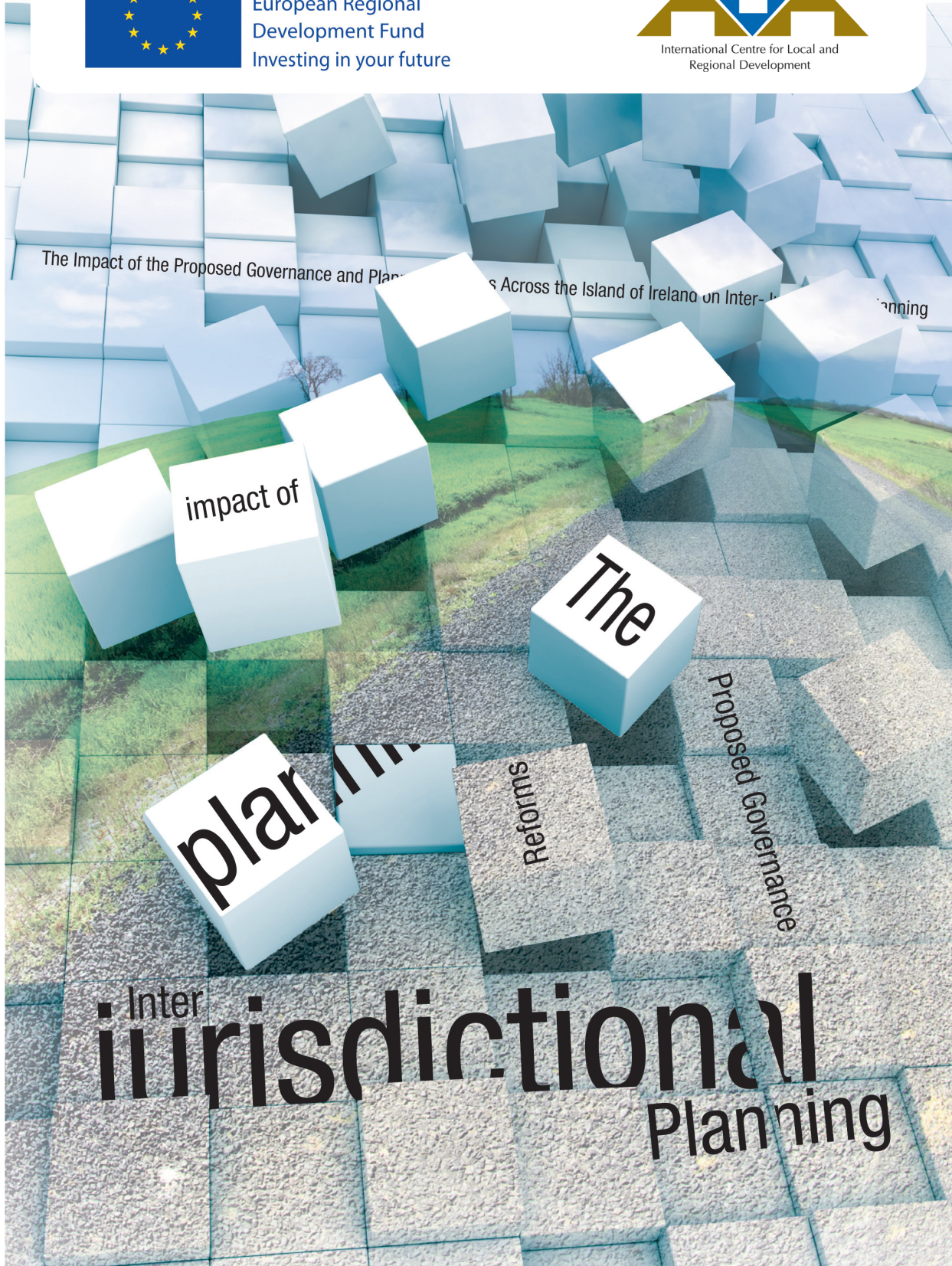




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ALL CHANGE BUT ANY ALIGNMENT?

The Impact of the Proposed Governance and Planning Reforms
Across the Island of Ireland on Inter-Jurisdictional Planning

Caroline Creamer | Karen Keaveney | Neale Blair | John Driscoll

Table of Contents

Acknowledgements	p.ii
About the Authors	p.iii
Executive Summary	p.iv
Introduction	p.2
Section 1	
The Reform of Local Government in Northern Ireland under the wider Review of Public Administration (RPA)	p.6
Section 2	
The Reform Agenda in the Republic of Ireland and Inter-Jurisdictional Planning on the Island of Ireland	p.33
Section 3	
Challenges and Opportunities of Governance and Planning Reform in Respect of Cross-Border Spatial Planning	p.49
References	p.64
Appendix 1	
International Centre for Local and Regional Development (ICLRD)	p.68
Appendix 2	
Listing of Interviewees	p.70

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Executive Summary

The planning systems of the European member states are no longer focused solely on land-use planning. Rather, the emergence and growth of what has become known as ‘spatial planning’ emphasises the need for better integration between policy and practice in the achievement of the goal of balanced regional development. The issues and processes that this entails, however, are becoming increasingly intricate. In the context of the island of Ireland, these complexities are intensified by the relatively confined territorial scale, the shape of its space, the cross-border dimension, varying interpretations of EU policy and directives and, more recently, because of proposed changes to the governance and planning systems in both jurisdictions.

The proposed changes will largely come into effect through the planned reform of local government in Northern Ireland as part of the wider Review of Public Administration (RPA), and the adoption of the *Planning and Development (Amendment) Bill 2009* and the soon-to-be published White Paper on Local Government Reform in the Republic of Ireland. And while these proposed reforms are largely welcomed in terms of the perceived positive changes they will bring to the existing planning and governance systems, questions remain as to what extent they will – or will not – result in the further alignment of policy and practice in both jurisdictions, and whether they will enhance the opportunities for collaborative working on a cross-border and inter-jurisdictional basis in the areas of spatial planning and multi-level governance? At first glance, it would appear that central government policies and guidelines for the six southern Irish border counties are intended to have a stronger influence than in the past, while the newly established councils in Northern Ireland will be gaining more latitude in terms of setting their own development priorities and agendas.

Planning and Governance Reform in Northern Ireland

Local government in Northern Ireland has, for the past 35 years, been viewed as having very limited governance powers; a consequence of the last major reform. The 1972 reform of local government, instigated as a result of growing civil unrest and identified failings and biases in the system, was characterised by a movement away from councils centred on county boundaries to the establishment of a single tier – or unitary system – of 26 district councils which varied in size, population and resources. The resulting system of local government had few powers and, in terms of the principle of subsidiarity, was anything but ideal. Nevertheless, it was to suffice throughout the Northern Ireland conflict; with the idea

for the current reform coinciding with the emerging peace process and originating in the Belfast (Good Friday) Agreement 1998.

The Review of Public Administration (RPA) is, in effect, an attempted shift towards good governance in the areas of health, education and local government; with all three sectors ear-marked for a radical structural overhaul. Local government, it was argued, should be in a better position to shape the development of local communities and functional areas in terms of land use, infrastructure and regeneration. To enable this to happen, it was envisaged that a new operational framework – resulting in a reduction in the number of councils – would be required and that a range of new functions would need to be added to the current remit of local government. Progress to date on its roll-out, particularly as it related to local government reform, has, however, been anything but smooth.

From 2002 when the terms of reference for governance reform were first published to present day, the reform of local government has gone through a number of iterations; and has been hampered, especially in its early days, by regular and lengthy suspensions of the Assembly and the return of direct rule. Between 2002 and 2005, two consultation processes were held which resulted in the publication of reports outlining the direction of the Review and provided recommendations on the model of local government that could be adopted. In November 2005, it was announced that a seven ‘super-council’ model of local government would be adopted with an increased range of functions. And with the reduction in the number of councils, there would be an associated reduction in the number of councillors. These proposed new operational structures were to be up-and running by mid-2009 (following elections for the new shadow councils in 2008).

However, the return of devolved government to Northern Ireland in May 2007 resulted in local government reform being placed firmly at the top of the Assembly’s policy agenda and almost immediately, a ‘review’ of the direct rule ministers decisions was initiated. This was a process that would subsequently result in the original decisions on the reform of local government (including those decisions relating to the number and functions of councils) being revised. This ‘review’ did not apply to health and education reform and, as a result, their reform has moved more rapidly than that of local government. This decision to progress reform of particular sectors before others – rather than adopting an holistic approach which would see each sector reviewed in parallel – has put the achievement of the principles of subsidiarity and co-terminosity in serious doubt.

Following a year-long review process, it was announced in March 2008 that the number of councils would be reduced from 26 to 11 (instead of the originally planned seven). It was also agreed that further additional functions would be awarded to the new councils; albeit the total suite would still represent a shortfall on what was originally envisaged at the outset of the process. In particular, the decision to ‘house’ planning, community planning, regeneration and public realm functions within the new councils has been deemed to constitute a ‘good fit’ of activities for the reconstituted local councils. That local government will have a greater range of functions, and as a result, a greater democratic mandate, is a welcome development in the governance of Northern Ireland. There are concerns, however, that the decisions by central government on what activities to devolve was politically-driven rather than being part of a wider, strategic framework for better governance and socio-economic development. Questions must be asked about the appropriateness of such an approach to government reform, where the emphasis has been placed on the ‘ideal’ number of councils (instead of form following function).

There is also an inherent fear that old attitudes are too well embedded within local government to embrace the changes required in practice and culture for the reform process to succeed. To address this, an enhancement of the skills-set of both council officials and elected representatives was quickly identified as a requirement for the efficient and effective delivery of the new range of functions being decentralised to local government (albeit the relevant resources did not follow). RPA will, for example, place more demands on elected members while, at the same time, give them more discretion. With the objective that they gain a better understanding of their new functions and increased powers, increasing the capacity of elected officials will ensure that effective relationships are established and that they will become key participants in the governance of their areas.

For the past two years, a number of parallel actions have been – and in some instances, continue to be – played out in preparation for the changeover from 26 to 11 councils; these have included a process of establishing a tier of transition structures including a Strategic Leadership Board and Policy Development Panels and, more recently, voluntary Transition Committees at council level; legislative changes including boundary amendments; and the development of a performance management system. While it was originally envisaged that all Planning Policy Statements (PPSs) would have to be revised and streamlined, it was decided in early 2010 that this was not necessary; the government having concluded that the current suite of PPSs – together with the forthcoming revised RDS and PPS1 – will provide a sufficiently robust planning policy framework, and will facilitate the new councils in managing development and preparing local development plans that ‘fit’ with regional policy. The

achievement of this 'fit' – at both a vertical and horizontal level – will be further strengthened by the 'call in' powers of central government under the new system of land use planning and governance.

At a local level, the preparation of development plans will become a new function of the proposed eleven councils and should, provided community engagement is central to the process, result in greater council, and therefore community, ownership of the resulting policies. In parallel to this function, a key new responsibility of the new councils will be that of 'community planning'. There still remains a degree of uncertainty as to what exactly constitutes community planning in the Northern Ireland context; with the most definitive explanation to date being that it will be a framework – rather than a mechanism – detailing how councils will work in partnership with different agencies to deliver better outcomes. On this basis, it will be essential that appropriate systems are put in place to ensure that there will be a dovetailing between development and community planning processes. Once the new development plans are prepared, a process that will be limited to 40 months, it is envisaged that they will cover a period of 15 years – thus reflecting their strategic nature and focus; while the core function of the community plan will be to create a vision for the area that falls within the administrative boundaries of the new councils.

The devolution of powers from central to local level in Northern Ireland is responding to the necessities of the peace process and the longer-term inefficiencies which characterise the public sector resulting from years of inertia and an overly centralised system. The devolution of central government powers in Northern Ireland sets the foundation for a greater alignment of functions and decision-making powers at local government level on an inter-jurisdictional basis – both North/South and East/West. In addition to all the work that has been undertaken to set up the various systems and structures required to ensure the success of the RPA, many of the stakeholders believe that a complete transition within the new council structures will take at least three years to roll-out post-2011 (provided of course that the May 2011 deadline is met). A key challenge for the new councils will be getting the balance right between firm and flexible policies, and ensuring that the resulting 'action plans' will develop and nurture the relationships and environment necessary for the effective roll-out of the Programme for Government at the local level.

Planning and Governance Reform in the Republic of Ireland

Although not undergoing the same extensive structural changes as planned for Northern Ireland, there are nonetheless important transformations underway in policy and legislation in

the Republic of Ireland. The proposed reforms for local government in the Republic of Ireland are taking place as a response to ongoing changes in the state, including transformations in population growth, economic decline, and the need to address issues such as growing social exclusion and the need for more effective environmental protection.

Since the 1990s, a number of local government and planning reforms have taken place in the Republic of Ireland. The most important of these were the structural changes implemented by *Better Local Government* in 1996 and new legislation introduced for planning and housing through the *Planning and Development Act 2000*. This restructuring of local government in Ireland in the 1990s reflected the fact that the role of Local Authorities had been repositioned, and that the technical and professional expertise once regarded as having authority over all decision-making for an area needed to be broadened so as to recognise that other bodies, such as NGOs and community groups, should have as much say in the future development of their area as the local Council. In spatial planning terms, the wide range of new legislation adopted through the 2000 Act enhanced the proactive and pre-emptive role of planning; for example, by strengthening the legal requirements around development plan making, and setting in place mechanisms for tighter time limits for decision-making and adoption.

The current proposed changes for local government in Ireland are largely based on the Green Paper on Local Government, *Stronger Local Democracy - Options for Change* (2008), and which is shortly expected to be published as a White Paper, and the *Planning and Development (Amendment) Bill, 2009*. If introduced as proposed, these changes will have significant implications for the current workings of local government in the Republic of Ireland. Currently, Local Authorities have a limited range of powers, but in comparison to those assigned to District Councils in Northern Ireland, they carry out a wider suite of functions. Under the *Local Government Act 1991*, Local Authorities in the Republic of Ireland were given a power of 'general competence'; thus paving the way for councils to engage in activities that "promote the interests of the local community". And it is the enhancement of such interests that lies at the heart of the reforms being proposed. The Green Paper, for example, proposes a number of structural and systematic changes to local government throughout the state, including a new Mayor for the Dublin Region with defined strategic functions; directly elected Mayors; the sharing of services between Authorities; and a greater regional focus emphasising a movement beyond the traditional model of county boundaries for administration. In spatial planning terms, the *Planning and Development (Amendment) Bill, 2009* extends and amends the 2000 Act (and further amendments that occurred up to and including 2007). The need for evidence-based planning is a key driver for this Bill, the

principal aim of which is to support economic renewal and promote sustainable development by ensuring that the planning system supports targeted infrastructure investment.

Despite the different drivers of change in the two jurisdictions, the goals for the effective operation of local government are comparable. Public participation, for example, tends to occur in an ad-hoc manner and at the micro-scale, with development management being the main route through which communities partake in the planning process. Participation in the formulation of development plans and policy making is poor in both planning systems, despite structures being in place to facilitate community involvement. The proposed major reforms to planning and local government on the island of Ireland are all setting their sights on stronger inclusion and co-operation across the border. However, the misperception of some planning processes in the Republic of Ireland has meant that Planning Reform proposals for Northern Ireland have been too swift to discount the experiences of local level decision-making in the South, particularly given the similarities in culture and the nature of 'parish pump politics'.

Conclusion and Recommendations

Decentralisation is acknowledged as a basic element of 'good governance'. As has been demonstrated in other EU cross-border and trans-frontier contexts, cooperation is enhanced when similar competencies and decision-making processes occur at each level of government. In terms of spatial planning, for example, this allows for strategic coordination of policies and projects at regional and / or local council level. In the context of governance reform in Northern Ireland, a new spatial planning policy landscape will emerge as a result of the RPA, involving the DRD who will have continuing responsibility for the RDS; the DoE with accountability for 'regional' strategic planning policy; and local government who will be in charge of the preparation of area development plans

Spatial planning, by its definition, transcends boundaries and human activity. It is vital for the island's economy that planning policy in Northern Ireland and the Republic of Ireland recognises, and indeed embraces, the movement of people, goods and services across the Irish border. Scope exists for greater engagement on spatial planning issues either side of the border. In particular, the collecting and sharing of information that will assist in understanding the 'border dynamic' is essential for effective policies and operational decision-making. Spatial planning in both jurisdictions will be driven by efficiency agendas and a growing awareness of the need for effective trans-boundary policies and practice. The required increased capacity in the delivery of same will be achieved most effectively through

participation in cross-border initiatives funded by EU-programmes such as INTERREG; while European Directives, such as the Habitats and Groundwater Directives will, in the future, compel councils to collaborate in order to address cross-border issues.

Due to the current economic climate and the pressure to improve efficiencies and spending across the public sector, North and South, the potential for increased cross-border cooperation could be one of the greatest challenges as well as opportunities for local government reform in Ireland and the U.K. The need to avoid service duplication and save money may be a key driver for a more formalised cross-border collaboration structure with necessity outweighing politics in the long-term. It was envisaged from the outset that the reform of local government would lead to increased efficiencies, including the generation of economies of scale through the pooling of resources and the integration of services and development priorities. However, actual savings (financial and otherwise) can only be confirmed retrospectively – and on this basis, the achievement of economies of scale should not be used to ‘sell’ the RPA process.

At time of finalising this research paper, there are growing concerns that the RPA process, and specifically the reform of local government, is losing its focus and falling behind schedule. A decade into the reform process, a number of key decisions – such as final adoption of the boundaries for the proposed new council areas – have yet to be agreed at the political level. Rather than being viewed as a problem, any such delays should be worked into the schedule so that the reform process keeps moving; a preferred scenario to its possible total collapse. Any such extensions in timeframe not only provide an opportunity to strengthen and / or revise the structures being created, but also provide a space to explore options for greater collaboration across councils and state boundaries. Should the process falter resulting in the 26 council model becoming the *de facto* model for the foreseeable future, the following policy and practice recommendations are made (a) in the interests of more focused strategic and place-based plan and policy development, and (b) to enhance the capacity of local government to deliver more sustainable communities:

Policy

- 1) That the proposed community planning function of local government should be progressed (including a clear definition of the concept and identification of roles, responsibilities and relationships between the various stakeholders involved, and the ‘fit’ or positioning of community planning with development / area planning processes and spatial planning in general).

- 2) To assist in understanding the dynamics of demographics and service delivery at the local and regional level across Northern Ireland, including North-South and East-West, that the concept of 'functional territories' must be further explored and applied to strategic policy making
- 3) That the principles of funding allocation transfers from central government to local government be determined.
- 4) That a comparative analysis of local government structures and functions on a North-South basis be carried out to inform the process of devolving powers to local government, and the creation of new statutory responsibilities at local level.
- 5) That the range of powers and functions identified for local councils in Northern Ireland under RPA be reviewed; it having been suggested that the proposed reforms may not give sufficient powers to councils for effective and comprehensive place-making and service delivery.
- 6) That all levels of government examine the impact that European Directives such as SEAs and the Habitats Directive will have on public sector policy-making and the need for collaboration on a cross-border basis.
- 7) That the evidence-base for spatial planning decision-making be review so as to identify and address data gaps, improve understanding of cross-border dynamics, and the implications arising from decisions made in either jurisdiction.

