

Recommendation 16

Planning - Oblige local authorities to demonstrate how needs of consumers have been explicitly taken into account at the forward planning level stage and in dealing with planning applications in relation to retail and other service provisions.

Responsibility: Department of Environment, Heritage and Local Government

Background

The Consumer Strategy Group in its Report has highlighted the impact of planning and the planning system on consumers in terms of sustainable development, the deregulation of pub licences, developments in transport and the retail planning guidelines as well as individual planning developments.

The Group acknowledges that the planning process is intended to be accessible to all members of the public and that it does incorporate a unique redress mechanism for citizens through an Bord Pleanála.

Nevertheless, the Group was of the view that the reality is that consumer interests are not considered in the planning process to the same extent as other relevant interests. The Group attributed this to the fact that Irish consumers, unlike most vested interests, are not organised in terms of lobbying or articulating their concerns.

In these circumstances, the Group was of the view that it was incumbent upon public bodies such as planning authorities to ensure that the views of consumers are sought out and fully taken into account in the planning process.

The Group, therefore, has recommended that local authorities be placed under an obligation to demonstrate how the needs of consumers were taken into account in the planning process.

View expressed at High Level Inter-Departmental Committee

The Department of Environment, Heritage and Local Government advised the Inter-departmental Committee that the Planning and Development Act, 2000 specifically provides for extensive public consultation by local authorities with all sectors of the community throughout the different stages of preparing development plans. The Department expects to issue shortly draft guidelines to local authorities for consultation on the preparation, implementation, monitoring and review of development plans.

The Department indicated that it intended to take the opportunity in the guidelines to specifically remind local authorities of their obligations to take the needs of consumers into account in planning for retail development.

The Department also advised that the development plan guidelines would strongly recommend that planning authorities produce an "Issues Paper" to assist the public in

engaging in the consultation process for the preparation of development plans. It is envisaged that the Issues Papers would concentrate on areas such as housing demands, employment trends, consumer needs and so on.

The Department expressed concerns that any requirement obliging local authorities to undertake market research in order to fully ascertain consumer views could impact negatively in terms of further delaying the planning process.

On the question of individual planning applications, the Department stated that the planning process was open and transparent and that planning authorities and an Bord Pleanála were required under the process to have regard to all written submissions/observations made in relation to any proposed development. The Department stated that for reasons of equity there could be no question of affording preferential treatment to any one party or interest in the consideration of individual planning applications.

Conclusion

The Committee in accepting the importance of greater consumer input into the planning process was anxious to ensure that any measures in this area should not have the effect of causing further delays in the planning system.

The Committee concluded that this recommendation should be implemented through the proposed Guidelines which the Department of Environment, Heritage and Local Government intends to issue to local authorities in relation to the preparation, implementation, monitoring and review of development plans.

The Committee noted that the Guidelines would include specific provisions in relation to the requirement for local authorities to ensure that the needs of consumers are fully considered in the planning process.

While the Committee has not had the opportunity to itself examine the draft guidelines, it does recommend that they be prepared in such a way as to underline the need for a strong consumer focus on planning issues, and to ensure that all possible assistance is given to individuals and groups wishing to engage with the consultation process.

In relation to individual planning applications, the Committee noted that existing procedures entitled parties, including consumer interests, to make submissions in relation to proposed developments and that planning authorities were required by law to take these views into account in the course of deciding on applications.

Whilst the Committee did not necessarily envisage bodies such as the National Consumer Agency routinely becoming involved in individual planning applications, the Committee noted that it would be open to the NCA to input into the process in relation to any proposed developments that could have a particular consumer impact.

Recommendation 17

Interpret the Retail Planning Guidelines in a manner that promotes competition and which is consistent across all local authorities.

Responsibility: Department of Environment, Heritage and Local Government

Background

The Retail Planning Guidelines issued by the Department of Environment, Heritage and Local Government to local authorities essentially relate to issues such as the location of sites and the amount of retail floor space to be provided in retail developments. Whilst noting in its Report that the Guidelines are not mandatory, the Consumer Strategy Group has expressed concerns that local authorities are implementing the Guidelines in an overly prescriptive manner.

The Group is of the view that this prescriptive interpretation may result in local authorities underestimating future retail space requirements and possibly responding negatively to planning applications that they view as exceeding the quantitative guidelines, thereby effectively inhibiting competition and restricting consumer choice.

View expressed at High Level Inter-Departmental Committee

The Department of Environment, Heritage and Local Government advised the Inter-departmental Committee that one of the key objectives of the Retail Planning Guidelines, which were only reviewed earlier this year, is to facilitate a competitive retail environment. The Department added that the reviewed Guidelines explicitly recognise that it is not the purpose of the planning system to inhibit competition, preserve existing commercial interests or prevent innovation and that the Guidelines specifically advise local authorities to avoid taking any actions which would adversely affect competition in the retail market.

Conclusion

The Committee acknowledged that the Retail Planning Guidelines, which had been reviewed earlier this year, contain specific advice to local authorities that in interpreting the Guidelines they should avoid taking any action which could adversely affect competition in the retail market and that their actions should be focussed on the need to facilitate a competitive retail environment for the future.

The Committee was of the view that future reviews of the Retail Planning Guidelines should include analysis as to the effectiveness of the Guidelines in promoting competition.