



Subject:	Memorandum of Response to Public Accounts Committee report on Planning in Northern Ireland
Date:	14 May 2024
Reporting Officer:	Kate Bentley, Director of Planning and Building Control
Contact Officer:	Kate Bentley, Director of Planning and Building Control

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.	
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<ol style="list-style-type: none">1. Information relating to any individual2. Information likely to reveal the identity of an individual3. Information relating to the financial or business affairs of any particular person (including the council holding that information)4. Information in connection with any labour relations matter5. Information in relation to which a claim to legal professional privilege could be maintained6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction7. Information on any action in relation to the prevention, investigation or prosecution of crime	
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Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues
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1.1	This report provides an update on the Memorandum of Response published by the Department of Finance following the Public Accounts Committee (PAC) report on Planning in Northern Ireland.
2.0	Recommendation
2.1	The Committee is asked to: <ul style="list-style-type: none"> a) Note the contents of the report including the Memorandum of Response; and b) Note the update on the Regional Planning Improvement Programme.
3.0	Main Report
3.1	<p><u>Memorandum of Response</u></p> <p>In early 2022, two reviews of the NI Planning system were published:</p> <ul style="list-style-type: none"> • The Department for Infrastructure’s review of the Implementation of the Planning Act (Northern Ireland) 2011; and • The Northern Ireland Audit Office’s review of the NI Planning System.
3.2	In March 2022, the NI Assembly Public Accounts Committee (PAC) published its Report on Planning in NI. This report made 12 recommendations relating to the establishment of an independent Commission, streamlining the LDP process, transparency, engagement, the oversight role of the Department, quality of applications, reviewing past decisions, the financial sustainability of the planning system and importantly, the culture of those operating and engaging in the planning system.
3.3	At that time, the Department for Infrastructure (DfI) was required to provide a formal response to the PAC report within 8 weeks of its publication (i.e. by 19 May 2022), whilst the PAC recommendations also required an update be given to the successor Public Accounts Committee on the improvements made in six months’ time (i.e by 24 September 2022).
3.4	As the Executive collapsed in early 2022, there was no successor PAC in place for the DfI to either provide their formal response to the report or to provide a 6-month update on actions taken.
3.5	Following the restoration of the Executive in January 2024, the Memorandum of Reply to the Report from the Public Accounts Committee was presented to the Northern Ireland Executive by the Minister of Finance on the 18 th April 2024 (Appendix 1). There is no further information available as to whether this will be considered by the PAC or any timescales around this.
3.6	The Memorandum sets out that the Department accepts all the recommendations in the PAC report. In responding to the specific PAC recommendations, the DfI place significant reliance on the formation of the Interim Regional Commission and the Planning Improvement Programme, setting out that these structures address the recommendations in relation to the need for a fundamental review to ascertain the long term strategic changes (<i>recommendation 1</i>) and the need to identify tangible improvements that can be achieved in the short term (<i>recommendation 2</i>). In the Department’s view the Planning Improvement Programme also constitutes the radical action plan required by <i>recommendation 3</i> .
3.7	The Department also sets out that the recommendations relating to streamlining LDP processes (<i>recommendation 4</i>) and cultural change in the way local and central government interact around planning (<i>recommendation 12</i>) are largely addressed through the Interim Regional Commission and Planning Improvement Programme structures.
3.8	In relation to open and transparent decision making (<i>recommendation 5</i>) the Department sets out that they have produced and implemented a file management protocol. The Department has also undertaken a review of its past decisions (<i>recommendation 10</i>).

3.9	<p>Whilst the Department accepts <i>recommendation 6</i> which sets out that they should ensure a suitable and proportionate means of engaging with the planning system including a deeper consideration of the appropriateness of limited third party rights of appeal, they then state that they were not persuaded in their review of the implementation of the Planning (NI) Act 2011 of the need to amend current provisions for appeals. They state that the matter will now be considered by the DfI Minister.</p>
3.10	<p>In answering the recommendation relating to the inconsistency of the operation of the planning system in relation to rural housing (<i>recommendation 7</i>), the Department set out that they will consider the next steps for regional planning policy on the issue following a recent Call for Evidence in January 2024.</p>
3.11	<p>In responding to the recommendation that requires the Department to urgently consider its oversight of the planning system, alongside cultural change (<i>recommendation 8</i>), the Department states that it will continue to work to ensure that they strike the right balance between respecting council's rights and responsibilities for carrying out their own statutory processes and decisions, whilst ensuring that regional planning objectives are achieved. The Department points out that delivering an efficient and effective planning system is a collective responsibility, but that they have shown leadership through the creation of the Planning Improvement Programme, which they believe will drive cultural change.</p>
3.12	<p>In responding to recommendations in relation to the quality of applications entering the system (<i>recommendation 9</i>) and financial sustainability (<i>recommendation 11</i>) the Department largely focuses on specific actions including the validation checklist, application fee increases and requesting additional resources for both DfI planning function and statutory consultees.</p>
3.13	<p>It should be noted that there are a number of recommendations in the PAC report that relate to local authorities working in collaboration with the Department, or relate to actions that local authorities can undertake. As set out in the Regional Planning Improvement Programme updates local authorities are working on those actions through Heads of Planning and SOLACE.</p>
3.14	<p><u>Regional Planning Improvement</u> Since the publication of the reports in early 2022, this Committee has been provided with a number of updates on the Regional Planning Improvement Programme being progressed jointly between DfI and SOLACE with the most recent reports being considered in October 2023 and January 2024.</p>
3.15	<p>In October 2023, the Committee agreed to write to the Chair of the Interim Regional Commission. This letter was issued on the 20 November 2023 (Appendix 2) with a response received on the 30 November 2023 (Appendix 3).</p>
3.16	<p>Members should also note that the Infrastructure Minister met with members of the Interim Regional Commission on the 24 April 2024 and is due to meet with SOLACE on the 22 May 2024 to discuss the Planning Improvement work.</p>
4.0	Appendices - Documents Attached
	<p>Appendix 1 – Department of Finance Memorandum on the Fourteenth Report from the Public Accounts Committee Mandate 2017-2022. 18 April 2024. Appendix 2 – Letter from John Walsh to the Chair of the Interim Planning Commission. 20 November 2023. Appendix 3 – Letter from the Chair of the Interim Planning Commission to John Walsh. 30 November 2023.</p>