nature, history and structure of rural communities is very different. Rural communities throughout England, Scotland and Wales have been seriously damaged by the implementation of a policy to force rural people to live in urban centres, resulting in most services to villages becoming unsustainable resulting in their closure.

People from rural communities have a right to live in rural areas and they have a right to demand that government policy supports sustainable development. Many people brought up in a rural community want to remain in a situation where they feel secure in the knowledge that they "belong" in that community, which is built upon strong

family connections. But, more importantly it is people living in rural communities that provide those communities with sustainability, by using local services, such as shops, post-offices and schools.

Family connections and sense of belonging in rural communities provide a support network that mitigates against many of the social problems, that are more prevalent in urban settings. Another significant factor which allows people in the countryside to build and own their homes is that many have been given a site or own the land on which a home is built.

This is a very important factor when considering social or affordable housing in a rural context, if these sites had to be purchased at market value, it would be impossible for many to afford a home; thereby adding pressure on housing stock in more urbanised centres, and contributing to social problems.

Sinn Féin believes that the restoration of the Assembly would allow a proper rural housing policy to be brought forward.

Sinn Féin believes that:-

1. Rural people coming from a particular community should have a right to live and make a home in that community. We want to see a point's based system, which can support the development of sustainable and vibrant rural communities. Such an approach should, would look at whether someone comes from that community, will they have a commitment to that community, etc..
2. We are proposing that when permission is granted, it is to an individual, under specific criteria; that they would be the only person who can take the development forward, throughout the build process, followed by an occupancy agreement. The planning process would be based on set criteria. We also propose a restriction in the number of planning permissions granted for one-off houses in the countryside to any individual.
3. Sinn Féin proposes that a guide for Rural House design be drawn up, that reflects the traditional rural style; this be implemented and enforced. We would support, in consultation with interested bodies, a limit on the size of houses, alongside a regional approach to the type of house and materials that could be used, particularly local materials.
4. Rural people must also be allowed to come together, where land is available, and in conjunction with the Housing Executive and Housing Associations to build homes. Sinn Féin also wish to see a specified amount (percentage) of land within designated development limits zoned for Affordable / Social housing.
5. The development of derelict dwellings can also allow depopulated and dispersed rural communities to be repopulated. These dwellings should be restored on or as close to the original dwelling as possible. A significant barrier to the restoration of derelict dwellings is that it is more expensive than a new build. Sinn Féin believes that removing the disparity between the reclamation of VAT on a new build but not on renovation could assist this.

SDLP Approach to Power-Sharing in Local Government July 2006

This paper deals with power-sharing and the management of Council business and builds on the party's policy outlined in the responses to the RPA consultations.

1. Legislation requiring power-sharing is essential.

Such legislation must include a code of conduct and anchor the role of the Council within existing section 75 requirements relation to equality and the promotion of good relations. Consistent with human rights and equality standards, the SDLP seeks a legislative basis to power-sharing that can guarantee four things:

- a) cross-community representation in the top posts (Chair, Vice-Chair etc.) of all Councils;
- b) proportional representation in Council nominations to all Committee posts and outside bodies;
- c) sufficient consensus on important decisions; and
- d) safeguards against partisan decision-making.

a) Cross-community representation in top posts

A number of SDLP-driven Councils rotate top posts to ensure a degree of cross-community representation even where it is not required on the basis of proportional representation. We believe that this sends an important message to the community that its representatives can work in partnership and that minority views are respected and embraced. We believe it is essential that such a requirement be included in the legislation.

b) Proportional representation in Committee posts and nominations

The SDLP would like to see a model employed that can deliver proportional representation of party strengths on all Committees and across nominations to outside bodies. To the extent possible, the mechanism should be used when each new Council is elected to determine all positions for the life of that Council.

The SDLP notes the research paper commissioned by the RPA and written by Hinds and Laughlin. We believe that their proposal for the use of the "Quota Greatest Remainder" model should be taken as a starting point given that their analysis found that it delivered a more proportionate outcome than the

D'Hondt, St Lague or STV models, whilst also encouraging negotiation on allocation of posts.

c) Sufficient consensus in decision-making

The SDLP wants to see a requirement for key decisions to be made on the basis of co-operation between the two main communities represented in any Council.

Given the proposals for 7 Councils, 5 of which would be heavily dominated by one side of the community, even a high-threshold weighted majority set at, for example, 75%, would enable key decisions to be taken without cross-community co-operation. The 3 unionist-majority Councils could achieve a 75% threshold by co-operation between UUP, DUP and the Alliance party.

Having studied the above-mentioned research by Hinds & Laughlin, the party would support a model of weighted majority voting where the threshold is defined by the size of the majority community on the Council plus an additional percentage, perhaps 10% of Councillors.

We would wish to see such a rule apply by definition to certain key decisions including the budget, area plan and any Council programme of action. We would also like to see such a mechanism designed to be available for other decisions if triggered through a petition of concern or similar mechanism set at around 15%. *[Note: nationalists are predicted to be in a minority of 20% on Inner East and North Down Councils and 24% in Antrim]*

The SDLP is aware of the argument that to enshrine safeguards based on community background is, by definition, to entrench division. The SDLP is firmly of the view, however, that such safeguards can allay concerns about the potential abuse of power, and thereby de-fuse the issue of nationalist and unionist political aspirations, allowing Councillors to work more effectively on day-to-day local issues. We believe within such a framework, working relationships will improve, the service offered to the public will improve and that there will be less and less reliance on the safeguards and less and less controversy attached to identity as it is seen to be respected and cherished rather than threatened.

Failure to tackle this issue until now has in our view dogged the work of Councils and inhibited them in their efforts to serve the community.

d) Safeguards against partisan decision-making

The SDLP calls for the creation of a Commissioner for Local Government, resourced and empowered to review decisions taken by Councils for due process, reasonableness and impartiality, similar to the work undertaken by an Ombudsman.

The Commissioner should be available on the basis of the call-in procedure to intervene promptly at the point of difficulty rather than through a lengthy review procedure when the decision is made and implemented.

- Consider mediation role for the Commissioner or other body to pre-empt deadlock giving rise to formal challenges.

The SDLP also wants to see the development of a statutory code of conduct for all Councillors.

In addition, it may be useful to establish a mechanism whereby a number of Councillors could refer a decision to the Assembly.

The details agreed by each Council in terms of power-sharing should be written down and adopted as the Council's Power-Sharing Plan.

The SDLP looks forward to further engagement on the development of such safeguards.

2. Governance & the Management of Council Business

The SDLP is looking for a system of managing Council business that can:

- provide accountability and transparency in decision-making
- promote partnership working between the parties on Council, particularly nationalist and unionist representatives
- ensure inclusion in policy development whilst also ensuring that Council business is managed efficiently and is not unduly bureaucratic
- boost public confidence in the capacity of Council to serve the public interest.

The party would not endorse the formal 'cabinet-style' approach but would be interested in the development of existing models more akin to a business-committee model, through which all parties are represented in a central committee, yet authority resides in the plenary Council. We believe such a change can help Councils to manage business more efficiently.

We are particularly committed to ensuring that all Councillors would have a full and meaningful role in Council and that no two-tier system should develop.

For this reason and to ensure transparency and accountability, the Party would also want to see Oversight and Scrutiny Committees established as part of such new arrangements.

While acknowledging that with increased powers, there may be less time for Councillors to get involved in detailed operational matters, the party wants to look in detail at what types of issues should be delegated to officers. We believe Councillors should retain a strong policy-making role and monitor the performance of Council overall.



**SDLP Response to
Review of Public Administration
Consultation Paper**

Review of Public Administration SDLP Response to Consultation Paper March 2004

Introduction

The SDLP welcomes the chance to respond to the consultation document published in October. While the party does not give unqualified support to any of the five models outlined, we believe nevertheless that the various options outlined provide a very useful basis for discussion on the future shape of public administration.

We believe that it is crucial that this debate proceed and that reform not be paralysed by political difficulties. Addressing particular difficulties in health administration, for example, simply cannot be deferred. The SDLP wishes to put on record, however, that we believe full implementation of reform, particularly regarding local government structures, should be conducted in the context of fully working institutions under the Agreement.

