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**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



**Belfast
City Council**

13th December, 2022

PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Monday, 19th December, 2022 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

5. **Planning Decisions Issued** (Pages 1 - 42)
6. **Appeals** (Pages 43 - 44)
 - (g) LA04/ 2021/1188/F: Provision for a 24 no. space car park, access road with lay-by and turning head. 2.4m Perimeter Fence. 425 Springfield Road, Belfast (Pages 45 - 60)
 - (a) DfI Consultation on Improving the Quality of Planning Applications (Pages 61 - 132)

Decisions issued between 7 November and 11 November 2022 - No.29

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2018/2180/DC	LOCDEV	Land South of Franklin Street East of Brunswick Street and West of McClintock Street Belfast	Discharge of conditions 9 & 10 of LA04/2015/0420/F	CONDITION NOT DISCHARGED
LA04/2019/0775/F	LOCDEV	Lands approximately 50m to the north of 35 Hampton Park and approximately 30m to the west of 60 Hampton Park Galwally	Erection of 18 dwellings to include revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works (Amended P1 form and drawings)	PERMISSION GRANTED
LA04/2020/1262/DC	LOCDEV	Land East of Queen's Road North of Public Records Office of Northern Ireland and South of Belfast Metropolitan College Queen's Island Belfast.	Discharge of condition 2 Z/2013/0931/F.	CONDITION DISCHARGED
LA04/2022/0437/DC	LOCDEV	Queens University Students Union 77-79 University Road Belfast BT7 1NN.	Discharge of condition 12 LA04/2019/1019/F.	CONDITION DISCHARGED

LA04/2022/0949/F	LOCDEV	12 Cleaver Avenue Belfast BT9 5JA	Single storey extension to front and rear and two storey side/front extension. Roof terrace to side with 1.8m opaque glass screening. Ground floor terrace area to rear. Elevational changes. (amended description and plans)	PERMISSION GRANTED
LA04/2022/0950/DCA	LOCDEV	12 Cleaver Avenue Belfast BT9 5JA	Demolition of existing single storey porch, attached garage / out building, chimney and sections of walls.	PERMISSION GRANTED
LA04/2022/1091/F	LOCDEV	122 Knockbreda Park Belfast BT6.	Single storey rear extension.	PERMISSION GRANTED
LA04/2022/1123/F	LOCDEV	62 Mount Merrion Park Belfast BT6 0GB	Single 2 storey rear and side extension	PERMISSION GRANTED
LA04/2022/1198/F	LOCDEV	26 Pommern Parade Belfast BT6 9FX	Erection of two storey extension over existing ground floor & extended ground floor extension	PERMISSION GRANTED
LA04/2022/1232/F	LOCDEV	Ballygomartin Industrial Estate Advantage Way Belfast BT13 3LZ	Removal and replacement of existing 20.6 monopole with 25.20 swan tower, inclusive of new headframe supporting 18 antennas	PERMISSION GRANTED
LA04/2022/1241/F	LOCDEV	126 Colinmill Belfast BT17 0AS	Single storey rear extension (amended description)	PERMISSION GRANTED

LA04/2022/1258/F	LOCDEV	5 Sandown Park Belfast BT5 6HD.	Single storey rear and side extensions with external changes and raised patio. Alterations to access with new boundary walls and gate.	PERMISSION GRANTED
LA04/2022/1262/DCA	LOCDEV	5 Sandown Park Belfast BT5 6HD.	Demolition of existing single storey garage, kitchen rear return, 1m yard wall and outbuildings and partial demolition of rear and side walls to facilitate extension/ alterations.	PERMISSION GRANTED
LA04/2022/1276/DC	LOCDEV	Lands immediately west and north west of No. 35 Hampton Park and immediately west of No. 40 Hampton Park Belfast BT7 3JP.	Discharge of condition 6 LA04/2021/1371/F (GQRA)	CONDITION DISCHARGED
LA04/2022/1350/F	LOCDEV	Site immediately west and adjacent to 194 Upper Malone Road Belfast BT17 9JZ	New single storey dwelling and attached garaging including new access onto existing shared lane (renewal of LA04/2018/1198/F)	PERMISSION GRANTED
LA04/2022/1582/F	LOCDEV	Telecoms Site 20892/ANT128 Davidson And Hardy 453-455 Antrim Road Fortwilliam Belfast Country Antrim BT15 3BL.	Removal and replacement of 1no trisector antenna on existing flagpole support, installation of 1no new equipment cabinet and other associated ancillary works thereto.	PERMISSION GRANTED
LA04/2022/1587/F	LOCDEV	Queen's Square Apartments 17 Queen's Square Belfast BT1 3FF	Removal of combustible cladding materials and replacement with non-combustible replacement materials to facades on Victoria Street, Queen's Square, and Prince's Street.	PERMISSION GRANTED
LA04/2022/1590/F	LOCDEV	697 Oldpark Road Belfast BT14 6QY.	Removal of front ground floor window and insertion of new self-service touch-screen medicine dispensary machine (no change to the building footprint, area or plan arrangement)	PERMISSION GRANTED

LA04/2022/1593/A	LOCDEV	University Fitness Suite located in Birley Building (Block BA) Ulster University 25 - 51 York Street Belfast BT15 1ED	Vinyl signage applied to external glazing units facing Academy Street & Curtis Street.	PERMISSION GRANTED
LA04/2022/1594/A	LOCDEV	'University Gallery located in Block BC Ulster University 25 - 51 York Street Belfast BT15 1ED	Vinyl signage and events advertising displayed behind glazing facing York Lane (AMENDED DESCRIPTION)	PERMISSION GRANTED
LA04/2022/1634/DC	LOCDEV	Lands situated to the south of Nos 45-57 Glencollyer Street West of Nos 25 Crosscollyer Street and adjacent and north of Crosscollyer Street Evangelical Presbyterian Church Crosscollyer Street Belfast.	Discharge of condition no. 4 LA04/2019/1121/F (verification report)	CONDITION NOT DISCHARGED
LA04/2022/1672/DC	LOCDEV	52-58 Shankill Road and adjacent vacant site to West of 52-58 Shankill Road Belfast BT13 2BB.	Discharge of condition 10 LA04/2020/2198/F.(odour abatement)	CONDITION DISCHARGED
LA04/2022/1697/DC	LOCDEV	18 Marina Park Belfast BT5 6BA.	Discharge of condition 4 LA04/2022/1261/F.	CONDITION DISCHARGED
LA04/2022/1700/F	LOCDEV	Springhill Primary School 247 Ballygomartin Road Belfast BT13 3NH	Proposed removal of existing defective concrete panels and replacement with new insulated composite panels. Replacement of defective windows.	PERMISSION GRANTED

LA04/2022/1758/F	LOCDEV	Kirk House 110 Kings Road Belfast BT5 7BX.	Two storey extension to the south west stairwell of Kirk House for a new lift.	PERMISSION GRANTED
LA04/2022/1836/F	LOCDEV	23 Kings Drive Belfast BT5 6PS.	Two storey extension to rear of dwelling. Alterations to dwelling and creation of new access.	PERMISSION GRANTED
LA04/2022/1842/F	LOCDEV	9 Old Hollywood Road Belfast BT4 2 HJ.	Single and two storey extension to side and rear of dwelling.	PERMISSION GRANTED
LA04/2022/1932/CONTPO	LOCDEV	24 Malone Park Belfast BT9 6NJ.	Works to 1 tree.	WORKS TO TREES IN CA - AGREED
LA04/2022/2030/CONTPO	LOCDEV	39 Adelaide Park Belfast BT9 6FY.	The Cherry tree is infected with a large fungus and is at risk of falling due to trunk disease (this has been previously discussed on site with council representative Declan O'Kane)	WORKS TO TREES IN CA - AGREED

Decisions issued between 14 November and 18 November 2022 No 104

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/1073/F	LOCDEV	Annadale Embankment SW Annadale Embankment Approx. 40m SW of jet. with Agra Street Belfast County Antrim BT7 3AH.	The installation of a 20 metre Apollo streetpole with 6no. antennas (3no enclosed within a shroud) 2no. equipment cabinets, 1no. meter cabinet and ancillary apparatus/works.	PERMISSION REFUSED
LA04/2020/1176/F	LOCDEV	Land immediately to the West of 402 Newtownards Road Belfast BT4 1HH. On the corner of Connswater Street.	Construction of a new 21 Bedroom hotel, including ground level cafe/bar facilities, and integration with and extension to the existing "Freight" restaurant.	PERMISSION GRANTED
LA04/2021/0743/F	LOCDEV	Lands between Floral Park and Antrim Road Newtownabbey and North West and adjacent to 83 Antrim Road and 36 Floral Park BT36	Proposed 10no. semi detached dwellings and associated parking and landscaping.	PERMISSION GRANTED
LA04/2021/1124/F	LOCDEV	Lands north and adjacent to No.83 Old Hollywood Road Belfast.	Retrospective change of house type and minor re-siting to previously granted 'Single 2 Storey Dwelling House' under LA04/2017/0481/F, including retention of retaining walls and all associated site works; proposed provision of private in- curtilage parallel parking lay-by to Old Hollywood Road and erection of wall and railings, on lands north and adjacent to No.83 Old Hollywood Road, Belfast.	PERMISSION GRANTED

LA04/2021/1456/F	LOCDEV	On footpath outside Door Store Retail Unit 49-53 Boucher Road Belfast BT12 6HH	Proposed Installation of an 20m High telecoms street pole c/w wraparound cabinet, with Integrated Antenna, and 3no. additional equipment cabinets and ancillary equipment.	PERMISSION REFUSED
LA04/2021/1588/F	LOCDEV	Ballynafeigh Methodist Church 469 Ormeau Road Belfast BT7 3GR.	Part change of use from Church minor halls to 1 no. 4 bedroom apartment and 1 no. 1 bedroom apartment, internal reconfiguration of existing church hall along with elevational alterations (Amended drawings / additional information)	PERMISSION GRANTED
LA04/2021/1589/LBC	LOCDEV	Ballynafeigh Methodist Church 469 Ormeau Road Belfast BT7 3GR.	Alterations to elevations and internal layout including demolition works to facilitate part change of use to 2 no. apartments and reconfiguration of church hall layout.	PERMISSION GRANTED
LA04/2021/1842/F	LOCDEV	Unit 2 Warehouse Lane Waring Street Belfast BT1 2DX	Change of use of existing property to licensed restaurant with erection of new full height kitchen extract flue to rear; installation of new shop front to front.	PERMISSION GRANTED
LA04/2021/1945/F	LOCDEV	170 Upper Malone Road Belfast BT17 9EH	Demolition of existing vacant equestrian centre, 170 Upper Malone Road and associated stables. Erection of 1no detached dwelling detached garage and ancillary outbuilding. (AMENDED RED LINE FOR ACCESS PURPOSES)	PERMISSION GRANTED
LA04/2021/2030/F	LOCDEV	Parklands lands west of numbers 70 to 76 Knocknagoney Road Knocknagoney Belfast.	Proposed construction of 8no. apartments with associated car parking and landscaping.	PERMISSION REFUSED

LA04/2021/2142/F	LOCDEV	271 Antrim Road Belfast BT15 2GZ	Retrospective change of use from Taxi Depot to Hot Food Outlet with new extract duct to rear elevation taken to roof level. (Amended description)	PERMISSION GRANTED
LA04/2021/2226/LBC	LOCDEV	217 Hollywood Road Belfast BT4 2DR	Change of Use from Vacant (Previous Church Offices) to Rector's Dwelling. Erection of a Detached Garage and Associated Repairs and Alterations. (Amended Description).	PERMISSION GRANTED
LA04/2021/2227/F	LOCDEV	217 Hollywood Road Belfast BT4 2DR	Change of Use from Vacant (Previous Church Offices) to Rector's Dwelling. Erection of a Detached Garage and Associated Repairs and Alterations. (Amended Description).	PERMISSION GRANTED
LA04/2021/2252/F	LOCDEV	15 Knockdene Park North Belfast BT5 7AA	New ground floor ensuite window and new rooflight on rear elevation of existing dwelling and raised area to rear. First floor extension to existing garage to create a study, garden room and storage. (Additional Information)	PERMISSION GRANTED
LA04/2021/2395/A	LOCDEV	107a Shore Road Belfast BT15 5PL	Illuminated hoarding advertisement to replace existing signage of existing elevated steel hoarding (Amended Description)	PERMISSION REFUSED

LA04/2021/2764/DCA	LOCDEV	15 Knockdene Park North Belfast BT5 7AA	Demolition works associated with the first floor garage extension include removal of the garage roof and alterations to openings. Demolition works to main house include new window and rooflight openings in rear elevation, replacement of doors and minor alterations to existing external steps.	PERMISSION GRANTED
LA04/2021/2884/LBC	LOCDEV	22-24 Windsor Park Malone Lower Belfast Co. Antrim BT9 6FR	Proposed change of use from residential care home to ten no. apartments including proposed first floor rear extension, elevational changes, internal reconfiguration and ancillary site works	PERMISSION GRANTED
LA04/2022/0041/DC	LOCDEV	Kennedy Shopping Centre 564-568 Falls Road Belfast BT11 9AE	Discharge of condition no. 6 - LA04/2021/1356/F	CONDITION DISCHARGED
LA04/2022/0047/F	LOCDEV	22-24 Windsor Park Malone Lower Belfast BT9 6FR	Proposed change of use from residential care home to ten no. apartments including proposed first floor rear extension, elevational changes, internal reconfiguration, car parking, amenity space, bicycle stands and ancillary site works (Amended Drawings and Information)	PERMISSION GRANTED
LA04/2022/0209/F	LOCDEV	Lands at Nos. 176-184 and No. 202 Woodstock Road and Nos. 2-20 Beersbridge Road Belfast.	proposed development of 31No. social housing units comprising of 16No. apartments and 15No. townhouses, car parking, landscaping and all associated site and access works.	PERMISSION GRANTED

LA04/2022/0234/LDE	LOCDEV	67 Maryville Street Belfast BT7 1AE	Short term holiday accommodation.	PERMITTED DEVELOPMENT
LA04/2022/0238/F	LOCDEV	24 Malone Hill Park Malone Upper Belfast BT9 6RE.	Single storey side and rear extension with raised part covered terrace to rear.	PERMISSION GRANTED
LA04/2022/0442/DC	LOCDEV	Former Park Avenue Hotel 158 Holywood Road Belfast BT4 1PB.	Discharge of condition 9 LA04/2021/0493/F relating to tree protection measures	CONDITION DISCHARGED
LA04/2022/0465/F	LOCDEV	29 Cranmore Park Belfast BT9 6JF.	Two storey side extension to dwelling with dormer window to rear (amended description and plans)	PERMISSION GRANTED
LA04/2022/0466/DCA	LOCDEV	29 Cranmore Park Belfast BT9 6JF.	Demolition of detached wooden garage & shed to allow 2 storey extension to side of dwelling with partial demolitions to side wall to allow openings through.	PERMISSION GRANTED
LA04/2022/0608/LBC	LOCDEV	St. Malachy's College 36 Antrim Road Belfast BT15 2AE.	Refurbishment of existing timber windows to main block, A block, B Block and Library Area of School.	PERMISSION GRANTED
LA04/2022/0656/F	LOCDEV	133 Ballylesson Road Belfast BT8 8JU	Erection of proposed barn building and open fronted storage building for the storage of materials and tools.	PERMISSION GRANTED
LA04/2022/0657/LBC	LOCDEV	133 Ballylesson Road Belfast BT8 8JU	Erection of proposed barn building and open fronted storage building for the storage of materials and tools.	PERMISSION GRANTED

