



Subject:	NI Assembly Public Accounts Committee - Planning in Northern Ireland
Date:	15th April, 2022
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
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Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
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
1.1	The NI Assembly, Public Accounts Committee (PAC) has published a report and recommendations in relation to Planning in Northern Ireland. This paper provides an overview of the PAC report and recommended response from the Council. The proposed response was considered by the Planning Committee on 12 April 2022 for notation. A full copy of the PAC report is provided at Appendix 1 . The Council's proposed response is provided at Appendix 2 .
2.0	Recommendation
2.1	The Committee is asked to note this report and agree the proposed response to the PAC report at Appendix 2 .

3.0	Background
3.1	<p>In February 2022, the Planning Committee considered two recent reviews of the NI planning system:</p> <ul style="list-style-type: none"> • Firstly, the Northern Ireland Audit Office’s review of the NI planning system, a copy of which can be accessed here: https://www.niauditoffice.gov.uk/publications/planning-northern-ireland and • Secondly, the Department for Infrastructure’s review of the implementation of the Planning Act (Northern Ireland) 2011, a copy of which can be accessed here: https://www.infrastructure-ni.gov.uk/publications/review-planning-act-ni-2011-report
3.2	<p>Following publication of the Northern Ireland Audit Office (NIAO) report, the NI Assembly, Public Accounts Committee (PAC) has been hearing evidence from key stakeholders. The following sessions were held.</p> <ul style="list-style-type: none"> • Evidence from the Department for Infrastructure – 10 February 2022 • Evidence from SOLACE – 17 February 2022 (including evidence from Kate Bentley, Director of Planning and Building Control, Belfast City Council) • Evidence from NILGA – 24 February 2022
3.3	<p>The PAC subsequently published its report on “Planning in NI” on 24 March 2022. This paper provides an overview of the PAC report and includes a recommended response from the Council. A full copy of the PAC report is provided at Appendix 1.</p>
3.4	<p>As further background reading, Members are referred to the agenda item to the February Planning Committee on the NI Audit Office report and the Departmental review of the implementation of the Planning Act (Northern Ireland) 2011, see link below:</p> <p>https://minutes.belfastcity.gov.uk/ieListDocuments.aspx?CIId=167&MIId=10643&Ver=4</p>
Public Accounts Committee Report on Planning in NI	
<u>Overview</u>	
3.1	<p>Consistent with the findings of the NIAO report published in February 2022, the PAC report is extremely critical of the NI planning system. It concludes that the planning system in Northern Ireland is not working effectively or efficiently. The PAC calls for a fundamental review, led by</p>

	<p>someone independent from the Department for Infrastructure, to bring about the long-term, strategic changes needed to make the planning system fit for purpose.</p>
3.2	<p>In relation to performance, the PAC observes that since the transfer of functions in 2015, planning authorities have failed to deliver on many of their key targets, particularly on major and significant development. The PAC was “appalled” by the performance statistics. It states that it is simply unacceptable that almost one-fifth of the most important planning applications aren’t processed within three years highlighting that such poor performance has an impact on applicants, developers and communities and is risking investment in Northern Ireland.</p>
3.3	<p>The PAC notes that progress on Local Development Plans (LDPs) has been equally poor – with none of the plans being able to progress to adoption in the seven years since transfer in 2015. The PAC heard of the potential for LDPs to shape communities and make decision-making processes easier, but noted that the process has been hindered by the complete underestimation of the complexity and volume of work required; a lack of key skills and resources available to councils. These challenges were considered to have been compounded by a series of unnecessary “checks and balances” implemented by the Department. The PAC urges all those involved in plan-making to work together to streamline remaining LDP processes and produce these important plans as soon as possible.</p>
3.4	<p>The PAC goes onto to express concerns about the poor quality of planning application submissions (BCC is the only Planning Authority that has so far sought to directly address this through publication of its <i>Application Checklist</i> in 2018). The PAC is also concerned about a lack of transparency in decision making (officers advise that BCC follows good practice in this regard through clearly minuting the reason/s for the Committee’s decision where it overturns the officer recommendation. Committee reports also clearly explain where applications have been referred to the Committee by an individual Elected Member and reasons why).</p>
3.5	<p>The PAC is critical of the role of the Department and its lack of action to address under performance in the system. It observes that the Department is not providing strong leadership in driving change and that it does not grasp the severity of the issues facing the NI planning system. In this regard, the PAC recommends that a commission is setup to oversee much needed change to the NI planning system, but that it should be chaired by someone independent of the Department.</p>

3.6 The PAC is extremely concerned about the significant level of silo working within the planning system itself and comments that it one of the worst examples of silo working in the public sector that it has ever encountered. It notes the fragmentation between central and local government, statutory consultees and even within the Department itself highlighting that it will require a concerted effort from all those involved to work in a more productive way going forward.

PAC Recommendations

3.7 The PAC report makes 12 recommendations, some of which overlap with the recommendations of the NIAO report. The recommendations are reproduced below with additional context around each provided in the PAC report (see **Appendix 1**).