Prior to taking a view on structures and division of responsibility, the SDLP agreed a number of key principles that we believe must underpin any new arrangements:

- Quality of service provision
- Equality – fairness in access to services for all communities, geographic or needs-based and equality in public sector employment
- Value for Money
- Accountability

- Transparency
- Partnership & Inclusion: local input into decision-making, cross-community concerns
- Democratic nature of decision-making
- Responsiveness to public needs

This response will comment on each of the five possible models outlined in the consultation document, namely:

1. the status quo;
2. a centralised model which envisages major services being delivered directly by departments through a network of sub regional offices;
3. a model in which a major range of services are delivered by a number of regional and sub regional public bodies;
4. a variation on the status quo under which local government 's role is enhanced; and
5. a model under which local councils would assume responsibility for delivering virtually all public services at local level.

MODEL 1 – STATUS QUO

This model envisages no change to the current overall structure of public administration.

Central Government

The Executive and Assembly would be responsible for determining policy and provide accountability for public services in Northern Ireland. Government departments should provide policy advice and secure the delivery of services either directly, through agencies, public bodies or local government.

Public Bodies

Major public services, including education, housing, and health and personal social services would be delivered by a range of public bodies which operate either at a regional or sub regional level.

Local Government

Local Government would provide and be accountable for a limited range of services and exercise a civic leadership role.

Impact

There would be no structural changes in the system of public administration or in the responsibilities of the major sectors or levels of administration.

Comment:

The SDLP is opposed to retention of the status quo for a range of well-rehearsed reasons. In brief, the party has concerns about efficiency, accountability, equality, lack of coherence of boundaries, lack of local input and responsiveness.

MODEL 2 – CENTRALISED

Under this model all major public services would be delivered directly by government departments.

Central Government

Public accountability for all services would be exercised through the Executive and the Assembly. The Executive and the Assembly would determine policy, and government departments would both implement policy and directly deliver the major public services through a network of sub regional or regional offices.

Public Bodies

There would be only a few executive public bodies and some advisory bodies dealing with specialist subjects.

Local Government

Local government would have a minor role in service delivery but would provide representation and civic leadership.

Impact

This model would result in the transfer of large numbers of services to government departments. For example, education, housing and health and personal social services would all be managed centrally by the relevant government departments. Resource distribution across Northern Ireland would be managed service by service using objective criteria of need.

Comment:

The SDLP would not favour this centralised model. While we have expressed concerns about the accountability issues involved in the large volume of public money deployed by quangos, we

want to see further issues tackled. This is not to dismiss the valuable contribution made by many public bodies, however the SDLP is seeking improved local input and responsiveness as well as improved accountability through greater democratic oversight.

MODEL 3 – REGIONAL and SUB REGIONAL PUBLIC BODIES

Public services would be delivered by a range of public bodies operating either regionally or sub regionally.

Central Government

The Executive and the Assembly would be responsible for policy development and legislation. Government departments would continue to provide policy advice and funding and have an inspection role. Accountability would be provided by the Assembly and the Executive.

Public Bodies

Major public services including those currently delivered directly by departments and their agencies would be provided by a small number of public bodies, operating at a regional or sub regional level, with responsibilities for specific geographical areas. These bodies would operate under the direction of boards which could be directly elected or appointed by Ministers from council members or from a wider range of stakeholders.

Local Government

Local government would deliver only very local services but provide a civic leadership role.

Impact

This could result in a major transfer of services to a range of reformed and new organisations. For example, planning, and roads would transfer from central government to regional/sub regional public bodies. Similarly current local government functions such as waste management and economic development would move to the regional/sub regional bodies. Resources would be distributed to sub regional bodies on the basis of need. This would guarantee each sub region a share of resources but would limit the scope for region-wide planning and prioritisation.

Comment:

The SDLP would not support the development of Model 3 although it includes a positive suggestion regarding local responsiveness.

We have promoted the notion of a combined regional and sub-regional approach to service delivery to balance the need to enhance capacity to meet local need and ensure consistent standards of service while at the same time reviewing opportunities for greater region-wide planning where appropriate to improve efficiency and avoid duplication.

However, we would firmly oppose further transfer of powers from government to quangos and believe reform of local government is also required to enhance local input, accountability and responsiveness.

MODEL 4 – REFORMED STATUS QUO WITH ENHANCED LOCAL GOVERNMENT

While keeping the main features of the current system, local government would be given new responsibilities.

Central Government

The Assembly, Executive and government departments would exercise the same roles and functions as at present, although the role of departments in the direct delivery of services might be reduced.

Public Bodies

Most of the major public services would continue to be provided by public bodies, but the number of bodies would be greatly rationalised at both the regional or sub regional level.

Local Government

Local government would assume a community-planning role for their areas and have membership on all key public bodies which provide services in their areas. Some functions could be transferred from central government and public bodies. Local government would be accountable for the wider range of services they deliver.

Impact

Local government would play a greater role in the planning and strategic management of their areas, and could assume responsibility for related infrastructural functions. Depending on the extent and nature of services transferred, there could be a case for reducing the number of councils. However, a rationalised system of public bodies would remain to provide most public services. New arrangements would be needed to distribute resources to local government level to fund the enhanced range of services.

Comment:

The SDLP is not in favour of maintaining, much less increasing the powers exercised at arms length from government even if the number of bodies were rationalised in number. Reform of the operation of quangos is an essential element of this review, given that it is to be anticipated that a number of public bodies will

remain. Issues to be addressed include audit and democratic accountability as referred to above.

Positive elements of model 4 include the proposal to reduce the number of public bodies but further consideration is required of the range of functions currently discharged by quangos and executive agencies. The SDLP believes that some functions might be suitable for return to central government whilst others would be better exercised at local level. We welcome in principle the proposal to increase the role of local government; the SDLP would welcome further development of proposals on this subject. We address this subject further in our commentary on model 5 below.

MODEL 5 – STRONG LOCAL GOVERNMENT

Major public services would be the responsibility of a smaller number of new councils.

Central Government
The Assembly and Executive, through government departments, would set the strategic policy framework and standards and be accountable for these.

Public Bodies
The number of public bodies would be significantly reduced.

Local Government
New multi-functional local authorities would be responsible and accountable for the majority of public services and have a strong civic leadership role.

Impact
A considerable change would result from the adoption of this model with, for example, major public services such as planning, local infrastructure, housing and education potentially becoming the responsibility of councils. It is likely there would be a reduction in the number of councils, coupled with a significant development of governance arrangements. New arrangements would be needed to distribute resources to local government to fund the enhanced range of services. This would mean priorities could vary from area to area depending on decisions of councils and potentially significant changes in the patterns of service delivery could emerge.

Comment:

Local Input

The SDLP agrees in principle with the notion of increasing local input into service development and delivery. Indeed this is a central reason for the party's work to secure a review of public administration.

However, we believe that local democracy is not at the stage of development where the SDLP could support a wholesale transfer of powers without radical reform to ensure new protections in terms of voting rights, cross-community protections and new partnerships at local level. Many Councils do not operate effective partnerships. Lisburn City Council, to take a recent example of bad practice, excluded nationalists and others from all Chairmanships of Committees.

For example, while the party has grave concerns about the nature of the planning system, particularly in terms of policies, enforcement, third party appeal, local input and consultation, we are adamant that it would be totally unacceptable to give responsibility for planning back to local Councils under current circumstances. Planning decisions present particular challenges under normal political circumstances, but moreover, present local arrangements do not guarantee that decisions would be, and be seen to be, taken impartially without concerns arising about political or religious bias.

In the context of increasing Council powers, the SDLP is not convinced that the argument has been made for a smaller number of "super-Councils". In an age of increasing voter apathy

across Europe and beyond, we feel there is a strong case for retaining a sense of local identification with the bodies exercising responsibility on behalf of the public. This is also necessary if we are to ensure that public services are responsive to community needs. If boundaries are to change, they should reflect natural geographic communities rather than numerical /administrative analysis. Moreover, even if Council boundaries remain unchanged, we would like to explore the possibility of smaller localities creating a consultative group or partnership to ensure that the needs of distinct communities are recognised and addressed. We would anticipate that such groups would operate on a much more limited basis than Councils, with low level administrative support and cost.

Whilst highlighting the need for greater local input into decision-making and service delivery, we would also have concerns about the emergence of a 'post-code lottery' of service provision and wish to see local flexibility supported by objective targets to meet the public requirement of consistent, high standards in public services. This is addressed further below.

Partnership

As outlined, our opposition to 'super-Councils' does not mean that we believe greater powers should be devolved to existing Council structures without further reform. We are seeking far-reaching change in the manner of service development and delivery, with Councils as a hub of effective community partnerships, rooted in the communities they serve, yet reaching up and out to co-operate on a cross-Council, cross-border, multi-

agency basis, to meet the needs of their population and help to ensure 'joined-up' service provision.