LA04/2022/0693/F	LOCDEV	Existing Communications Installation Belfast City Airport Harbour East NIR Oil Bearth 2 Airport Road West Belfast BT3 9AE.	The proposed upgrade works consist of the removal and replacement the existing 12.5m tower for proposed a 20m swan tower, with a new headframe supporting 18 no antennas, an internal cabin refresh and ancillary development thereto.	PERMISSION GRANTED
LA04/2022/0738/F	LOCDEV	4 metres South West of No. 2a Trenchard Belfast. BT11 9NS	Proposed Relocation and Upgrade of Existing Bus Shelter to Insignia Non Ad Bus Shelter.	PERMISSION GRANTED
LA04/2022/0754/F	LOCDEV	24 Metres South West of 20 Erris Grove Belfast BT11 9LE.	Proposed Upgrade to Existing Bus Shelter to Insignia Ad Bus Shelter.	PERMISSION GRANTED
LA04/2022/0778/F	LOCDEV	737a Antrim Road Belfast BT15 4EL.	Demolition of existing dwelling and garage; and erection of new detached replacement dwelling with basement, integral garage and associated siteworks.	PERMISSION GRANTED
LA04/2022/0801/F	LOCDEV	2 & 4 Willesden Park Belfast BT9 5GX.	Demolition of existing semi-detached dwellings and construction of two replacement semi-detached dwellings. Construction of new boundary wall and railings to Willesden Park frontage.	PERMISSION GRANTED
LA04/2022/0842/F	LOCDEV	314 Shankill Road Belfast BT13 3AB	Demolition of existing building, new ground floor retail unit with 2 flats above	PERMISSION GRANTED
LA04/2022/0878/LDP	LOCDEV	33 South Parade Belfast BT7 2GL	Alterations to ground floor rear window arrangement	PERMITTED DEVELOPMENT
LA04/2022/0891/A	LOCDEV	22 Castle Lane Belfast BT1 5DB	Illuminated signage	PERMISSION GRANTED

LA04/2022/0899/F	LOCDEV	139 Circular Road Belfast BT4 2GF	Proposed single storey rear extension. Restoration/ conversion of existing 3 bay garage to habitable space with balcony above. (Amended Plans)	PERMISSION GRANTED
LA04/2022/0908/DC	LOCDEV	Land at former Kings Hall and RUAS Complex located to the east of the King's Hall and to the rear of Nos 7-23 Harberton Park Belfast BT9 6GW	Discharge of condition 2 - LA04/2019/1254/F	CONDITION DISCHARGED
LA04/2022/0919/F	LOCDEV	88 Circular Road Belfast	Section 54 Application to vary condition 4 of implemented planning approval LA04/2017/2623/F (for erection of dwelling with detached garage and associated site works), to facilitate revisions to the approved landscaping plan (partly retrospective).	PERMISSION GRANTED
LA04/2022/0931/F	LOCDEV	115 Blacks Road Belfast BT10 0NF	Proposed modular toilet and office building.	PERMISSION GRANTED
LA04/2022/1005/DC	LOCDEV	10-16 Castle Place Belfast BT1 1GB	Discharge of condition 3 - LA04/2019/0405/F	CONDITION NOT DISCHARGED
LA04/2022/1040/LBC	LOCDEV	32 Townsend Street Belfast BT13 2ES	Internal refurbishment / redecoration works and provision of external extract, louvers and pipework (Amended Description)	PERMISSION GRANTED
LA04/2022/1052/LDE	LOCDEV	3 Harrow Street Belfast BT7 1QG.	House in Multiple Occupancy (HMO).	PERMITTED DEVELOPMENT

LA04/2022/1071/F	LOCDEV	Site adjacent to Old Cavehill Road Cavehill Drive. 20 North Circular Road Belfast BT15 5HB	Floodlights mounted on 3 existing columns and 5 new floodlighting columns to illuminate 3 tennis courts adjacent to Old Cavehill Road and Cavehill Drive.	PERMISSION GRANTED
LA04/2022/1102/A	LOCDEV	Unit 2 Masonic Hall Arthur Square Belfast BT1 4FF	2 internally illuminated signs	PERMISSION GRANTED
LA04/2022/1103/LBC	LOCDEV	Unit M2 Masonic Hall Arthur Square Belfast BT1 4FF	2 internally illuminated signs	PERMISSION GRANTED
LA04/2022/1124/F	LOCDEV	16 Strathearn Park Belfast BT4 2GN	Single storey extension with raised terrace (Amended Description)	PERMISSION GRANTED
LA04/2022/1130/F	LOCDEV	14 Cleaver Park Belfast BT7 5HX.	Two storey rear and single storey side extension. Conversion of garage to gym and shower room.	PERMISSION GRANTED
LA04/2022/1173/F	LOCDEV	Tyrone House 83 Malone Road Belfast BT9 6SJ.	Internal alterations to existing offices to create new office/reception area, locker room and rest room, erection of new disabled access ramp and steps and creation of disabled parking bays, and conversion of existing window to new accessible entrance door.	PERMISSION GRANTED

LA04/2022/1185/F	LOCDEV	Existing telecommunications base installation at west of 103 Gilnahirk Road Belfast BT5 7QL.	Proposed upgrade works at existing base station installation including: the removal of existing 15.00m high CU Phosco phase 3 monopole, 1No. existing meter cabinet, existing fence and trees and all other ancillary apparatus and the installation of proposed demise extension with 25.00m high multi-use column monopole and headframe on new concrete base, 12No. antennas, 2No. cabinets and all other ancillary developments	PERMISSION GRANTED
LA04/2022/1223/DCA	LOCDEV	14 Cleaver Park Belfast BT7 5HX	Demolition of first floor window to rear, utility and boiler room walls, living room bay window and garage opening.	PERMISSION GRANTED
LA04/2022/1231/DC	LOCDEV	Land bounded by Library Street Stephen Street and Kent Street Belfast BT1	Discharge of condition 8 - LA04/2015/0676/F	CONDITION DISCHARGED
LA04/2022/1235/F	LOCDEV	The Old School House Building Townsend Street Presbyterian Church 32 Townsend Street Belfast BT13 2ES	Change of use from Church Hall to Administrative Centre including ancillary accommodation and green room (Amended Description)	PERMISSION GRANTED
LA04/2022/1253/F	LOCDEV	37 Gortland Park Belfast BT5 7NU	Proposed Single Storey Side Extension with Minor Alterations to Elevations. Bike Store to Side of Proposed Extension.	PERMISSION GRANTED
LA04/2022/1289/F	LOCDEV	Lands to South West of 40-64 Brucevale Park Belfast.	Childcare facility and 8 no workshop units and associates siteworks and carparking (Amended Description)	PERMISSION GRANTED

LA04/2022/1308/F	LOCDEV	63 Brandon Parade Belfast BT4 1JH.	Single Storey Extension to the Side / Rear of Dwelling.	PERMISSION GRANTED
LA04/2022/1325/F	LOCDEV	19 Donegall Square East Belfast	Change of use from vacant storage area/former barbers on basement floor to public house (to facilitate extension to existing licenced premises known as Margot.	PERMISSION GRANTED
LA04/2022/1326/LBC	LOCDEV	19 Donegall Square East Belfast	Proposed refurbishment works to vacant basement floor.	PERMISSION GRANTED
LA04/2022/1424/NMC	LOCDEV	157 Sandown Road Belfast BT5 6GX.	Non Material change LA04/2020/2497/F.	NON MATERIAL CHANGE REFUSED
LA04/2022/1435/F	LOCDEV	Stormont Hotel Upper Newtownards Road Stormont Belfast BT4 3LP	Removal and replacement of 1no trisector antenna on existing flagpole support and 1no equipment cabinet with other associated ancillary works.	PERMISSION GRANTED
LA04/2022/1442/F	LOCDEV	1 Rosetta Park Belfast BT6 0DJ	Proposed Single Storey Extension to Rear of Dwelling.	PERMISSION GRANTED
LA04/2022/1506/F	LOCDEV	Ballyowen Health Centre 179 Andersonstown Road Belfast BT11 9EA.	Proposed external pedestrian access ramp, perimeter pedestrian access gate, and alterations to layout of existing staff car park.	PERMISSION GRANTED
LA04/2022/1509/F	LOCDEV	23 Iverna Street Belfast BT12 5QH.	Single storey side extension.	PERMISSION GRANTED

LA04/2022/1528/F	LOCDEV	20 Norfolk Parade Ballymurphy Belfast BT11 8DB.	2 storey extension to rear and side of property (amended plans)	PERMISSION GRANTED
LA04/2022/1529/F	LOCDEV	Shandon Park Golf Club BT5 6NY. (Close to the boundary with 150 Knock Road).	Erection of a 16m ballcatcher net and posts including 3 steel stanchion/posts to support cabling and 25x25 netting inside the existing golf course and tree line	PERMISSION GRANTED
LA04/2022/1541/F	LOCDEV	167 Ballygomartin Road Belfast BT13 3NA.	Change of use from residential to House in Multiple Occupation (HMO).	PERMISSION GRANTED
LA04/2022/1553/DC	LOCDEV	150 Knock Road Belfast BT5 6QD.	Discharge of condition 23 LA04/2021/2144/F relating to Construction and Environmental Management Plan	CONDITION NOT DISCHARGED
LA04/2022/1560/DC	LOCDEV	150 Knock Road Belfast BT5 6QD.	Discharge of condition 24 LA04/2021/2144/F relating to temporary protective fencing	CONDITION NOT DISCHARGED
LA04/2022/1561/F	LOCDEV	37 St Judes Crescent Belfast BT7 2GW	Roofspace conversion including construction of rear dormer window	PERMISSION GRANTED
LA04/2022/1603/DC	LOCDEV	Lands adjacent to 14 College Square North and south of 62- 76 Hamill Street Belfast	Discharge of Condition no.17 - LA04/2018/1719/F relating to Air Quality/boiler specification	CONDITION NOT DISCHARGED
LA04/2022/1607/DC	LOCDEV	Templemore Baths Templemore Avenue Belfast BT5 4FW	Discharge of Condition no.4 - LA04/2018/2603/F relating to materials	CONDITION NOT DISCHARGED
LA04/2022/1608/DC	LOCDEV	Templemore Baths Templemore Avenue Belfast BT5 4TW	Discharge of Condition no.4 - LA04/2018/2611/LBC relating to materials	CONDITION NOT DISCHARGED

LA04/2022/1632/DC	LOCDEV	Former Belvoir Park Hospital site Hospital Road Belfast BT8 8JP	Discharge of Condition no.9 - LA04/2019/1515/F	CONDITION DISCHARGED
LA04/2022/1633/DC	LOCDEV	Former Belvoir Park Hospital site Hospital Road Belfast BT8 8JP	Discharge of Condition no.23 - LA04/2018/1219/F	CONDITION DISCHARGED
LA04/2022/1636/A	LOCDEV	Site bound by Little York Street Great George Street and Nelson Street Belfast BT15 1BH	2no. double sided projecting blade signs; 1no. set of letters and 5no. birdboxes; 1no. cut vinyl letters and 5no. birdboxes; 1no. double sided projecting signs and 2no. panel signs. All signs to be non-illuminated.	PERMISSION GRANTED
LA04/2022/1652/F	LOCDEV	7 Hillside Crescent Belfast BT9 5EN	Single storey rear extension with internal alterations.	PERMISSION GRANTED
LA04/2022/1665/DC	LOCDEV	Avoniel Leisure Centre Avoniel Road Belfast BT5 4SF.	Discharge of condition 12 LA04/2019/2971/F relating to Flood Risk & Drainage Assessment	CONDITION NOT DISCHARGED
LA04/2022/1668/DC	LOCDEV	Former Park Avenue Hotel 158 Holywood Road Belfast BT4 1PB.	Discharge of condition 6 LA04/2021/0493/F relating to retaining structures	CONDITION NOT DISCHARGED
LA04/2022/1673/F	LOCDEV	12 Hampton Park Belfast BT7 3JL.	Demolition of non-original rear return, and part single storey and part 2 storey rear extension to dwelling, with internal alterations, new dormer to existing roof to rear and garage conversion to garden room/gym including new glazed doors to rear.	PERMISSION GRANTED

LA04/2022/1684/F	LOCDEV	14 Lower Crescent Belfast BT7 1NR.	Retention of existing office use to ground and first floors, creation of 1no. 2bedroom apartment at 2nd floor. 3 storey extension to rear to facilitate additional storage space, lift and stairs and other minor works.	PERMISSION GRANTED
LA04/2022/1685/DCA	LOCDEV	14 Lower Crescent Belfast BT7 1NR.	Part demolition of walls and roof to facilitate proposed part change of use and extension development.	PERMISSION GRANTED
LA04/2022/1687/DC	LOCDEV	Land adjacent to Queens University Belfast Playing Fields Dub Lane Upper Malone Road Belfast.	Discharge of condition 8 LA04/2019/2817/F.	CONDITION DISCHARGED
LA04/2022/1729/F	LOCDEV	38 Ravenhill Park Belfast BT6 0DG.	Proposed Garden Room	PERMISSION GRANTED
LA04/2022/1740/F	LOCDEV	48 Ormonde Park Belfast BT10 0LS	Proposed single storey extension to rear of dwelling.	PERMISSION GRANTED
LA04/2022/1756/F	LOCDEV	16 Watermouth Crescent Springfield Road Belfast BT12 7FH.	Single storey rear extension.	PERMISSION GRANTED
LA04/2022/1769/LBC	LOCDEV	Crombie Building 5-17 Cliftonville Road Belfast BT14 6JL.	Alterations to existing basement store and office to form matron office and treatment rooms.	PERMISSION GRANTED
LA04/2022/1776/F	LOCDEV	29 La Salle Park Belfast BT12 6DL	Proposed single storey rear extension with garage conversion to existing semi detached dwelling.	PERMISSION GRANTED

LA04/2022/1785/LDP	LOCDEV	151-167 Antrim Road & 12 Halliday Road Belfast BT15 2GW.	Demolition of existing public house, betting house and snooker hall, completion of construction of betting office, public house, ATM and 26No. apartments as per planning approval Z/2013/1402/F.	PERMITTED DEVELOPMENT
LA04/2022/1788/DC	LOCDEV	95 Crumlin Road Belfast BT14 6AD Site of 1-7 (Formerly) Cliftonpark Avenue Belfast.	Discharge of condition 8 of LA04/2016/2532/f (verification report)	CONDITION NOT DISCHARGED
LA04/2022/1833/NMC	LOCDEV	Lands bounded by Little Victoria Street Bruce Street and Holmes Street Belfast.	NMC to LA04/2021/2242/F.	NON MATERIAL CHANGE GRANTED
LA04/2022/1844/A	LOCDEV	Fortwilliam Train Cleaning facility Shore Road Belfast BT15 8AA	Illuminated Corporate Branding signage with graphic logo.	PERMISSION GRANTED
LA04/2022/1877/F	LOCDEV	21 Knocklofty Park Belfast BT4 3NA.	Single storey extension to rear.	PERMISSION GRANTED
LA04/2022/1882/LBC	LOCDEV	John Bell House College Square East Belfast BT1 6DJ.	Renewal of copper cladding to north cupola and repairs to supporting steel structure.	PERMISSION GRANTED
LA04/2022/1884/DC	LOCDEV	Former Belvoir Park Hospital Site Hospital Road Belfast BT8 8JP.	Discharge of conditions 24 & 25 of LA04/2018/1219/F & no.s 2 and 4 of LA04/2018/1056/LBC.	CONDITION DISCHARGED
LA04/2022/1886/F	LOCDEV	177 Albertbridge Road Belfast BT5 4PS.	Rear extension to existing established hot food take away to enclose existing rear yard & form store room.	PERMISSION GRANTED