Practice

- 8) That the building of capacity amongst decision-makers in local government takes place in advance of the transfer of new powers or as soon as practicable thereafter.
- 9) That, irrespective of whether the reform of local government occurs in May 2011, regulatory planning functions in Northern Ireland will be delivered through groups of planning districts which are coterminous with the proposed new local government districts.
- 10) That the proposed new structures of governance envisaged under RPA, including cross-sectoral actions, be reviewed to enable clear communication and meaningful participation by stakeholders.
- 11) That two-way exchanges between practitioners in the same field be organised on a North-South and / or East-West basis (depending on which scenario makes most sense for the council in question); such an approach would result in 'on-the-job experience'.
- 12) That the existing cross-border structures at regional and central government level, such as the Local Authority All-Island Steering Forum and the three border networks,

be assessed in terms of the potential contribution these can bring through enhanced cooperation to meeting the purposes of RPA and planning reform.

- 13) That, in recognition of the cross-border impact of development on the economy, society and environment, new structures with a remit and make-up similar to SPCs (and preferably with a basis in legislation) – or at least an agreed protocol / set of procedures such as local area agreements or charters – be established with the intention of supporting meaningful cooperation between planning authorities.
- 14) Because the principle of co-terminosity is no longer achievable, that proposed structures such as local area agreements or charters – a key characteristic of which being that they are generally spatially defined – be piloted.
- 15) That, in addition to formal structures of collaboration, networks – as communities of practice – be actively encouraged at senior officer level; these would be neutral spaces within which operational issues can be discussed and addressed.
- 16) That both current and previous processes' of reform in Northern Ireland and the Republic of Ireland be examined in both jurisdictions to identify, analyse, and apply lessons from practice which will assist to inform the public policy-making environment on the island.
- 17) That case studies of successful trans-border spatial planning elsewhere in Europe be examined for application on the island of Ireland; thus demonstrating the common benefits that can be derived from improved collaboration in both development management and development plan preparation.

ALL CHANGE BUT ANY ALIGNMENT?

The Impact of the Proposed Governance and
Planning Reforms Across the Island of
Ireland on Inter-Jurisdictional Planning

Main Report

Introduction

The planning systems of the European member states are no longer focused solely on land-use planning; a change that has been highly influenced by concepts emerging from the European Union (Harris et al, 2002). Since the 1980s, the field of land-use planning has been broadened to include urban and rural planning, regional planning, environmental planning and the horizontal and vertical integration of policies from the EU / national level to local neighbourhoods. This emergence and growth of what has become known as 'spatial planning' has given "geographical expression to the economic, social, cultural and ecological policies of society" (CEMAT, 1983). Today, spatial planning emphasises both the policy and practice required in an interdisciplinary and comprehensive approach to balanced regional development, and the physical organisation of space according to an overall strategy (Nadin, 2007). But because of its evolving relationships with economic development, social policy, environmental conservation and infrastructure provision, spatial planning issues and processes are becoming increasingly intricate. These complexities are intensified on the island of Ireland by the relatively confined territorial scale, the shape of its space, the cross-border dimension, varying interpretations of EU policy and directives and, more recently, the proposed changes to the governance and planning systems in both jurisdictions.

The scale and extent of these reforms is encapsulated in Northern Ireland by the on-going Review of Public Administration (RPA), a process that includes services such as education, healthcare, policing¹ and local government and whose origins can be dated back to 1998, and to a lesser extent the Green Paper on Local Government Reform for the Republic of Ireland published in 2008, *Stronger Local Democracy: Options for Change*².

In terms of spatial planning, a process leading to the modernisation of the planning system of Northern Ireland was commenced at the same time as the wider RPA; the objective being that these processes would occur in tandem. As with the RPA, this modernisation process is still ongoing. In parallel, the existing central level development strategies for both jurisdictions are reviewed – in the case of the *Regional Development Strategy* for Northern Ireland – or 'refreshed'³, as is the case with the *National Spatial Strategy* for the Republic of Ireland. At a regional level, the Regional Planning Guidelines (RPGs) for the eight regional authorities in the Republic, which were introduced in 2004, are also under

¹ This pertains to the reform of district command structures.

² The White Paper on local government reform in the Republic of Ireland is expected to be published during the 1st Quarter of 2010. At the time of writing, this document had not yet been published.

³ This involves a 'light touch' update of the *National Spatial Strategy* (NSS).

review. In parallel, the *Planning and Development (Amendment) Bill 2009*⁴ aims to strengthen local democracy and improve the degree of planning policy integration from central to local government by (a) promoting balanced and sustainable development through introducing mandatory objectives relating to, for example, transportation and climate change, (b) requiring the inclusion of a Core (Settlement) Strategy, including growth scenarios, in all future development plans and (c) placing increased emphasis on evidence-informed policy and modernising land zoning.

These initiatives seek to promote collaborative working on an inter-jurisdictional basis, and to take account of the opportunities and challenges facing cross-border cooperation in the areas of spatial planning and multi-level governance.

In the context of these changes, it would appear – at least on the surface – that central government policies and guidelines for the six southern Irish border counties are intended to have a stronger influence than in the past, while the newly established councils in Northern Ireland will be gaining more latitude in terms of setting their own development priorities and agendas.

Given these ongoing transitions in spatial planning policy and operations in the border region, the International Centre for Local and Regional Development (ICLRD – see Appendix 1) has prepared this paper to consider:

- The various iterations of, and processes involved in, the Review of Public Administration, specifically as it relates to the reform of local government;
- If, and / or, how inter-jurisdictional spatial planning policies and operations will be more closely aligned following the various reforms to governance and planning on the island of Ireland; and
- Whether, in the context of the current economic downturn, there is greater political and community support for the alignment of spatial planning policies; for as noted by one commentator, it would be remiss of the island of Ireland to “waste a good crisis!” (*Interview, QUANGO*).

The methodology applied to this qualitative study involved reviewing of all relevant documentation (ranging from consultative reports, articles and media reports) and conducting a series of one-to-one interviews and focus groups with key stakeholders in the reform processes.

⁴ At the end of March 2010, the Bill went through its Second Reading in Dáil Eireann.

Background to the Reform of Local Government

The current local government system in Northern Ireland has been in operation since 1 October 1973, having been established under the *Local Government Act (Northern Ireland) 1972*. The existing governance arrangements in Northern Ireland are considered by many to be bureaucratic, complex, and cumbersome due to the region being ‘over-administered’ and too much emphasis being placed on political solutions (Knox, 2009). Local government in Northern Ireland has for the past 35 years – since the last major reform – been viewed as having very limited governance powers. The reform of 1972 was instigated as a result of growing civil unrest (Birrell, 2007) and the associated publication of the Cameron Report in 1969 and the Macrory Report in 1970. The Cameron Report, in investigating the causes of the civil disturbances, confirmed gerrymandering in the allocation of housing and was to lead to the removal of housing powers from local government. This in many ways signified the beginning of the dilution of local government power in Northern Ireland.

The publication of the Macrory Report within a year of the removal of housing powers resulted in not only the reorganisation of local government but also the transfer of additional functions to other bodies and agencies. Powers relating to roads and planning, for example, were moved to central government while those relating to education, libraries and social services were redeployed to regional quangos. The subsequent 1972 reform of local government was characterised by a movement away from councils centred on county boundaries to the establishment of a single tier – or unitary system – of 26 district councils which varied in size, population and resources. Taken together, the newly formed councils were to have a direct role in providing the following services only:

- Provision of recreation;
- Community services;
- Refuse collection;
- Local arts / culture;
- Tourism; and
- Regulatory services in environmental health / building control.

Despite this loss of powers, local government in Northern Ireland was to remain much more politically significant than its range of functions would imply; a position aided by local government increasing their range of functions over the intervening years (Birrell, 2007). During direct rule, for example, local government was the only forum for political

representation outside of the U.K. and European Parliaments (Birrell, 2007). As such, it was to remain an important platform for political debate.

But this is not to imply that the local government system could not have been strengthened; and it is this that lies at the heart of the current reform process.

Section 1

The Reform of Local Government in Northern Ireland under the wider Review of Public Administration (RPA)

In defining the terms of reference for the reform of local government in 2001, the original objective was that the resulting system would function effectively, be 'fit for purpose' and that it should have a core suite of functions. Local government, it was argued, should be in a better position to shape the development of local communities and functional areas in terms of land-use, infrastructure and regeneration. To enable this to happen, it was therefore envisaged that a new operational framework – resulting in a reduction in the number of councils – would be required and that a range of new functions would need to be added to the current remit of local government. Together, the intention was that these would form the core tools for the governance of each new council area.

1.1 The Review of Public Administration: Context & History

In the context of local government reform, the RPA is, in effect, a shift towards good governance. When completed in 2011, the deadline under the current framework, it will have significant implications for the wider governance and development of the region in terms of how councils are structured and the functions that fall under their remit. In May 2011, eleven new local authorities will replace the existing 26 district councils in Northern Ireland, coming into full operation four days after local and assembly elections are held⁵.

In terms of the structural and organisational reforms central to the process, the RPA is considered to be a massive undertaking that will require legislative changes at various stages in its roll-out (*Interview, Central Government*). That structural changes on this scale have not previously been undertaken further demonstrates the magnitude and complexity of this reform programme. This may also explain why progress to date on the RPA, and particularly as it relates to local government reform, has been anything but smooth.

The idea for RPA originated in the Belfast (Good Friday) Agreement of 1998 which, broadly speaking, sought to reconcile sectarian political differences, and resulted in the devolution of government to Northern Ireland. In the subsequent Programme for

⁵ In June 2010, the Northern Ireland Executive announced the deferral of a decision on the timetable for local government reform; this non-time specific delay being attributed to the failure to reach cross-party agreement on its overall costs and benefits.

Government (1998) for the new Northern Ireland Executive – and as endorsed by the Assembly – it was recognised that there existed a “need for different structures under devolution taking account of the relationships between local and regional government as well as the range of other public sector bodies” (Birrell, 2007: 657). A key objective for the newly formed Northern Ireland Executive was, therefore, to improve the quality and cost-effectiveness of public services in building a peaceful, fair and prosperous society in the region. Reducing the number of councils and transferring functions from central government to local government was considered by the Executive as a vehicle not only for enhanced governance structures but also efficiency gains within the public sector. These, then, were the twin drivers for RPA.

In its original form, the Review was to consist of a radical structural overhaul of the health, education and local government systems of the day in Northern Ireland. Almost immediately, however, it was the reform of local government that came to dominate the review process and in many respects ‘capture the public’s imagination’ (see Section 1.2).

At this time, concerns were being raised over the number of QUANGOS in existence and involved in the delivery of services in Northern Ireland; the consequences of which, according to Pemberton & Lloyd (2008), was ‘institutional congestion’. In parallel, there was a growing recognition and value attached to the argument that through decentralisation – with an appropriate core family of functions – it would be possible to devise more appropriate governance arrangements which in turn would introduce flexibility in how government addresses its individual economic and social development issues (Pemberton & Lloyd, 2008). Such decentralisation, it was argued, would result in the effective delivery of public policy at local level. It would, however, be another four years – February 2002 – before the focus of the reform agenda would be set:

- Democratic accountability of local government;
- Development role of local government;
- Administration of local government; and
- Delivery of services.

To the detriment of the process as a whole, within months of the terms of reference being published, the Assembly was once again suspended and direct rule resumed; a situation that was to last until May 2007. While the Secretary of State stated from the outset that the Review would continue despite the suspension of the Executive (Birrell, 2007), under the control of the Office for the First Minister and Deputy First Minister (OFMDFM), the

unexplainable delay in determining the terms of reference meant that the writing was already on the wall in terms of the protracted nature of the process that was about to be undertaken.

1.1.1 Principles of the reform process

Under direct rule, Westminster adopted four principles to guide the RPA process in Northern Ireland (Knox, 2009; Birrell, 2007); namely

- Subsidiarity – delegating powers to the most local level possible; including determining which services are best developed, overseen and delivered at local level;
- Strong local government – creating a structure with a key role in the delivery of major services and in local governance / leadership; leading to a structure that lies at the heart of creating sustainable communities;
- Co-terminosity – organising public services around common boundaries; a characteristic central to community planning and in ensuring joined-up / partnership working; and
- Good relations – emphasising equality and the development of a shared and inclusive society which embraces diversity.

Commentators have suggested that these principles were most relevant to the reform of local government (Birrell, 2007) and in many quarters, this gave rise to the belief that the RPA process was first and foremost about local government reform – thus calibrating the reform of the planning system with that of the local council structures (see Section 1.2.1) – with health and education added to the process as afterthoughts (*Interview, Local Government*). While the ‘truth’ of this assertion is open to debate, it has materialised that reform has moved more rapidly in education and health than in local government. Thus, the decision to progress reform of particular sectors before others – rather than adopting an holistic approach which would see each sector reviewed in parallel – put the achievement of the principles outlined above in serious doubt.

1.2 The Review of Public Administration: A Not-so-Straightforward Process

When the proposed review of the various public administrations was first conceived of in 1998, it was expected that it would be a short, focused process leading to a radical overhaul of existing structures and operations. Scheduled to be completed rather ambitiously by the end of 2003 (Knox, 2009), the RPA was first and foremost about

governance reform; reflecting a global shift from traditional government arrangements in favour of a “a wider range of institutions and actors working together on a formal and informal basis to control society and space” (Larragy & Bartley, 2008: 197). Initially, at least, any revisions to spatial planning were regarded as a secondary outcome; the modernisation of the planning system originally being envisaged as a parallel action (see Section 1.2.1 below). Yet, in many respects, it is the proposed decentralisation of planning powers to local government that has captured the public imagination, particularly given that the decentralisation of statutory land-use planning would represent the transfer of a core function in which over 700 planners are currently employed⁶. Planning and its role in the distribution of major services now had the potential to contribute to a system of strong local government in Northern Ireland, at the heart of which lay a sustainable communities agenda (Birrell, 2007).

It was widely held that the reform of local government in 1972 – following the publication of the Macrory Report – had paved the way for this latest proposed reform; that councils had already moved away from adhering to impermeable county boundaries was seen as a positive (*Interview, Local Government*). Were this actually the case, one would expect that, as with the restructuring of education and health, the new structures and operations surrounding local government reform would now be in place. This, however, did not happen – and there are many reasons for this.

1.2.1 The Reform of Local Government: Mark 1

In February 2002, the then Minister of the Environment, Sam Foster, launched a four-month consultation process on the modernisation of planning processes in Northern Ireland; a reform deemed necessary given the increase in planning applications being processed, the slowness of the current process and the requirement that straight-forward applications must also be dealt with at regional level. The modernisation process, therefore, focused on efficiencies, transparency, enforcement and the preparation of development plans. The conclusion of this separate but complementary ‘review’ was to coincide with the official launch of the Review of Public Administration (RPA) and, as RPA gained momentum, feed into the debate on what would constitute the core functions of the revised local government system (see Figure 1.1).

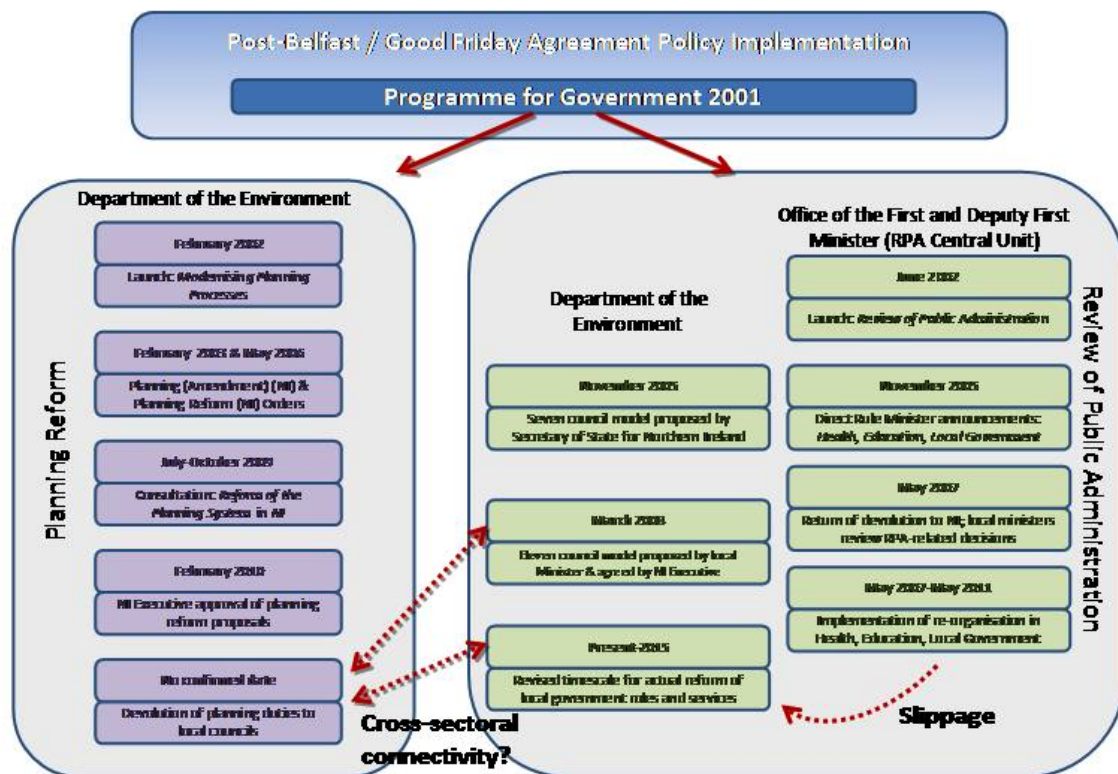
⁶ At time of writing, it was announced that 270 posts within the Planning Service had been identified for redeployment “wherever possible” to other areas within the Civil Service, a reorganisation attributed to the economic downturn and the need for government departments to “make efficiency / cash releasing savings” (BBC News, 23 April 2010).

Launched in June 2002, a key objective of the RPA was to consider

“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 accountability, administration and delivery of public services in Northern Ireland, and to bring forward options for reform consistent with the arrangements and principles of the Belfast Agreement”

(RPA, 2003: 39).

Figure 1.1: Timelines for Local Government Reform and the Modernisation of Planning Processes



(Source: Authors)

Within four months of its launch, however, devolved government in Northern Ireland was suspended and there was a return to direct rule. During this period, two consultation processes were held which resulted in the publication of reports outlining the direction of the Review and provided recommendations on the model of local government that could

be adopted. In the first of these consultation process, launched in 2003 with the resulting report published in 2004, it was argued that the reform agenda had three main foci:

“...investing in the infrastructure needed to deliver public services; improving public services; and a Review of Public Administration which looked at who provided services, the way they were provided and how effectively they met the needs of the citizen”

(Knox, 2009: 439).