As the party that advocated partnership politics, partnership government and social partnership, it will come as no surprise that the SDLP believes new partnerships must be central to a reformed system of public administration. This is why the SDLP proposed the Local Strategy Partnerships whereby elected representatives work alongside nominees from social partner organisations in considering local needs. We believe that the LSP constitutes a very useful model for the development of new approaches to the delivery of local services although there are significant lessons to be learned from their operation with a view to improving accountability, audit and effectiveness.

We further believe that a new partnership model could work in a radically different way with central government departments. In retaining its strategic role, the SDLP would like to see central government produce a budget line, basic criteria and targets in terms of public service provision. We do not believe that central government should necessarily manage services, however, or give direction on how targets should be met. Nor should service delivery be restricted to central government or quangos. Instead, under a new model, having established the budget and targets etc, central departments could invite bids from area partnerships (and others) for delivery of local services. This proposal has a number of advantages. First of all, it would allow local tailoring of public services to meet varied needs across the North, while at the same time promoting accountability and efficiency through targets for consistent, high quality service provision. In this way, each area could assess the needs of its population and develop

a bundle of relevant services, unique to those needs. In addition, areas could co-operate with neighbouring localities or others if necessary to meet targets by more cost-effective means. The SDLP believes this model could promote creativity, innovation and the evolution of higher standards. Projects would be evaluated after a number of years and criteria amended accordingly so that services are constantly improved. It is worth noting that there is already movement in this direction at central government level with the introduction of the Integrated Development Fund, the latest Executive Programme Fund, which will be open to bids emanating from outside government. Such a model would further be consistent with the party's commitment to balanced regional development and our proposals to decentralise government jobs and functions across the North.

The SDLP is very supportive of existing co-operation amongst groups of Councils, including for example the work being carried out on waste management. We believe there is great scope for building a system whereby the basic building blocks of the system, namely Councils, could co-operate with others according to issues involved. In this way, a Council or partnership with an interest in North coast tourism might co-operate in one configuration while participating in a different grouping with border Councils.

It is further the view of the SDLP that whatever decision is arrived at with regard to Council boundaries, such boundaries should form the administrative building blocks for all other services so that boundaries have the maximum degree of coherence.

Conclusion

While none of the proposed models meets all the concerns of the SDLP, we see merit in considering elements of models 3,4 & 5 as described above. In these models, we see elements reflecting the key principles against which the party believes a new system should be measured. We believe that there is an urgent need for more detailed consideration of cross-cutting issues such as equality, accountability models and cross-community protections both in terms of current and future models. Issues of equality of access to services and equality in public sector employment, remain largely unexplored in terms in this document – even under current structures – despite the obligation on government under section 75 (of the Northern Ireland Act) to mainstream equality considerations into policy development. In the context of a more detailed model being proposed, we will return to issues of equality, accountability, cross-community protections and other key principles, in greater depth.



**SDLP Response to the
Review of Public Administration
Further Consultation**

October 2005

SDLP Response to the Review of Public Administration Further Consultation

Introduction

The SDLP welcomes the opportunity to respond to the further consultation on the Review of Public Administration. We commend the review team on the thorough consultation to date and on the wide-ranging research undertaken in difficult circumstances given the ongoing suspension of devolution.

We must, however, express reservations about the extent to which the current consultation can be taken as a blueprint for wholesale reform of the public sector. The document focuses heavily on local government, setting out much less developed proposals for reform of the 80+ public bodies other than in health and education (albeit that these are responsible for the bulk of public spending). Given that concerns about public bodies were central in provoking demand for the Review, this has given rise to concerns that the outcome could be more of a cost-cutting exercise than the radical rethink we had hoped for.

The Review cannot be divorced from its political context. This is a divided society emerging from conflict; this factor alone increases the importance of delivering accessible, effective and representative democratic structures across the North. Ongoing political difficulties including the suspension of local institutions have damaged public trust in the institutions of democracy, in politics and in each other – in our capacity as a society to work together to deliver a better future. All of this adds depth and complexity to the challenges which seem to be presented in the document as mainly bureaucratic and financial.

The SDLP was central in establishing this Review and we want to see widespread reform. We pioneered partnership in Councils and in government. We want to see this Review place partnership at the heart of public services to deliver more and better for the public. Structures are certainly important but we need to reform the way we do business. Modernising government requires change across the board, a culture change that we believe should have partnership at its heart – partnership between political parties, partnership between different services, between professions, between public, community, voluntary and private sectors. From this perspective, this Review is at an early stage.

An example lies in the lack of substance behind the proposal for 'new partnerships' between community and voluntary sector in service delivery. This proposal was referred to in the introduction to the document as though it was one of the core recommendations for reform, yet the body of the text gives little sense of what form this might take. We did not expect the consultation to be prescriptive in every detail but it was anticipated that it

might outline whether or not there would be a statutory consultative role for the sector, or whether they might bid for delivery of services, for example.

The SDLP remains convinced that devolving power to reformed local government, restructuring public bodies and establishing new practices and partnerships can together encourage innovation and efficiency in Councils and amongst service providers as they work to meet common standards and improve services to the public.

This Review was commissioned during devolution; our view remains that local government reform must take place within the context of fully functional local institutions and north-south structures.

The following principles were outlined in our initial submission and remain critical to our assessment of the recommendations:

- Quality of service provision
- Equality – fairness in access to services for all communities, geographic or needs-based and equality in public sector employment
- Value for Money
- Accountability
- Transparency
- Partnership & Inclusion: local input into decision-making, cross-community concerns
- Democratic nature of decision-making (representation safeguards, voting safeguards)
- Responsiveness to public needs

In addition, we would emphasise that the principles set out in *A Shared Future* must inform all aspects of government.

Chapter 4 – Local Government

Before answering the questions put, the SDLP would like to make a number of related points. As stated above, the party believes the Review has focused excessively on local government, setting out much less developed proposals for reform of public bodies other than in health and education.

The SDLP wishes to see strong and effective local government, firmly rooted in, and representative of, the community it serves. We are committed to the principle of 'subsidiarity', believing in other words, that decisions should be taken as close as possible to the people they affect.

We want to see the reform of local government taking place as part of the modernisation of government as a whole to ensure that public services are planned and delivered as effectively as possible, in accordance with the highest standards of democracy and in full compliance with accepted codes of human and civil rights.

The SDLP is disappointed to note, under the heading of Local Government Finance, no explicit reference to key government policies on New Targeting

Support for power of well-being

The SDLP is interested in the notion of a general power of 'well-being' that might encourage Councils in the direction of co-ordinated strategies to improve the quality of life of their citizens (in economic, social or environmental terms). In this respect, a role should be defined for Local Government in public health, particularly given the obvious links with leisure, neighbourhood renewal and environmental improvements over which Councils should have control.

Community Relations

As we set out in our submission on A Shared Future, the SDLP wants to see Councils delivering a more ambitious community relations programme, consistent with new standards set out and monitored by a reformed Community Relations Council (further detail below, pg.14). This is another area in which it is critical to engage closely with local partners in the community and voluntary sectors.

Power to create external partnerships

Councils will require an explicit power to create and participate in partnership bodies and cross-border bodies established as companies limited by guarantee if the current legal difficulties have not been finally resolved prior to the conclusion of this Review.

1(b). What are your views on the transfer to local government of responsibility for local roads and libraries?

Support for transfer of roads

As set out above and in the context of adequate legislative safeguards on decision-making and representation, the SDLP wishes to see the transfer of additional powers to Local Government, consistent with principles of efficiency, excellence in service delivery etc. We would therefore support the transfer of maximum responsibility for local roads, excluding trunk roads and railways (option 1 as outlined in Annexe 1, pg.55). We are committed however to exploring the options to minimise any loss of economies of scale through, for example, co-operation between Councils.

Library system

In relation to the management of the library system, we are aware of concerns about the potential loss of linkages with the education sector (including lifelong learning) and would wish to see this protected under any new arrangements. The SDLP, however, places great weight on the importance of libraries as a community resource. We believe that with local government taking on greater responsibility for leisure and youth service provision as discussed below, plus perhaps at some point supporting the extended use of school facilities, there is scope to improve the package of educational, cultural and recreational facilities available to young people and the wider public through Councils taking greater responsibility for library services. There will also be a need to retain strong links between all libraries.