LA04/2022/1902/F	LOCDEV	38 Springfield Parade Belfast BT13 3QR.	Single storey extension to the side and rear of dwelling.	PERMISSION GRANTED
LA04/2022/1930/F	LOCDEV	12 Kingsberry Park Belfast BT6 0HT.	Single storey side and rear extension.	PERMISSION GRANTED
LA04/2022/1939/DC	LOCDEV	62 Beersbridge Road Belfast BT5 4RU.	Discharge of conditions 5 & 7 LA04/2018/1187/F.	CONDITION DISCHARGED
LA04/2022/1955/LDE	LOCDEV	31 Chadwick Street Belfast BT9 7FD	House in multiple occupation (HMO)	PERMITTED DEVELOPMENT
LA04/2022/2014/LDE	LOCDEV	63 Dunluce Avenue Belfast BT9 7AW.	House of multiple occupation (HMO).	PERMITTED DEVELOPMENT
LA04/2022/2028/CONTPO	LOCDEV	21 Adelaide Park Belfast BT9 6FX.	Tree surgery to 5 trees at rear of house to reduce height.	WORKS TO TREES IN CA - AGREED
LA04/2022/2066/CONTPO	LOCDEV	Giffen Place 127 Barnetts Road Belfast BT5 7HF.	Felling, tree surgery.	WORKS TO TREES IN CA - AGREED
LA04/2022/2067/CONTPO	LOCDEV	30 Adelaide Park Belfast BT9 6FY.	Works to trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/2092/CONTPO	LOCDEV	84 Malone Road Belfast BT9 5HP.	Reduce tree height by approximately 3 metres.	WORKS TO TREES IN CA - AGREED

PLANNING COMMITTEE – 19 DECEMBER 2022

APPEALS NOTIFIED (CONTINUED)

ITEM NO 3 PAC REF: 2022/A0094

PLANNING REF: LA04/2021/0777/F

APPLICANT: Hutchinson 3G UK Ltd

LOCATION: Pavement on Ann Street adjacent to Musgrave Police Station,
Belfast, BT1 4JE

PROPOSAL: Proposed installation of a 15m phase 8 monopole C/W wraparound cabinet at base and associated ancillary works (amended description)

PROCEDURE:

ITEM NO 4 PAC REF: 2022/A0093

PLANNING REF: LA04/2021/2320/F

APPLICANT: Patrick McManus

LOCATION: Lands between 7-11 Manse Road, Castlereagh, Belfast, BT6

PROPOSAL: Retention of existing hardstanding to facilitate agricultural activity

PROCEDURE:

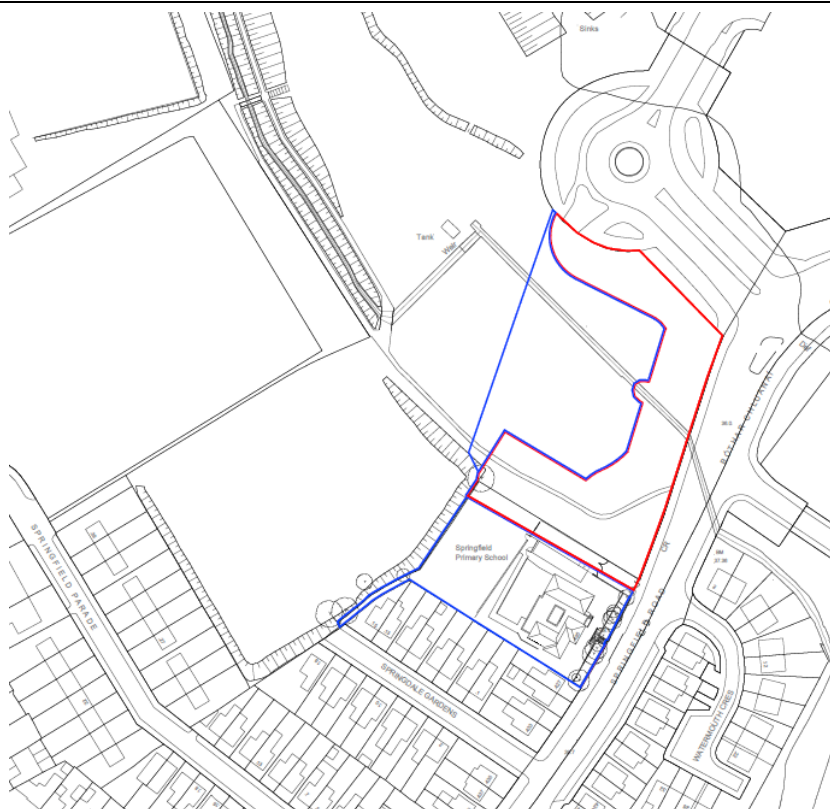
APPEAL DECISIONS NOTIFIED – NONE RECEIVED

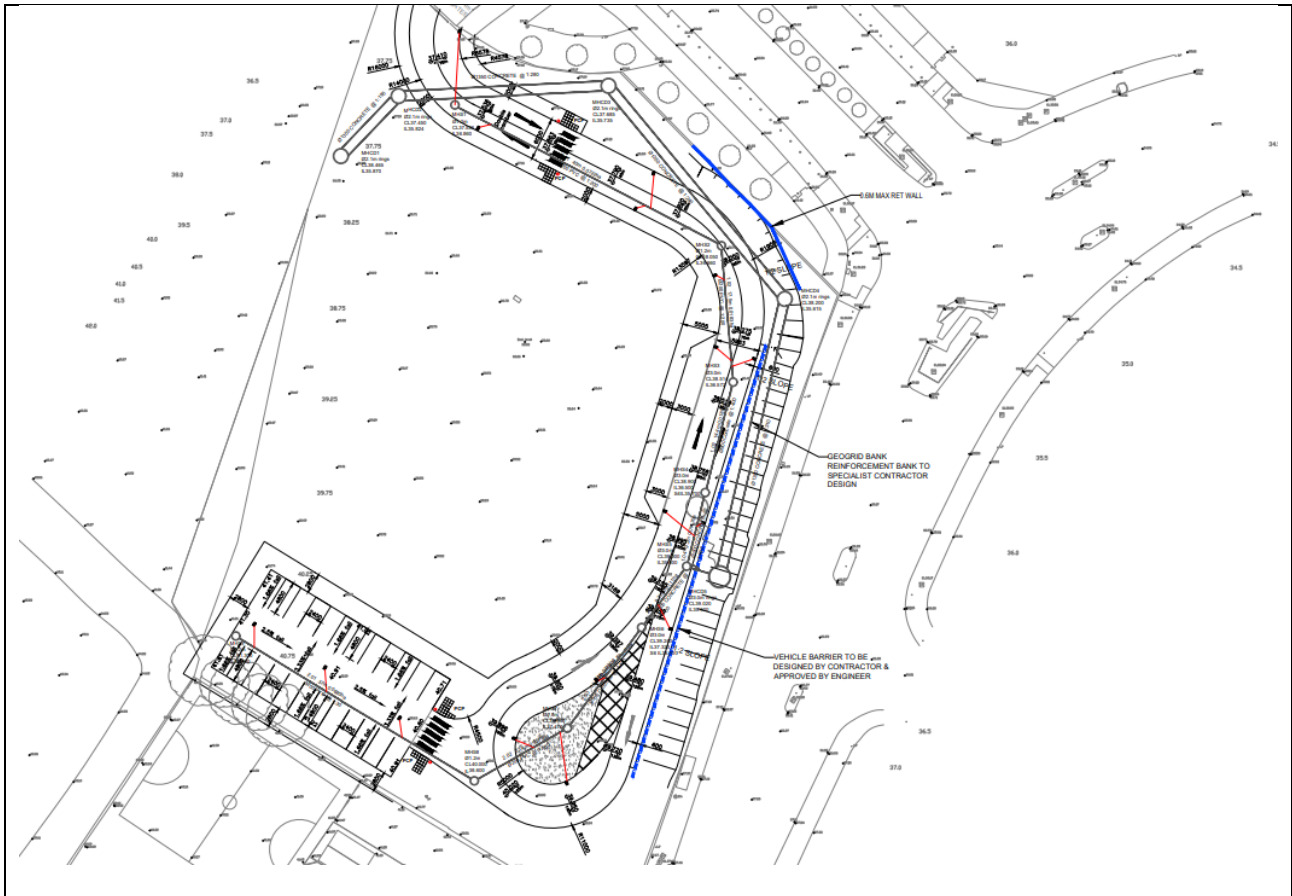
Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 19 th December 2022	Item Number:
Application ID: LA04/2021/1188/F	Target Date:
Proposal: Provision for a 24 no. space car park, access road with lay-by and turning head. 2.4m Perimeter Fence	Location: 425 Springfield Road Belfast BT12 7DJ
Referral Route: At the discretion of the Director of Planning and Building Control in accordance with paragraph 3.8.7 of the Scheme of Delegation for Planning	
Recommendation:	Approval
Applicant Name and Address: Colin Bingham Education Authority 3 Charlemont place Armagh BT61 9AX	Agent Name and Address: Gregory Architects 4 Crescent Gardens Belfast BT25 1TH
<p>Executive Summary:</p> <p>The application seeks full planning permission for the provision of a car park with 24 spaces for Springfield Primary School, including access road and fencing.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • Loss of zoned economic land • Loss of open space • Access, Movement and Parking • Drainage and flood risk <p>The proposal would result in the loss of land zoned for employment in both the BUAP and dBMAP. The proposal is contrary to Policy IND6 of the BUAP, employment zonings in dBMAP, PPS 4 and the SPPS. However, the loss of employment land is relatively small and there is ample supply of employment land in the area. The loss of employment land is considered to be outweighed by the benefits of the scheme in terms of improving highway safety for children, parents and staff, and reducing congestion during peak hours. In the planning balance, the proposal is considered acceptable.</p> <p>DFI Roads and DFI Rivers offer no objection to the proposal subject to conditions.</p> <p>No third-party objections were received in relation to the proposal and a total of 235 representations have been made in support of the proposal.</p> <p>Recommendation</p> <p>It is recommended that the application is approved subject to conditions. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of the conditions.</p>	

Case Officer Report

Site Location Plan





Characteristics of the Site and Area

1.0 Description of Proposed Development

- 1.1 The application seeks full planning permission for the provision of a 24 no. space car park for Springfield Primary School, including new access road, lay-by, turning head and 2.4m perimeter fence.
- 1.2 The application follows a Pre-Application Discussion (LA04/2017/1292/PAD).

2.0 Description of Site

- 2.1 The application site is located to the north side of Springfield Primary School off the Springfield Road, an arterial route in the west of the city. Springfield Primary School comprises a single building which fronts onto Springfield Road with a hard surface play area at the rear and car parking space for 8 cars along the northern side of the building. There is a single access to the school grounds from the Springfield Road.
- 2.2 The surrounding area is of mixed character. The Springfield Road adjacent to the site mostly comprises residential properties. The Springvale campus of Belfast Met is located to the east of the site on the opposite side of the Springfield Road. The Innovation Factory is located to the north east of the site which has been developed on lands formerly accommodating the Mackie's International Factory and now provides office space and conference facilities. The land to the immediate north and west is undeveloped grassland and open space.
- 3.3 The site forms part of this undeveloped grassland.

Planning Assessment of Policy and other Material Considerations	
3.0	Relevant Site History
	<i>Application site:</i>
3.1	Z/2014/0219/F – single-storey extension to existing school building (Amended plans and information). Permission granted 18.09.2014
	<i>Adjacent land:</i>
3.2	LA04/2020/1959/F – planning permission granted in September 2022 for the land to the north to be used as new parkland (Section 2 Forthmeadow Community Greenway). The permission includes foot and cycle pathways, lighting columns, new entrances and street furniture.
4.0	Policy Framework
	<u>Development Plans</u>
4.1	Belfast Urban Area Plan (BUAP) 2001
4.2	Draft Belfast Metropolitan Area Plan (dBMAP v2004)
4.3	Draft Belfast Metropolitan Area Plan (dBMAP v2014)
4.4	Draft Belfast Local Development Plan 2035 – Draft Plan Strategy
	<u>Regional Planning Policy</u>
4.5	Regional Development Strategy (RDS) 2035
4.6	Strategic Planning Policy Statement (SPPS)
4.7	Planning Policy Statement 2 (PPS 2): Natural Heritage
4.8	Planning Policy Statement 3 (PPS 3): Access, Movement and Parking
4.9	Planning Policy Statement 4 (PPS 4): Planning and Economic Development
4.10	Planning Policy Statement 8 (PPS 8): Open Space, Sport and Outdoor Recreation
4.11	Planning Policy Statement 15 (PPS 15): Planning and Flood Risk
5.0	Consultations:
5.1	Statutory Consultee Responses
5.1.1	DFI Roads – no objections and recommends conditions.
5.1.2	DFI Rivers – no objections and recommends conditions.
5.2	Non-Statutory Consultee Responses
5.2.1	None
6.0	Representations
6.1	The application has been neighbour notified and advertised in the local press. 235 letters of support have been received which include 26 letters from members of staff, individual letters from pupils and parents, 2 emails from parents to the headmaster raising concerns with safety, a group letter from the pupils council, a letter from the governor of Springfield Primary School and a letter from family support groups. There have been no objections.
6.2	The letters of support are summarised below: <ul style="list-style-type: none"> Springfield Road as a main arterial route experiences a large volume of accidents, speeding cars and car crashes which is exacerbated by the neighbour police and fire stations and College. Children's safety should override zoning issues.

	<ul style="list-style-type: none"> On-going complaints from neighbours regarding parking – the off-road parking should be favourably considered. Between December 2010 and November 2020, 186 road casualties took place between Isadore Avenue and Mill Race (PSNI statistics) Lack of parking forces cars to park along the road which forces prams and wheelchairs off the footpath onto the road. This proposal creates a safe drop off/ pick up area for children.
7.0	<p>Assessment</p> <p><u>Policy Context</u></p> <p>7.1 Section 6(4) of the Planning Act (Northern Ireland) 2011 states that: <i>‘Where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.’</i></p> <p>7.2 Section 45(1) of the Act states that the council must <i>‘...have regard to the local development plan, so far as material to the application, and to any other material considerations...’</i>.</p> <p>7.3 Following the Court of Appeal decision on BMAP, the extant development plan is the BUAP. However, dBMAP remains an important material consideration. Given the stage at which the draft BMAP (v2014) had reached pre-adoption through a period of independent examination, it is considered to hold significant weight, save for retail policies relating to Sprucefield, Lisburn, which remain contentious.</p> <p>7.4 The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council’s Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.</p> <p><u>Key Issues</u></p> <p>7.5 The key issues relevant to consideration of the application are:</p> <ul style="list-style-type: none"> Loss of zoned economic land Loss of open space Access, Movement and Parking Drainage and flood risk <p><u>Loss of employment land</u></p> <p>7.6 The application site is partially zoned for employment land within the BUAP and is zoned for employment land in both versions of draft BMAP.</p> <p>7.7 In considering the relevant policies, officers have been mindful of the local and regional policy presumptions against the loss of industrial, commercial or employment lands.</p>

Belfast Urban Area Plan 2001:

7.8

In the BUAP, the application site forms part of a wider zoning for Industry and Commerce land, shown in purple in the map at Figure 1, below. The site lies underneath and beside the black square which indicates a potential Simplified Planning Zone. It is also beside the black triangle which indicates Areas of Business Development Potential.



Figure 1: BUAP zoning of Industry and Commerce Land (purple)

7.9

Policy IND 1 of the BUAP zones approximately 375 acres of land across Belfast to meet the expansion needs of existing industry and commerce and to provide for new industries and enterprises. The BUAP states that this will provide employment land to help meet the Industrial Development Board's target-based job predictions up to 2001.