The resulting analysis of responses received – totalling almost 200 – noted the need for public sector reform leading to greater ‘quality of service’; the importance of co-terminosity; and in terms of local government, favoured a reduction in the number of councils with the new structures being endowed with greater responsibilities and a larger suite of functions. Building on the outcomes of this initial consultation process, a second consultation phase was announced in March 2005 whereby, based on a two-tier system of government, comments were invited on what would be the most appropriate model of local government for Northern Ireland; a configuration of seven, eleven or fifteen councils based on an amalgam of existing council boundaries.

In November 2005, based on the resulting consultation, it was announced that a seven ‘super-council’ model of local government would be adopted with an increased range of functions largely resembling those recommended in the 2002 consultation report (albeit excluding libraries and youth services). And with the reduction in the number of councils, there would be an associated reduction in the number of councillors – from 582⁷ to 420 (that is, under the new model, each of the seven councils would have a maximum of 50 elected representatives). In addition it was announced, in respect of the other areas of reform, that

- **Education Reform:** a new Education and Skills Authority would be established to replace the existing education boards; this has not yet happened and in its absence, temporary measures have had to be put in place, including a convergence delivery plan (see <http://www.esani.org.uk/index.asp>);
- **Health Reform:** a single Health and Social Services Authority would be created to subsume the existing four health and social services boards, while the 18 health

⁷ The 26 District Councils are sub-divided into 582 wards, with councillors elected to represent District Electoral Areas (this is, groupings of wards).

trusts would be reduced to five; this has been completed – albeit there remains a lot of internal upheaval; and

- **QUANGOS:** the total number of these agencies would be reduced from 81 to 53.

Overall, the proposed reform announced by OFMDFM would see the total number of public bodies cut from 154 to 75; with the proposed new operational structures up-and running by mid-2009 following elections for the new shadow councils in 2008 (Knox, 2009). The proposals being adopted, according to Lord Rooker, clearly emphasised that

“One of the key functions of councils will be to foster good community relations. The development of strong local government in Northern Ireland is a ‘lightning rod’ for a shared future. In future, councils will ensure that good relations are earthed in the needs of local communities”

(quoted in Knox, 2009: 444-445).

Needless to say, the subsequent events of 2007 have assigned this overly ambitious timetable – based on previous deadlines that have come and gone – to the ‘recycling bin’. And while the reform of education and health progressed along the lines proposed, the reform of local government was not to prove so straightforward; a scenario which in turn has impacted negatively on one of the key principles of the RPA, that of co-terminosity.

1.2.2 The Reform of Local Government: Mark 2

The return of devolved government to Northern Ireland in May 2007 resulted in local government reform being firmly placed back on the policy agenda. Almost immediately, the Assembly commenced a ‘review’ of the final decisions reached by direct rule ministers; a process that was in effect a ‘review of the review’ (Knox, 2009). This was a process that would subsequently result in the original decisions on the reform of local government (including those decisions relating to the number and functions of councils) being revised. This ‘review of the review’ was driven by the Department of the Environment (DoE) (*Interview, Central Government*).

The role of sectarian politics along party lines in Northern Ireland in the ‘review of the review’ cannot be underplayed (Pemberton & Lloyd, 2008). One must ask to what extent was this call-in by the then Minister for the Environment, a member of the Democratic Unionist Party (DUP), driven by the belief that the recommended seven-council model favoured one political party in particular, namely Sinn Fein? At the same time, it is well

documented that there were many practical problems with the seven-council model in that it would accentuate community divisions instead of reducing the impact of sectarian politics and thus, fail to promote diversity (Birrell, 2007). Furthermore, it was argued that it would lead to a 'Balkanisation Scenario' (Knox, 2009; Birrell, 2007) that would exacerbate an already existing divide on an East-West axis – the councils in the west being nationalist / republican controlled while councils in the east would continue to be unionist dominated (Knox, 2009). And while these issues had been discussed indepth and at length prior to its 'call-in', Westminster refused to deviate from this proposed path of action. The Minister for Environment argued, therefore, that her decision to 'call-in' the reform plan for further review was based on its continued promotion of "zero-sum politics", its ability to increase tensions and its contravention of the overall aims of the review in terms of fostering good community relations⁸ (Knox, 2009).

Following a year-long review process, it was announced in March 2008 that the number of councils would be reduced from 26 to 11, while the additional functions awarded to the new councils would include:

- Planning including development management and the preparation of local development plans;
- Community planning;
- The power of well-being;
- Public realm aspects of roads;
- Urban regeneration and community development;
- Housing;
- Local economic development;
- Tourism and arts; and
- Sport & leisure.

While the addition of these activities to the suite of council functions is welcomed by local government in that it strengthens their role in local development terms, they actually represent a reduction of what was originally proposed for decentralisation under RPA Mark 1 (*Interview, Central Government*). Irrespective of this, though, the decision to 'house' planning, community planning, regeneration and public realm functions within the new councils is deemed to constitute a 'good fit' of activities for the reconstituted local councils.

⁸ With the publication of *A Shared Future – Policy and Strategic Framework for Good Relations in Northern Ireland* in 2005 by OFMDFM, achieving good relations became a cross-departmental objective against which all policies had to be measured.

The official timeframe for the implementation of these new proposals is mid-2011.

1.3 Operationalising RPA Mark 2

Working to the scenario that the new councils will come into effect in May 2011, the next 12 months will be a steep learning process for everyone involved in the reform of local government; and somewhat unnervingly, councils to date have not shown themselves to be good at preparing for or dealing with change management (*Interview, Central Government*). But then, nor has central government. As the roll-out of RPA Mark 2 progresses, with the deadline of 2011 approaching, a range of strategic issues have been posed by a number of stakeholders in the governance / spatial planning domain.

1.3.1 Legislative changes

There are three pieces of DoE legislation required to make local government reform happen and these are at different stages in their development. One has been enacted⁹, a second has been introduced to the Assembly¹⁰, and policy proposals for the third have been circulated to the Executive¹¹. In order to ensure that the necessary Bills are enacted to allow reorganisation to take place in May 2011, the draft legislation must be introduced to the Assembly by June 2010 (given that each Bill must go through various stages before enactment). This applies to not only primary and sub-ordinate legislation for the Department of Environment (DoE), but also for the Department for Regional Development (DRD) and the Department for Social Development (DSD).

1.3.2 Transitioning government structures

The structures that have been put in place to oversee and manage the reform process represent a shift in focus for local government, from being heavily weighted in favour of policy to a greater emphasis being placed on the delivery of services. From the outset, it was envisaged that in the absence of a working Assembly and in order to strengthen local democracy, there was a need to create 'super-councils'; their strength being determined by their allocated core functions. The reform of local government was initially driven by a Reform Taskforce and nine sub-groups¹² - also known as Modernisation Sub-Groups; their

⁹ The Local Government (Miscellaneous) Order 2010.

¹⁰ The Local Government (Finance) Bill 2009.

¹¹ Local Government (Reorganisation) Bill; the objective of which is to update the local government legislative framework and to reflect and give effect to the Executive's decisions to provide more modern powers for the 11 new district councils (see http://www.doeni.gov.uk/index/local_government/local-government-legislation-2/reform_programme_legislation-2.htm).

¹² The nine sub-groups which reported in June 2006 focused on the main policy areas relating to the reform process, and included: capacity building, central/local government relationships, community planning, estates,

role being to prepare position papers to develop effective and efficient policies relating to the key aspects of the reform programme.

To bring the review forward, the Taskforce was replaced by a Strategic Leadership Board (SLB) in 2008. Chaired by the Environment Minister, its members comprise elected representatives nominated by the main political parties and the Northern Ireland Local Government Association (NILGA). Until 2009, the work of the SLB was supported by three Policy Development Panels (PDPs) whose role was to lead on the development of policy relating to specific areas. At time of writing, the work of the PDPs was coming to an end. The PDPs, which were established in March 2008 and met for the first time in July, were:

- PDP A – Governance and Relationships (covering governance, community planning and central/local government relationships);
- PDP B – Service Delivery (covering shared services, governance and performance management); and
- PDP C – Structural Reform (covering capacity building, human resources, finance, estates).

As the policy review aspect of the RPA nears completion, and the emphasis turns towards implementation and ‘handing the reins over’ to the new councils, the PDPs are in the process of being replaced in part by a voluntary Regional Transition Committee (RTC) and 11 voluntary Transition Committees at Council level (*Interview, Central Government*), while their work was, for a time, supported by a Regional Transition Coordinating Group (RTCG). The RTC’s role is to implement policy decisions, as determined by the SLB and PDPs, across the eleven new council areas; its membership including representatives from central government departments that have functions transferring, and also senior officers from local government (see Figure 1.2).

Until February 2010, each of the new councils had a voluntary Transition Committee in place; following the passing of the *Local Government (Miscellaneous Provisions) Act 2010*, these are now a step-closer to being established on a statutory footing¹³. The role of these Committees, which are a form of shadow council and who in turn are supported by

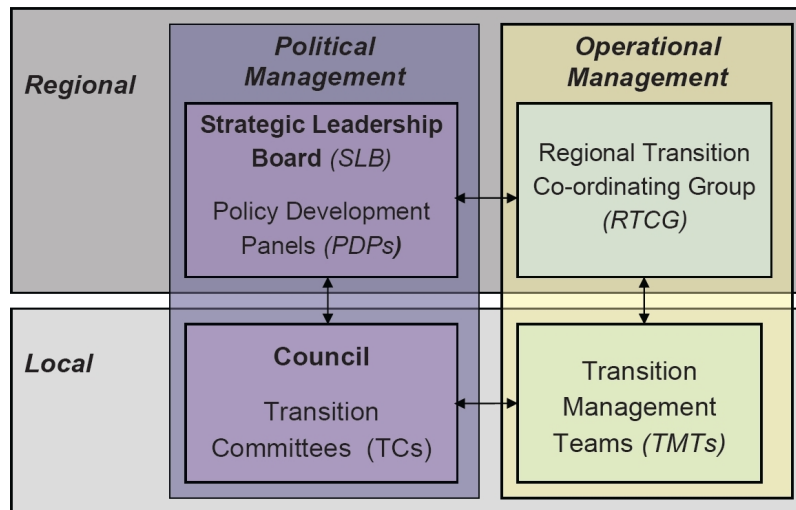
finance, governance (the political structures, roles and responsibilities), human resources, performance management and finally, shared services. The findings and recommendations of the sub-groups became the starting points for the Policy Development Panels (PDPs) in 2008; they being responsible for which points they took forward.

¹³ The Transition Committees will only be placed on a statutory footing when the boundaries issue – relating to the new 11-council model – is resolved by the Executive and Assembly and the necessary regulations to create them has been passed. Only then can the 2010 Order be enacted.

Transition Management Teams (TMTs), is to facilitate the application of the new governance model to the 11 council areas including determining the priorities for the new councils and recommending how the new systems will operate.

To ensure proportionality and inclusivity in a council's representation on a Transition Committee, the councils can choose from a number of approaches – D'Hondt, Sainte Laguë¹⁴, Single Transferable Vote – to determine how the allocation of seats across councillors will be determined. Where a council cannot decide which mechanism to use, D'Hondt is considered the default.

Figure 1.2: Implementation Structures for the Reform of Local Government



(Source: Department of Environment (Northern Ireland), 2010)

These Committees will be responsible for setting the rates and budgets for each council area initially, together with agreeing the short-term vision of the council. The inheritance by the new councils of the debt incurred by the former councils will be a significant obstacle to their operations; for example, Fermanagh councillors are unhappy with the level of debt they will be inheriting when amalgamated with Omagh District Council (*Interview, QUANGO*). Such obstacles must be recognised and relevant procedures put in place to overcome them.

It was envisaged previously that, by the middle of 2010, the Transition Committees would have appointed a Chief Executive, together with the Finance and Human Resource

¹⁴ The D'hondt and Sainte Laguë systems of proportional representation are based on mathematical formulae to provide proportionality in the allocation of elected positions.

Directors, for their respective new councils. However, it is expected that there will be slippage in meeting this deadline given the delay in the adoption of the appropriate legislation (*Interview, Local Government*) – and that no resources have been made available to recruit, or pay for, these posts (and the current councils can only spend monies on *intra-vires* activities).

The last time there was strong local government in Northern Ireland (that is, in the 1960s / early 1970s), there were tensions between the councils and Stormont. These were subsequently addressed in the Macrory Report. To prevent such tensions developing under the emerging governance system, it is essential that mechanisms – checks and balances through a system of performance management – are put in place to effectively deal with such scenarios should they arise (*Interview, QUANGO*). To this end, a performance management system is currently being devised and it is against these which the accomplishments of councils – and the degree of policy integration achieved – will be measured.

1.3.3 New functions for new councils

The number and range of functions to be devolved, as things currently stand, is less than what was proposed in the original review of 2005. Authority over local roads, for example, was originally meant to be devolved to councils; this, however, is no longer the case. Considering roads in totality, only 5% of road functions are being devolved (this being a shift from the DRD to local government). Youth services are another area that was originally intended for decentralisation but instead, it has been decided to retain control of this function centrally. The main reason behind this is that since the return of devolved government to Northern Ireland under devolution in 2007, new Ministers have taken up their powers and appear reluctant to let a large swathe of their functions go to local government (*Interview, Central Government*). This may turn out to have been a strategic mistake on the Ministers' part and is evidently politically driven. The result of these changes is that councils will now cover aspects of wider services provided by central government, for example street lighting – and this raises questions about the autonomy of councils and the commitment to the principle of subsidiarity.

In saying that, it has been easier to secure the decentralisation of some functions over others; a case in point being statutory land-use planning. In 2002 / 2003, the Planning Service proposed that the existing planning system needed to be reformed to translate good practice from other countries, for example the Republic of Ireland; and that a two-tier system should be implemented with locally elected members being to the fore of the

decision-making process (*Interview, Central Government*). This proposal was accepted by direct rule and later by devolved government; with the unanimous decision that planning functions should be decentralised as part of the RPA.

That local government will have a greater range of functions, and as a result, a greater democratic mandate, is a welcome development in the governance of Northern Ireland. There are concerns, however, that the decisions by central government on what activities to devolve was politically-driven rather than being part of a wider, strategic framework for better governance and socio-economic development (*Interview, Central Government*).

1.3.3.1 The Development Plan

Presently, all development plans in Northern Ireland – including area plans, local plans and subject plans – are prepared by the Planning Service (see Figure 1.3). Under RPA, the preparation of development plans will become a new function of local government and should, provided community engagement is central to the process, result in greater council, and therefore community, ownership of the resulting policies.

Figure 1.3: The Hierarchy of Plans in Northern Ireland



(Source: Planning Service, 2004)

On this basis, it is essential that the appropriate systems are put in place to ensure that there will be a dovetailing between development and community planning processes (see Section 1.3.3.2 below). That planning must operate within a two-tier system, whereby functions are administered by both the new councils and the DoE, will be a test of the

proposed flexibility of the procedures being proposed and could challenge the timeliness – and speed – of the new system.

As it will not be possible to prepare new development plans for the merged councils pre-May 2011, it will be necessary for the new councils to work off existing plans for an initial period of time. During this interim phase, councils will have discretion in terms of deciding planning applications; a situation that has led to concerns being voiced on a potential policy-practice vacuum, particularly when no time limit has been placed on the operationalisation of new plans (*Interview, QUANGO*). Once the new plans are prepared, it is envisaged that they will cover a period of 15 years – thus reflecting their strategic nature and focus; with five-year reviews built into the process. The plan preparation process will be reduced to a 40month period (Planning Service, 2010); and while this is a significant development in terms of moving away from what can only be described as a currently open-ended process, this remains a lengthy development phase in comparison to that available to local government in the Republic of Ireland – 99 weeks or 23months (see Figure 2.3) – for example. This, however, needs to be understood in the context of two fundamentally different planning systems; where Northern Ireland’s system is based on independent examination while that of the Republic’s is legislation-based. In addition, the RPA will finally see the roll-out of the *Planning (Amendment) (Northern Ireland) Order 2003*¹⁵, that was further amended by the *Planning Reform (Northern Ireland) Order 2006*, which introduces the ‘plan-led system’ into Northern Ireland – thus giving primacy to the development plan when deciding on planning applications.

1.3.3.2 Community Planning & Civic Leadership

One of the key new responsibilities of the new councils will be that of ‘community planning’; a function already under the remit of local government in England, Scotland and Wales (see Section 1.6). Yet, somewhat surprisingly, there is still a great degree of uncertainty as to what exactly constitutes community planning in the Northern Ireland context; the most definitive explanation to date being that it will be a framework – rather than a mechanism – detailing how councils will work in partnership with different agencies to deliver better outcomes (*Interview, Government Department*). While this has been a purposeful tactic of central government so as to keep the concept flexible and unhindered in terms of its delivery (*Interview, Central Government*), community planning is, in effect, a function without clear definition.

¹⁵ Representing the beginning of the planning modernisation process in Northern Ireland.

The core function of the community plan will be to create a vision for the area that falls within the administrative boundaries of the new councils; with an emphasis on (1) joined-up public service; and (2) partnership with the local community (rather than just consulting). The content of community plans will be determined by their respective council, albeit under statutory guidance, thus indicating that the plans will be developed through a bottom-up approach with links back to national, regional and local development policies and agencies (that is, there should be vertical and horizontal integration of policy). This will require a culture change (see Section 1.5), particularly at central government level where various departments will have ‘to let go of the reins’ (*Interview, Central Government*).

The flexibility being given to councils in the development of this framework will, it is argued allow them to respond to changing circumstances and address locally specific issues. On this basis, the use of phrases such as ‘... have regard to and promote ...’ will be commonplace in these new framework documents (*Interview, Government Department*). And while such a framework runs the risk of inconsistencies emerging between national, regional and local level policies, there does not appear to be any desire at central government level – in the design of this process – to be overly prescriptive. It is, for example, still unclear as to how much the DoE will advise and consider the content of the community plans. The challenge for the new councils, therefore, will be getting the balance right between firm and flexible policies, and ensuring that the resulting plans will develop and nurture the relationships and environment necessary for the effective roll-out of the Programme for Government at the local level (*Interview, Government Department*). This will not only be based on identified local needs but also on the effective and efficient delivery of local services and ensuring due diligence in terms of democratic equity (*Interview, Academic*).

Community planning, once clearly defined, will bring many of the functions of the councils together in a more coordinated manner – and as such, see the councils and central government working closely in bringing their respective services together. Partners within the community planning process will include the community and voluntary sector, NGOs, and state agencies such as the health and policing boards.