Funding critical regarding roads and libraries

The Party's concerns about funding, expressed above, are particularly important in respect of roads and libraries. Given the high costs associated with the former, public confidence in the new system could easily be undermined should powers be transferred to local government without requisite funds. The respective responsibilities of central and local government will need to be more precisely defined in relation to roads, addressing issues including liability. Meanwhile many libraries have suffered the effects of long-term under-funding and require investment and upgrading prior to transfer.

2. Which of the three options for local government described and compared in paragraphs 4.29 to 4.47 do you believe would be best?

Opposition to 7 Council model

For the reasons set out below, the SDLP is strongly opposed to the 7-Council model.

Historic Context

We do not believe the proposals reflect adequate consideration of the historic context in which this Review occurs. After decades of conflict, there is an acute need to engage effectively with citizens, to tackle the pervasive distrust of politics – and each other – that so limit the capacity of communities to work together to rebuild local economies and reshape public services to meet their needs. We believe that the best way to start tackling alienation from the 'system' and building a shared society, is to create opportunities for people to work together and be represented as close to home as possible so that participation and partnership can be seen to deliver visible benefits on the doorstep.

'Balkanisation'

Moreover, a reduction down to 7 Councils could have serious implications for community relations through what has been referred to as 'balkanisation' of the North, creating large areas dominated by one community and making power-sharing more difficult to establish.

Responsiveness to local need

The SDLP would challenge the conclusions drawn from the research on 'local identity'. First of all, we believe that the results relate in part to the conflict of recent decades and the fact of Councils having had a reduced role over that period. Secondly, and more importantly, we would contend that whatever their reaction the issue in principle, our constituents rightly demand that their views be heard and taken into account in the development and delivery of public services. They want access to quality services but also to those making decisions about services provided to them. Equally, they want easy access to local representatives empowered to promote the area and respond quickly to local challenges. We believe that this cannot be effectively achieved through 7 Councils. The very purpose of local government would, in our view, be called into question should it span the large geographic areas suggested.

Democratic rights and improved services

It is the view of the SDLP that this report has placed excessive emphasis on up-front financial savings at the expense of democratic rights and the potential to improve service delivery, thereby making it more efficient.

We acknowledge the importance of efficiency but would also emphasise that democracy, of its nature, requires investment, particularly in a mainly rural region. It is also an extremely valuable asset to community life. We believe that investment in visible, accessible, responsive and genuinely local government can deliver significant benefits in helping to develop a dynamic, cohesive community.

We further believe that efficiency and effectiveness relate more to management than to size. With good management and co-operation between Councils, we further believe that a larger number of Councils can operate at similar costs to that of 7 Councils while delivering greater efficiency in terms of services tailored to match local need.

Centralisation

A reduction to only 7 Council areas could be seen as a move towards organising our economy around only 7 centres. Once again we believe that this would not be in the best interests of our rural communities. There would inevitably be a sense of loss and remoteness in areas furthest from the new centres. Moreover, an attempt to shoe-horn our regional towns into such a model would create unnecessary and unhelpful tensions between them.

Voter apathy

In an age of increasing voter apathy, with non-voters frequently citing lack of connection with the institutions of democracy as a reason for their disengagement, we believe a reduction to 7 Councils would be unhelpful.

SDLP Preferred Option

Local government should live up to its name, helping to ensure that individuals (and businesses or social partners) have easy and familiar access to institutions of democracy and the flexibility and responsiveness to local needs that can best be delivered through a body with a narrower focus.

The SDLP believes that a model based on up to 15 Councils will create bodies with big enough population bases and budgets to take on significant responsibilities. The exact number of Councils is, however, less important than the creation of cohesive Council areas. We are not persuaded that any of the models set out – which simply amalgamate existing administrative units – achieve this and believe that significant additional work will be required to configure the new Councils under any new model. To reduce the effects of 'balkanisation', it will be important to try to achieve a degree of balance in each Council area so that the unionist or nationalist minority community in any area is of a significant size. We are content that such a number of Councils could relate to health and education bodies on a 1:1 or 2:1 basis and still benefit from closer integration of services enabled by coterminous boundaries.

We would contend that given the range of factors affecting the performance of Councils, they need not serve populations of equal size to be effective.

Equality

We note the research on profiles of social needs indicators for the various Council models discussed. We believe that given the other factors set out, we can best promote equality in the context of more accessible, responsive and flexible arrangements possible with up to 15 Councils. We recognise that with 15 Councils, some will have weaker rateable bases and want to see a funding formula that can guarantee a fair distribution of resources.

Civic Councils

In relation to the proposed Civic Councils, the SDLP would not wish to see an additional tier of government created as a result of this Review. As stated in our earlier submission, however, we are interested in developing a stronger social partnership approach to local government. We want to see social partners becoming more involved in service delivery. We feel that under a reduced number of Councils it would be helpful to build on the work of local strategy partnerships to date, bringing them into closer working relationships with Councils. The social partnership model brings many benefits, not least the influence of those with particular expertise and the opportunity to ensure that democracy is fully representative of all walks of life. We would want to see the opportunity taken to ensure that the social partnership enhances equality, not just geographically but securing the participation of the groups referred to under the 'section 75' equality duty (gender, disability, race, age etc.).

Co-operation and North-South development

The reduction to 15 Councils would by no means reduce the need for co-operation between Councils. The SDLP would support increased co-operation between Council groupings on matters of common interest within the North and on an all-Ireland basis, particularly in border areas. This will be extremely important as Councils take on additional responsibilities and may help address any concern about the potential loss of efficiency as services are delivered locally. There are obvious opportunities with respect to waste management, economic development and recreation.

3. The principle of statutory safeguards and standards is accepted but what form should these take?

Consistent with human rights and equality standards, the SDLP seeks legislative requirement for power-sharing that can guarantee four things:

- a) cross-community representation in the top posts of all Councils;
- b) proportional representation in Council nominations to all Committee posts and outside bodies;
- c) sufficient consensus on important decisions; and
- d) safeguards against partisan decision-making.

a) Cross-community representation in top posts

A number of SDLP-driven Councils rotate top posts to ensure a degree of cross-community representation even where it is not required on the basis of

proportional representation. We believe that this sends an important message to the community that its representatives can work in partnership and that minority views are respected and embraced. We would like to see a model of this sort defined in legislation.

b) Proportional representation in Committee posts and nominations

The SDLP would like to see a model employed that can deliver proportional representation of party strengths on all Committees and across nominations to outside bodies. To the extent possible, the mechanism should be used when each new Council is elected to determine all positions for the life of that Council.

c) Sufficient consensus in decision-making

The SDLP wants to see a requirement for key decisions to achieve 'sufficient consensus' (details to be defined) across the two main communities represented in any Council.

We would consider the 60:40:40 version of qualified majority voting¹ used in the Assembly as a starting point although we acknowledge that this becomes very difficult where Councils are dominated almost exclusively by representatives of one community.

We would wish to see such a rule apply by definition to certain key decisions including the budget, area plan and any Council programme of action. We would also like to see such a mechanism designed to be available if required for other decisions under defined circumstances (e.g. decisions with significant budgetary implications, decisions with an impact on one community) through the use of a petition of concern or similar trigger mechanism.

The SDLP is aware of the argument that to enshrine safeguards based on community background is, by definition, to entrench division. The SDLP is firmly of the view, however, that such safeguards can allay concerns about the potential abuse of power, and thereby de-fuse the issue of nationalist and unionist aspirations allowing Councillors to work more effectively on day-to-day local issues. We believe within such a framework, working relationships will improve, the service offered to the public will improve and that there will be less and less reliance on the safeguards and less and less controversy attached to identity as it is seen to be respected and cherished rather than threatened.

Failure to tackle this issue until now has in our view dogged the work of Councils and inhibited them in their efforts to serve the community.

d) Safeguards against partisan decision-making

The SDLP calls for the creation of a Commissioner for Local Government, resourced and empowered to review decisions taken by Councils for due process, reasonableness and impartiality, similar to the work undertaken by an Ombudsman.

¹ Under the 60:40:40 rule, relevant decisions must attract 60% of the votes in total plus the support of 40% of the representatives of each main community.

The SDLP would also want to see the development of a statutory code of conduct for all Councillors.

In addition, it may be useful to establish a mechanism whereby a number of Councillors could refer a decision to the Assembly.

The party will make further comment on the publication of forthcoming research on possible models of safeguards.