7.10

Policy IND 6 of the BUAP seeks '*To ensure that land zoned for Industrial and Commercial use is reserved for appropriate types of development.*'

7.11

Recognising that '*...it is necessary to allow flexibility in the use of industrial and commercial land...*', the policy states that the following additional uses will normally be acceptable in industrial estates:

- light and industrial manufacturing;
- warehousing or stock-housing;
- car and commercial vehicle sales including showrooms, servicing, storage (stock-piling), but excluding breaking and scrap/dismantling;
- repair businesses;
- builders suppliers with their associated open storage;
- training centres, vehicle inspection and driving test centres;
- ancillary local needs, e.g. banks, cafes.

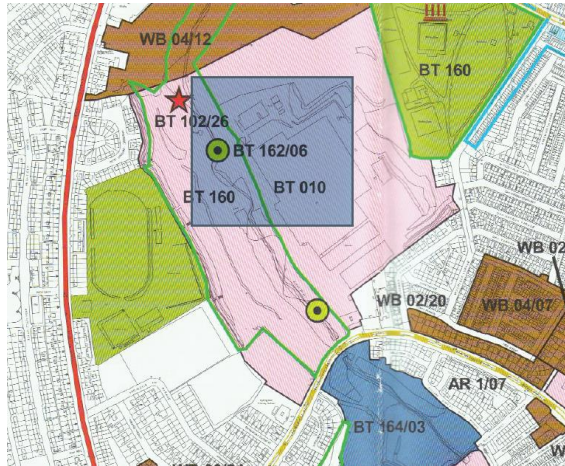
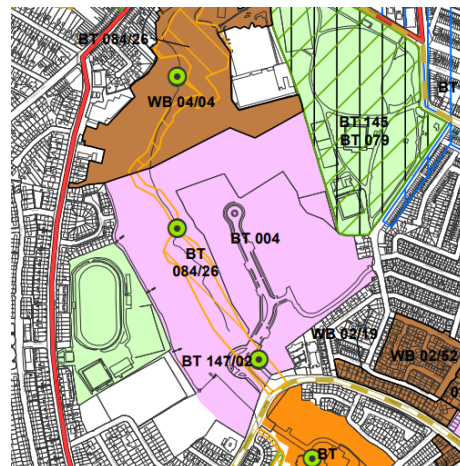
7.12

The proposal does not fall under an industrial or commercial use or any of the uses listed above. It is therefore contrary to Policy IND 6 of the BUAP.

Draft Belfast Metropolitan Area Plan (v2004):

7.13

In draft BMAP (version 2004), the application site is zoned for employment land under Zoning BT 010, as indicated in the proposals map at Figures 2, below. Key site requirements include that development of this land shall only include light industrial, general industrial and storage and distribution uses. In addition, development of the site shall only be permitted in accordance with an overall comprehensive masterplan for the site to be agreed with the Department. The proposal for a school car park is therefore in conflict with this zoning.

**Figure 2: Draft BMAP v2004 zonings****Figure 3: Draft BMAP v2014 zonings***Draft Belfast Metropolitan Area Plan (v2014):*

7.14

In draft BMAP (v2014), the site is similarly zoned for employment land, but under Zoning BT 004 as shown in Figure 3, above. Key site requirements include that development shall only include Classes B1 (b) and (c), B2, B3 and B4. Development shall only be permitted in accordance with an overall comprehensive masterplan for the site to be agreed with the Department. The proposal is therefore in conflict with this zoning.

Planning Policy Statement 4:

7.15

Policy PED7 of PPS 4: Retention of Zoned Land and Economic Development Uses is relevant in the consideration of this development proposal. The policy states that:

“Development that would result in the loss of land zoned for economic development use to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.

An exception will be permitted for the development of a sui generis employment use within an existing or proposed industrial/employment area where it can be demonstrated that: the proposal is compatible with the predominant industrial use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area generally. Retailing or commercial leisure development will not be permitted except where justified as acceptable ancillary development.”

7.16	The exceptions outlined in Policy PED 7 do not apply in that the zoned land has not been substantially developed for alternative uses and the proposal does not involve a <i>sui generis</i> employment use. The proposal is therefore contrary to Policy PED 7.
7.17	<p>However, Planning Advice Note to PPS 4, published in November 2015, accepts that there can be “special circumstances” in which a departure from the development plan zoning may be acceptable. Paragraph 16 of the Planning Advice Note reads:</p> <p><i>‘In the case of planning applications involving a departure from a development plan zoning, for example from light industrial use to a mixed use development, planning officers should be fully satisfied that it has been clearly demonstrated how the special circumstances of a particular case outweigh the preferred option of retaining the land for economic development use.’</i></p>
7.18	<p>“Special circumstances” are not defined in the Planning Advice Note and there is no definitive list of what those special circumstances might be. In this case, Officers consider that the special circumstances that justify a departure from Policy PED 7 are that the proposal would:</p> <ul style="list-style-type: none"> - address Springfield Primary School’s existing poor access and parking arrangements, which result in congestion during peak hours and compromise highway safety; - enable the school to provide a car park that meets educational standards; - there is no other obvious alternative land to provide the proposed car park; - improve the wellbeing and safety of pupils, guardians, staff and visitors to the primary school; - the loss of employment land would be minimal and the proposal would not prejudice the development of the adjacent land for employment purposes; - there is ample supply of employment land as is demonstrated by the evidence base for the Belfast LDP Draft Plan Strategy. <p><i>Strategic Planning Policy Statement:</i></p>
7.19	<p>The Strategic Planning Policy Statement for Northern Ireland was published in September 2015. It is the most recent articulation of regional planning policy relating to economic development and protection of employment land. Paragraph 6.89 states:</p> <p><i>‘It is important that economic development land and buildings which are well located and suited to such purposes are retained so as to ensure a sufficient ongoing supply. Accordingly, planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. Any decision to reallocate such zoned land to other uses ought to be made through the LDP process. While the same principle should also apply generally to unzoned land in settlements in current economic development use (or land last used for these purposes); councils may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits, that are considered to outweigh the loss of land for economic development use.’</i></p>
7.20	<p>The proposal is in conflict with paragraph 6.89 of the SPPS.</p> <p><i>Belfast Local Development Plan 2035 - Draft plan strategy:</i></p>
7.21	<p>Whilst the Draft Plan Strategy is considered to hold minimal weight at this stage in the development plan process, it is still a material consideration which the Committee should have regard to. Policy EC4 of the Draft Plan Strategy relates to the loss of zoned employment land. The policy reads:</p>

	<p><i>'Zoned employment areas will be retained in employment use and will be the focus of economic regeneration and development opportunities likely to come forward during the plan period. Only in exceptional circumstances as outlined below will the loss of zoned employment land be considered acceptable.</i></p> <p><i>Proposals for the use of zoned employment land or buildings, for other purposes, should clearly demonstrate that:</i></p> <p><i>a) The proposed use is complementary to the primary employment use of the area, providing a small scale-ancillary service to meet the day-to-day needs of local employees, subject to compliance with other plan policies; or</i></p> <p><i>b) The proposal would not prejudice the long term development of the wider employment area primarily for industrial and business development. In such cases alternative uses should:</i></p> <ol style="list-style-type: none"> <i>1. Not adversely affect the city's overall capacity to meet future demand for employment land;</i> <i>2. Be compatible with existing retained employment uses within their vicinity; and</i> <i>3. Demonstrate that there is no likely future demand for employment use on the site. This would require evidence that it had been actively marketed for B1(b), B1(c), B2, B3 and B4 uses for a minimum of 18 months. In instances where the loss of employment land has been deemed acceptable further information will be necessary as per the council's contribution framework.'</i>
7.22	It is considered that scenario b) applies as the proposal would not prejudice the long-term development of the wider employment area primarily for industrial and business development.
7.23	Evidence of the substantial oversupply of employment land within the Council Area is demonstrated at paragraph 4.23 of Technical Supplement 3 of the draft Plan Strategy <i>which identifies a need for 550,000 sqm of employment space for B Use Classes between 2020 and 2035.</i> Paragraph 4.25 states that there is an indicative capacity of 1.16 million sqm of gross employment floorspace available from committed and new sites. The proposal would result in only a very modest loss of employment land and this has to be assessed in the context of the wider availability of employment land in the area.
7.24	The proposed car park would be compatible with adjacent employment development.
7.25	The Council does not have direct evidence that the site has been actively marketed for the specified employment uses for a minimum of 18 months.
	<i>Justification for the proposal:</i>
7.26	<p>The applicant acknowledges that the proposal is in conflict with employment zonings, but advances special justification for the proposal as follows:</p> <ul style="list-style-type: none"> • Springfield Road is an arterial route and the current access to the school does not permit a drop off area. This results in parents parking along the roadside during peak hours which is causing major congestion on the road;

	<ul style="list-style-type: none"> • The existing access is narrow and steep, contributing to congestion and creating a highway safety hazard for children, parents and staff; • School management are currently having to supervise drop off and pick-ups, due to the congestion and highway safety concerns; • The School Meals department also has major concerns as they have issues making deliveries to the school with insufficient parking space; • These issues are contributing to severe risk to health and safety of all users of the existing access route. The School and Board of Governors are seriously concerned that a major accident/incident is going to occur; • The proposed new access and car park are compliant with the DE Handbook for a 6-class base school.
7.27	It is considered that the safety of children, parents and staff is paramount. It is evident that the school currently has inadequate access and parking facilities. The proposal would help redress this. Following a site meeting, an amended site layout has been submitted which reduces the size of the application site and degree of encroachment of the proposal into the zoned employment land. The application now proposes development of a small section of the overall zoning, approximately 2% of the total area.
7.28	DFI Roads has confirmed that the proposed access off the roundabout entrance would not prejudice access to the remainder of the zoned land.
7.29	It is considered that there are no obvious alternative locations for the school to provide alternative access and additional parking.
7.30	A significant number of representations from the community have been received in support of the proposal, citing concerns about the existing arrangement.
7.31	Having regard to the factors, it is considered that the benefits of the proposal in terms of providing satisfactory access and parking to the school, including the positive benefit that would have on highway safety, outweigh the conflict with the Development Plan, employment zonings in dBMAP, PPS 4 and SPPS. In the planning balance, these benefits outweigh the relatively small loss of zoned employment land.
	<u>Loss of open space</u>
7.32	Policy OS 1 of PPS 8 states that development that would result in the loss of existing open space or land zoned for the provision of open space will not be permitted. The presumption against the loss of existing open space applies irrespective of its physical condition and appearance, however, an exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.
7.33	Paragraph 5.5 of PPS 8 states that ' <i>an exception to the presumption against loss of open space will be permitted where development would produce such community benefit that this would decisively outweigh its loss. In such cases, applicants will generally be expected to demonstrate that their proposals are supported by the local community.</i> ' The proposal would result in a relatively small loss of open space. This is also framed in the context of the recent planning permission for section 2 of the Forth Meadow Community Greenway on the adjacent land, which would provide parkland and enhanced space for the wider community. There are 235 representations in support of the proposal and it is considered that it would result in substantial community benefits for the school and wider community for the reasons previously stated, principally concerning safe access and parking for Springfield School.

	<u>Environmental constraints</u>
7.34	Part of the site is also designated as a Local Landscape Policy Area (LLPA) under Zoning BT 160 Woodvale / Springfield Road. Policy ENV 3 of draft BMAP (v2004) applies and states that, within an LLPA, planning permission will not be granted for development that would be liable to adversely affect those features, or in combination of features, that contribute to environmental quality, integrity or character. Draft BMAP (v2004) was subject to an Independent Examination by the PAC. The PAC subsequently issued a report, noting two objections relating to these lands. One objection was made in respect of the LLPA designation. The PAC recommended that the LLPA designation under Zoning BT160 be removed.
7.35	In the later version of draft BMAP (v2014), the LLPA was subsequently removed on the recommendation of the PAC. This most recent version of dBMAP is considered to hold greater weight and the site is no longer subject to a LLPA.
7.36	The site is located outside the Site of Local Nature Conservation Importance (SLNCI) designation remained under Zoning BT 084/26.
	<u>Access, Movement and Parking</u>
7.37	At present, there is a single access to the school grounds directly from Springfield Road, which is used by both vehicles and pedestrians. This access is limited to a single, steep laneway with no footpath. Due to the constrained nature of the site, there is no parking space for visitors or parents and as a result the parking spaces at the site are reserved for staff members only. There is limited space for the manoeuvring of vehicles within the school grounds which results in the busy Springfield Road, an arterial route, being the main drop off location for pupils. The applicant's Planning Statement states that this causes significant congestion issues as the parking of cars on either side of the road restricts space within the carriageway for passing. In addition to this, cars mounting the footpath restrict the width of the footpath for pedestrians.
7.39	The proposed access and new parking area would have a positive impact in reducing congestion and improving highway safety over the current situation. DFI Roads offers no objection to the proposal, which is considered compliant with the relevant provisions of PPS 3 and the SPPS.
7.40	There is no current access to the application site, however the roundabout to the north of the site which was constructed to serve the wider zoned area would be used to facilitate the proposed development. DFI Roads were contacted on 26 th October 2022, to seek clarification on whether the development of this site area would interfere with future development of the zoned employment land. DFI Roads confirmed via email on the same day that the proposal would not prohibit future development of the remainder of the land to the north west of the site. The DFI Roads states that the application site <i>'...does not cut off development to the lands [to the north]. Furthermore, this portion of the Springfield Road is the B38 and is not Protected under PPS3 AMP 3 Annex A. The roundabout seems well capable to having an access into the [remaining zoned] lands, following a satisfactory design.'</i>
	<u>Drainage and Flood Risk</u>
7.41	The planning application is supported by a Drainage Assessment. This demonstrates that the site is not within any fluvial or coastal floodplain (Policy FLD 1 of PPS 15), that there are no flood defences or drainage infrastructure affected by the proposal (Policy FLD 2) and that the site is not in proximity to an uncontrolled reservoir (Policy FLD 5).

7.42	The proposal complies with the exception test set out in Policy FLD4 of PPS 15 in that the culverting is for a short section of the watercourse and that the works are necessary to provide access to the main body of the development site.
7.43	DFI Rivers were consulted in relation to the proposal and having assessed the drainage assessment, offer no objection subject to conditions.
8.0	Conclusion
8.1	Having regard to the factors set out in the assessment above, and in the planning balance, the development of the site as an ancillary car park to the primary school is considered acceptable.
8.2	It is recommended that planning permission is granted. Delegated authority is requested for the Director of Place and Economy to finalise the wording of the planning conditions.
9.0	Draft Conditions
9.1	<p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>
9.2	<p>The parking area hereby approved shall not be laid out unless in accordance with the approved plans and shall not be used other than as parking ancillary to the use of Springfield Primary School.</p> <p>Reason: To ensure acceptable parking facilities on the site. The car park has only be permitted because of the special circumstances of the case.</p>
9.3	<p>The access gradient shall not exceed 4% (1 in 25) over the first 10m as measured from the public road. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>
9.4	<p>The car park hereby approved shall not be used unless pedestrian crossing points including tactile paving shall be provided in accordance with the DETR / Scottish Office publication "Guidance on the use of Tactile Paving Surfaces".</p> <p>Reason: In the interests of pedestrian safety.</p>
9.5	<p>No development shall commence on site until a detailed drainage strategy for managing surface water emanating from the surface water drainage network in a 1 in 100 year flood event has been submitted to and approved in writing by the Council. Such details shall include a programme for implementation. The development shall not be carried out unless in accordance with the approved details.</p> <p>Reason: In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to the surrounding area.</p>

ANNEX	
Date Valid	14th September 2021
Date First Advertised	24th September 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Springdale Gardens,Belfast,Antrim,BT13 3QT The Owner/Occupier, 11 Springdale Gardens,Belfast,Antrim,BT13 3QT The Owner/Occupier, 13 Springdale Gardens,Belfast,Antrim,BT13 3QT The Owner/Occupier, 15 Springdale Gardens,Belfast,Antrim,BT13 3QT The Owner/Occupier, 2 Watermouth Crescent,Belfast,Antrim,BT12 7FH The Owner/Occupier, 3 Springdale Gardens,Belfast,Antrim,BT13 3QT The Owner/Occupier, 5 Springdale Gardens,Belfast,Antrim,BT13 3QT The Owner/Occupier, 7 Springdale Gardens,Belfast,Antrim,BT13 3QT The Owner/Occupier, 9 Springdale Gardens,Belfast,Antrim,BT13 3QT The Owner/Occupier, Springfield Primary School,425 Springfield Road,Belfast,Antrim,BT12 7DJ	
Date of Last Neighbour Notification	27th September 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA04/2019/1869/PAN Proposal: New 3m wide asphalt shared footpath & cycleway with landscaping strip (with tbd), linking the roundabout at the Innovation Factory, with Paisley Park, The Invest NI Business through to Woodvale Avenue, and through a Third Party Developers lands (Braidwater) to Woodvale Park & the West Circular Road. The network will be continuously branded ie through lighting, public art, use of colour/common materials in paving and consistent orientation and interpretation signage. Paths to have associated street lighting, beacon signage, waymaker signage & information boards, path markers, bench seating and rubbish bins.	