1.3.4 A changing spatial planning landscape

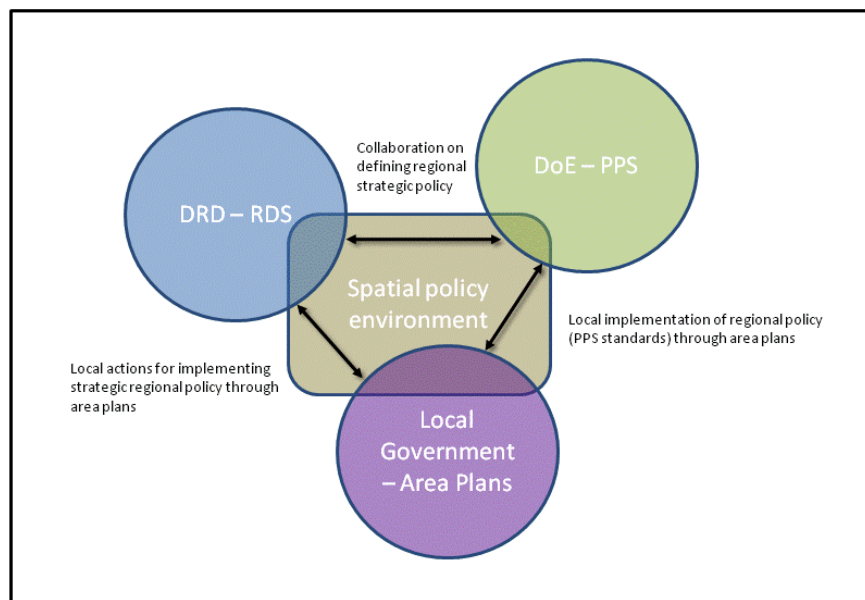
Based on a series of interviews and focus-groups conducted as part of this research, it is envisaged that a new spatial planning policy landscape will emerge as a result of the RPA (see Figure 1.4) involving the DRD who will have continuing responsibility for the RDS; the

DoE with accountability for 'regional' strategic planning policy; and local government who will be in charge of the preparation of area development plans (*Interview, QUANGO*).

As the island of Ireland enters a new decade, the state of the global economy, and the challenges this poses for a small island such as this, makes it inevitable that there will need to be greater degrees of collaboration across both jurisdictions.

In terms of spatial planning, future policies and practices must take better cognisance of the border context; with greater emphasis being placed on the mirroring of council responsibilities, shared services (and possibly personnel) and integrated policies (*Interview, Central Government*).

Figure 1.4: The Spatial Planning Landscape under RPA



(Source: Authors)

Spatial planning in both jurisdictions will be driven by efficiency agendas and a growing awareness of the need for effective trans-boundary policies and practice. The required increased capacity in the delivery of same will be achieved most effectively through participation in cross-border initiatives funded by EU-programmes such as INTERREG. A particular emphasis of these programmes, for example, will be on developing shared infrastructural capital, achieving environmental improvements and preparing cross-

jurisdictional Strategic Environmental Assessments (SEAs) and River Basin Management Plans (see Section 2.3.2).

1.3.4.1 Spatial Planning Policy

Having a single set of policies, created for the whole of Northern Ireland by central government, is recognised under the RPA as being a strait jacket which is incapable of recognising the individuality of place. As such, the 2009 consultation document, *Reform of the Planning System in Northern Ireland: Your Chance to Influence Change*, proposed that planning policy statements (PPSs) would be streamlined and shortened to provide strategic direction and regional policy advice (Planning Service, 2009). The resulting PPSs would, it was contended, be shorter, more focused documents that could be amended quickly should the need arise. The councils would then have the ability to interpret policy locally as they saw fit; albeit in saying this, local policies would have had to be aligned with those of central government. Unsurprisingly, these proposals were met with a mixed response; for some, it was considered that the format of the policy emerging would be too vague and, in parallel, there was ‘a nervousness’ that this proposal was awarding the new councils the scope to interpret strategic policies at the local level (Planning Service, 2010; *Interview, QUANGO*). Taken together, it was feared that the proposal could potentially lead to inconsistency in decision-making across the proposed new district councils.

In response to this and the 2009 planning reform consultation process, it is indicated that the existing PPSs – apart from PPS 1 – will not be reviewed at this current point in time. Instead, the Department contends that the current suite of PPSs – together with the forthcoming revised RDS and the revised PPS1 – provides a robust planning policy framework, and will facilitate the new councils in managing development and preparing local development plans that ‘fit’ with regional policy (Planning Service, 2010).

As noted in Section 1.3.2.2, good governance and spatial planning is dependent on strong vertical and horizontal policy integration (Lloyd, 2008). At a practical level, spatial planning spans four government departments in Northern Ireland: DoE, DRD, DSD and Department of Finance and Personnel; and with each Department overseen by a different political party, this can, and has, caused tensions¹⁶. Vertical integration has become an increasingly important issue in terms of the disaggregated split of functions between central and local government; a split that, as noted above, impacts on the policy

¹⁶ As evidenced in the ‘review of the review’ that commenced in 2007 (see Section 1.2.2).

development debate. The RDS and PPSs, for example, must now be taken account of in the preparation of future development plans; with regional policies and objectives being implemented in a consistent manner (Planning Service, 2010; *Interview, Central Government*). How this will be expressed legislatively has still to be finalised. To this end, the experiences of other jurisdictions are being taken into account. It is expected that vertical linkages will be very strong – thus reflecting the two-tier nature of the proposed governance structure and the new role of the central administration – and this will have implications for the capacity of both council officials, elected representatives and civil servants (see Section 1.5). However, it is envisaged that the production of development plans will be closely monitored by central government and, where relevant, they will intervene in its production (Planning Service, 2010).

Central government will, for example, have ‘call in’ powers under the new system of land-use planning and governance but it is intended that these will only be used when deemed absolutely necessary; should this be achieved, it will set this region apart from all other jurisdictions, and this will be to the region’s benefit.

Horizontal integration, while often discretionary, is essential in enabling neighbouring councils to work together and, to this end, there is a provision for joint working under the reform of local government (*Interview, Central Government*), and legislative arrangements are being put in place to facilitate this in particular circumstances (Planning Service, 2010). It will play a key role in place shaping (which is an important aspect of planning) and will ensure strong links between spatial and community planning. Strong horizontal integration is important to the collective identity of the region and its sub-regions; and will be central to effective decision-making and the roll-out of the new proposed development management culture. Questions are being asked as to whether fiscal incentives will be required to promote such collaboration – but no answers have yet been suggested.

1.3.4.2 Locating Facilities

A challenge for amalgamated councils, each of which as they currently exist have their own offices and land banks, will be (a) to determine where the new HQ for the conjoined councils will be located and (b) to determine which land banks within their control will be the first to be developed. What, for example, would happen if those councils that are coming together would each want to develop their lands from the outset? While the exact nature of the response to such a scenario has yet to be worked out, it is envisaged that central government departments such as the DSD or DoE would step in and assist in the

resolution of such a dilemma. Where the development of lands will, for example, have implications for regionally significant projects, such as environmental schemes or incinerators, the DoE has call-in powers.

Key issues for clarification:

- Is the model of 11 councils, as proposed under RPA Mark 2 appropriate for Northern Ireland?
- What role have the various structures that have been put in place to oversee the RPA played, if any, in delaying the reform process itself?
- Are the most appropriate functions being devolved to local government under RPA?
- A number of functions being decentralised will, in effect, involve a dual responsibility across councils and central government (for example, roads management); what will be the implications of this on decision-making and funding arrangements?
- Does the 'new' spatial planning landscape constitute good practice in governance and planning?
- What role, if any, do existing PPSs have in the post-planning reform landscape in Northern Ireland?

1.4 The Implications of the 'Review of a Review'

There is no getting away from the fact that the Northern Ireland Executive's decision to carry out a review of the RPA Mark 1 process has had significant implications for the reform of local government. The consequences of the 'review of the review' have largely been negative; for example, delays in roll-out, reduction in functions to be devolved, and the dissolution of critical mass under the 7-council model. While all was not right with the decisions and resulting direction of RPA Mark 1, it is not yet clear if the subsequent review has improved matters any.

1.4.1 Achieving the principle of subsidiarity

As noted by Knox (2009), one of the core principles of the wider Review was the achievement and delivery of subsidiarity. To operationalise this within local government reform, the second consultation document published in 2005 as part of the RPA proposed a two-tier system of public administration

- A regional tier (including, for example, the Assembly and government departments) focusing on policy development; and
- A sub-regional tier (Councils and health boards for example) organised around common boundaries and being delivery agents.

However, the ability of such a system to achieve the principle of subsidiarity is increasingly being called into question by commentators (Knox, 2009; Birrell, 2007); and according to Knox (2009), having such an aptitude is a myth based on the experiences of devolution in Scotland and Wales (see Section 1.6). The key difficulty is the decision from the outset to omit the reorganisation of central government departments from the Review process¹⁷ and, as a result, key decision-making powers and responsibilities will either remain at central level or be shared between central-local government.

1.4.2 Achieving common administrative boundaries – a missed opportunity

The ‘call-in’ of RPA Mark 1 by the devolved Assembly in 2007, and the subsequent delays this would lead to in terms of making a final decision on the number of councils that would replace the existing model, as well as agreeing the new administrative boundaries, has meant that the original principle of co-terminosity is no longer achievable. The boundaries for the new 11 ‘super-council’ model were due to be determined by the Northern Ireland Executive in early January 2010 (*Focus Group, Central Government*); the final iteration having an impact on the required elections. At the time of writing, however, the recommendations of the Boundary Commission (outlined in the 2008 Mackenzie Report), in terms of finalising the boundaries for the new eleven councils, have yet to be adopted (*Interview, Local Government*). This is a key blockage to implementing the whole RPA process created by political wranglings over the constituency boundaries between Lisburn and Belfast City Councils, and also between Castlereagh Borough and Belfast City Councils.

That the Republic of Ireland has operated a mish-mash of boundaries across agencies for decades highlights that the opportunity that was open to Northern Ireland, in terms of collating administrative boundaries across services, was missed. Learning opportunities also existed in terms of the Republic of Ireland’s experiences in misallocating counties to regional agencies in which they often had little in common with the other members. County Monaghan, for example, belongs to the Border Regional Authority and North West Tourism; however, key stakeholders in Monaghan would state that the most appropriate

¹⁷ This, according to Birrell, is the result of “the political agreement to have 11 devolved departments to facilitate power sharing in the devolved executive and a desire not to upset the share-out of the departments between the four parties” (2007: 663).

grouping is with the Mid-East Regional Authority and North East Tourism (*Interview, Local Government*). Yet this same mis-grouping of councils to regional-level agencies is already taking place in Northern Ireland; within the Rural Development / PEACE III clusters, for example, councils have been grouped without due regard to the now agreed upon 11-council model, and its associated amalgamation of councils.

In absence of common sectoral boundaries in both jurisdictions, one alternative to optimise area-based approaches to development and growth is the adoption of an inter-locality, fluid model based on the concept of the 'micro-region'. The micro-region concept is not new; it is used in many countries throughout Europe and internationally, for example France, the Czech Republic, Hungary and Mexico (Creamer *et al*, 2009). For the most part, it represents a space that is larger than the municipality, and which can include districts / counties and larger metropolitan areas (Baumgartner, 2008); albeit there are exceptions to this where the space it defines and links is of a smaller scale. They are flexible spaces, based on functional territories and / or shared identities, which can adapt to change and operate in a trans-boundary manner. The micro-region acknowledges the rural-urban inter-relationship. It facilitates the integration of policies and, through the use of 'fuzzy boundaries', itself not a new concept in spatial approaches to development, has the ability to adapt quickly to changing needs (Creamer *et al*, 2009). And critically, for a governance perspective, the micro-region recognises the importance of local capacity, acknowledges the identity and territorial integrity of places and communities, and 'fits' within national, top-down structures.

1.4.3 From pilot schemes to transition panels

Under RPA Mark 1, it was envisaged that shadow councils would be used to 'test' the robustness and democratic nature of the operational and structural changes being proposed. However, under RPA Mark 2, the proposed pilot schemes were replaced by Transition Committees whose functions would include considering structures already in place and the opportunities for convergence, for example, in partnership working and innovative programmes such as community plans (*Interview, Central Government*). The implications of time delay are that the proposed systems and structures, as applied to new functions and which are being operationalised on a pilot basis, cannot be fully tested in advance of the current deadline of May 2011 for the new councils. Instead, progress continues in putting in place the structures irrespective of whether they work effectively and efficiently – if at all.

1.4.4 Divergent timelines

In addition to all the work that has been undertaken to set up the various systems and structures required to ensure the success of the RPA, it is believed that complete transition within the new council structures will take three years to roll-out post-2011 (*Interview, Central Government; Interview, QUANGO*). With this shifting of the goalposts, whispers that the new council structures will themselves not come into play until 2015 are gaining momentum (Belfast Telegraph, 7 May 2010). And with the ongoing debacle over the adoption of boundaries, it is becoming increasingly likely that these whispers will become the new reality.

Key issues for clarification:

- Can a two-tier system of public administration deliver on the principle of subsidiarity? Does it adequately 'involve' all stakeholders, including the private sector and community agencies?
- What are the implications of the RPA not including a review of central government departments?
- Is there a space within the RPA for the establishment of a regional government tier¹⁸?
- What relationship, if any, has the RPA to the European Charter of Local Self Government in terms of achieving better local government?

1.5 The Capacity for Change

The achievement of good governance and a proper reform of the planning system, that is both effective and efficient, is dependent on a number of key ingredients including (a) the implementation of culture change and (b) improved capacity (Planning Service, 2009).

Underlying the reform of local government, there is an inherent fear that old attitudes are too well embedded to embrace a change in practice and culture (*Focus Group, Central Government*). Whereas officials may be unwilling to give up some of their executive functions, elected representatives are better versed in being advocates rather than policy-makers (*Interview, Local Government*). There is widespread agreement that the devolution of additional functions to the new councils will require "a shared understanding amongst stakeholders on the role and nature of the planning system" (Planning Service, 2009: 11) and the enhancement of the skills-set of both council officials and elected representatives so that they can effectively and efficiently deal with the new range of

¹⁸ Within this context, the Assembly and Executive are referenced as central government.

functions being decentralised to local government (*Focus Group, Central Government*). The long history of divisive sectarian politics in Northern Ireland also therefore ‘flags’ concerns over the capacity for policy and decision making at the local level. There is a risk, therefore, that moving beyond narrow parochial – and lingering sectarian – political agendas will remain a problem in Northern Ireland.

While a number of agencies have been calling for the roll-out of training and capacity-building programmes since the publication of RPA Mark 1, there has been little progress made in this area (*Interview, QUANGO*). This is despite one of the three PDPs and subsequently, the PriceWaterhouseCoopers Economic Appraisal report¹⁹, considering proposals in this regard for both council officials and elected representatives. Rather than acting directly upon the recommendations emanating from this process, they instead were sent to NILGA and the Local Government Staff Commission sub-group on training for consideration; but at the time of writing, this had yet to turn into positive action.

While it is envisaged that the identified capacity needs – including an improved understanding of the planning process and the principle of the ‘public good’, professional probity, strategic planning and local leadership – will begin to be addressed over the next 12 months, as part of the ‘planning for delivery’ phase of the reform process, there is a sense that the extent of training required has been underestimated (*Focus Group & Interview, Central Government*). Rather worryingly, it was reported that the ‘challenge fund’ which would have supported building the capacity of the sector to deliver citizen-centred services did not materialise in the form envisaged due to wider budgetary pressures (*Interview, Central Government*). While a small modernisation fund existed for a period of time to fund a range of pilot projects, this did not include capacity building (*Interview, Local Government*). The net effect of this has been that no significant funding has been allocated by government for capacity building; with costs instead forming part of the overall funding package for the reorganisation programme (*Interview, Central Government*).

To date, seminars and workshops are being held for members and officials; while Belfast City Council has secured funding for elected members to increase their capacity in community planning – with training being offered to those who will run in the elections in 2011 (*Interview, Central Government*). Also at the local level, Newry & Mourne District Council together with Down District have agreed to increase the capacity of those elected

¹⁹ PriceWaterhouseCoopers (2009): *Local Government Service Delivery: Economic Appraisal*. October 2009. Belfast: PWC.

members sitting on the Transition Committee from their own budgets (*Interview, Local Government*). Despite this, feedback from ‘the ground’ would indicate that training is not considered necessary in Ireland – North or South – and this is a cause for concern, particularly given the evolutionary nature of planning and governance systems and structures.

In the case of elected representatives, their relationship to date has tended to be focused on their constituents, operating primarily at the parochial or micro-level to the exclusion of strategic macro-scale issues. In terms of capacity-building as part of the RPA, there is a need to focus on the relationship between councillors and the Government and statutory agencies; this is particularly pertinent given that the RPA will place more demands on elected members while, at the same time, giving them more discretion (*Interview, Central Government*). With the objective that they gain a better understanding of their new functions and increased powers, increasing the capacity of elected officials will ensure that effective relationships are established and that they will become key participants in the governance of their areas, and the region of Northern Ireland as a whole.

In terms of capacity, there is a knowledge of what is required; the challenge is providing it – particularly when existing councils are reluctant to spend their monies on what they view as a structure not yet in existence (*Interview, Local Government*).

Key issues for clarification:

- What constitutes a ‘culture change’ in terms of the achievement of good governance?
- If it is not yet known what constitutes community planning, how can it be known how it will play-out at the local level – and therefore planned for?
- Can the delays in the roll-out of capacity building programmes be overcome pre-RPA adoption in May 2011? If so, what mechanisms should be put in place today?
- In what areas should capacity-building / training be provided?

1.6 Learning (or not) from existing U.K. models

As part of the reform process, the systems of the British-Irish Administrations were reviewed in depth, specifically in England, Wales and Scotland (*Focus Group, Central*

Government). From the outset, there has been admiration of the Scottish system, particularly given commonalities with its urban / rural nature and scale / relativity issues with Northern Ireland. A further attraction of the Scottish system was its basis in recognising the inadequacies of a 'one size fits all approach' to regional and local development. As a result, it has adopted a model of governance and planning that recognises and addresses local needs, and is based on a system of local accountability. Scotland is seen as having pioneered the development management approach that is most suitable and adaptable to the new planning system for Northern Ireland (*Interview, Central Government*); favoured because of its 'light touch' approach (*Focus Group, Central Government*). This, in part, explains why the community planning model to be adopted in Northern Ireland is largely influenced by the existing Scottish model.

The existing U.K. models of community planning are based on the development of strategies for the socio-economic well-being and enhancement of the areas they cover. In both Scotland and England, the process of developing the strategy – or community plan – is council-driven; with opportunities put in place for relevant agencies to feed into the process. In Scotland, the model has a democratic mandate, a local connection and is well placed to facilitate the engagement, and pulling together of, local agencies. And, it is this broadness in remit that is proving to be a challenge for the Scottish model (*Interview, Academic*). An initial review of community planning in Scotland in 2006 found the system in place to be hampered by:

- The complexity of the funding streams – each with its own application process;
- The divergence in working arrangements (financial and reporting) across partners;
- The lack of involvement of elected members;
- The absence of a spatial dimension to programmes and the delivery agent (i.e. Community Planning Partnerships); and
- The ambitiousness of the diversity of activities, with the overall objective of increasing social inclusion, covered under the banner of community planning (Audit Scotland, 2006).