4. Do you believe there should be a one-off severance package introduced for councillors as part of the RPA reforms?

As responsibilities increase under the reforms proposed, with greater skills and commitment required from Councillors, we would like to see further detail and the levels of training and support to be provided as well as the remuneration offered both during and after any term in office. The new terms should also be supported by a statutory code of conduct. Since many existing Councillors might effectively be made redundant without any compensation, we would further submit that consideration be given to making a one-off payment to retiring Councillors particularly those who have given long years of service to their communities through the most difficult days of the conflict.

Chapter 5 – Health and Social Services

In addition to structural reform discussed below, the SDLP wants to see broader changes in health and social services including:

- **A greater focus on health promotion and well-being** to minimise disease and ill-health. The Health Promotion Agency should work to bring about a culture change so that every health professional and every agency is prioritising health promotion and disease prevention. It should further be empowered to bring together the relevant health and lifestyle indicators, monitor the impact of the health bodies on these indicators and influence their work in promoting a positive health agenda and tackling challenging lifestyles.
We believe there may be a role for Local Government in this, particularly given the obvious links with leisure, neighbourhood renewal and environmental improvements over which Councils may have control. This becomes more relevant if Councils secure the power of 'well-being'.
- **The creation of a "bottom-up" primary-care led health service** such that primary care professionals working in partnership, are resourced and empowered to deliver services as close to the patient as possible, to ensure early intervention and comprehensive needs-assessment and through this work to minimise the need for acute care.
- **Improved management & increased resources:** existing structures have contributed to overlap and duplication in management and strategic roles, which need to be addressed in the new system. While questions remain

about the deployment of resources, the SDLP will continue to challenge the notion that adequate resources are going into health. Strong management is essential but the budget remains below the EU average and waiting times for treatment remain unacceptable.

- **Improved audit and accountability:** we have additional concerns about the audit and accountability systems in the service for tracking deployment of funds and wish to see this improved under the new system. Regardless of the final structures and responsibilities agreed, we believe there is a need for clear checks and balances in terms of decision-making about spending.
- **A clear distinction between NHS work and private work:** while people have a right to choose private care, the health service is being undermined by a failure to separate clearly the time and resources devoted to NHS care from that available to private patients.
- **Increased cross-border co-operation:** it makes sense on such a small, mainly rural, island where so many people cross borders regularly, to share expertise and experience. Co-operation can also maximise opportunities for investment in specialist services and equipment which might otherwise be unaffordable in either jurisdiction.

5. What are your views on the proposal that there should be five or seven HPSS Agencies to replace the current four Boards and eighteen Trusts?

The SDLP supports the proposal to simplify and streamline the administrative structures of the health service, and indeed has called for such action for many years. A reduction to 5 or 7 Agencies would be very welcome and should be designed in tandem with new Councils so that they can relate to the Agencies on a 1:1 or 2:1 basis.

We want to see the new Agencies prioritise the delivery of seamless care through managed clinical networks so that the patient's journey is co-ordinated right from the first visit to the GP through any clinical tests, hospital treatment, follow-up therapy and discharge without hiatus, breakdown in communication or repetitive form-filling.

The new Agencies must work on the basis of genuine partnership so that all health and allied professionals (e.g. Occupational Therapists, Physiotherapists) are represented equitably throughout the system from policy development, to commissioning and delivering services. We believe that the failure to implement partnership-working has contributed to serious inefficiencies in the system such as delayed discharges in acute care (due to under-funding of social care) and general acute care pressures due to insufficient resources in primary care to treat minor complaints quickly. It is only through partnership and by delivering seamless care that we will avoid blockages in the system.

6. What are your views on the proposal to reduce the existing Regional Service bodies from six to four or five?

Yes, the SDLP accepts that limited change is required here since a number of services are best managed and delivered on a regional basis to avoid duplication.

7. What are your views on the proposal to replace the four Health and Social Services Councils with one regional body?

The party would support the creation of a regional body, particularly if it were resourced and empowered to conduct research and protect public interests more effectively than the current bodies.

Equality of access to services and consistency of treatment, remain live issues. We therefore believe that health consumers' interests should also be represented at local level, on the basis of the new health agencies, at least for two Council terms while the structural re-organisation is being implemented.

Following the publication of the Appleby Report, we wish to study the RPA proposals further in light of the new recommendations and will make further comment in due course.

Chapter 6 - Education

8. What are your views on the re-organisation of education and youth support services set out in this chapter?

The SDLP wants to see equality and partnership at the heart of our education system. Regardless of the structures chosen, we believe that government should clearly state a long-term commitment to recognising the right of parents to choose the sector within which they wish their child to be educated. In the context of deeper partnerships between schools, including sharing of resources, we want to see each sector given the appropriate funding and flexibility to allow schools to provide the distinctive learning experiences that parents expect.

We support proposals to focus the Department's activity on policy-making, standard-setting and monitoring etc as set out in paragraph 6.6.

We further welcome the bringing together of functions provided by the 5 Boards, which should create opportunities for greater consistency and efficiency-savings. We do not, however, see the need for two separate bodies – the Education Support Body and the Teacher and Curriculum Support Body – and believe that the functions outlined could be performed in a more co-ordinated way by a single body. Neither do we believe that the case has been made for the break-up of the Council for Curriculum Examinations and Assessment (CCEA).

SDLP would like to see the legislation require a closer working relationship between the new body and CCMS (Council for Catholic Maintained Schools), NICIE (NI Council for Integrated Education) and CnaG (Comhairle na Gaelscolaiochta), integrating their work to create more consistency and cohesion across the education system. Powers need not transfer wholesale from these bodies so long as they are exercised in a more co-ordinated way. The legislation might, for example, require mutual consultation in addressing falling rolls in a given area and help promote the sharing of resources, including accommodation and staff, while meeting parents' preferences for the type of education they wish for their child.

We are strongly of the view that the implementation of these proposals must not contribute to the centralisation of staff to the Greater Belfast area and look forward to seeing more detailed proposals on staffing arrangements consistent with the government's commitment to decentralisation and balanced regional development.

As on all remaining public bodies, accountability arrangements will need to be examined to ensure democratic oversight through strong public representation.

The SDLP would hope that as the arrangements proposed here and in the Costello Report are implemented, the partnerships proposed might evolve and take us closer to a shared society.

9. How do you feel that needs at local level can best be reflected under these arrangements?

There will be a need for outreach offices of the regional Education body to deliver accessible services across the North. This will help avoid centralisation and make use of existing resources where possible.

Equally, we believe that there is scope for Councils to support local education. Councils should involve young people, parents and schools, support co-operation between schools and work to ensure the best use of educational and community facilities, from playing fields to transport, through sharing and out-of-hours use.

While not supporting the Burns proposal for highly structured "Collegiates" bringing schools together, the SDLP does nevertheless recognise that closer partnerships between schools are required. Local schools partnerships can:

- ensure that every child is offered the widest possible range of subjects/ opportunities, and the flexibility to meet his/her changing needs;
- address the issue of falling roles; and
- help to maintain opportunities for children to receive the desired type of education close to home.

We believe that the Local Management of Schools initiative must be reviewed and in particular believe that teachers' salaries should be removed from delegated budgets so that children's education is not negatively affected by schools having to trade off teaching staff against essential resources.

10. Which of the two options offers the best model upon which to build future Youth Service provision? Are there better alternatives?

The SDLP believes that the needs of young people in Northern Ireland are not being adequately addressed. In the context of reform we have looked at these proposals to see if they can improve the services available to our young people.

Under any new arrangements, we would want to protect the quality and consistency of the youth service curriculum and the predominantly educational nature of the service provided.

We are further aware of concerns among the youth work profession about their position under new arrangements. We would wish to see the status of the profession protected in new arrangements.

The SDLP would suggest that the responsibility for policy and the curriculum be transferred to the new Single Education Body with a strong consultative role for local government, which would deliver the service. In the context of transferring additional powers to Councils including leisure and library services and perhaps in the future some responsibility for aspects of school facilities, we believe that there is an opportunity to offer an improved and better co-ordinated package of educational, cultural and recreational facilities to young people in a given area.

The changes proposed would also create opportunities for local government to engage directly with young people, allowing their voices to be heard and encouraging debate. Councils could in this way support schools as they teach the citizenship studies curriculum, encouraging participation in society through awareness of rights, responsibilities and opportunities.

Chapter 7 – Public Bodies and Executive Agencies

11. Which of the two approaches on public bodies outlined here should be followed – that is, either a policy decision that there should be none; or an approach in which their numbers are reduced and their accountability is improved.