Address: Walking and Cycle Paths, Section 2, Ballygomartin Road to, Springfield Road, Belfast.,
Decision: PANACC
Decision Date:

Ref ID: Z/2002/1547/O

Proposal: New Springvale Educational Village (comprising a main street of campus buildings, car parking, sports pitches, a linear park, maintenance of the "Glen" area along the Forth River to the North of the site, plus access off the Springfield Road and Ballygomartin Road).

Address: Lands between Springfield Road & Ballygomartin Rd, including lands adjoining Springfield Parade, ex Mackies Complex and Tesco Shopping Centre, and lands at Forth River and Woodvale Park Belfast

Decision:

Decision Date: 02.02.2005

Ref ID: LA04/2019/0568/PAD

Proposal: New 4m wide asphalt footpath and cycleway with landscaping strip (width tbd), linking the roundabout at the Innovation Factory, with Paisley Park, The invest NI Business Park, a Third party Developers land (Braidwater), Woodvale Park and Woodvale Avenue. The network will be continuously branded ie through lighting, public art, use of colour / common materials in paving and consistent orientation and interpretation signage. Paths to have associated street lighting, beacon signage, way marker signage & information boards, path markers, bench seating and rubbish bins.

Address: Peace IV shared spaces, walking and cycle paths Section 2-, Ballygomartin Road To, Springfield Road, Belfast,,

Decision:

Decision Date:

Ref ID: LA04/2020/1959/F

Proposal: Proposed new parkland (Section 2 Forthmeadow Community Greenway) - foot and cycle pathways, lighting columns, new entrances and street furniture.

Address: Site to be developed includes vacant land bounded by the Forthriver Industrial Park in the east, Springfield Road to the South, and Paisley Park & West Circular Road & Crescent to the West. Area also includes links through the Forthriver In

Decision: PG

Decision Date:

Ref ID: LA04/2021/1188/F

Proposal: Provision for a 24 no. space car park, access road with lay-by and turning head. 2.4m Perimeter Fence

Address: 425 Springfield Road, Belfast, BT12 7DJ,

Decision:

Decision Date:

Ref ID: LA04/2018/2437/PAD

Proposal: Routeways from Springfield Road to Belfast Transit Hub

Address: Springfield Road to Belfast Transport Hub,

Decision:

Decision Date:

Ref ID: LA04/2017/1292/PAD

Proposal: Develop a new access road, footpath and parking for the existing Springfield Road Primary School. The school currently has unsuitable vehicle access and parking provision. The access is unsuitable due to its location as it meets the Springfield Road, vision splay and its gradient. The vehicle access is currently shared with pedestrians and as such presents numerous health and safety issues for the school to manage due to cross over with vehicles. The new access will be the recently constructed business park access road and roundabout. the site is currently vacant.

Address: Vacant site adjacent to (North-East): Springfield Road Primary School, 425 Springfield Road, Belfast, BT12 7DJ,

Decision:

Decision Date:

Ref ID: Z/2014/0219/F

Proposal: Single-storey extension to existing school building (Amended plans and information).

Address: 425 Springfield Road, Belfast, BT127DJ,

Decision: PG

Decision Date: 18.09.2014

Ref ID: Z/1990/2635

Proposal: Proposed DIY retail unit,builders yard & Transfer station for skips

Address: 415-423 SPRINGFIELD RD

Decision:

Decision Date:

Ref ID: Z/1993/6029

Proposal: INDUSTRIAL,COMMERCIAL ETC 415/417 SPRINGFIELD ROAD

Address: 415/417 SPRINGFIELD ROAD

Decision:

Decision Date:

Ref ID: Z/1983/0219

Proposal: CHANGE OF USE TO JOINERS SHOP, STORE AND OFFICES AND EXTENSION

Address: 411/413 SPRINGFIELD ROAD, BT12

Decision:

Decision Date:

Ref ID: Z/2001/0188/O

Proposal: Construction of road junction to service the future development of the upper and lower sites onto the Springfield Road

Address: Lands at Springvale, Springfield Road, Belfast

Decision:

Decision Date: 29.03.2001

Ref ID: Z/1999/3441/Q

Proposal: Proposed Springvale Educational Campus

Address: Springfield Road,Belfast,BT12

Decision:
Decision Date:

Ref ID: Z/2002/1332/F

Proposal: New junction and vehicular access to include extension of existing culvert

Address: Land Adjoining Ex Mackies Complex, Springfield Road, Belfast.

Decision:

Decision Date: 14.04.2003

Drawing Numbers and Title

01A – Site location plan

03A – Proposed site plan

04 – Lighting layout

05A – Drainage layout

06 – Road layout

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Subject:	Public Consultation on Planning Application Validation Checklists
Date:	19 December 2022
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management)

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"/>
Some time 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 or Summary of Main Issues
1.1	The Department for Infrastructure ("Department") is undertaking public consultation on its proposed introduction of Planning Application Validation Checklists. This would enable Planning Authorities to themselves stipulate the minimum level of information needed with applications on submission (for those applications to be made "valid").
1.2	A copy of the public consultation is provided at Appendix 1 .
1.3	The purpose of this report is to formulate the Council's response to the consultation.
2.0	Recommendation
2.1	That the Committee fully supports the introduction of Planning Application Validation Checklists and gives delegated authority to the Director of Planning and Building Control to finalise the wording of the consultation response.

3.0	Main Report
	<u>Background</u>
3.1	The Department for Infrastructure is undertaking public consultation on its proposed introduction of Planning Application Validation Checklists. This would enable Planning Authorities to themselves stipulate the minimum level of information needed with applications on submission (for those applications to be made “valid”).
3.2	A copy of the public consultation is provided at Appendix 1 . The closing date for the consultation is 06 January 2023.
	<u>Current information requirements for planning applications</u>
3.3	The bar for submission of a planning application in NI is particularly low and this is the root cause of many of the systems problems from a Development Management perspective.
3.4	Article 3 of the Planning (General Permitted Development) Order (Northern Ireland) 2015 sets out the minimum level of information needed to be provided with an application for it to be “valid” and processed. The information that is required only includes: <ul style="list-style-type: none"> • Written description of the proposal • Address of the application site • Name and address of the applicant (and agent where applicable) • A plan identifying the application site showing its relationship with adjacent land (“red line”) • A plan identifying neighbouring land owned by the applicant (“blue line”) • Such other plans that describe the proposal • Ownership certificate • Planning fee
3.5	There is also a requirement for Major applications to be accompanied by a Pre-Application Community Consultation Report and certain applications to be supported by a Design and Access Statement ¹ .
3.6	There are specific additional requirements for applications for outline planning permission, approval of reserved matters and renewal of planning permission.
3.7	However, there is currently no legal requirement for applicants to provide other essential information, even despite in some cases the information being a planning policy requirement. For example, there is no legal requirement for an application to be accompanied by the following information: <ul style="list-style-type: none"> ➤ Planning Statement ➤ Contextual design information such as streetscapes, 3D modelling or CGIs ➤ Heritage statement ➤ Archaeological investigation report ➤ Transport Assessment ➤ Parking survey ➤ Contaminated land report ➤ Noise and odour assessments ➤ Air quality assessment ➤ Lighting assessment

¹ Required for applications for Major development, Listed Building Consent and for one or more dwellinghouses, and proposals that are equal a greater than 1,000sqm and are in a Conservation Area, Area of Outstanding Natural Beauty, World Heritage Site or Area of Townscape Character.

	<ul style="list-style-type: none"> ➤ Drainage Assessment ➤ Flood Risk Assessment ➤ Ecological report ➤ Viability justification ➤ Planning Statement ➤ Etc.
3.8	Belfast City Council contacted the Department in 2016, raising the importance of statutory Planning Application Validation Checklists support by legislation. Improving the quality of planning applications is a key recommendation in both the Public Accounts Committee and NI Audit Office reports on the NI planning system ² . The Department proposes to introduce Validation Checklists in its review of the implementation of the Planning Act (Northern Ireland) 2011.
3.9	<p><u>Impact of “incomplete” planning applications</u></p> <p>The inability for Planning Authorities to mandate the minimum level of information to be provided with applications has a seriously detrimental impact on the whole process. It significantly adds to processing times, places additional burdens on staff and consultees, wastes time assessing proposals without the key information, sets up conflict with customers, frustrates communities, residents and third parties and essentially creates “failure demand” (work that could have otherwise been avoided).</p> <p><u>Belfast City Council Application Checklist</u></p>
3.10	Recognising the crucial nature of this issue and the importance of front-loading the application process, the Council published its Application Checklist in November 2018. This provides guidance to customers on the information they need to provide with their application at the start of the process, depending on the nature of the proposal, its scale and whether the site is subject to any particular constraints. Implementation of the <i>Application Checklist</i> was phased, initially only applying to medium and scale Local applications, then Major applications and finally to all applications, except householder applications and applications for Advertisement Consent.
3.11	The Council’s <i>Application Checklist</i> has had a very positive impact on the quality of planning applications on submission and has now been culturally embedded in the process, particularly for larger scale and more complex applications. It has had an extremely positive impact on service delivery as evidenced by a review undertaken by the Planning Service in February 2021. A copy of the review is provided at Appendix 2 . It concluded that introduction of the <i>Application Checklist</i> had been an ‘undoubted success’. It contributed significantly to improved application performance in 2019/20 with the Council achieving the statutory Local target for the first time at 14.0 weeks average processing time. It also directly assisted the Council in achieving what was at the time its best ever processing time for Major applications at 37.0 weeks. The review was submitted to the Department, which acknowledged its importance and went on to directly inform its recommendation to bring forward Planning Application Validation Checklists.
3.12	However, the Planning Service recognises the limitations of the <i>Application Checklist</i> because it is advisory only and does not have statutory weight. In effect, it has been a “work-around” of the existing limited legislation. Ultimately, the Council is unable to compel applicants to provide the information. Whereas in England and Wales, Planning Authorities have been able to publish Planning Application Checklists for many years, mandating the information that must be provided with applications for them to be processed.

² See Planning Committee reports of [15 February](#) and [14 April](#) 2022 on the NIAO and Public Accounts Committee reports respectively.

3.13	Planning Authorities are measured on the average time for processing applications with “Day 1” being the date when the bare minimum level of information is provided. The “clock does not stop” to allow for the submission of the necessary additional information to properly assess and process the application. This significantly lengthens application processing times and makes it difficult for Planning Authorities to achieve statutory targets.
3.14	<u>DFI Consultation</u> The Department is proposing to amend the Planning (General Development Procedure) Order (Northern Ireland) 2015 to enable Planning Authorities to publish planning application ‘validation checklists’ to address poor quality or incomplete applications entering the planning system.
3.15	Like the Council’s <i>Application Checklist</i> , a validation checklist will provide guidance to applicants about the level and type of information required to be submitted with an application. Although in this case it will have statutory weight and the information will be mandatory rather than discretionary. The requirements should be proportionate to the nature and scale of the proposal.
3.16	Planning Authorities will be able to prepare and publicise the validation checklists above the minimum statutory requirements summarised at paragraph 3.4 and will allow it to require the types of additional information set out at paragraph 3.7, where it is deemed necessary to support the processing of the application.
3.17	The Department proposes to introduce a “dispute mechanism” like in England and Wales, otherwise the only recourse for an applicant, should it wish to challenge the information requirements on a case-by-case basis, would be through judicial review. This would enable the applicant to challenge the necessity for the requested information on grounds that it is not reasonably required. The Planning Authority would have ability to either agree with the applicant and validate the application or disagree and serve a “validation notice” on the applicant, confirming the need for the information. The applicant would then have the right to appeal (although there are different approaches to this in England and Wales).
3.18	<u>Assessment</u> Officers advise that this is the most significant and important consultation by the Department on the Development Management process since the transfer of planning powers to local government in 2015. The inability for Planning Authorities to mandate the information necessary to properly assess and process applications at the beginning of the process goes to the root of many of the problems experienced by the NI planning system.
3.19	The Council’s <i>Application Checklist</i> has had a very positive impact on improving the quality of applications submitted in Belfast but ultimately it is discretionary and is limited by reason of it not having statutory weight. It is considered crucial that statutory Planning Application Validation Checklists are introduced as quickly as possible in Northern Ireland
3.20	The provision of a dispute mechanism is considered reasonable and necessary.
3.21	It is also considered necessary that Validation Checklists are subject to public consultation before they are published. This will ensure appropriate scrutiny of the process.
3.22	It is recommended that the Committee fully endorses the introduction of Planning Application Validation Checklists and gives delegated authority to the Director of Planning and Building Control to finalise the wording of the consultation response.

4.0	Financial & Resource Implications
4.1	The ability for Planning Authorities to specify information requirements for particular types of application will have a significant impact on efficiency and timely processing of planning applications.
5.0	Equality or Good Relations Implications / Rural Needs Assessment
5.1	No adverse impacts identified.
6.0	Appendices – Documents Attached
	Appendix 1 – Public Consultation on Planning Application Validation Checklists (DfI) Appendix 2 – Belfast City Council Review of the Application Checklist

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PUBLIC CONSULTATION

PLANNING APPLICATION VALIDATION CHECKLISTS

Date: November 2022

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ANNEX A – Screening for Equality Impact Assessment

ANNEX B – Preliminary Regulatory Impact Assessment

Responding to this consultation document

How to Respond

You are invited to send your views on this consultation document. Comments should reflect the structure of the document as far as possible with references to question numbers and paragraph numbers where relevant.

All responses should be made in writing and submitted to the Department no later than 6 January 2023 in one of the following ways:

1. **Where possible online via Citizen Space**
2. By e-mail to: **Legislation.Planning@infrastructure-ni.gov.uk**
3. By post to:
**Public Consultation
Planning Applications - Validation Checklists
Regional Planning Directorate
Room 1-08
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB**

In keeping with government policy on openness, responses to this consultation may be made available on request or published on the Department's website at:

[Planning Legislation | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://infrastructure-ni.gov.uk/planning-legislation).

We look forward to receiving responses to the proposals and issues raised within this consultation document. Additional copies of the consultation document can be downloaded from the Department's website at:

[Planning Legislation | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://infrastructure-ni.gov.uk/planning-legislation) or requested via the postal address, e-mail as above, by telephone on (028) 90540563 or by Text phone (028) 90540642.