The report also noted the importance of co-terminosity for all partners involved; an already failed objective of the Northern Ireland reform process. More recently, a conference organised by Newry and Mourne District Council noted that the community planning model – based on the Scottish experience – cannot be implemented overnight²⁰. Rather it

²⁰ Held in February 2010.

requires investment, both in capital and capacity building, and to this end, the Scottish Executive has invested £55m in the process to date.

While elements of the Northern Ireland model are also being adopted from the English and Welsh models, it is unlikely that these influences are strong enough to prevent a repeat of the Scottish 'exemplar's' failings. Through an analysis of various governance and planning systems throughout the British Isles and beyond, it was possible to determine in which direction the planning and governance systems of these various administrations were moving, the lessons that could be taken from those systems that were further ahead, and the mistakes / pitfalls of others that could be avoided. The publication of the Audit Scotland report, for example, in advance of the 'review of the review' should have raised question marks over the appropriateness of the Scottish model as a template for Northern Ireland – or at least, flagged the issues and challenges that would need to be addressed from the outset; yet, this appears not to have been the case.

Delivery of the new planning system remains a key issue for Northern Ireland and, to date, it has not yet been decided which model to use (*Interview, Central Government*). Under the RPA, consideration is being given to local area agreements becoming part of the local governance structure within Northern Ireland (in partnership with non-public actors) in terms of achieving joined-up service delivery for those living and working in the given area and sharing costs. If introduced correctly, emphasis will be placed on people and place – rather than the deliverer (*Interview, QUANGO*). Such agreements, it is argued, will play a key role in the achievement of efficiencies (*Interview, Central Government*) and preventing the risk of inconsistencies emerging across planning policy and operation (*Focus Group, Central Government*); with the proposed model again being adopted from Scotland – that of Single Outcome Agreements. Irrespective though of which model is followed in Northern Ireland – whether it is that of Local Area Agreements in England, Local Service Agreements in Wales or the aforementioned Single Outcome Agreements in Scotland – its success as a delivery mechanism will be dependent on the legislative powers entrusted to it (Pemberton & Lloyd, 2008); its adherence to a specified spatial boundary; and an emphasis being placed on both vertical and horizontal integration of policy.

Another option open to the councils, particularly given that co-terminosity is no longer a viable goal of RPA, is the establishment of cross-sectoral bodies working to an agreed charter that reflects the circumstances and needs of the area; similar to the model of Strategic Policy Committees (SPCs) in the Republic of Ireland (see Section 2.1.1).

A final decision on which model is to be adopted will be decided when the new councils are in play and they 'get a feel' for how the new structures will operate (*Interview, Central Government*).

From a planning perspective, the European Union (E.U.) has played a role in influencing aspects of the review process; particularly so in relation to the development plan and its need to take cognisance of emerging Directives; such as SEAs, the Habitats Directive, Nature 2000 and the Water Framework Directive. E.U. Directives will increasingly come to the forefront of planners' minds in the production of development plans; and this will put extra requirements on the planning process (*Focus Group, Central Government*). The new locally-driven planning system is striving to prepare for these extra demands from the outset and make the necessary operational arrangements. Yet, given that the diversity of the island's environment does not adhere to man-made boundaries, it is of concern that little attention is being given to inter-jurisdictional collaboration with the Republic of Ireland under the RPA process; the emphasis 'locally' being firmly placed on getting the structures and operations required for good governance and planning in place within Northern Ireland before considering 'external' matters.

Key issues for clarification:

- What role do local area agreements have to play in the delivery of services at local government level? And who should be involved in the drafting and roll-out of such agreements?
- What, based on the models that have been considered, will be the relationship between the development plan and the community plan?
- Would the focus and intent of developing good governance and planning mechanisms for Northern Ireland benefit from a better understanding of the mechanisms, legislation and policies of neighbouring administrations, namely the Republic of Ireland?

Section 2

The Reform Agenda in the Republic of Ireland and Inter-Jurisdictional Planning on the Island of Ireland

Although not undergoing the same extensive structural changes as planned for Northern Ireland, there are nonetheless important transformations underway in policy and legislation in the Republic of Ireland. The two key structural documents shaping these proposed changes are the Green Paper on Local Government, *Stronger Local Democracy: Options for Change*, which was launched on April 22, 2008, and the *Planning and Development (Amendment) Bill, 2009*.

The proposed reforms for local government in the Republic of Ireland are taking place as a response to ongoing changes in the state, including transformations in population growth, economic decline, and the need to address issues such as growing social exclusion and the need for more effective environmental protection (DoEHLG, 2008). In addition, and although not specified in either of the documents, the reform agenda is also driven by the need to redress the corruption evident in the system (as identified by the Flood and Mahon Tribunals²¹), and consequent impacts on zoning and local decision-making. The devolution of powers from central to local level in Northern Ireland, on the other hand, will in itself create changes and is responding to the necessities of the peace process and the longer-term inefficiencies which characterise the public sector resulting from years of inertia and an overly centralised system. Despite the different drivers of change in the two jurisdictions, the goals for the effective operation of local government are comparable. Public participation, for example, tends to occur in an ad-hoc manner and at the micro-scale, with development management being the main route through which communities partake in the planning process. Participation in the formulation of development plans and policy making is poor in both planning systems, despite structures being in place to facilitate community involvement (*Interview, QUANGO*). Community participation and the role it can play in growth, development and cohesion is at the core of the 'tightening up' of local government in the South and in the formalisation of community planning structures in the North.

²¹ See <http://www.planningtribunal.ie/asp/index.asp?ObjectID=310&Mode=0&RecordID=480> for further details.

2.1 Restructuring of Local Government in the Republic of Ireland

Since the 1990s a number of local government and planning reforms have taken place in the Republic of Ireland. The most important of these were the structural changes implemented by *Better Local Government* (Department of Environment, 1996) and new legislation introduced for planning and housing through the *Planning and Development Act 2000*.

2.1.1 Better Local Government

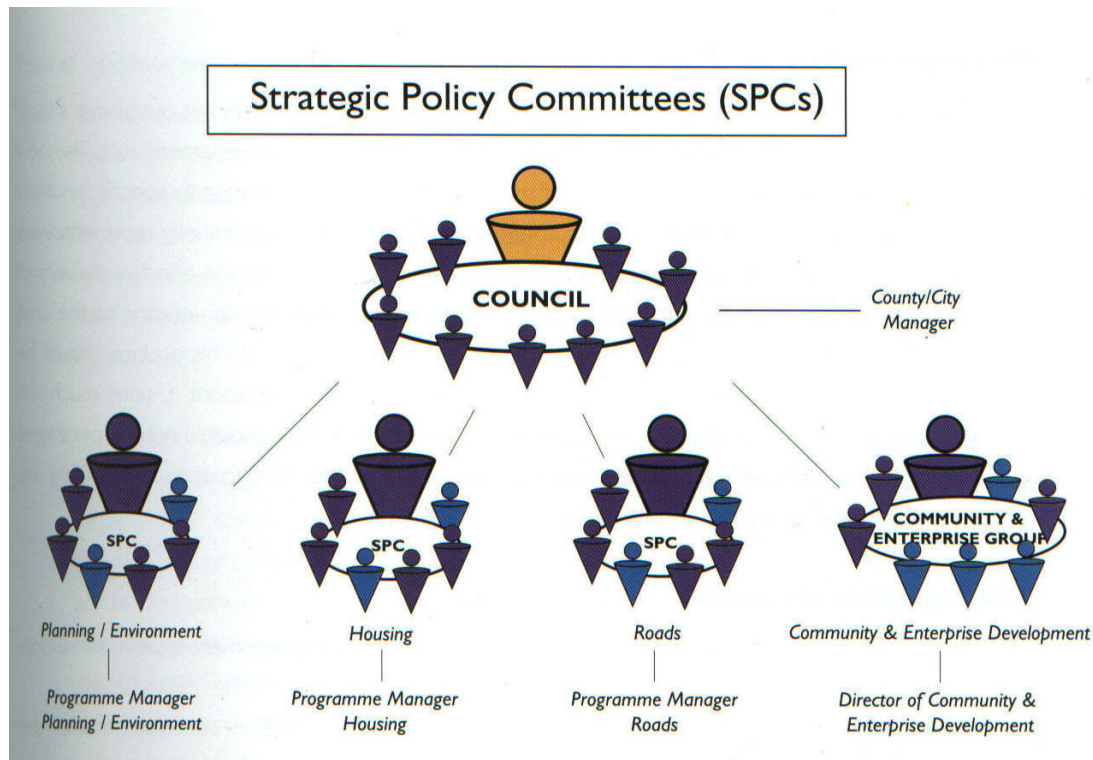
In 1996, the structures within local government in Ireland were changed significantly with the introduction of *Better Local Government* (BLG). Implementation of this strategy transformed a number of governance areas, including the creation of a less dualistic structure of personnel which had until then separated administrative and technical staff, and acknowledged the expertise that exists beyond the traditional realm of the engineer. It broadened the remit of what had been distinctive sectoral departments by establishing umbrella groups that could work together more cohesively and effectively to address local needs by ensuring joined-up thinking where, for example, planning departments could now be a part of a wider socio-economic service unit. BLG also introduced the idea that local representatives other than elected politicians, such as local community representatives, business people and non-governmental organisations (NGOs), could contribute to the decision-making process by setting up Strategic Policy Committees (SPCs) which became the overseeing bodies for service units under a Director of Service (see Figure 2.1).

Establishing improved joined-up working was also an objective of BLG; thus, in addition to SPCs, Corporate Policy Groups (CPGs) were established in each Local Authority comprising of the County or City Manager and the chairpersons of each SPC. The remit of these Groups were to link the work of the different SPCs and provide a forum where policy positions affecting the whole council could be agreed for submission (DoE, 1996).

The restructuring of local government in Ireland in the 1990s reflected the fact that the role of Local Authorities²² had been repositioned, and that the technical and professional expertise once regarded as having authority over all decision-making for an area needed to be broadened so as to recognise that other bodies, such as NGOs and community groups, should have as much say in the future development of their area as the local Council.

²² At the local level, Local Authorities are recognised as Planning Authorities and these include all County Councils, City Councils, Borough Councils and Town Councils (DoEHLG, 2007a).

Figure 2.1: The Role of Strategic Policy Committees in Local Government



(Source: Department of the Environment and Local Government, 1996)

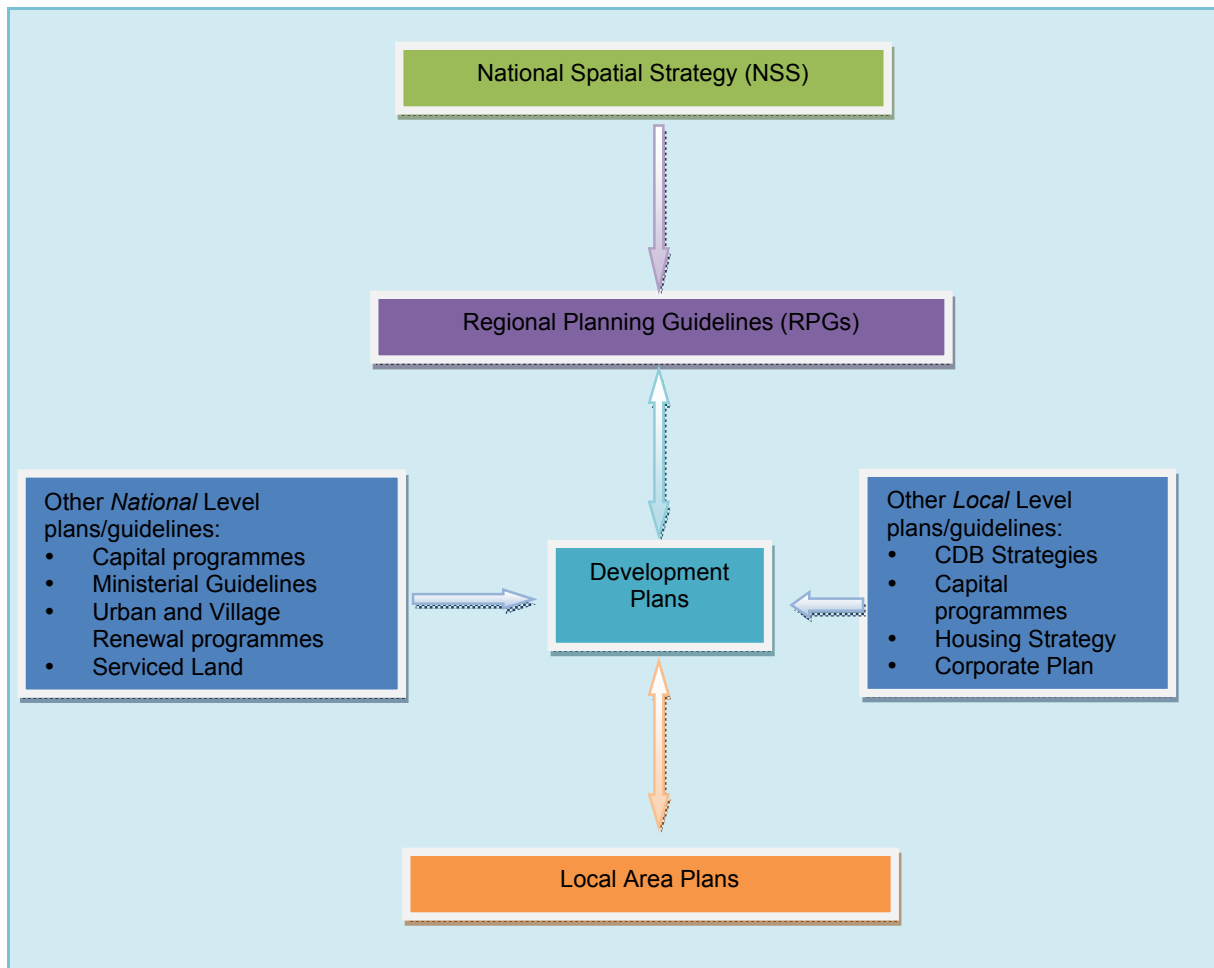
Overall, it was hoped that the introduction of non-elected community representatives would result in the Local Authority being more accountable and transparent in its decision-making, an attempt to counter the vested interests that may have influenced policy in the past. From this perspective the changes proposed in the formalisation of community planning structures and processes in Northern Ireland's devolved local government functions reflects some of the measures that were introduced in the late 1990s in Ireland. The inclusion of community representatives and an engagement with a partnership approach to planning for the development of the 'super-council' area as a whole provides a potential structure for similar SPC proposals in Northern Ireland.

2.1.2 Planning and Development Act 2000

The 1996 *Better Local Government* reforms were followed by the *Planning and Development Act 2000* which reinforced, tightened up, and provided greater legislative protection for the planning function within local government. Although a number of amendments had been adopted over the four decades since statutory development planning and development control were introduced to Local Authorities (through the *Local Government (Planning and Development) Act, 1963*), the 2000 Act was necessary to bring

the older system up to date. With increasing demand being put on the planning system from the 1990s due to increased development and a more buoyant economy, there was a requirement to adjust accordingly to changes and to become a more proactive regime. Additionally, the withdrawal of government from regional planning, with the disbandment of the Regional Development Authorities in 1987, had left a serious gap in the potential for strategic planning (Cawley, 1996). European Union objectives to examine and plan for the territory of Europe as a whole in the 1990s, culminating at that time in the publication of the *European Spatial Development Perspective* (ESDP) in 1999, also drove the attempt to plan more strategically at national and local levels (see Figure 2.2).

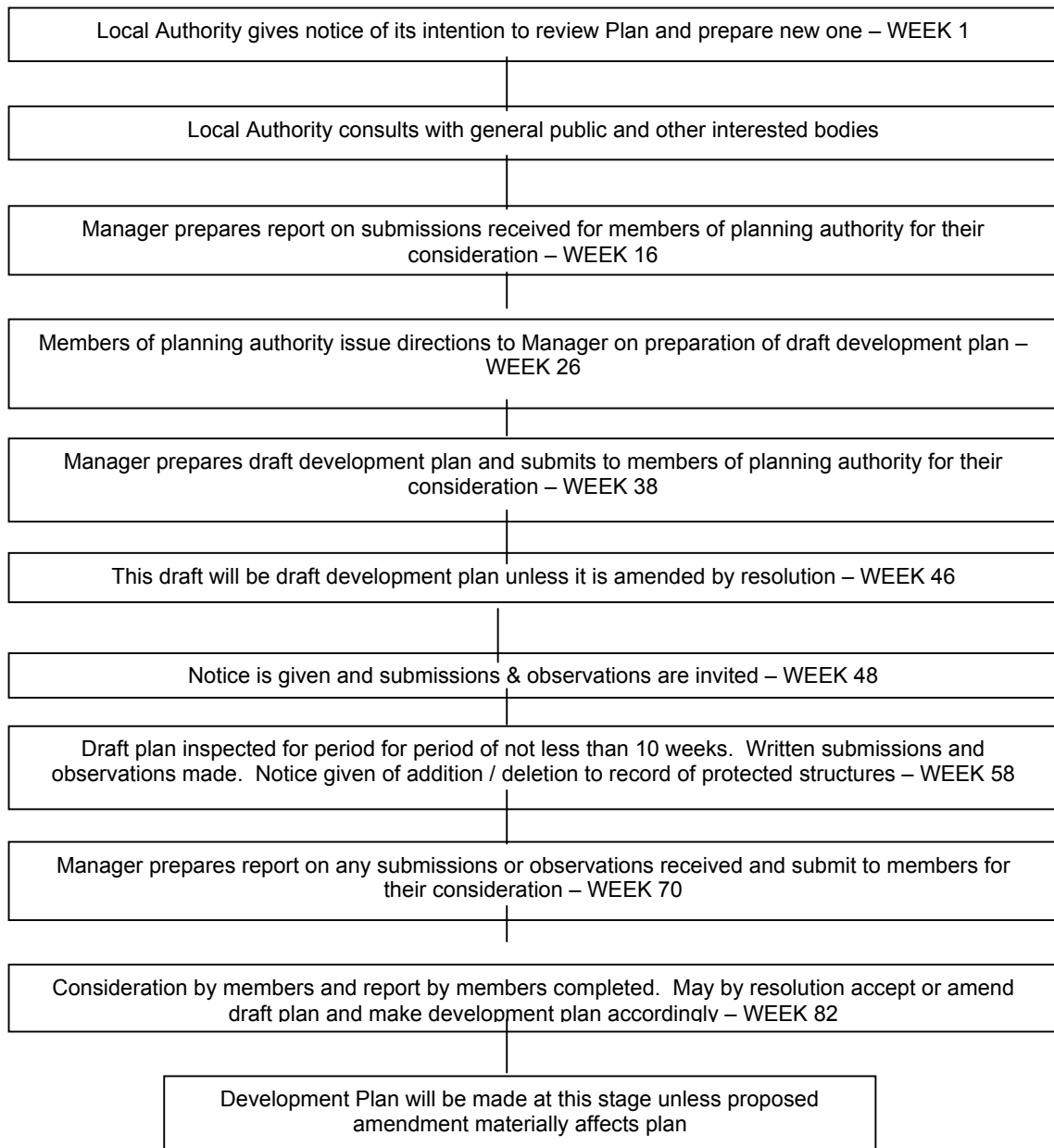
Figure 2.2: The Hierarchy of Plans in the Republic of Ireland