Given the widespread and well-rehearsed concerns about the number and role of public bodies, SDLP Members have expressed disappointment that the Review did not put forward more detailed proposals for the reform of public bodies in terms of services that might be better transferred back into parent departments and those that might be better delivered by local government.

For this reason we are not (yet) persuaded that proposals overall will amount to the radical reshaping of public administration that was anticipated.

As set out in our previous submission:

- the SDLP remains of the view that the number of public bodies and agencies should be reduced and that accountability should be improved for those that remain;
- we acknowledge, however, the good work being done by a number of bodies and would not wish to see that put in jeopardy; and
- we therefore continue to believe that role of each body should be examined on its own merits.

12. What are your views on the future of the individual bodies listed in Appendices 6,7 & 8.

The SDLP looks forward to further research into the role and performance of public bodies and will make further comment on individual bodies at that time.

For the moment, we would like to register the following views on some of the bodies most closely related to the Good Friday Agreement:

Policing Board, Police Ombudsman – The SDLP agrees with the Patten report that there should be no reduction in powers now or on devolution of justice. Devolution of justice should not mean any increase in powers for the Minister for Justice over the Board or Ombudsman. That would be contrary to Patten and inimical to the checks and balances inherent in the tripartite relationship.

Oversight Commissioner – The Commissioner is necessary to monitor implementation of the Patten report. His remit was renewed earlier this year. The SDLP will make a judgement on whether further renewal is required based on progress in completing Patten's implementation in the coming period.

Equality Commission and NI Human Rights Commission – These bodies were established following the Good Friday Agreement and have important roles to play in its implementation. Retaining independence is a core requirement of the Agreement and of the UN's 'Paris Principles'.

Also, we do not favour any merger of the NIHRC and Equality Commissions since they have distinct roles and functions. The Equality Commission has undergone major institutional change since merger of the original equality bodies. It has also assumed new functions on sexual orientation and on age and is likely to acquire further functions under the proposed Single Equality Bill. Merger with the Human Rights Commission would be far too much change in a short period.

Further, the work of the Equality Commission is largely accepted throughout the community. The same cannot be said of the NIHRC. Merger of the two would be liable to re-politicise areas like fair employment monitoring - to the detriment of the more mature level of debate on these issues at present.

Children's Commissioner – Once again this body must remain independent - the whole point is to have an independent watchdog on children's issues.

Community Relations Council - As per the SDLP submission on a Shared Future submitted to OFMDFM, the SDLP believes that change is needed here, but that change needs to be carefully thought through. One of the keys to improving community relations is engaging politicians at local level - as well as other local stakeholders. The SDLP has therefore favoured a more ambitious successor to the District Councils' community relations programme. But we are also clear that much of the spending on community relations by District Councils (especially in some areas) is of poor quality and brings little in terms of community relations benefits. This is another area in which it is critical to engage closely with local partners in the community and voluntary sectors.

The SDLP therefore believes that the CRC, currently a charity, should be made an NDPB with important statutory powers to:

- draw up requirements for District Councils on the operation of their programmes;
- **audit** the implementation of those requirements;
- approve the strategic plans of District Councils;
- where a District Council has not drawn up a satisfactory strategic plan or is not abiding by requirements for the programme, to refuse the release of funding for that District Council for community relations and for the new community relations body to be able to administer that programme directly for that area.

The debate on community relations is closely linked to the issue of power-sharing. Without leading by example through power-sharing, no District Council is competent to perform community relations functions.

Victims' Commissioner - Again it is important that this function be carried out independently. That is the whole point of the establishment of the Commission.

Section 75 - This will be the subject of a separate review by the Equality Commission next year. It would be inappropriate therefore for the RPA to consider the balance of functions between the devolved administration, other public authorities, the Secretary of State and the Equality Commission.

13. What are your views on the nomination of Councillors to the Boards of public bodies?

The involvement of elected representatives on the Boards of public bodies is key to public accountability, connecting the work of the bodies to the electorate via the Council. We therefore believe that Councillors must therefore form a significant block on such bodies.

14. Do you believe the use of Executive Agencies should be a matter for individual departmental Ministers?

No, we believe that following the additional research proposed on the future of public bodies, strategic decisions should be taken about all existing bodies. Future proposals for the creation of bodies should require approval by the Executive.

Chapter 8 – Managing the Change

15. How do you believe the leadership skills and capacity of Northern Ireland public sector can best be developed?

Public sector workers must be acknowledged for the major contribution they make to our quality of life, often working in challenging conditions and even becoming targets for paramilitaries and others throughout recent decades.

The SDLP has some concern about the potential loss of expertise as the Review is implemented. There must be transparency and dialogue as the review progresses. We want to see this Review deliver tangible benefits, not just for the public but for public sector workers, allowing them to get more out of the effort they put in, improving decision-making and management practices, for example, or allowing more workers to travel shorter distances to work.

Chapter 11 – Additional Comments.

16. Have you any comments on any other issues in this document that are not covered by the questions in the earlier Chapters?

We support the notion of a two-tier model of public administration, as on most issues there is a clear need for a regional approach as well as local action. We do not wish to see resources wasted through unnecessary duplication as a result of this Review. In implementing change, there will be a need for clear demarcation of responsibility between central departments, local government, partner organisations and public bodies. This will need to be defined in legislation.

Chapter 9 – Implementation and Efficiency

In expanding opportunities for local service-delivery, the SDLP wants to see existing networks of community infrastructure fully utilised such as community centres and Citizens' Advice Bureaux.

We have raised concerns about the lack of development to date of proposals to develop partnerships with the community and voluntary sector. We are open to the possibility of partnership with the private sector but have ongoing concerns about value for money and the implications for public sector workers.

The SDLP would like to see more information on the plans to ensure that implementation fits with existing government policies and commitments such as decentralisation, equality and new TSN. We would further seek a guarantee that any efficiency savings delivered through reform will be deployed into front-line services.

SDLP Response to PPS14 – Sustainable Development in the Countryside (Consultation Document)

Introduction

The Direct Rule Administration has attempted to justify Planning Policy Statement 14 as necessary to “**manage growth in the countryside to achieve appropriate and sustainable patterns of development that meet the essential needs of a vibrant rural community**”. It will not. It will strangle vibrant rural communities. The impact of this planning policy will have far reaching implications both for effectively managing the physical and environmental landscape, but also on local jobs, schools, businesses, the rural post offices, sporting organisations – the very fabric of rural life. It simply misses the point that the countryside is about people, and that the ultimate impact of this document, if the contents are implemented, is that there will be a serious decline in the rural population. PPS14 will be justifiably resisted by the rural community, and in fact opposition to it's implementation is already rife.

Another objective stated by the Government is to “**improve the accessibility of the rural community to employment services and regional amenities**”. No, it is in fact crudely anti-development. In his statement of 16th March, the Minister for Regional Development said clearly that PPS14 “**proposes a presumption against development in the countryside**”.

The then Minister also stated “**strict controls on development will operate to meet the essential needs of the rural community**”. . How will the Minister's statement sustain the rural way of life over the next 20/25 years? How can he both protect vibrant communities and the sustaining of the homes and their way of life?. That is the challenge to the Direct Rule administration. These inherent contradictions suggest it is simply another example of the government saying no in several different ways.

PPS14 takes no cognisance of the fact that we have a rural way of life and culture in Northern Ireland, and that this document will simply fragment that culture.

The principal objective of any rural planning policy should be to sustain indigenous communities, and PPS14 does not provide for that concept.

Background

The Direct Rule administration has been particularly dictatorial in its programme for managing the development of the countryside. Already, for instance Draft Area Plans for certain parts of Northern Ireland such as Ards/Down and Magherafelt Districts have been implemented in advance of the Planning Inquiry hearings through the Joint Ministerial Statement of the 31st January 2005. This means that the greater part of these specified areas are designated greenbelt with people having to prove

need to live in a rural area. The role of the Planning Appeals Commission has been usurped, and the consultation measures for the Area Plan process have been rendered meaningless by the imposition of the Joint Ministerial Statement.

PPS14 was issued for consultation on the 16th March, but in fact it superseded all previous planning policies for the rural area and all new planning applications submitted from 17th March will be judged against this new dictat. .