This document is available in alternative formats. Please contact us using the contact details above to discuss your requirements.

If you have any comments or complaints about the consultation process itself (rather than the content of this document), these should be directed to the postal or e-mail addresses above.

Confidentiality and Data Protection

Information contained in your response may be made public by DfI. If you do not want all or part of your response made public, please state this clearly in the response by marking your response as 'CONFIDENTIAL'. Any confidentiality disclaimer that may be generated by your organisation's IT system or included as a general statement in your correspondence will be taken to apply only to information in your response for which confidentiality has been specifically requested. Information provided in response to this consultation, excluding personal information, may be subject to publication or disclosure in accordance with the access to information regimes (this is primarily the Freedom of Information Act 2000 (FOIA)).

The Department will process your personal data in line with the Department's Privacy Notice ([DfI Privacy | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://infrastructure-ni.gov.uk/infrastructure-privacy-notice)). Personal data provided in response to this consultation will not be published. If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

As indicated above, the Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraph below as it will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation or a call for evidence. The Department cannot automatically consider as confidential information supplied to it in response

to a consultation or a call for evidence. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, excluding information about your identity, should be made public or treated as confidential

Impact Assessments

Government bodies are required to screen the impact of new policies and legislation against a wide range of criteria, including equality and human rights.

Equality Impact Assessment Screening and a Preliminary Regulatory Impact Assessment have been undertaken and are set out at Annexes A and B to this consultation paper. The Department believes that there would be no differential impact in rural areas or on rural communities.

The Department also considers that the proposals laid out in this document are fully compliant with the Human Rights Act 1998.

The Department welcomes views and comments on whether the conclusions contained in the above assessments are correct.

1 Introduction

Purpose of the consultation

- 1.1 This consultation forms part of the Department's Planning Improvement Programme aimed at creating an efficient, effective and equitable planning system trusted to deliver high quality, sustainable, inclusive and healthy places.
- 1.2 Earlier this year a series of reports highlighted the need to improve the quality of planning applications entering the planning system and the potential benefits this could bring in terms of improving processing times, the quality of decisions and in turn the delivery of development on the ground.
- 1.3 In addition, in January 2022 the Department published its first Review of the Implementation of the Planning Act (NI) 2011 (the Review) which contained 16 recommendations aimed at improving the planning system. The Review, which was informed by a wide range of stakeholders, recognised the importance of front-loading the planning application process to ensure applications are accompanied with all necessary supporting documentation needed to reach a decision at the point of submission.
- 1.4 The Review considered that validation checklists, which are part of the planning legislation framework in other jurisdictions, could be an important tool in improving the quality and completeness of planning applications coming into the system. The Department stated in the review report:
The Department will bring forward proposals to introduce 'validation checklists' and will seek to advance policy development at the earliest opportunity.
- 1.5 Further reports on the Northern Ireland planning system by the Northern Ireland Audit Office (NIAO)¹ (February 2022), and the Public Accounts Committee (PAC) (March 2022)², both referenced the need for, and benefits of, the introduction of validation checklists.
- 1.6 The NIAO stated during its work, that it encountered a strong consensus which consistently spoke about the "low bar" set for the information required to make a legally valid planning application in Northern Ireland.

¹ <https://www.niauditoffice.gov.uk/publications/planning-northern-ireland>

² <http://www.niassembly.gov.uk/globalassets/documents/committees/2017-2022/pac/reports/planning-in-ni/public-accounts-committee---planning-in-northern-ireland.pdf>

- 1.7 The NIAO further reported there was a view that the criteria set out in the Planning Act was too narrowly prescribed and did not require key supporting documentation – such as flood risk assessments, environmental statements and transport assessments - to be provided with applications at the point of submission. This means that potentially ‘incomplete’ applications must be accepted by a planning authority (having met the minimum statutory requirements) and from which, the time period for statutory processing begins.
- 1.8 The NIAO believe this contributes to inefficiency and poor processing times in a number of ways:
- statutory consultees are often expected to provide a substantive response to planning applications where essential supporting information is missing;
 - consultees are spending time on poor quality or incomplete applications, and often have to be consulted multiple times on the same application; and
 - applications which arrive at the planning committee for a decision often have to be deferred to allow supporting information to be provided.
- 1.9 The NIAO considered if the planning system continues to accept poor quality applications, this creates a culture of speculative applications, whereby the system is being used to effectively “MOT” projects and determine the assessments required.
- 1.10 The PAC report published on 24 March 2022 stated that the Committee had significant concerns around the evidence it heard of widespread issues with the quality of applications entering and progressing through the planning system. It believes that allowing poor quality applications risks poor quality development, can “clog up” the system, and is designed to allow multiple amendments at every stage of the process, including right up to appeal.
- 1.11 The PAC considered that presently the planning system does not sufficiently encourage good quality applications and a robust mechanism is needed to stop poor quality applications entering the system in the first place. It recommended that the Department and local government implement immediate changes to improve the quality of applications entering the system and believe the introduction of validation checklists is one way to do this.

1.12 The PAC and NIAO reports cited the example of Belfast City Council's introduction of an Application Checklist on an administrative basis, and the subsequent improved performance it achieved against statutory targets.

Current validation requirements

1.13 The format of an application for planning permission is provided for by section 40 of the Planning Act, while the detailed form and content of a planning application is specified in Article 3 of the Planning (General Development Procedure) Order (NI) 2015. Similar provision is made for applications for listed building consent via section 86 of the Planning Act, in tandem with Regulations 2 and 3 of the Planning (Listed Buildings) Regulations (NI) 2015.

1.14 These requirements set out what information or evidence must be submitted with applications for planning permission or other consents to make an application 'valid' before it can be considered by a planning authority. An application for planning permission is to contain:

- a written description of the development;
- an address or location of the land;
- the name and address of the applicant;
- a plan sufficient to identify the land;
- such other plans and drawings necessary to describe the development;
- a design/access statement, where required;
- a certificate under Article 9; and
- any fee.

1.15 Whenever a planning application becomes 'valid' the timeframe for processing the application commences. It is against this timeframe that performance is measured, and also for the purposes for appeals against 'non-determination' of an application. However, many applications when submitted do not contain all the information needed to determine them. This can result in further request(s) to the applicant which can subsequently lead to delays in processing with a consequent negative impact on resources and efficiency.

Belfast City Council Approach

- 1.16 Following discussion with the Department in 2017/18, Belfast City Council introduced a pilot 'Application Checklist' on a non-statutory / administrative basis. The Application Checklist was in the form of a comprehensive guide for applicants which set out the information required to be submitted with any given type of planning application, according to its characteristics, scale and spatial constraints. Essentially based on the principle of validation checklists in England and Wales but without the statutory weight. The Council's Application Checklist was implemented in three phases:
- **Phase I** (January 2019) applied to certain large-scale local planning applications;
 - **Phase II** (May 2019) applied to certain major planning applications; and
 - **Phase III** (April 2021) applied to all planning applications excluding certain householder and other minor applications / consents.³
- 1.17 Following monitoring of the performance of the checklist regime, the Council concluded that since its introduction, the Application Checklist has been very positively received by consultees and customers who were less likely to submit an incomplete application. It also concluded that it had a significant positive impact on the Council's delivery of its Development Management service, and in most cases it allowed the Council to secure the additional supporting information upfront, resulting in less delays to the application process and less pressure on statutory and non-statutory consultees.

2. Planning Performance

- 2.1 The Department regularly publishes reports on the volume of planning applications received and decisions issued. They include geographic detail at Local Government District and Assembly Constituency levels.⁴
- 2.2 Whilst there has been an overall improvement in 2021/22 compared to 2020/21, there is no doubt that processing times for applications in the planning system, particularly for major and economically sensitive applications, is causing frustration with stakeholders,

³ <https://www.belfastcity.gov.uk/planning-and-building-control/planning/applying-for-planning-permission/application-checklist>

⁴ <https://www.infrastructure-ni.gov.uk/articles/planning-activity-statistics>

given the impacts that this has on economic development and post-COVID recovery.

- 2.3 The Department acknowledges that it is important that everything possible is done to keep improving the timeframes for processing applications and to do so jointly with councils, statutory consultees and other stakeholders.

3 The proposal

- 3.1. The purpose of this consultation is to seek your views on the Department's proposal to amend The Planning (General Development Procedure) Order (NI) 2015 to provide for the introduction of 'validation checklists' to address 'poor quality' or 'incomplete' applications entering the planning system.
- 3.2. A validation checklist will provide guidance to applicants about the level and type of information required to be submitted with a planning application. The requirements are intended to be proportionate to the nature and scale of the proposal.
- 3.3. The proposed amending Order would enable a planning authority (council or the Department) to prepare and publish 'checklists', above the current minimum statutory requirements which would remain unchanged, setting out the additional supporting information / evidence which would be required to accompany different types of planning application e.g. specific to its siting, the type of development proposed etc. There will be some flexibility for individual councils to take an approach that suits their local area and planning issues.
- 3.4. The legislation will require that an applicant needs to provide the information (on a validation checklist) where it is reasonable, having regard, in particular, to the nature and scale of the proposed development; and about a matter which it is reasonable to think will be a material consideration in the determination of the application.
- 3.5. The overall objective of such an amendment is to enhance the quality of applications entering the system, to front-load the decision making process, which should result in better processing times and more efficient consultee responses. Applications will not be considered valid until they comply with the required information contained in the published checklists and, therefore, the clock will not start ticking in terms of meeting statutory processing time targets. Ultimately, the requirement to ensure applications are

accompanied by all necessary information should result in overall improved planning performance.

3.6. The benefits of validation checklists are generally accepted as follows:

- they set out the scope of information required at the outset to ensure a ‘fit for purpose’ submission;
- they enable the planning authority to have all the necessary information to determine the application and to draft the planning permission and conditions appropriately;
- they minimise the need for further submission of additional information during the life of the application which avoids unnecessary delay in the determination of applications;
- they provide applicants with certainty as to the level of information required and the likely overall investment needed prior to the application submission; and
- they ensure that the appropriate information is provided with an application to assist interested parties, including consultees, in their consideration of development proposals.

4. Validation Disputes

4.1. Legislation in England & Wales also provides applicants with a right to dispute ‘non-validated’ applications – these are applications where there is a dispute between the applicant and the planning authority as to whether the application is ‘valid’.

4.2. The Department is of the opinion that the introduction of validation checklists here would also require a similar ‘validation dispute’ mechanism, otherwise the only recourse available to an applicant would be judicial review proceedings. Including a dispute mechanism within the amending Order would avert the need for such challenges and would uphold an applicant’s European Convention on Human Rights Article 6 right to a fair trial.

4.3. In England, where a local planning authority requires particulars or evidence to be included with an application and the applicant disputes the need for such evidence, the applicant can serve a notice on the planning authority saying why the additional information which has been requested is considered unreasonable and requesting that the requirement be waived. The planning authority can then notify the applicant that it either no longer requires the information, called "*a validation notice*" or one saying the information is still required, "*a non-validation notice*".

- 4.4. After the statutory time period for determining the application has expired from the date of the non-validation notice, the applicant can appeal against non-determination (this is basically the same procedure as if the application has been refused). The person considering such an appeal will consider both the dispute regarding ‘validity’ and the merits of the application itself (although if it is decided that the local planning authority was correct in determining that the application was invalid, the appeal will be automatically dismissed). The procedure for the determination of validation appeals is set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015.⁵
- 4.5. In contrast, legislation in Wales provides for a ‘stand-alone’ dispute mechanism which deals solely with consideration of the information requirements. Where the planning authority thinks the application (or anything accompanying it) does not comply with a validation requirement, the authority must give the applicant notice to that effect. The applicant can either provide the information, or appeal the non-validation of the application within two weeks from the date of the notice. The procedure for the determination of validation appeals made to the Welsh Ministers (under section 62ZB of the Town and Country Planning Act 1990) is set out in The Town and Country Planning (Validation Appeals Procedure) (Wales) Regulations 2016.⁶
- 4.6. Evidence from Wales demonstrates that the number of ‘non-validation’ appeals determined by the Planning Inspectorate there has averaged 6 per year from 2016-2021.⁷

5. SUMMARY

- 5.1. In summary, the Department’s overall objective for the proposed amendment is to provide the statutory basis for a planning authority to be able to prepare and publish a validation check list to address ‘poor quality’ or ‘incomplete’ applications entering the planning system. Once in place, the Department expects that this will improve the quality of applications coming into the system and overcome avoidable delays in the processing of applications for planning permission by front-loading applications with all the evidence and information deemed necessary for their determination. This approach should also lead to improved statutory consultee response times, reduce the need for re-consultations and improve the time taken to reach planning decisions.

⁵ [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

⁶ <https://www.legislation.gov.uk/wsi/2016/60/made>

⁷ <https://gov.wales/sites/default/files/publications/2021-04/non-validation-appeals-register.pdf>

Consultation Questions

Question 1:

Do you agree with the proposal to provide a statutory basis for planning authorities to introduce a Validation Checklist for planning applications?

Yes ☐ No ☐

(Please provide reasons for your answer.)

Question 2:

Do you agree that a 'dispute mechanism' should be available to applicants who disagree with the information/evidence requirements to be submitted with an application?

Yes ☐ No ☐

(Please provides reasons for you answer.)

If you answered 'Yes' to Question 2, please go to Question 3.

Question 3:

Would you prefer a dispute mechanism linked to 'non-determination' of the application as in England (see para 4.3-4.4 above) or a 'stand-alone' approach as in Wales (see para 4.5 above)?

'Non-determination' dispute ☐ 'Stand-Alone' dispute ☐

(Please provides reasons for you answer.)

Question 4:

From the list below, please select the category of respondent most appropriate to you.

Business and development interests ☐

Resident/community groups/voluntary organisations ☐

Environment and heritage groups ☐

Political party/elected representative ☐

Council ☐

Statutory consultee ☐

Applicant ☐

Architect/Planning consultancy/Agent ☐

Other ☐

ANNEX A

DEPARTMENT FOR INFRASTRUCTURE

SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

The purpose of this form is to help you to consider whether a new policy (either internal or external) or legislation will require a full equality impact assessment (EQIA). Those policies identified as having significant implications for equality of opportunity must be subject to full EQIA.

The form will provide a record of the factors taken into account if a policy is screened out, or excluded for EQIA. It will provide a basis for quarterly consultation on the outcome of the screening exercise, and will be referenced in the biannual review of progress made to the Minister and in the Annual Report to the Equality Commission.

Further advice on completion of this form and the screening process including relevant contact information can be accessed via the Department for Infrastructure (DfI) Intranet site.

HUMAN RIGHTS ACT

When considering the impact of this policy you should also consider if there would be any Human Rights implications. Guidance is at:

- <https://www.executiveoffice-ni.gov.uk/articles/human-rights-and-public-authorities>

Should this be appropriate you will need to complete a Human Rights Impact Assessment. A template is at:

- <https://www.executiveoffice-ni.gov.uk/publications/human-rights-impact-assessment-proforma>

Don't forget to Rural Proof.

Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Information about the policy

Name of the policy

Planning Applications – Validation Checklists

Is this an existing, revised or a new policy?

New Policy

What is it trying to achieve? (intended aims/outcomes)

The aim of the policy is to bring forward an amendment to Article 3 of the Planning (General Development Procedure) Order (NI) 2015 (GDPO) to provide councils and the Department with the authority to prepare and publish “validation checklists”, to address ‘poor quality’ or ‘incomplete’ applications entering the planning system. A Validation Checklist provides guidance about the level and type of information required to be submitted with a planning application, in order to provide a degree of certainty and clarity to assist applicants. The requirements should be proportionate to the nature and scale of the development proposal.