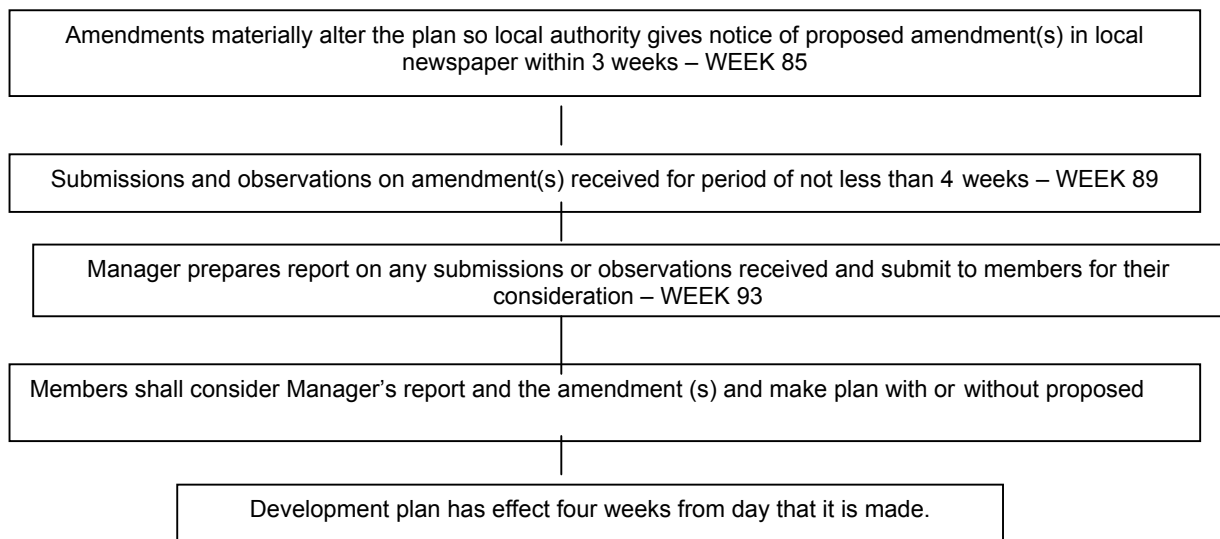
(Source: Authors)

A wide range of new legislation was adopted through the new Act, including the strengthening of legal requirements around development plan making, and setting in place mechanisms for tighter time limits for decision-making and adoption (see Figure 2.3).

Figure 2.3: The Development Plan Process under the 2000 Act



ALTERNATIVELY:



In addition to alterations to everyday decision-making in local authorities, the Act also set in place legislation that would enhance the proactive and pre-emptive role of planning. For example, Part X of the Act legislates for Strategic Development Zones (SDZs) which allows for the fast-tracking of development decisions so that housing and other needs are provided for efficiently. Another new element of legislation is Part V which addresses housing need by ensuring that developments of four or more dwellings in zoned areas provide up to twenty percent social and / or affordable housing.

In terms of development management, significant changes also took place under Section 28 of the 2000 Act. These included changes to timescales for decisions on planning applications (from the relatively vague term of two months to the clearer eight weeks), and clearly outlining timelines for the submission of comments by the public and associated fees. The Act also gave statutory provision for pre-application consultations, either on a face-to-face basis (under Section 247) or less formally through telephone conversation or email correspondence. Under Section 247, the interested party must be advised by the Planning Authority on the procedures involved in considering a planning application; any requirements of the permission regulations e.g. site and newspaper notices, documentation to be forwarded including maps, drawings and EIS where required; and the relevant objectives of the development plan (DoEHLG, 2007b). While the 2000 Act tightened up many of the day-to-day procedures in development management in the Republic of Ireland, similar measures have not been undertaken in Northern Ireland. For example, there is no statutory default timescales for decisions on planning applications in Northern Ireland at present. In the *Government Response to Planning Reform* (Planning Service, 2010) there is support of 'voluntary performance agreement' for submissions of regional significance to ensure that decisions are made within a reasonable time period.

Section 28 of the *Planning and Development Act 2000* allows for the Minister to issue planning guidelines as guidance covering various land uses and development types to be dealt with in the planning system. This policy guidance is incorporated in various ways into the primary planning document such as the development plan and development management. Ministerial guidance as legislated for by Section 28 is similar to PPSs in Northern Ireland.

2.1.3 Planning and Development (Strategic Infrastructure) Act 2006

The *Planning and Development (Strategic Infrastructure) Act 2006* has been highlighted by some observers as being even more significant than the *Planning and Development Act*

2000 (Flynn, 2006). The main purpose of the 2006 Act is to allow for a streamlined consent procedure for major, strategic infrastructure and for the creation of a new specialised division within An Bord Pleanála (the Strategic Infrastructure Division) to take decisions in relation to such projects (DoEHLG, 2010). Section 3 of the Strategic Infrastructure Act amends elements of Section 37 of the *Planning and Development Act 2000* by allowing for applications of the following nature to be applied for directly to An Bord Pleanála: (a) developments of strategic economic or social importance to the State or region in which it is situated; (b) developments that contribute substantially to the fulfilment of any of the objectives in the *National Spatial Strategy* (NSS) or in any regional guidelines; and (c) developments that would have a significant effect on the area of more than one planning authority.

Developments which to date have been processed under the provisions of the Strategic Infrastructure Act include Shell EP's application for the construction of the Corrib gas line and the development of the Cork twin-incinerator by Indaver Ireland. A review of these projects alone would indicate that the Act is not been without its problems. The Corrib gas line in Co. Mayo, for example, has been wrought with controversy from the beginning with the jailing of anti-gas line campaigners (the so-called 'Rosspport Five') and applications for extensions to deadlines on the final route of the pipeline (Siggins, 2010). Flynn (2006) suggests that the planning system itself may not have been solely behind delays to development and, therefore, the 2006 Act is adding another layer of decision-making to the planning process rather than making it more streamlined. In addition, the Act impinges on An Bord Pleanála's independent status by establishing it as a development control body (Flynn, 2006).

2.1.4 Local Government Functions

Local Authorities in the Republic of Ireland have a limited range of powers, but in comparison to those assigned to District Councils in Northern Ireland, carry out a wider suite of functions. Under the *Local Government Act 1991*, Local Authorities in the Republic of Ireland were given a power of 'general competence' in place of the earlier doctrine of *ultra vires* (Creamer & O'Keeffe, 2009). While *ultra vires* prohibits Local Authorities from undertaking any action that they are not specifically authorised to undertake, the power of general competence paves the way for councils to engage in activities that "promote the interests of the local community" (Callanan, 2003: 9). This can include social inclusion measures and environmental, cultural or community development initiatives.

Today, the main functional activities of local government in the Republic of Ireland are:

- Housing and building;
- Road transportation and safety;
- Water supply and sewerage;
- Forward planning and enforcement;
- Development incentives and control;
- Environmental protection;
- Recreation and amenities; and
- Miscellaneous – including agriculture, education, health and welfare

(Bartley 2007; Indecon, 2005).

2.2 Current Structures

The Department of the Environment, Heritage and Local Government (DoEHLG) and An Bord Pleanála are the bodies with the main central responsibility for planning in the state, with the DoEHLG overseeing all legislation and policy formulation (Bartley, 2007). The *Planning and Development Act 2000* established the statutory requirement for regional planning guidelines (filling the gap left after the 1987 disbandment of the Regional Development Authorities) which, at present, local planning authorities are not legally obliged to adhere to but are advised to give regard to²³. There are eight Regional Planning Authorities²⁴ whose main responsibilities include the adoption of *Regional Planning Guidelines* (RPGs), the monitoring of the use of E.U. structural funds and the coordination of Local Authority activities.

2.2.1 Proposed Changes

As previously noted, the current proposed changes for local government in Ireland are the Green Paper on Local Government (*Stronger Local Democracy - Options for Change*) and the *Planning and Development (Amendment) Bill, 2009*. The Green Paper proposes a number of structural and systematic changes to local government throughout the state, which include a new Mayor for the Dublin Region with defined strategic functions, directly elected Mayors, the sharing of services between Authorities, and a greater regional focus, moving beyond the traditional model of county boundaries for administration.

²³ Under the 2009 Bill, this requirement is set to be strengthened with Planning Authorities expected to ensure that plans are consistent with Regional Planning Guidelines and the NSS.

²⁴ Established by the Government under the *Local Government Act 1991 (Regional Authority Establishment Orders 1993)*.

The *Planning and Development (Amendment) Bill, 2009* extends and amends the 2000 Act (and further amendments that occurred up to and including 2007). The need for evidence-based planning is a key driver for the amendment Bill, where the principal aim is to support economic renewal and promote sustainable development by ensuring that the planning system supports targeted infrastructure investment. As part of the Bill, development plans (and local area plans) should have an 'evidence-based core strategy' that not only assists in the making of decisions on zoning and the housing strategy, but also ensure that policies are consistent with the relevant *Regional Planning Guidelines* (RPGs) and the *National Spatial Strategy* (NSS). In support of the broader sustainability and climate change goals, development plans must contain mandatory objectives for the promotion of sustainable settlement and transportation strategies in urban and rural areas; this includes appropriate measures to reduce man-made greenhouse gas emissions and address the necessity of adaptation to climate change.

The goal of evidence-based planning and the related need for the more efficient operation of local government drive this reform agenda. Overall, the two proposed reform frameworks aim to tighten up the running of Local Authorities throughout the state, and bring together and update planning amendments since 2000. These measures include the greater alignment of the hierarchy of plans from the *National Spatial Strategy* to local area plans (LAPs); moderating the ability of Local Authorities to amend development plans outside the normal consultation and adoption process; strengthening the role and responsibilities of local communities by the introduction of participatory budgeting (allowing communities to prioritise funding); and awarding formal local votes on specific proposals (DoEHLG, 2008).

2.3 Alignment of Functions

The devolution of central government powers in Northern Ireland sets the foundation for a greater alignment of functions and decision-making powers at local government level on an inter-jurisdictional basis – both North/South and East/West. This is particularly so with regards to spatial planning and local services (see Table 2.1). As has been demonstrated in other EU cross-border and trans-frontier contexts, cooperation is enhanced when similar competencies and decision-making processes occur at each level of government. In terms of spatial planning, for example, this allows for strategic coordination of policies and projects at regional and / or local council level. In the case of Northern Ireland and the Republic of Ireland, recent examples of cross-government support and funding for large-scale, strategic infrastructure projects demonstrates the potential that exists for greater

collaborations on an all-island scale, as well as between local governments. An increased ‘mirroring’ of local government functions between the two jurisdictions, based on the principle of subsidiarity, would assist in:

- Improving efficiency;
- Speeding up the decision-making process; and
- Making the ‘matching-up’ of environmental protection, for example, more cohesive and effective (*Interview, Central Government*).

As well as the increased mirroring of functions, the way Local Authorities, and particularly those on either side of the border, relate to each other and work together will change. In the context of the European territorial development agenda, the need for cross-border planning will be more specific.

Table 2.1: Administrative Hierarchies for Regulatory Planning on the Island of Ireland

Republic of Ireland		Northern Ireland
Department of the Environment, Heritage and Local Government <i>With finance coming from:</i> Department of Finance	National Level	Department of the Environment Department of Regional Development Department of Social Development <i>With finance coming from:</i> Department of Finance and Personnel
An Bord Pleanála		Planning Appeals Commission
↓		↓
Regional Assemblies	Regional Level	NO REGIONAL LEVEL
↓		
Regional Planning Authorities		
↓		↓
Local Authorities	Local Level	District Councils

(Source: Authors)

These requirements will have a very particular impact, not only on how these areas are planned for, but on the information that is required to plan (*Interview, Central Government*). In other words, this means that an evidence base will be needed regarding the 'other side of the border', on areas such as population change and employment. This in turn will have an impact on the information needed to assess demand for land, housing and infrastructure (*Interview, Central Government*).

This need to understand the dynamics of geographical neighbours, whether within the Republic of Ireland or in Northern Ireland, must be a core aim of local government. Under the proposed *Planning and Development (Amendment) Bill, 2009* border counties will be required to factor in these cross-border dynamics in order to establish stronger evidence bases.

The proposed major reforms to planning and local government on the island of Ireland are all setting their sights on stronger inclusion and co-operation across the border. However, the misperception of some planning processes in the Republic of Ireland has meant that Planning Reform proposals for Northern Ireland have been too swift to discount the experiences of local level decision-making in the South (Lloyd, 2009), particularly given the similarities in culture and the nature of 'parish pump politics' (Keaveney, 2009).

With information being key to good planning, it is up to national and local government to ensure that the collection and communication of good information is allowed to take place between agencies. It is possible that organisations such as Irish Central Border Area Network (ICBAN) and the East Border Region Committee (EBRC) – existing and well-established border networks – could drive this flow of information collection and dissemination (*Interview, Central Government*). In addition, the recent election and change in government in the U.K., and the expected budgetary changes that this will give rise to, will also impact on the need for Northern councils to co-operate and work with their Southern counterparts (*Interview, Central Government*). Due to the current economic climate and the pressure to improve efficiencies and spending across the public sector, North and South, the potential for increased cross-border cooperation could be one of the greatest challenges as well as opportunities for local government in Ireland and the U.K. The need to avoid service duplication and save money may be a key driver for a more formalised cross-border collaboration structure with necessity outweighing politics in the long-term.

2.3.1 Third Party Appeal

Third Party Appeal is a strong feature of the Republic of Ireland's planning system and is operated by An Bord Pleanála. This independent appeals body, established in 1977, oversees the determination of appeals under a number of acts including the *Planning and Development Act 2000*, *Air Pollution Act 1987*, and *Building Control Act 1990*. The 2000 Act introduced new elements such as an individual must have made a submission on a given planning application in order to be eligible to appeal against a Local Authority decision on that application, and the requirement of fees in order to make a submission on an application, have enhanced the system (*Interview, QUANGO*).

Third Party Appeal does not exist in the Northern Irish system, and the pros and cons of its potential implementation have become a hotly contested topic in recent years. An Bord Pleanála and the right to third party appeal in the Republic of Ireland are largely considered a successful feature of the planning system there, and the avoidance of the adoption of a similar right in Northern Ireland could be identified as a missed opportunity. The introduction of Third Party Appeal to the planning system in Northern Ireland has largely been ruled out (Planning Service, 2010), although it had been presented as an option for inclusion in systematic or structural changes in the 2004 *Planning Reform* proposals (DoENI, 2004). In the consultation process for Planning Reform, the majority of stakeholders supported the introduction of third party appeal (59% of those consulted), but of those in favour 78% felt a wider appeal system could only be implemented with restrictions (Planning Service, 2010); this view is supported by the Planning Appeals Commission (PAC) (*Interview, QUANGO*).

In the Northern Irish system if a planning application is not permitted to develop, there is the right to appeal, but the rights of those *affected* by development are not protected within the process. Objectors can attend planning appeals hearings to voice their opinions, but no third party can initiate an appeals process if an application is approved. It is, therefore, logical to consider the inclusion of third party appeals; however, there is no desire to adopt the same broad structure that is in operation in the Republic of Ireland whereby all planning decisions on a variety of large- to small-scale developments can be appealed (*Interview, QUANGO*). The question over the introduction of third party appeals remains, and given there are no proposals for structural or organisational changes within the PAC under the RPA²⁵, these questions will remain until any such changes may take place.

²⁵ However, when Policing and Justice Powers are devolved to the Assembly this will require some structural changes as the PAC's sponsor will become the Department of Justice, which will have responsibility for a new Courts and Tribunal service - of which the PAC is a part (*Interview, QUANGO*).

2.3.2 Cross-Border Planning and Collaboration

The RPA is expected to improve opportunities for council interaction and for collaboration on a North-South basis. The devolution of planning and some public realm aspects of road powers to the councils in Northern Ireland will mean council-to-council interaction will need to replace the previous model of central-to-central government interaction (*Interview, Local Government*). The existence of bodies such as the three border networks, the All-Island Steering Forum (see Section 3.3.4), and European level apparatus for cross-border learning and co-operation means that structures are already in place to accommodate inter-jurisdictional collaboration (*Interview, Central Government*). The INTERREG programme is a good example of this whereby the goal for projects funded under this scheme drives a lot of co-operation and information collection which is then made publicly available. Significantly, the E.U. will drive much cross-border collaboration regardless of country-specific structures. One example of a Europe-wide initiative is the INSPIRE²⁶ programme, the goal of which is to establish an infrastructure for spatial information to support European Community environmental policies, and policies or activities which may have an impact on the environment. Local and national government need to ensure that they are a part of these programmes so that they are not left behind (rather than waiting for formal structures to be put in place before any co-operation can take place across borders).

The *Planning and Development (Amendment) Bill 2009* has the potential to allow for an enhanced role for planning in the NUTs III border region by using the Border Regional Authority as a vehicle for consultation between its Local Authorities and Northern Ireland. The express requirement (in *Section 5* of the 2009 Bill) of “a written statement setting out a core strategy that shall show that the development objectives in the development plan are consistent, as far as practicable, with national and regional development objectives set out in the NSS and RPGs” can be expected to ensure a much improved alignment of development plan policies and strategies with those of the NSS and RPGs. Importantly for inter-jurisdictional planning this requirement should provide for greater alignment of plans in cross-border areas. This need for greater integration is being driven from the Republic of Ireland alone (in line with E.U. policy on territorial integration); with no formal attempt having yet been made for a similar objective in Northern Ireland.

²⁶ INSPIRE stands for Infrastructure for Spatial Information in the European Community. For further information see <http://inspire.jrc.ec.europa.eu/index.cfm>.