Furthermore, PPS14, along, with many other undemocratic policies already introduced by the Direct Rule Administration including the Review of Public Administration, Review of Rating Policy, Review of the Educational Estate, the hike in the regional rate, and the introduction of water charges will have a profound impact on our rural way of life. Undoubtedly, the political, environmental, economic and social landscape of Northern Ireland will be drastically changed over the next number of years as a result of the cumulative effect of all these policies.

It is also worth noting that for many years the Department of the Environment and Planning Service have been totally inconsistent in their approach to rural planning applications. This led not only to an unequal distribution of development, but also to a to an inconsistent approach to location, siting and design. .

Undoubtedly, PPS14 was precipitated by the upsurge of rural planning applications in the countryside fuelled by property developers who took advantage of that situation. However, PPS14 will not address this problem; it will hurt rural communities and rural families who wish to sustain their way of life.

Specifics in PPS14

Settlement definition

There is no definition of a settlement in this document, and in fact the Dispersed Rural Settlement which was indigenous to the Irish way of life has been eradicated from this document. There is a compelling need to restore planning policy statement HOU 7 which existed in the Rural Planning Strategy for Northern Ireland 1993 which not only defined a dispersed rural settlement but made provision for it in planning policy. It is worth noting that people in the countryside have an attachment to the parish and townland. That should be preserved in some manner in rural planning policy.

Special Circumstances

Special circumstances will no longer be taken into account. This runs contrary to natural justice and may contravene Article 8 of the Human Rights Act. For example, there is no opportunity for hardship cases similar to the current policy HOU12 and the policies for Farm Dwellings and Dwellings for Retiring Farmers make no allowance for the fact that there was a presumption in favour of development in many parts of Northern Ireland prior to the 16th March 2006.

The exemption category pertaining to farm dwellings and the criteria for exemption on the basis of economic viability must be challenged. Firstly, according to PPS14, to be considered viable a farm must be in actual agricultural use and will provide the applicant of the proposed dwelling with the bulk of their income. Many farmers now rely on non-farming full-time jobs for the bulk of their income, but continue to properly manage their farms on a part-time basis. There needs to be a relaxation in the new policy in this respect and the farmer must have the ability to demonstrate his contribution to the local economy; his connection to the area through children's school attendances and family participation in other services; his willingness to comply with vernacular house building materials, and compliance to integrate into the surrounding countryside, and, also through the use of sympathetic rural design.

Furthermore, penalising a farmer for gifting a site to a family member, or selling a site is applying a policy retrospectively without taking on board the financial and economic reasons for undertaking such an action.

The new planning policy for Farm Workers Dwellings is also too restrictive and needs to be reviewed, and made less stringent.

It is worth noting that the rural community is not solely about farmers and farming families, but also about rural dwellers. Their needs and the contribution that they make to the local area must be respected to ensure that there is no further diminution in population from the rural area. Provision needs to be made for continuity in that population in rural planning policy, because PPS14 offers no real hope for such people to be able to remain in the countryside.

Areas of Special Control

Areas of Special Control will have strengthened powers to prevent development within their own boundaries. Not only is there no prior consultation with local authorities and individual communities, none of the normal procedures have been adhered to in this instance. In the past, where there was an objection or several objections to a boundary or specified activities within an Area of Special Control, provision would have been made not only for consultation on the new measures, but also for a Public Inquiry. This will not take place in this instance and needs radical amendment. In this case, the rights of the public have been totally ignored. Where is the fairness and equity in this matter for rural communities?

Location, Siting and Design

Further investigation is required in respect of these particular issues. The new proposed regulations governing vernacular dwellings, replacements and extensions needs to be reviewed and relaxed.

More specific information needs to be given about extensions to dwellings in the countryside.

Abandoned dwellings in the countryside need to be catered for in the policy. In many instances abandoned dwellings are already well integrated and sheltered within the landscape. Abandoned dwellings also complement Planning Service requirements for integration in the landscape. Such dwellings conform to the regulations governing location as outlined in the Rural Planning Strategy published in 1993. Furthermore, replacement of these vernacular sites needs to take account of modern family circumstances and requirements..

Perhaps, Planning Service need to be directed to ensure that they provide strong binding regulations on housing design which demonstrates that the dwellings are sensitive to specific sites and localities. Comprehensive rural design guides should be developed for rural areas as part of the countryside assessment process. Such design guides should be location specific, and should attend not only to building design, but also to siting issues and landscape design.

Societal and Economic impact of PPS14

It is time for the Direct Rule administration to recognise the reality that the majority of rural dwellers are custodians of the countryside who want to preserve their environment. The consequences of PPS14 will probably not be immediately felt in the countryside, but in the longer term, if implemented, it would lead inevitably to the contraction of the population in the countryside. So far, government policies were supposed to prevent depopulation through crossroads housing development and small job enterprises. But the reverse is now happening. This new policy will force people to move to towns which will lead to a decline in the rural population, but also to a loss of the rural way of life and culture. Less houses being built will mean that there will be an impact on the viability and sustainability of the rural community. Local agricultural businesses, schools and, post offices could be put at risk if PPS14 is implemented.

PPS14 makes no assessment of the nature of the rural economy, or even the differences across the Northern Ireland countryside. If PPS14 is not withdrawn, then there will be a breakdown in the traditional social structures in the rural area. The countryside will then be characterised by ageing families. Missing from the countryside will be the crucial vibrancy of the mix, expertise and energy that younger people bring into an area – there will be a lost generation.

There is also no published information on the impact that the draft PPS14 will have on the vibrancy of the rural economy – this first needs to be addressed.

On a social level, families and the family way of life will be affected. The division of rural families will become an increasing feature. The essential inter-dependence of care and support mechanisms within families and between families in the countryside will be irretrievably lost. For example, in terms of child-care and child-minding, parents will be forced to find some one else to look after their children after school or during school holidays as the extended family involving grandparents, aunts and uncles live too far away. Is this sustainable development? Do we want this to happen?

There does not seem to be any real policy drive for the provision of social housing in PPS14. There is a compelling need for provision to be made in the new rural planning policy for social and affordable housing in order to cater for young families.

Affordability of houses in the countryside will be brought into sharp focus. Already, PPS14 has forced an increase in house prices which will mean that many young families and others will not be able to build and purchase houses in the countryside, and this will also lead to a decline in the rural population.

Conclusion

It is already commonly accepted by many people and organisations that if PPS14 is implemented, then the impact on the countryside will be extremely dramatic. The rural way of life will be destroyed.

The government needs to withdraw PPS14; undertake a proper, adequate, and comprehensive assessment of the needs of rural dwellers through a consultation process in the rural community with all residents; come forward with a planning framework which will ensure not only the survival of rural communities, but possesses a balanced approach to local planning development for the next 25 years.

The following points need to be taken into account in devising a new rural planning policy:-

- PPS14 is not a people centred plan – consideration of human and social need is limited.
- PPS14 will not provide for sustainability of the rural area. It will have the opposite effect.
- There is a need to provide for a balanced approach to planning and regional development in rural areas, and also a need to provide good quality housing to meet social and economic need and respect the environment.
- criteria laid out in respect of farmers and farm families are centred on an inadequate viability test which needs general relaxation.
- PPS14 has already impacted on house prices and sites which are currently available in rural areas. This will have a major significance for the younger members of our population.
- PPS14 makes no provision for the elderly and their carers or those requiring residency on health grounds.
- PPS14 will have an impact on rural employment, and will lead to outward migration and population decline.

- Tight circumscription of exemptions in relation to farm diversification, tourism development and community buildings is contrary to the policy of rural regeneration pursued by the government in the past 15 years under the rural development programme.
- Kinship ties including family members who have contributed in time, in kind, or financially to the farm, needs to be factored into the rural planning policy.
- Re-instate the concept of Dispersed Rural Community similar to the policy in HOU 7 of the Rural Planning Strategy for Northern Ireland.
- Make provision for the "rural remainder" type policy which provides standards for siting, design and use of materials. Definitions of the "rural remainder" policy can be found in many Planning Service documents.

The only solution is the complete withdrawal of PPS14 and the government's concept of the "presumption against development in the countryside".

This must be replaced by a comprehensive rural planning policy which accommodates rural dwellers; allows for the sustainability of indigenous communities, and makes provision for a balanced approach to planning in the countryside. Such a policy needs to embody and embrace the foregoing points, and above all needs to reflect the requirements of people and communities for forthcoming generations".

ends

Thursday 8th June 2006

Ulster Unionist Party

Submission to the Programme for Government Subgroup on the Review of Public Administration

The Ulster Unionist party has consistently supported the concept of Public Administration reform and continues to support proposals which will see services delivered in a more democratic, efficient and effective way.