The overall outcome of the proposed amendment is to overcome delays in the processing of applications for planning permission, by front-loading applications with all the evidence and information deemed necessary to determine the applications. This should lead to improved statutory consultee response times, (that is, the time taken by, for example: Roads, Water and Environmental Health to comment on a development proposal), reduce the need to re-consult statutory consultees, and improve the time taken to reach decisions. An associated dispute mechanism may also prove necessary which will also be consulted upon. This will provide an applicant with a means in which to dispute a decision by a planning authority not to validate a planning application where it determines that the information provided is insufficient or incomplete.

Are there any Section 75 categories which might be expected to benefit from the intended policy?

If so, explain how.

No

Who initiated or wrote the policy?

The Department for Infrastructure (the Department)

Who owns and who implements the policy?

The Department for Infrastructure / councils.

Background

The performance of the planning system in processing planning applications has been highlighted through various examinations/findings of the NI planning system: the Northern Ireland Audit Office (NIAO)⁸ Report on 1 February 2022; and the Public Accounts Committee (PAC)⁹ Report on 24 March 2022.

The Department regularly publishes statistics on planning performance¹⁰. Whilst there has been an overall improvement in 2021/22 compared to 2020/21, there is no doubt that processing times for applications in the planning system, particularly for major and economically sensitive applications, is causing frustration among stakeholders, given the impacts that this has on economic development and post COVID recovery.

The Department acknowledges that it is important that everything possible is done to keep improving the timeframes for processing applications and to do so jointly with councils, statutory consultees and other stakeholders.

Alongside the external reports mentioned above, the Department published its first report on the Review of the Implementation of the Planning Act (NI) 2011

⁸ <https://www.niauditoffice.gov.uk/publications/planning-northern-ireland>

⁹ <http://http://www.niassembly.gov.uk/globalassets/documents/committees/2017-2022/pac/reports/planning-in-ni/public-accounts-committee---planning-in-northern-ireland.pdf>

¹⁰ <https://www.infrastructure-ni.gov.uk/articles/planning-activity-statistics>

(the review report) in January 2022 which, contained 16 recommendations aimed at improving the planning system¹¹.

This proposal forms part of the Department's ongoing planning improvement agenda and flows from recommendation PT3-5 set out in the review report dealing with actions to improve the quality and completeness of planning applications:

Recommendation PT3-5 of the Review Report: *The Department will bring forward proposals to introduce 'validation checklists' and will seek to advance policy development at the earliest opportunity.*

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

- Financial
- Legislative

The introduction of validation checklists to planning applications will result in extra **up-front** costs to applicants, in that it will require all necessary evidence and information needed to determine the proposal, to accompany the application at the time of its submission. This would be in contrast to councils seeking the required information at a date after the application has been made, usually, (but not exclusively) prompted by responses from statutory consultees, leading to delays in processing.

Amendment to Article 3 of the Planning (General Development Procedure) Order (NI) 2015.

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon? (please delete as appropriate)

- staff
- service users

other public sector organisations

¹¹ <https://www.infrastructure-ni.gov.uk/publications/review-planning-act-ni-2011-report>

Other policies with a bearing on this policy

- None
- Not applicable

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data. The Commission has produced this guide to [signpost to S75 data](#).

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Religious belief: This proposal forms part of the Department's ongoing planning improvement agenda and flows from recommendation PT3-5 set out in the review report dealing with actions to improve the quality and completeness of planning applications. It also responds to the findings set out in both the NIAO and PAC Reports published earlier in 2022.

Recommendation PT3-5 of the Review Report: *“The Department will bring forward proposals to introduce ‘validation checklists’ and will seek to advance policy development at the earliest opportunity.”*

Such legislative provisions have been successfully introduced in other jurisdictions for a number of years (England & Wales), with further advice and guidance on the local information requirements for planning applications also set out in the National Planning Policy Framework¹² (England).

There is no evidence to suggest that the amendment proposed to the GDPO of itself or generally, is more or less likely to adversely impact upon any s.75 group(s). The requirements are to be kept to the minimum needed to make decisions, and are usually reviewed at least every two years. Planning authorities are also only to request supporting information that is relevant, necessary and material to the application in question.

The requirement to front-load the application process with the information/evidence needed to reach a sound decision will apply equally to every applicant, and will be specific to the type of application made, and the nature, scale and location of the proposed development. Each and every planning application is considered on its own individual merits, and the potential equality impacts will form part of that decision-making process.

The Department does not therefore envisage any significant, adverse or unequal impact of this policy upon any s.75 category.

¹² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Political Opinion: As above

Racial Group: As above

Age: As above

Marital Status: As above

Sexual Orientation: As above

Men & Women generally: As above

Disability: As above

Dependants: As above

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision?

Specify details of the needs, experiences and priorities for each of the Section 75 categories below:

Religious belief: None – no equality issues identified as the information requirements i.e. in the Validation Checklists, to be published by planning authorities will be applicable to all those making a planning application.

Political Opinion: As above

Racial Group: As above

Age: As above

Marital status: As above

Sexual orientation: As above

Men and Women Generally: As above

Disability: As above

Dependants: As above

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 which are given on pages 66-68 of this Guide.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e) The policy is likely to be challenged by way of judicial review;

- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories?

Please provide details of the likely policy impacts and determine the level of impact for each S75 categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**: None identified. The policy proposal will apply equally to all planning applications and not impact on equality of opportunity for applicants.

What is the level of impact? None

Details of the likely policy impacts on **Political Opinion**: As above

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**: As above

What is the level of impact? None

Details of the likely policy impacts on **Age**: As above

What is the level of impact? None

Details of the likely policy impacts on **Marital Status**: As above

What is the level of impact? None

Details of the likely policy impacts on **Sexual Orientation**: As above

What is the level of impact? None

Details of the likely policy impacts on **Men and Women**: As above

What is the level of impact? None

Details of the likely policy impacts on **Disability**: As above

What is the level of impact? None

Details of the likely policy impacts on **Dependants**: As above

What is the level of impact? None

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories? Yes/No

Detail opportunities of how this policy could promote equality of opportunity for people within each of the Section 75 Categories below:

Religious Belief - No

The proposed policy will apply equally to all users of the planning system. There is no opportunity to better promote equality of opportunity for applicants.

Political Opinion – No, as above

Racial Group – No, as above

Age – No, as above

Marital Status – No, as above

Sexual Orientation – No, as above

Men and Women generally - No, as above

Disability - No, as above

Dependants No, as above

3. **To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?**

Please provide details of the likely policy impact and determine the level of impact for each of the categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**: None. The Policy is introducing a Validation checklist for planning applications in order to improve the planning process.

What is the level of impact? None

Details of the likely policy impacts on **Political Opinion**: None. The Policy is introducing a Validation checklist for planning applications in order to improve the planning process.

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**: None. The Policy is introducing a Validation checklist for planning applications in order to improve the planning process.

What is the level of impact? None

4. **Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?**

Detail opportunities of how this policy could better promote good relations for people within each of the Section 75 Categories below:

Religious Belief – No - The Policy is introducing a Validation checklist for planning applications in order to improve the planning process. Effects people of all religious beliefs equally.

Political Opinion – No - The Policy is introducing a Validation checklist for planning applications in order to improve the planning process. Effects people of all political opinions equally.

Racial Group - – No - The Policy is introducing a Validation checklist for planning applications in order to improve the planning process. Effects people of all racial groups equally.

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?

(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

N/A

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

There is no evidence that the policy has any impact on people with multiple identities.

Part 3. Screening decision

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

The Department does not envisage or consider that there are likely to be any specific significant negative, adverse or unequal impacts associated with this policy. The proposed amendment to the Planning (General Development Procedure) Order (NI) 2015 will apply equally to all users of the planning system and there is no evidence that it will have any significant impact in terms of equality of opportunity or good relations.

An associated dispute mechanism would also provide a level of assurance that the information requirements are proportionate and material to the proposed application, and would avert the need for judicial challenges and would also uphold an applicant's European Court of Human Rights Article 6 right to a fair trial.

In line with the Equality Commission NI guidance "regular and ongoing monitoring and screening of each major project will be undertaken to examine any equality impacts".

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced - please provide details.

As above

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

Not applicable

All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, **give the reasons** to support your decision, together with the proposed changes/amendments or alternative policy. Not applicable

Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been '**screened in**' for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion [Author pick 1 2 or 3 if a full EQIA is to take place]

Effect on equality of opportunity and good relations **Rating 1**

Social need **Rating 1**

Effect on people's daily lives **Rating 1**

Relevance to a public authority's functions **Rating 1**

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities? No

If yes, please provide details.

Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

Effective monitoring will help the public authority identify any future adverse impact arising from the policy which may lead the public authority to conduct an equality impact assessment, as well as help with future planning and policy development.

Part 5 - Approval and authorisation

Screened by: Tom Mathews
Position/Job Title: SPTO
Date: 27 October 2022

Approved by: Irene Kennedy
Position/Job Title: Grade 7
Date: 27 October 2022

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy, made easily accessible on the public authority's website as soon as possible following completion and made available on request.

For Equality Team Completion:

Date Received:	25 October 2022
Amendments Requested:	Yes
Date Returned to Business Area:	28 October 2022
Date Final Version Received / Confirmed:	2 November 2022
Date Published on DfI's Section 75 webpage:	2 November 2022

Title: Planning Applications – Validation Checklists	Regulatory Impact Assessment (RIA)	
	Date: 2 November 2022	
	Type of measure: Secondary Legislation	
Lead department or agency: Department for Infrastructure	Stage: Development	
	Source of intervention: Domestic NI	
Other departments or agencies: N/A	Contact details: Irene Kennedy	
	Regional Planning Directorate Room 1-01 Clarence Court 10-18 Adelaide Street Belfast BT2 8GB	

Summary Intervention and Options

What is the problem under consideration? Why is government intervention necessary? (7 lines maximum) The performance of the planning system in processing planning applications has been highlighted through various examinations/findings by the Northern Ireland Audit Office (NIAO), and the Public Accounts Committee in 2022. A number of recommendations from the first Report on the Implementation of the Planning Act 2011 (Jan 2022), also committed to developing policy aimed at improving performance. Poor performance has in part, been attributed to poor quality or incomplete applications entering the system. It is proposed to empower planning authorities to prepare and publish planning validation checklists to address the matter. This will ensure that applications entering the system will be required, from the outset, to include all information/evidence needed to reach a sound decision. The requirements will be proportionate to the nature and scale of the development proposal.		
What are the policy objectives and the intended effects? (7 lines maximum) The overall objective and outcome of the proposed policy is to overcome delays in the processing of applications for planning permission and other consents, by front-loading applications with all the evidence and information deemed necessary to determine the applications. This approach should also lead to improved statutory consultee response times, and reduce the need for re-consultations, and improve the time to reach decisions. This will be achieved by way of an amendment to Article 3 of the Planning (General Development Procedure) Order (NI) 2015 (GDPO). An associated dispute mechanism may also prove necessary which, will also be consulted upon.		
What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base) (10 lines maximum) There were 3 options considered for planning application requirements: <ul style="list-style-type: none"> • Option 1 – Do nothing and maintain current (minimum) application requirements (i.e. maintain the status quo); • Option 2 – Encourage introduction of validation checklists on a non-statutory, administrative basis; and • Option 3 – Place validation checklists on a legislative basis by way of amendment to the GDPO 2015. The preferred option. 		
Will the policy be reviewed? It will be reviewed		If applicable, set review date: 2025

Cost of Preferred (or more likely) Option		
Total outlay cost for business £m	Total net cost to business per year £m	Annual cost for implementation by Regulator £m
£0	£0	£0

Does Implementation go beyond minimum EU requirements?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Is this measure likely to impact on trade and investment?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

Are any of these organisations in scope?	Micro Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Small Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Medium Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Large Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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The final RIA supporting legislation must be attached to the Explanatory Memorandum and published with it.

Approved by:

Date:

Summary: Analysis and Evidence

Policy Option 1

Description: Do nothing and maintain current (minimum) application requirements.

ECONOMIC ASSESSMENT (Option 1)

Costs (£m)	Total Transitional (Policy) (constant price) Years		Average Annual (recurring) (excl. transitional) (constant price)	Total Cost (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				
Description and scale of key monetised costs by 'main affected groups' Maximum 5 lines There are no new monetised costs with this option, and a planning application will only need to include the current minimum requirements, set out under Art.3 of the GDPO, together with the appropriate planning fee. Further information/evidence requirements (where necessary), will be sought from the applicant after validation and during processing.				
Other key non-monetised costs by 'main affected groups' Maximum 5 lines To maintain the current position would not advance a recommendation in the Review Report; findings from the NIAO/ PAC reports and likely draw criticism from many stakeholders in the planning system, particularly local councils. Potentially incomplete or poor quality planning applications would continue to be submitted, causing delay in processing times and adversely impacting planning performance.				
Benefits (£m)	Total Transitional (Policy) (constant price) Years		Average Annual (recurring) (excl. transitional) (constant price)	Total Benefit (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				
Description and scale of key monetised benefits by 'main affected groups' Maximum 5 lines It is difficult to measure / quantify any monetary benefits or effects of maintaining the current provision under the GDPO. Under this option, the existing regime will continue but without the benefit of potential amendments which otherwise may have been introduced.				
Other key non-monetised benefits by 'main affected groups' Maximum 5 lines Maintaining the existing application requirements, while generally beneficial to potential applicants, will overall be disadvantageous to the planning system as a whole, statutory consultee response times and council performance, in comparison to other jurisdictions where validation checklists have already been implemented.				
Key Assumptions, Sensitivities, Risks Maximum 5 lines It is not unreasonable to assume that maintaining the existing application requirements would be disadvantageous overall to local business in that, unnecessary delays in the processing of planning applications would continue affecting overall performance.				

BUSINESS ASSESSMENT (Option 1)

Direct Impact on business (Equivalent Annual) £m			
Costs:	Benefits:	Net:	Cannot be quantified monetarily but is assumed it would be disadvantageous in comparison to other jurisdictions where validation checklists are in place.

Cross Border Issues (Option 1)

How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland) Maximum 3 lines

The current minimum application requirements set out in Art.3 of the GDPO 2015, and s.40 of the Planning Act are similar to those in other jurisdictions. However, other jurisdictions have introduced validation checklists for some time now. The option to maintain only current minimum requirements here will mean that locally, NI will not keep pace with nor take account of changes / approaches elsewhere.

Summary: Analysis and Evidence**Policy Option 2**

Description: Encourage an administrative approach to validation check-lists

ECONOMIC ASSESSMENT (Option 2)

Costs (£m)	Total Transitional (Policy) (constant price)	Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Cost (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				

Description and scale of key monetised costs by 'main affected groups' Maximum 5 lines

The introduction of validation check-lists, on a **non-legislative / administrative** approach would likely improve the quality of applications, and could result in improved processing times, consultee response times, and overall planning performance. Evidence from Belfast City Council's pilot exercise, undertaken between 2020/21 in this regard supports this conclusion. Councils would bear the costs with this option, however, without statutory weight, applicants would not be bound to provide the additional information/evidence sought. In such circumstances, existing minimum information set out under Art.3 of the GDPO, together with the appropriate planning fee would only be necessary. Further information/evidence requirements (where necessary), will be sought from the applicant after validation, and during processing.

Other key non-monetised costs by 'main affected groups' Maximum 5 lines

This option would not advance a recommendation in the Review Report; nor develop findings from the NIAO/ PAC reports and likely draw criticism from many stakeholders in the planning system, particularly local councils. Potentially incomplete or poor quality planning applications would continue to be submitted, causing delay in processing times and adversely impacting planning performance.