Despite a lack of legislative provision for cross-border plan alignment, inter-jurisdictional practices have been taking place for a number of years, driven by the benefits of knowledge exchange rather than being driven by wider legislative requirements. For example, the PAC and An Bord Pleanála have not worked together officially but meet together with their counterparts in Scotland, England, and Wales at a 'formal' annual conference (*Interview, QUANGO*). Similarly, representatives from DRD and DoEHLG meet with their U.K. counterparts twice a year to discuss spatial planning issues. However, this is not to say that no formal cross-border activities are taking place. The location of certain developments in the border area will require collaboration of some sort; for example, as a result of Environmental Impact Assessments (EIAs) there have been occasions where the views of councils in the Republic of Ireland and Northern Ireland have been sought and received. Furthermore, under Strategic Environmental Assessment (SEA) consideration has been given to the impact of development on water quality in the Republic / Northern Ireland and vice-versa (*Interview, QUANGO*). European Directives, such as the Habitats and Groundwater Directives will, in the future, compel councils to collaborate in order to address cross-border issues. Directives will require local government to improve communications with adjoining planning authorities since the environment knows no boundaries (*Interview, QUANGO*).

2.3.3 Local Interpretation

The planning system in the Republic of Ireland has for a long time relied on the local interpretation of national policies and guidelines. Autonomy and flexibility are inbuilt into the system. The 2009 Bill proposes a direct change to this relationship whereby Local Authorities will have to adhere to RPGs and provide greater evidence for Development Plan objectives. One of the key failures identified in the Irish system to date is that the autonomous nature of local level (County) planning has created a laissez-faire and weak planning regime that has failed to be strategic. This became particularly evident during the boom years of the late 1990s and early 2000s when development pressures rose to unprecedented levels. Given that local interpretation is a key element of the devolution of central powers to local government under RPA and of the wider planning reform process (*Interview, Central Government*), those involved in the roll-out of the proposed changes in Northern Ireland would benefit from carrying out an analysis of the systems that have been in place in the Republic of Ireland since the 1950s (*Interview, Local Government*). It is now widely accepted that these systems and structures are flawed, as evidenced in the goals of the new Planning Bill, and any such analysis would outline how such 'failings' can be avoided elsewhere. The provision for District Council level autonomy in making planning decisions will allow for local solutions to address local issues. However, in the

long-term such an approach has the potential to re-enforce non-strategic spatial planning in the region, as it has done in the Republic of Ireland.

2.3.4 The Role of Councillors

Councillors have had a key role to play in local government in the Republic of Ireland and planning since the 1950s and 1960s, particularly with the introduction of 'Section 4' (of the *City and County Management (Amendment) Act 1955*) where elected representatives had the power to direct the County Manager to overturn or change a planning decision (*Interview, Local Government*). In addition, clientalism remains strong and is a key failing in politics in Ireland. Since the early 1970s, councils in Northern Ireland have had limited powers. Unlike the Republic, for example, councillors never had a role in planning, and with this function being devolved to them for the first time under the RPA there is a question over how they will cope with these new responsibilities (as noted in Section 1). However, while there is a different relationship between elected members and the State in both jurisdictions, there are also similarities across both; namely councillors operate at the micro-level (rather than macro) and their relationship is with their constituents due to the presence of multi-seat constituencies (*Interview, Local Government*). Furthermore, they both have strong roles as advocates for their electorate despite different voting rights.

A recent emerging trend in the Republic of Ireland is for councillors to fail to take a strategic overview in determining policy. This approach has been supported by the central system which allows local flexibility and interpretation in decision-making, but rather than resulting in strong local area planning, the whole system has been weakened. This is as much a failing of central government as local government – with central government having put in place the proviso that if councillors fail to make decisions on waste and water management and traveller settlement for example, then County / City Managers must take these decisions. There is a sense that this dilutes democracy at the local level; that if there is no consensus, the responsibility falls to the County / City Manager (*Interview, Local Government*).

Key issues for collaboration:

- Cross-border and inter-jurisdictional planning on the island of Ireland may be driven in the longer-term by economic and environmental needs rather than by political interests and / or desire. European structures and programmes are more likely to influence the direction of cross-border planning going into the future, and will not wait for national governments to have all structures in place before proceeding.

- Misperceptions about aspects of the Irish planning system, such as perceived inflexible pre-application procedures and reactive development processes (Lloyd, 2009: 149), limited the RPA's recognition of the need for greater cross-border collaboration and restricted the need to reflect on the potential for greater alignment of local government functions.
- The proposed reforms to the planning system in Northern Ireland are based on various elements of different UK planning systems, and provides little recognition of the similarities in local level politics with, and the shared values and experiences of the Republic of Ireland system.
- Increasing collaborations with existing cross-border and all-island agencies with an emphasis on governance and planning will be essential to local government, North and South, in the building up of coherent and accurate evidence-bases.
- Will the provision for local interpretation of national and regional plans in Northern Ireland undermine goals for strategic spatial planning as it has done in the Republic of Ireland?
- Is there a role for third party appeals in Northern Ireland?

Section 3

Challenges and Opportunities of Governance and Planning Reform in Respect of Cross-Border Spatial Planning

3.1 Implementing Spatial Policy on the Island of Ireland

Recent world events, resulting in economic depression, have clearly demonstrated how inter-related and dependent the island of Ireland has become at a local, European and global scale. And it is also clear that economic recovery will require actions which recognise and work with these strong functional relationships. On the island of Ireland this will mean sharing strategic infrastructure, an energy market and, in many places, taking benefit of shared services. Making growth happen across the island – an increasing part of the Northern Ireland Executive and the Government of Ireland’s vision – involves a complex mesh of public-private-community sector relations that extends across local and central government scales.

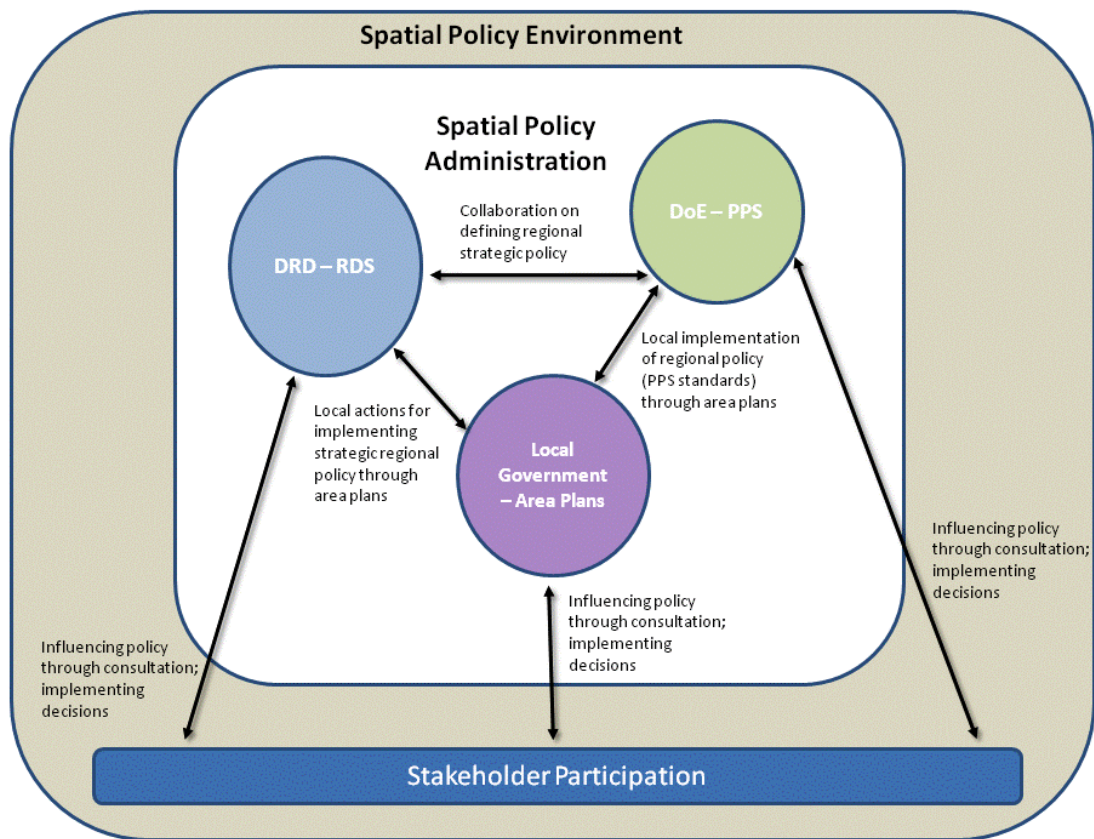
Government policies are informed by citizen-expressed needs, regionally-identified priorities, subvention from Westminster and EU agendas. In particular, EU regional policy – *Cohesion Policy* – targets financial resources geographically on the basis of criteria defined at the European level (Duhr *et al*, 2010: 270); with both Northern Ireland and the Republic of Ireland remaining beneficiaries of structural fund allocations to 2013.

The RDS and NSS are, in broad terms, founded on principles set down in the *European Spatial Development Perspective* (ESDP), are dependent on a range of stakeholders, and are delivered at the local level through area development plans. This emphasises the critical coordinative function of spatial planning across the full range of sectors including *inter alia* health, education and economic development. In addition, there is growing recognition in both Northern Ireland and the Republic of Ireland of the need for inter-jurisdictional cooperation as an enabler for fully delivering the RDS and NSS (InterTradeIreland, 2006). It is within this particular institutional environment that RPA in Northern Ireland and the proposed governance and planning reviews in the Republic must operate.

3.1.1 Re-emphasising the Changing Spatial Planning Landscape

In contrast to the 1970 Macrory Report, the present RPA process is designed to support bottom-up government structures and stakeholder involvement that will complement top-down arrangements in order to secure the positive development of local communities (see Figure 3.1). Achieving this requires the (re)allocation by central government of statutory powers necessary to engage with and deliver on these responsibilities, and increased opportunities for community stakeholder participation (in its broadest sense) in the decision-making process. Similar to other initiatives influenced by the sectarian form of politics and re-shaping of structures in the region (Blair *et al.*, 2007), the RPA has evolved through two iterations, including the devolution of powers back to the Assembly in 2007, which has reformed and reduced the range of governance tools at local level.

Figure 3.1: The ‘Who’ and ‘Why’ of the Revised Spatial Planning Landscape



(Source: Authors)

3.1.2 An alignment North and South....

The proposed reforms to governance and planning structures and processes in Northern Ireland and the Republic, will when completed – and if implemented as proposed – lead to a greater degree of alignment across both jurisdictions. The reform of local government in

Northern Ireland is the responsibility of the Local Government Policy Division within the Department of Environment (DoE); while the proposed governance and planning reforms in the Republic of Ireland is a task of the Department of the Environment, Heritage and Local Government (DoEHLG) – although such reforms would not appear to be as high on the political agenda as is the case in the Northern Ireland. As a result of the RPA, Northern Ireland will operate a two-tier system of planning – similar to the approach in England, Scotland, Wales and the Republic of Ireland. In policy terms, planning policy documents for Northern Ireland will become more strategic over the longer-term following the devolution of planning functions to the new councils with the probable removal of operational policy to local level planning practice. This resembles the strategic policy: practice divide in the UK and Republic of Ireland. In practical terms, spatial planning is set to become a core function of local government, in terms of management (previously known as ‘development control’), forward planning and enforcement, in Northern Ireland. This matches the current situation in the Republic. Local elected representatives will become key decision-makers in the planning process – both in the adoption of the development plan and in determining planning applications; again this replicates the situation in the Republic of Ireland. Where proposed developments are considered to be ‘regionally significant’ to the development of Northern Ireland, these will be determined by the DoE and decided by the Minister; a process with many similar principles to that set out in the *Planning and Development (Strategic Infrastructure) Act, 2006* whereby proposed strategic developments bypass the ‘normal’ planning application process and are instead considered by An Bord Pleanála (ABP).

Within the Northern system, an emphasis on economic development has been a key aspect of local government for a long time, and formally since 1992²⁷. This is an area where local government in the Republic of Ireland, on the basis of a growing emphasis placed on nurturing the economy at the local / indigenous level, could learn a lot from its Northern counterparts. At the same time, however, it will be important that neither administration becomes too short-sighted by focussing on economic development at the expense of social inclusion measures.

3.2 Unresolved Policy Issues and Potential Opportunities

3.2.1 The ‘Form versus Function’ debate continues...

Throughout the reform process, emphasis appears to have been placed on the model of local government to be adopted – in terms of number of councils – and based on this, the

²⁷ Under the *Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992*.

functions that the councils would then be awarded. This latter question, however, has been largely determined by a government department's willingness – or not – to relinquish powers and responsibilities. It is argued that this is an inappropriate, and non-scientific, approach to government reform; that ideally, form should follow function. Therefore, it should not have been a question first and foremost of how many councils would be the ideal model. Based on the principles of enhanced strategic leadership and clear accountability, strengthened neighbourhood empowerment, and equity and value for money (CIH, 2010), reform must:

- First determine what functions would be decentralised to the new councils (and the critical mass required to effectively deliver on these); and
- Then decide the number of councils required.

Such a scientific approach should be adopted in any reform of local government, irrespective of where, scale of region or nation involved.

As to what the right model is in terms of the number of councils, the jury is still out. From a professional officer's perspective, however, the most appropriate model of local government for Northern Ireland would be a five-council model (*Interview, Local Government*). This would have provided the councils with the necessary critical mass; provided of course there was sufficient resourcing to carry out all relevant functions.

Under the now agreed-upon eleven council model, the new councils cannot reasonably continue to be described as 'super-councils'; largely this is because they are not getting the powers required to make them such.

3.2.2 What role – if any – for regional governance?

It is considered by participants in this research that the lack of a sub-regional planning framework – similar in its remit to that of the Regional Authorities in the Republic (particularly with the strengthening of their role in ensuring the translation of national policies within county development plans) – is short-sighted. Regional Authorities in essence are the 'middle-man' of spatial planning policy and practice, coordinating vertically and horizontally across the public sector on issues such as service delivery. In Northern Ireland, the RDS has, so far, not provided guidance on how place-based policies can be administered. However, the RDS does recognise that with distance from Belfast or (London)Derry, needs change and, in this context, functional cross-border relationships become significant. The concept of coterminosity from the reform process – as was

originally envisaged under RPA – has been lost; this negatively impacts on the ability to coherently implement regional policies established by the Northern Ireland Executive and Assembly. For example, local government interviewees noted that there is a significant risk under the current proposals that in 2011 the reform process will lead to a proliferation of various strategies (at both a spatial and non-spatial scale) for tackling deprivation and promoting town/city regeneration and community development (*Interviews, Local Government*). The danger is that these strategies will be competing rather than complementing each other.

In addition, there are concerns that the splitting of regional planning across both DoE and DRD will lead to lengthy delays in determining a strategy and vision for Northern Ireland as a whole. There is a strong case to be made for housing all planning related policy decisions within one government department – rather than four as is currently the case (see Table 2.1); the most likely candidates being either DoE or DRD. Addressing these divisions between Ministerial portfolios and Departmental responsibilities will contribute to the culture change necessary to make local government reform work.

3.2.3 The complexity of structure

As noted in Section 1, various structures have been established to oversee the RPA process including the Strategic Leadership Board, Policy Development Panels, and a Regional Transition Coordinating Group²⁸. It is widely stated through this research that while membership of these structures is not as broad as it should be – given the scale of the reform being proposed – the structures are in and of themselves unwieldy and, as reported by interviewees, fail to communicate effectively with each other. They are too heavily geared towards achieving political buy-in to the process. As noted by one commentator, if RPA was a business, it would not be operated in this way!

In terms of the Transition Committees, concerns have been voiced as to their independence in carrying out their functions. In the absence of shadow councils, these committees are charged with establishing the rates for the new councils, determining which policies to run with (in terms of whether to pick an existing policy from one of the councils or come up with something new), and setting budgets (while not knowing exactly what staff, equipment, etc. will be coming to the council); yet members allegiance is to the council on which they sit. This is a very difficult task for councillors; and some would argue sitting on such a committee carries a high political risk; particularly if joint decisions result in higher costs / charges to businesses or residents within the new council boundaries (see

²⁸ Regional Transition Coordinating Group was stood down in April 2010.

Section 3.3.1 below). In addition, it is felt that whilst there is nothing to prevent collaboration in theory (*Interview, Central Government*), the 11 Transition Committees are currently operating in ‘splendid isolation’ of each other; with little sharing of experiences and information taking place. This may change with the establishment of the Regional Transition Committee which will provide a more formal mechanism for sharing. Also, given the significant time and resource burden placed on council staff to see this process through, increasing tensions are emerging between delivering on the workload of the existing councils and preparing for the roll-out of the new structures. And in response to this, many councils are refusing to commit staff time to the transition.

3.2.4 Planning Policy Reform

The streamlining of PPSs is seen as a positive development under RPA – councils will have to be more competitive to attract inward investment (like Glasgow and Manchester for example); and this in turn will require them to make quick, informed decisions (*Interview, Local Government*). The success of such a model that promotes local interpretation of policy will be very much dependent on the robustness of the planning framework put in place and a guarantee of conformity between national, regional and local-level policy. This raises issues around conformity and the adoption – or not – of an orderly and consistent approach to development. There is an inherent fear among a number of stakeholder agencies that councils may do as they see fit for their own area; and this may in fact be counter to strategic planning policy. On the other hand, and taking a more positive perspective, it is further argued that the approach of local interpretation has the potential to bring forward versions of regional policy that are aimed specifically at local needs (*Interview, QUANGO*). Thus, to ensure a win-win scenario for both sides of the debate, the achievement of orderly and consistent development will necessitate the publication of clear planning policy statements (PPSs) by the DoE. In turn, these new PPSs must be linked to the new local level decision-making processes, the latter being subject to the capacity and skills of elected representatives and planning officers in local councils.

3.3 Unresolved Practice Issues and Potential Opportunities

Decentralisation is acknowledged as a basic element of ‘good governance’ (Wilson & Johnson, 2007); but with a suite of new functions comes an array of new responsibilities, each of which requires a capacity and capability for effective delivery.

3.3.1 The challenge of convergence

The convergence of the programmes, plans and projects of those councils that are amalgamating with each other will be a challenging task for the Transition Committees and the councils themselves. This also holds true for those functions that are transferring from various government departments to the new councils. To overcome this, it is envisaged that the Transition Committees will put in place an effective strategic framework plan covering operational and policy priorities for the first year of the new councils. It is questionable as to when these frameworks will be in place given the slippage in the scheduling of actions under the wider reform process, but also given the capacity of each of the Transition Committees in terms of delivering on their objectives.

Another dimension of convergence is the setting of district domestic and non-domestic rates. It is from levying these rates that councils derive a significant proportion of their funding to meet the costs of delivering local services. Yet there is wide regional variance in the level of these rates. For example, in 2010/11 the annual increase in rates ranged from 0% to 8.4% when compared with 2009/10. There is a sense of resentment amongst councillors and the public in some council areas where exponential district rate increases are anticipated to balance income streams of the new councils, a stumbling block for inter-council working on transitional committees (*Interview, QUANGO*). Despite this, such revenue streams will be key to the ability of the new councils to effectively and efficiently deliver on their new suite of services – and of possible equal importance, strengthening the degree of autonomy they have from central government and Westminster²⁹.