1. The planning system in Northern Ireland is not working. The Committee recommends that a Commission is established to undertake a fundamental review to ascertain the long-term, strategic changes that are needed to make the system fit for purpose. This should be led by someone independent from the Department.
2. The Committee has heard that there are a number of opportunities to make immediate improvements to the planning system. We recommend that a commission is established to identify tangible improvements that can be achieved in the short term. This must focus on problem solving, delivery and achieving outcomes within a fixed time frame.
3. The Committee expects action to be taken to improve the planning system. In lieu of any accountability for performance within the system, the Department will provide the Committee with a radical action plan and provide the successor Committee with an update on the improvements made in six months' time.
4. The Committee recommends that the Department considers ways to streamline the remaining LDP processes, and works with councils to learn lessons from those that have been through the independent examination process with a view to taking a more pragmatic approach to the remaining plans. The Department and councils need to work collaboratively to produce these important plans as soon as possible.
5. The Committee recommends that all those involved in decision-making ensure that processes are open and transparent, particularly where a high degree of interpretation

has been exercised. The Department and councils should consider how checks on good record keeping, to ensure transparency, could be carried out effectively.

- 6.** The Committee recommends that the Department should ensure that there is suitable and proportionate means of engaging with the planning system. This should include a deeper consideration of the appropriateness of limited third-party rights of appeal.
- 7.** The operation of the planning system for rural housing is at best inconsistent and at worst fundamentally broken. The Committee believes that it is essential that policy in the area is agreed and implemented equally and consistently across Northern Ireland. The Department should ensure this is the case.
- 8.** The Committee recommends that the Department urgently considers how it exercises its oversight of the planning system. In the Committee's view, this must be accompanied with a cultural change. Intervention should be to support delivery and to make improvements. The current minimal approach is no longer sustainable.
- 9.** The Committee recommends that the Department and local government should implement immediate changes to improve the quality of applications entering the system. Whilst this may require legislative change, we do not believe that this should be an excuse for delay.
- 10.** The Committee recommends that planning authorities regularly review past decisions to understand their real-world outcomes, impact on communities and the quality of the completed development.
- 11.** The planning system must be financially sustainable and this requires an appropriate, long-term funding model. The Committee recommends that all those involved in delivering planning work together to achieve this. In the short term the Department should take the lead on bringing forward legislation on planning fees as a matter of urgency.
- 12.** There is a fundamental need for a cultural change in the way local and central government interact around planning. Whilst cultural change will take time, this should be reflected immediately in a more inclusive planning forum which includes representation from developers and communities.

	Next Steps
3.8	As reported to the Planning Committee in February 2022, this is a pivotal time for the NI planning system. Publication of the NIAO and Public Accounts Committee reports represents a significant opportunity for much needed change and improvement.
3.9	The Department for Infrastructure must provide a formal response to the PAC report within 8 weeks of its publication (i.e. by 19 May 2022). The recommendations also require an update be given to the successor Public Accounts Committee on the improvements made in six months' time.
3.10	SOLACE (Society of Local Authority Chief Executives in NI) is expected to provide a response on behalf of the 11 councils. It is recommended that Belfast City Council also formally responds. A recommended response to the PAC report is provided at Appendix 2 for agreement by the Committee.
3.11	The PAC's recommendation to establish a commission to oversee the fundamental change necessary for the NI planning system is welcome along with the proposal to include representatives of the development industry and communities. It is only through the participation of all key stakeholders that appropriate solutions can be developed and the necessary improvements delivered. The Council has a very important leadership role in this change process and will be seeking representation on the commission and any structures that feed into the proposed processes.
3.12	The Department is organising an all-day workshop with local government officers on 29 April 2022 to formulate the beginning of a potential plan or approach to addressing the issues identified. In order to achieve the stated objectives the discussions will need to resolve a number of aspects including: the overall purpose and scope of the review, governance including representation, assurance, monitoring and reporting arrangements, potential for outside support and expertise, resourcing and approach to implementation.
3.13	It is hoped that these various reviews will establish a momentum and commitment to addressing the structural and operational challenges. It is therefore proposed that progress and any emerging proposals will be brought back to Committee as updates going forward.

	Financial and Resource Implications
3.14	The existing NI planning system is inefficient and underperforming and the PAC report correctly identifies the need to address its longer-term financial sustainability. In January 2021, the Council reported to NIAO that the net cost of its Planning Service is nearly £1.2m after fee income which demonstrated the Council commitment to the effective resourcing of this function. However, the Planning function is far from the cost neutral model suggested at the time of Transfer and the PAC's recommendation that the longer-term financial sustainability of the NI planning system should be addressed is therefore welcomed.
	Equality or Good Relations Implications / Rural Needs Assessment
3.15	No adverse impacts identified.
4.0	Documents Attached
	<p>Appendix 1 – NI Assembly, Public Accounts Committee report (March 2022)</p> <p>Appendix 1a – Press Release</p> <p>Appendix 2 – Proposed Belfast City Council response to PAC report</p>