Local Government

The Ulster Unionist Party has promoted the concept of co-terminosity and remains of the belief that for true accountability the administrative structures must follow understandable political boundaries. These can only be set by an independent body such as a Parliamentary Boundary Commission and any other structures could be open to the accusation, as the current RPA proposals have been, of being a political gerrymander. The view of the UUP remains that the current proposal for seven councils will create large remote political entities with no community locus and any attempts at "parish" or "community" councils or committees will only undermine the democratic structures and have all the potential to become pressure groups run by certain sections of the Northern Ireland community to the detriment of society in general.

In line with our submission to the RPA consultation document we remain of the view that the proposed reduction of Local Councils from 26 to seven is unacceptable. The Ulster Unionist Party has consistently campaigned for a reduction to 15 based on the Parliamentary Constituency boundary model as stated above and our position has been widely endorsed including by NILGA.

The Government's current proposals seeks to give the new councils expanded powers including "Community Planning" and the "Power of Well Being" this we support however we remain to be convinced that the powers being devolved down will be properly financed or in an adequate state so as not to be a long term burden on the rate payer. Clearly there is much concern regarding the state of local roads, as an example, and clearly with years of

under investment any transfer of responsibility from Central to Local Government can only take place where the finances are adequate to bring these services up to the basic acceptable standard. We remain of the view that as many powers as possible should be devolved down to local councils however this must be commensurate with effectiveness and efficiency. In the emerging structures the UUP are not adverse to some services being devolved to a group of councils in natural groups where the interests of a wider areas could be served but only where the accountability mechanism remain clear and accessible.

In relations to all aspects of "governance" the UUP supports efforts to ensure fairness and equality of treatment within councils and access to services. All forms of Government must accept probity and good governance as basic standards in public life. Local Government is no exception, however as all forms of Government are based on political democracy the ultimate sanction must be that of the electorate. Whilst this is the ideal, in the Northern Ireland context it is accepted that certain provisions must apply to ensure that fairness and equality of treatment is guaranteed for all groups. However this should not lead to the distortion of the political will or the democratic expression of the electorate. As such the Ulster Unionist Party supports the introduction of a statutory obligation of fairness and equality of treatment to be introduced into Local Government whereby protection is afforded through the courts as opposed to restrictive practices laying onerous restrictions on the proper and legitimate political operation of a political corporate body.

The UUP strongly supports the ending of the dual and in some cases the triple political mandate. Clearly in many cases the holding of dual mandates can lead to conflicts of interest and this must be removed. However the UUP does recognise that until the stability of the current political process can be guaranteed this issue remains unresolved.

In conclusion the UUP reiterates its' position as submitted to the RPA team 15 September 2005 and remain convinced that the current proposals, specifically in relation to the number and size of local Councils is unacceptable.

Education

The replacement of the 5 education and library boards with one Education Authority reflects long-held UUP policy. However, the fact that the Authority will be entirely appointed will result in 5 smaller educational quangos being replaced by one large educational quango, potentially the largest quango in Europe. This is totally at odds with the vision of greater accountability within Public Administration as envisaged in the RPA. The absence of democratically-elected representatives on the Authority undermines its accountability and its ability to fairly represent all communities. Therefore we would support the development of a structure similar to that of the Policing Board where the political representation is in the majority and legitimate expertise and interests can be represented by "independent" members chosen for their abilities.

As the new Education Advisory Forum is intended to be a single point of contact between the Department and the various education sectors it is essential that alongside the legitimate interests of CCMS, CnaG (Irish medium sector) and NICIE, the interests of the Transferors Representatives Council and those of the controlled sector are secured in this new Forum.

The decision that "the role of Boards of Governors will continue much as at present" is unfortunate. The UUP supports the enhancement of the powers of Boards of Governors, as increasing the responsibilities given to them will empower schools to be genuinely responsive to the needs of their local communities. The UUP have suggested that in keeping with the most progressive systems of education in other parts of Europe, the local school should once again become the focal point for local communities. Therefore school playing pitches, school halls and certain school facilities should become resources for the whole community and should not cease to be utilised at the end of the school day. Such developments could be managed through the current school structures with greater flexibility being given to Governors or through management contracts with Local councils to manage the services outside normal school hours.

The UUP continues to urge the need to address the existing levels of educational underachievement in Northern Ireland, and opposes the current plans to abolish academic selection. We are of the view that aspects of the current proposals would undermine the

commitment to academic excellence in many of our schools. Equally we would oppose any proposals in the RPA that would also seek to change the ethos of schools in a negative way or that would create conditions that would undermine the viability of schools, particularly rural schools.

The UUP also propose the creation of a parents' consultative and advisory body at both regional and local level.

Health

The aspects of reform within the administration of the health service must deliver an overall better service for the patient. The UUP holds the view that this will only occur when there is a more locally accountable structure which is responsive to the needs of a local community. Equally we believe that when Ministers say that they are "putting patients first" this should be a reality not just a slogan.

Therefore we agree that local health provision should be driven by GP commissioning groups. In line with our determination to see greater accountability we support such commissioning groups including local councillors. We also support the inclusion of health within the community planning programme, so that a holistic approach to the delivery of services can be achieved. Thus while in principle the UUP is supportive of these proposals we believe that the number of commissioning groups must reflect the numbers of local authorities i.e. 15 in our proposals.

We see merit in the in the Strategic Health Authority however we remain to be convinced that the structures will be able to adequately separate the funding of primary, community and acute care. Should this be the case inevitably acute care will continue to siphon resources from the primary and community care sectors and our current problems will not be adequately addressed.

As a party we are wholly committed to the principle of co-terminosity and as such we are fundamentally opposed to the structures being proposed for the new "Integrated Trusts".

These proposals retain all the elements of cross boundaries that we have sought to remove in all aspects of "Public Administration" and while accepting that not every council area has a hospital and thus these do not fall neatly into discrete geographic areas we remain supportive of the idea of a Single Hospitals Authority for the whole of Northern Ireland based on a board model in line again with the that used for the Policing Board.

In conclusion, possibly more than in any other area, the UUP believes that the people of Northern Ireland deserve a much more efficient and effective health service. In the 21st Century it is only right that patients receive 21st Century medical care. We have some of the best health professionals with some of the most modern facilities and yet we have some of the longest waiting lists in Europe. This cannot be laid at the door of the health service professionals but is a symptom of a failing administrative system that is top heavy and unresponsive. All the proposed changes can only be welcomed if they deliver the sought after outcome – better services for all.

Appendix 7

**Direction from the
Secretary of State**



Northern
Ireland
Office

Northern Ireland Office
11 Millbank
London SW1P 4JN
Telephone 020 7210 6460
Facsimile 020 7210 0246
www.nio.gov.uk

Secretary of State for Northern Ireland

Mrs Eileen Bell, MLA
Speaker of the Assembly
Parliament Buildings
Stormont
Belfast
BT4 3XX

23 November 2006

PROGRAMME FOR GOVERNMENT COMMITTEE

One of the elements of the St Andrews Agreement is a Programme for Government Committee to agree priorities for a restored Executive and to make preparations for restoration. It is intended that the Committee should meet regularly over the coming months, at least once a week.

I, therefore, hereby direct under paragraph 2(2) of Schedule 1 of the Northern Ireland (St Andrews Agreement) Act 2006 that the Business Committee shall establish a Programme for Government Committee to meet at 12:00 noon on Monday 27 November and subsequently at dates and times to be agreed by the Committee.

I also direct that:

- The Committee should be made up of 10 MLAs with the number of members from each party being on the following basis – 3 DUP, 3 Sinn Fein, 2 UUP, 2 SDLP
- The meeting on 27 November should be chaired by one of the Deputy Speakers (Mr Francie Molloy and Mr Jim Wells) (who shall not count for the purposes of the composition set out above) with future chairing arrangements to be agreed by the Committee



Northern
Ireland
Office

- The Committee's procedures, membership arrangements and arrangements, including chairing arrangements, for any subgroups of the Committee shall be such as shall be determined by the Committee.

I am content for officials in OFMDFM and other NI Departments to do all they can to facilitate the Programme for Government Committee and its sub-groups, including attending meetings and providing information, if this would be helpful.

A handwritten signature in black ink, appearing to read 'Peter Hain'.

**RT HON PETER HAIN MP
SECRETARY OF STATE FOR NORTHERN IRELAND**

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