3.3.2 Community Planning

The concept of involving local people in local decision making is not new. Public participation in land-use planning processes already takes place, for example, through area (development) plan consultation. Indeed, it is noted that there is a rich history of community and voluntary sector activity in Northern Ireland which in part is a response to inter-communal conflict over the past forty years as well as government policy which mandated delivery of certain services to the local level. At the core of community planning is (a) creating a common vision for how an area should develop, and (b) achieving buy-in from stakeholders to make the vision a reality. In this interpretation, land-use planning becomes a key, but not central, component of community planning, one element amongst many others.

²⁹ An autonomy lacking from local government in the Republic of Ireland due to their no longer being able to set or collect residential rates.

Reflecting the ethos of spatial planning, community planning incorporates the vertical (local-regional-central) relationships as well as the horizontal (cross-sectoral / thematic). Various iterations of community planning exist across the U.K. and Republic of Ireland. Indeed, community planning practice is already embedded in the Republic of Ireland through County / City Development Boards (CDBs) which involve local government, social partners and state agencies. These Boards are tasked with bringing forward 10-year strategies with three to five year targets for key stakeholders in the public, private and social sectors (NIEL, 2006). In practice, though, there are poor links between planning authorities and CDBs; community strategies do not link or fit well with development plans. It is suggested, however, that this mis-match will be addressed through the local-led restructuring of councils in the Republic of Ireland, which offers the potential for CDB strategies and development plans to be aligned with community planning (*Interview, QUANGO*).

Significant challenges remain before community planning can be effectively and efficiently operationalised, as also recognised by central government (*Interview, Central Government*). These include:

- The lack of consensus on definition (what is community planning?);
- Participation (who is involved?); and
- Statutory basis (legal standing / obligations?).

In particular, the connection between community planning and development (area) planning has yet to be clarified, and remains a very confused and contested issue (Peel & Lloyd, 2007). As community planning matures in the Republic of Ireland, Scotland and Wales, and the relationship to regulatory land use planning becomes clearer, an opportunity exists to learn lessons that will assist in developing community planning to fit the unique circumstances faced in Northern Ireland; this must include the legacy of the Troubles. At present, the concept of community planning remains 'fuzzy' with many different perspectives developed from within local government, the voluntary / community sector, and statutory organisations.

Community planning has the potential to provide a framework to address a wide range of issues. Whilst community planning is not yet clearly defined in the Northern Ireland context it is, however, considered as a mechanism for *inter alia* improving health and well-being by coordinating targeted interventions to tackle social and economic deprivation including transport accessibility and employment opportunity. And this is a strong starting point for

the community plan process including firmly establishing a clear definition from which all the new councils will work.

3.3.3 The (im)possibility of achieving efficiencies

It was envisaged from the outset that the reform of local government would lead to increased efficiencies, including the generation of economies of scale through the pooling of resources and the integration of services and development priorities. In terms of value for money and increased efficiencies, the recent PWC Economic Appraisal report (2009) argues that when the new council model is fully operational, it will lead to annual savings of approximately £42 million against current service delivery charges – with a reduction in operating costs being realised from 2013 onwards – and, over the 25-year period of the appraisal, will realise an overall reduction of £438 million (Net Present Costs). PWC further make the case that the transformation of the existing model of governance will lead to councils creating new and innovative delivery structures and using their assets more effectively (with scope to sell surplus assets).

However, given the constantly-changing political landscape and emergence of new priorities, as will inevitably be the case over a twenty-five year timeframe, actual savings (financial and otherwise) can only be confirmed retrospectively. Indeed, previous attempts to integrate services throughout the U.K. have demonstrated the difficulties associated with “...developing integrated services with pooled budgets and joint performance accountability frameworks” (Pemberton & Lloyd, 2008: 448). On this basis, the achievement of economies of scale should not be used to ‘sell’ the RPA process – unless it can be specifically related back to an increase in the budgets of the new councils; an increase that will be essential if they are to effectively manage and deliver on their new core functions.

3.3.4 Embracing Existing Collaborative Efforts

There are many mechanisms in place for cross-border cooperation; the majority being on an informal, ad-hoc or non-statutory basis. Given the extent of local government reform proposed under the RPA, there is a strong case to be made for harnessing the expertise and knowledge that exists within cross-border structures such as the All-Island Steering Forum and the border networks. The All-Island Steering Forum, for example, which was established under the auspices of Cooperation Ireland, is a space in which County Managers from the Republic of Ireland and Chief Executives from Northern Ireland regularly liaise with each other on a range of issues; from HR and IT to policing and waste management. It is a round-table for sharing experiences and knowledge; with the 2010/11

programme for the Forum focusing on the Northern Ireland councils sharing their experiences of progressing economic development and regeneration programmes with their Southern counterparts³⁰ (as noted in Section 3.1.2, a recognised area of expertise within Northern councils).

Spatial planning, by its definition, transcends boundaries and human activity. It is vital for the island's economy that planning policy in Northern Ireland and the Republic of Ireland recognises, and indeed embraces, the movement of people, goods and services across the Irish border. This is already taking place in the private and community and voluntary sectors, and to an extent is happening at the sub-regional level (through the border networks) and central government (for example, the all-island energy market). However, the pragmatic message emerging from local government and other stakeholders is that scope exists for greater engagement on spatial planning issues either side of the border. In particular, the collecting and sharing of information that will assist in understanding the 'border dynamic' is essential for effective policies and operational decision-making. This ranges from land use – such as the granting of planning approval in one jurisdiction and its subsequent impact on water courses in the other – and also the effective and efficient delivery of services. Such cooperation is already necessary for major proposed developments under the Strategic Environmental Assessment (SEA) Directive and the Water Framework Directive; nonetheless the real challenge is moving from reactive to proactive collaboration.

3.4 Calling Time

At time of writing this research paper, it is unlikely that the new eleven council model for Northern Ireland will be operational by mid-2011³¹. A decade into the reform process, a number of key decisions – such as final adoption of the boundaries for the proposed new council areas – have yet to be agreed at the political level. Should these slippages in meeting deadlines be a cause for concern? And what should happen if the deadline of May 2011 for the completion of local government reform is missed?

3.4.1 What about the timeframe?

While it is envisaged by government that the key outcome of devolving functions, as identified earlier, will be increased community and stakeholder ownership of policies and

³⁰ A particular emphasis is being placed on how the County Councils in the South can improve their position in a field that is somewhat already overcrowded in economic development terms – with players including Enterprise Ireland, the County / City Development Boards and the County / City Enterprise Boards.

³¹ Refer back to Footnote 5

initiatives as a result of local decision-making, the ongoing slippage in meeting deadlines has resulted in whispers that a number of functions will not be decentralised immediately. Questions are already being asked as to whether the eleven councils will come into effect in May 2011 as proposed (*Impartial Reporter*, 8 April 2010). Indeed, in the case of community planning as a new responsibility the new councils may not fully take up this mantle for a considerable time later. Rather than being viewed as a problem, any such delays should be worked into the schedule so that the reform process keeps moving; a preferred scenario to its possible total collapse. Any such extensions in timeframe not only provide an opportunity to strengthen and / or revise the structures being created, but also provide a space to explore options for greater collaboration across councils and state boundaries.

Internationally, there are case studies which demonstrate the complexity of governance reform, which often experiences time delays. In Denmark, for example, the newly elected Liberal-Conservative Government announced plans for a reform of local government structures within six months of taking office in 2001; the previous reform having taken place in 1970. The resulting reforms – resulting in the abolition of counties and the reduction in the number of municipalities from 271 to 98 – would only come into effect, however, on 1st January 2007 (Mouritsen, 2007). Following this reform, the new municipalities, which are organised into five regions, have also inherited an increased range of functions. The reform of government in Denmark, therefore, has many similarities to that which is underway in Northern Ireland; and for the instigators of the RPA, heart should be taken that, in one of the most efficient nations in Europe, reform took almost seven years to deliver.

3.4.2 And if the reform of local government should falter...

Based on the series of interviews and focus-groups held as part of this research, it is felt that the success – or not – of the reform of local government is dependent on a number of factors including the strength of character and skills-set of the Chief Executives appointed to the new councils. This, though, assumes that operationalising the RPA will proceed as planned in the period to May 2011. There are growing concerns that the RPA process, and specifically the reform of local government, is losing its focus and falling behind schedule. A process originally envisaged as being a radical overhaul that would take less than six months is now entering its 10th year since first mooted in 2000.

Should the process falter resulting in the 26 council model becoming the *de facto* model for the foreseeable future, the following policy and practice recommendations are made (a) in

the interests of more focused strategic and place-based plan and policy development, and (b) to enhance the capacity of local government to deliver more sustainable communities:

Policy

- 1) That the proposed community planning function of local government should be progressed and the capacity (skills and resources) for delivery be ensured. This must include a clear definition of the concept and identification of roles, responsibilities and relationships between the various stakeholders involved, and the 'fit' or positioning of community planning with development (area) planning processes and spatial planning in general. Should time permit, the function of community planning should be piloted in a number of towns across Northern Ireland; with an emphasis being placed on its strategic 'fit' with existing policies and plans and the structures necessary to ensure all relevant stakeholders actively engage in the process.
- 2) That the concept of 'functional territories' must be further explored and applied to strategic policy making. This will assist in understanding the dynamics of demographics and service delivery at the local and regional level across Northern Ireland, including North-South and East-West. In addition, the application of this concept, through local area agreements or bi-lateral charters for example, will contribute to the development of coherent interventions that transcend administrative boundaries and mitigate against the lack of coterminosity achievable under RPA.
- 3) The principles of funding allocation transfers from central government to local government must be determined. This will enable local councils to identify budgets for the delivery of new local services and to better plan a firm timeline for the transfer of responsibilities. It will also facilitate neighbouring councils in the identification of services which can be jointly funded.
- 4) Opportunities to reform local government are infrequent, perhaps once in twenty to thirty (or more) years. The process of devolving powers to local government, and the creation of new statutory responsibilities at local level, will be assisted by a comparative analysis of local government structures and functions on a North-South basis. There are important functional relationships across the island of Ireland, and new councils will benefit at an operational level from institutional structures, North and South, which 'fit' vertically and horizontally.
- 5) That the range of powers identified for local councils in Northern Ireland under RPA be reviewed. Evidence from this research highlights the range of concerns that

remain over the current proposals. For example, it has been suggested that the proposed reforms may not give sufficient powers to councils for effective and comprehensive place-making and service delivery. Furthermore, the current RPA does not demonstrate an enhancement of cooperation with border councils in the Republic of Ireland.

- 6) That all levels of government examine the impact that European Directives such as SEAs and the Habitats Directive will have on public sector policy-making. In particular, through such Directives councils on both sides of the Irish border will be forced to better collaborate. Councils should, therefore, be compelled to improve and initiate greater and better lines of communication amongst adjoining planning authorities.
- 7) The evidence-base for spatial planning decision-making warrants review so as to identify and address data gaps. This will enable planners in both the Republic of Ireland and Northern Ireland to (a) better understand cross-border dynamics and implications arising from decisions made in either jurisdiction (b) plan effectively and efficiently for economic development by, for example, promoting a shared services agenda and (c) develop policies that will have not negatively impact on the neighbouring council area, particularly in terms of their environmental and social capital.

Practice

- 8) That the development of capacity amongst decision-makers in local government takes place in advance of the transfer of new powers or as soon as practicable thereafter. It is considered by participants in this research that a skills-gap exists which will result in poor or procrastinated decision-making; training will help address this, assisting in the delivery of effective local government. To this end, a training / capacity-building budget must be established by central government.
- 9) This research has shown that there is an understanding that effective regulatory planning requires skills and resources, which must be funded and managed at a level above the existing District Councils. Irrespective of whether the reform of local government occurs in May 2011, it will be vital that the regulatory planning function in Northern Ireland is delivered through groups of planning districts which are coterminous with the proposed new local government districts. The process could be managed through the Transition Committees in the interim period before the new councils are established. This will help to prevent a policy vacuum from

developing, given that the reformed planning system has not been designed for delivery across the existing 26-council model.

- 10) That the proposed new structures of governance envisaged under RPA, including cross-sectoral actions, be reviewed to enable clear communication and meaningful participation by stakeholders. This will assist in defining the relationship between local and central government, for example in the translation of strategic policy to the local level.
- 11) That two-way exchanges between practitioners in the same field be organised on a North-South and / or East-West basis (depending on which scenario makes most sense for the council in question). Under the RPA, council officials will have to work across different organisational and possibly cultural contexts and will have to broaden their knowledge base on what will constitute 'local' social, economic and environmental conditions. Such opportunities to share knowledge would be hugely beneficial to (a) staff who are being decentralised from central government to carry out the same function and (b) council staff who are gaining new responsibilities under the proposal to devolve new functions to the new councils. Such an approach would result in 'on-the-job experience'.
- 12) That the existing cross-border structures at regional and central government level, such as the Local Authority All-Island Steering Forum and the three border networks, be assessed in terms of the potential contribution these can bring through enhanced cooperation to meeting the purposes of RPA and planning reform. This recognises that functional territories extend across jurisdictional boundaries and that service delivery can be made more efficient through joint cross-border working and decision-making.
- 13) In recognition of the cross-border impact of development on the economy, society and environment, it is recommended that new structures with a remit and make-up similar to SPCs (and preferably with a basis in legislation) – or at least an agreed protocol / set of procedures such as local area agreements or charters – be established with the intention of supporting meaningful cooperation between planning authorities. This will help identify opportunities for formalising collaboration, for example between the NSS and RDS, and will address the current deficit in North-South decision-making, described by an interviewee as "token consultation" (*Interview, QUANGO*).
- 14) Because the principle of co-terminosity is no longer achievable, that proposed structures such as local area agreements or charters – a key characteristic of which being that they are generally spatially defined – be piloted. Before there

widespread roll-out, it will be essential that their appropriateness as a delivery tool, in what will in reality be a sectorally-defined functional territory, is tested.

- 15) That, in addition to formal structures of collaboration, the creation of networks be actively encouraged at senior officer level – ‘communities of practice’ (Wilson and Johnson, 2007) – as a neutral space within which operational issues can be discussed and addressed. For example, and with reference to RPA / planning reform, senior officials could discuss the implications of the amalgamation of councils and transfer of functions on both an intra- and inter- jurisdictional basis.
- 16) That both current and previous processes’ of reform in Northern Ireland and the Republic of Ireland be examined in both jurisdictions to identify, analyse, and apply lessons from practice which will assist to inform the public policy-making environment on the island. Given the common challenges across the island, there is much that can be learned by sharing experiences; in particular, as highlighted in Section Two, the goals for effective operation of local government are comparable.
- 17) That case studies of successful transborder spatial planning elsewhere in Europe be examined for application on the island of Ireland. This will serve to demonstrate from practice the common benefits that can be derived from improving collaboration in both development management and development plan between Northern Ireland agencies / local authorities and local authorities in the Republic of Ireland. Examples include the Basel Tri-national Conurbation which incorporates different sectors including health, environment, transportation, education, and economic development (InterTradeIreland, 2006).

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Appendix 1

The International Centre for Local and Regional Development

A registered charity based in Armagh, Northern Ireland, the International Centre for Local and Regional Development (ICLRD) is a North-South-US partnership established in 2006 to explore and expand the contribution that planning and the development of physical, social and economic infrastructures can make to improve the lives of people on the island of Ireland and elsewhere. The partner institutions began working together in 2004 and currently include: the National Institute for Regional and Spatial Analysis (NIRSA) at the National University of Ireland, Maynooth; the School of the Built Environment at the University of Ulster; the Institute for International Urban Development in Cambridge, Massachusetts; and the Centre for Cross Border Studies in Armagh.

Each of these partners brings together complementary expertise and networks on both a North-South and East-West basis – creating a unique, all-island and international centre. ICLRD continues to expand its collaboration with other institutions and has built up close working relationships with individual faculty and researchers from Harvard University, Mary Immaculate College Limerick, Queens University Belfast and the Athlone Institute of Technology. It is also developing its international linkages, particularly with those organisations that have an interest in cross-border cooperation and collaboration; for example, Mission Opérationnelle Transfrontalière (MOT) in France.

What does the ICLRD do?

- Provides independent joined-up research and policy advice on cross-border and all-island spatial planning and local and regional development issues (economic development, transport, housing, the environment, service provision, etc.);
- Offers professional education and capacity building programmes for communities and local, regional and national government representatives and officials;
- Assists local governments / communities in translating policy into ‘on the ground’ action;
- Acts as a catalyst to bring relevant public and private actors, North and South, together to work on common goals;
- Promotes international cooperation and exchanges.

The ICLRD uses a variety of strategies to undertake this work, including engaging in action research with local governments, communities and central agencies; undertaking and publishing case study research to evaluate and develop good practice models; hosting conferences and workshops on key themes; and developing and delivering training modules for key stakeholders in the physical, social and economic development of the island of Ireland.

Why is this work important?

The ICLRD's work is important in relation to four key processes on the island of Ireland:

- Cross-jurisdictional commitment to spatial planning and infrastructure projects;
- Peace and reconciliation, and the regeneration of local communities in the Border area;
- Economic competitiveness and growth on the global stage;
- Multi-level governance and compliance with planning, economic and environmental directives from the European Union.

CroSPlaN

In cooperation with the Centre for Cross Border Studies, the ICLRD has started an exciting new programme to develop a cross-border planning network. This initiative has been made possible through funding from the EU's INTERREG IVA Programme; administered through the Special EU Programmes Body. Commencing in 2009 for three years, the new network (CroSPlaN) will undertake the following activities:

- Two action research projects per year that will enhance emerging cross-border activities and expertise in the vital area of spatial planning;
- One executive training programme per year for at least 20 central and local government officials, councillors and community leaders to assist them in both delivering and supporting these activities;
- An annual conference and technical workshop; the dual function of which is to facilitate networking and address identified areas of need.

Appendix 2

Interviewee Database

A total of twenty-two people were formally interviewed for this research study; while a further three provided comments on earlier drafts of this paper. Because this is a process still on-going, the research team have purposely not aligned any individual's name to comments or opinions shared during the course of the research. Instead, all comments and / or opinions expressed in this document are referenced by type of organisation; for example, where an opinion is attributable to a member of staff within Department of Environment, this will be noted as (*Interview, Central Government*).

The following is a list of agencies and departments interviewed for the purpose of this research study.

- Central Government Departments
 - Department of Environment
 - Department for Regional Development
 - Department for Social Development
 - Department of Environment, Heritage & Local Government

- Local Government
 - One District Council from Northern Ireland
 - One County Council from the Republic of Ireland

- QUANGOS
 - Northern Ireland Local Government Association (NILGA)
 - Planning Appeals Commission (PAC).

Commentators to earlier drafts to this paper include representatives from Department of Environment and an academic institute in Northern Ireland, and a regional government agency in the Republic of Ireland.

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