Not to undertake to improve the quality and completeness of planning applications does not fulfil a departmental commitment, and will not ensure that the legislation remains appropriate to the local context. Changes (if any) to similar legislation in other jurisdictions will not be factored in to any assessment.

Benefits (£m)	Total Transitional (Policy) (constant price)	Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Benefit (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				

Description and scale of key monetised benefits by 'main affected groups' Maximum 5 lines

It is difficult to measure / quantify any monetary benefits or effects of this option. Under this option, potential enhanced information/evidence would be sought, but without the benefit of a legislative footing would require the willing participation of applicants to the planning system.

Other key non-monetised benefits by 'main affected groups' Maximum 5 lines

The introduction of validation check-lists on a **non-legislative / administrative** approach would likely improve the quality of applications, and could result in improved processing times, consultee response times, and overall planning performance. This option, while generally beneficial to the planning system, will overall be disadvantageous in comparison to other jurisdictions where statutory validation checklists have already been successfully implemented.

Key Assumptions, Sensitivities, Risks Maximum 5 lines

It is not unreasonable to assume that a voluntary approach to the introduction of validation checklists could benefit the planning system and decision-making, however without a statutory footing it requires the active participation of all applicants which, is not guaranteed.

BUSINESS ASSESSMENT (Option 2)

Direct Impact on business (Equivalent Annual) £m				
Costs:	Benefits:	Net:		Cannot be quantified monetarily but is assumed it would be disadvantageous in comparison to other jurisdictions where statutory validation checklists are in place.

Cross Border Issues (Option 2)**How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland)** Maximum 3 lines

The current minimum application requirements set out in Art.3 of the GDPO 2015, and s.40 of the Planning Act are similar to those in other jurisdictions. However, other jurisdictions have introduced statutory validation checklists for some time now. This option would mean that locally, NI will not keep pace with nor take account of changes / approaches elsewhere.

Summary: Analysis and Evidence

Policy Option 3

Description: Legislate for validation checklists

ECONOMIC ASSESSMENT (Option 3)

Costs (£m)	Total Transitional (Policy) (constant price) Years		Average Annual (recurring) (excl. transitional) (constant price)	Total Cost (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				
Description and scale of key monetised costs by ‘main affected groups’ Maximum 5 lines The introduction of validation checklists on a legislative basis would improve the quality of planning applications entering the system, resulting in improved application processing times, consultee response times, and the overall performance within the planning system. Planning authorities would bear the costs with this option, of preparing and publishing validation checklists. With statutory weight however, applicants would be bound to provide the additional information/evidence sought from the outset, without which, applications would be deemed invalid.				
Other key non-monetised costs by ‘main affected groups’ Maximum 5 lines There are no appreciable non-monetised costs associated with this option. Potentially incomplete or poor quality planning applications would be deemed invalid and not entered into the planning system.				
Benefits (£m)	Total Transitional (Policy) (constant price) Years		Average Annual (recurring) (excl. transitional) (constant price)	Total Benefit (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				
Description and scale of key monetised benefits by ‘main affected groups’ Maximum 5 lines It is difficult to measure / quantify the monetary benefits or effects of this option. A statutory requirement empowering councils to set out the additional supporting information / evidence to accompany different types of planning application, and specific to particular types of development would enhance the quality of applications, front-loads the application process, and should result in better processing times, and consultee response times. This ultimately should also result in improved planning performance giving greater certainty to applicants and other stakeholders.				
Other key non-monetised benefits by ‘main affected groups’ Maximum 5 lines As above.				
Key Assumptions, Sensitivities, Risks Maximum 5 lines There are no appreciable sensibilities or risks associated with this option.				

BUSINESS ASSESSMENT (Option 3)

Direct Impact on business (Equivalent Annual) £m				
Costs:	Benefits:	Net:		Cannot be quantified monetarily but is it would bring the approach in NI in to line with other jurisdictions where statutory validation checklists are in place.

Cross Border Issues (Option 3)**How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland) Maximum 3 lines**

The current minimum application requirements set out in Art.3 of the GDPO 2015 are similar to those in other jurisdictions. However, other jurisdictions have introduced statutory validation checklists for some time now. This option would mean that locally, NI will keep pace with approaches elsewhere.

Evidence Base

The performance of the planning system in processing planning applications has been highlighted through various examinations/findings of the NI planning system by the Northern Ireland Audit Office (NIAO), and the Public Accounts Committee in 2022. A number of recommendations from the first Report on the Implementation of the Planning Act 2011 (Jan 2022), also committed to developing policy aimed at improving performance. Poor performance has in part, been attributed to poor quality or incomplete applications entering the system.

It is proposed to empower planning authorities to prepare and publish planning validation checklists to address the matter. This will ensure that applications entering the system will be required, from the outset, to include all information/evidence needed to reach a sound decision. The requirements will be proportionate to the nature and scale of the development proposal. An associated dispute mechanism may also prove necessary which will also be consulted upon.

Legislating for validation check-lists (similar to that in other jurisdictions) advances a recommendation from the Review Report, and takes into account the findings from the NIAO and PAC reports. Evidence from Belfast City Council's pilot exercise further supports legislative change in this regard. A statutory requirement empowering planning authorities to set out the additional supporting information / evidence to accompany different types of planning application, and specific to particular types of development would enhance the quality of applications, front-loads the application process, and should result in better processing times, and consultee response times. This ultimately should also result in improved planning performance across all the planning system. By definition, legislative provisions would also enable a planning authority to reject / invalidate an incomplete planning application, and to request the applicant submit the requisite information. Any failure to meet such requirements could result in the application and fee being returned. This would ensure that such applications do not affect processing times nor overall planning performance.

Options

Three options were considered:

Option 1 – Do nothing and maintain current planning application requirements;

Option 2 – Encourage an administrative approach to validation check-lists across all planning authorities.

Option 3 - Legislate for validation check-lists across all planning authorities

Belfast City Council Pilot Project

Belfast City Council (BCC) review of its implementation of validation checklists on an administrative basis identified that one of the most significant contributing factors in delaying the planning application process was the poor quality of applications on submission. In particular, applications have often been “incomplete” and not supported by the information required by planning policy and best practice. This means that applications cannot be given a positive determination at the first time of asking and there are inevitably delays as the information is sought and finally submitted. This also places unnecessary burdens on already stretched statutory consultees, wasting their time and resources on reviewing incomplete applications.

BCC Planning Service published its *Application Checklist in 2018*, which provided guidance to customers on which information they need to submit with their application, depending on its characteristics, scale and spatial constraints. Information requirements were divided into two categories: “Basic Requirements” – necessary to make the application valid in accordance with planning legislation; and “Other supporting information” – required by planning policy and best practice so that the application can be fully considered. Applications were checked on receipt and if information was missing then the applicant was requested to provide it within 14 days otherwise the application was returned along with the planning fee. Applicants were asked to resubmit the application only when all the information was available.

Feedback from customers was generally very positive. Agents and architects saw significant value in the Council publishing a list of documents required with planning applications. It assisted them when pricing work and justifying to their client which information is needed. Agents said that they are now less likely to submit an incomplete application to BCC because they know the Council will send it back. Constructive feedback includes the need for officers to apply the Application Checklist proportionately and that it must not be used as a simple administrative tick-list – information was only required where it is fundamentally needed.

Feedback from consultees and staff has also been positive. Statutory consultees were very supportive of the Application Checklist as a means to frontload information and improve the quality of applications, thereby making the assessment process much more efficient. They unanimously support legislative change to improve information requirements at the beginning of the process.

BCC concluded that the Application Checklist has been a significant success in improving the quality of planning applications. It has had a marked positive effect on determination times and performance. It has also begun to shift the culture and attitude of customers towards submitting much better quality planning application at the outset of the process.

BCCs review was shared with the Department for Infrastructure in support of its case for a change to planning legislation, aimed at improving information requirements on submission of planning applications

Preferred Option

Overall, Option 3 is considered to be the preferred option as it would meet the policy objectives outlined above.

Benefits for planning authorities: reduced number / processing of planning applications

The benefits of preparing validation checklists are that it:

- scopes the information required at the outset to ensure a 'fit for purpose' submission;
- enables the planning authority to have all the necessary information to determine the application and to draft the planning permission and conditions appropriately;
- minimises the need for further submission of additional information during the life of the application which avoids any unnecessary delays in the determination of applications;
- provides applicants with certainty as to the level of information required and the likely overall cost of the application submission; and
- ensures that the appropriate information is provided with an application to assist interested parties, including consultees, in their consideration of development proposals.

These benefits will result in reduced processing times and improved planning performance, together with improved statutory consultee response times.

Equality Impact Assessment

The Department's initial screening for equality impacts considers that the proposals will not discriminate unlawfully, unfairly or unjustifiably against any sections of the community specified in Section 75 of the Northern Ireland Act 1998.

Impact on businesses

There may be positive impacts for businesses from quicker decision-making on planning applications.

Rural proofing

The Department considers that the proposals would have no differential or adverse impact in rural areas or on rural communities.

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Belfast City Council Planning Service

Review of the Application Checklist

February 2021

Executive Summary

Belfast City Council (BCC) has identified that one of the most significant contributing factors in delaying the planning application process is the poor quality of applications on submission. In particular, applications have often been “incomplete” and not supported by the information required by planning policy and best practice. This means that applications cannot be given a positive determination at the first time of asking and there are inevitably delays as the information is sought and finally submitted. This also places unnecessary burdens on already stretched statutory consultees, wasting their time and resources on reviewing incomplete applications.

In response to this problem, BCC Planning Service has published its *Application Checklist*, which provides guidance to customers on which information they need to submit with their application, depending on its characteristics, scale and spatial constraints. Information requirements are divided into two categories: “Basic Requirements” – necessary to make the application valid in accordance with planning legislation; and “Other supporting information” – required by planning policy and best practice so that the application can be fully considered. Applications are checked on receipt and if information is missing then the applicant is requested to provide it within 14 days otherwise the application is returned along with the planning fee. Applicants are asked to resubmit the application only once all the information is available.

Data shows that 68% of Major applications submitted in 2019/20 were incomplete on submission, demonstrating the severity of this issue of poor quality planning applications. Since publication of its Application Checklist in November 2018, BCC returned its best ever statutory planning application performance of 37 weeks for Major applications and 14.0 weeks for Local applications in 2019/20. Much of this performance improvement is attributed to implementation of the Application Checklist. This saw Major application performance improve from 41.4 weeks in 2018/19 to 37 weeks in 2019/20. There was an even greater improvement in performance for largescale Local applications with a substantial 31.4 week improvement when comparing a sample of 2018/19 and 2019/20 applications.

Feedback from customers has generally been very positive. Agents and architects see significant value in the Council publishing a list of documents required with planning applications. It assists them when pricing work and justifying to their client which information is needed. Agents have said that they are now less likely to submit an incomplete application to BCC because they know the Council will send it back. Constructive feedback includes the need for officers to apply the Application Checklist proportionately and that it must not be used as a simple administrative tick-list – information should only be required where it is fundamentally needed.

Feedback from consultees and staff have similarly been positive. Statutory consultees are very supportive of the Application Checklist as a means to frontload information and improve the quality of applications, thereby making the assessment process much more efficient. They unanimously support legislative change to improve information requirements at the beginning of the process.

Staff have said that the Application Checklist provides a structured approach to information requirements. It requires information to be provided up front which in turn helps validation and processing times. The Application Checklist is particularly helpful when discussing information requirements for Major and large scale Local applications at the PAD stage.

In conclusion, the Application Checklist has been a significant success in improving the quality of planning applications submitted to BCC. It has had a marked positive effect on determination times and performance. It has also begun to shift the culture and attitude of customers towards submitting much better quality planning application at the outset of the process.

The following recommendations are made:

1. This review should be shared with the Department for Infrastructure to support the case for much needed change to planning legislation, aimed at improving information requirements on submission of planning applications;
2. The review should be shared with the Northern Ireland Audit Office (currently undertaking an audit of the NI planning system) as part of BCC's engagement in that process;
3. The review should also be shared with the other 10 councils in Northern Ireland in the context of the above;
4. BCC Planning Service should proceed with implementation of Phase 3 of the Application Checklist to include all applications other than Householder proposals, Advertisement Consent and other minor Local applications; and
5. Further training should be provided to BCC staff to ensure that the Application Checklist is applied in a proportionate and consistent way.

Introduction

1. This report comprises a review of BCC Planning Service's Application Checklist, first published in November 2018.
2. The objectives of the review are twofold:
 - a) To review the effectiveness of the Application Checklist in enhancing the quality of planning applications on submission and in turn improving application performance against the statutory targets of 15 weeks for Local applications and 30 weeks for Major applications; and
 - b) To support the case for changes to NI planning legislation to improve the quality of information at the beginning of the application process (by empowering individual Planning Authorities to publish a "Local Validation List" which sets out mandatory information requirements). This front-loading of information will improve the quality of applications, in turn speed up decision making, reduce pressure on statutory consultees, and improve the planning application process generally across NI.

Background

3. BCC has identified that one of the key factors to under performance in processing planning applications in Northern Ireland is the **poor quality of applications** on submission.
4. Development Management best practice is to **front-load** the planning application process. For example, by providing a Pre Application Discussion (PADs) service to improve the quality of submissions, and to make sure that applications are supported by the right level of information at the beginning.
5. Information requirements for planning applications are set out in the Planning (General Development Procedure) Order (Northern Ireland) 2015.
6. Article 3 of the Order sets a **low bar** for the level of information that is required at submission for an application to be legally "valid". This amounts to:
 - a written description of the proposal
 - the address or description of the location of the site
 - name and address of the applicant (and agent where applicable)
 - a plan showing the location of the site and its surrounding context
 - such other plans necessary to describe the proposal
 - a plan identifying other neighbouring land owned by the applicant
 - the appropriate ownership certificate
7. Other select information may also be required depending on the nature and location of the application such as a Pre-application Community Consultation Report or Design and Access Statement.

8. The time period for determining planning applications (15 weeks for Local applications and 30 weeks for Major applications) starts **on receipt of a valid application** – the “clock starts ticking” at this point.
9. Crucially, there is **no legal requirement** for applicants to submit other supporting documentation required by planning policy or good practice – essential information to address the usual range of land-use planning considerations. For example, there is no requirement for applicants to provide the following on submission:
 - × Archaeological assessments
 - × Biodiversity Checklists
 - × Biodiversity Surveys
 - × Contaminated Land Reports
 - × Daylight, sunlight and overshadowing assessments
 - × Drainage Strategies
 - × Environmental Statements (EIA)
 - × Flood Risk Assessments
 - × Landscape and Visual Impact Assessments
 - × Parking Surveys
 - × Retail Impact Assessments
 - × Sequential tests (retail)
 - × Structural Surveys
 - × Transport Assessments
 - × Transport Assessment Forms
 - × Travel Plans
 - × Tree Surveys
 - × Waste Management Plans
10. Since there is no requirement for applicants to supply this information with an application on submission it is invariably not provided.
11. This has a considerable **adverse impact** on the planning application process including, but not limited to, the following:
 - It allows incomplete, “bad” applications to enter the system
 - Consequently the public and consultees are consulted on poor quality applications that do not adequately address the various issues and this attracts objections, conflict and unnecessary additional work
 - Statutory and non-consultees – who are already overwhelmed – waste precious time and resources commenting on deficient applications
 - Potential to create an antagonistic and frustrating environment for all users of the system including applicants, agents, planners, councillors, interest groups and communities
 - Significant delays in processing applications contributing to under performance and poor customer experience – the “clock” does not stop when the Planning Authority has requested and is awaiting the necessary additional information
 - An unhealthy and undisciplined culture where information deficient applications become the norm, compounding the problems.

Under performance

12. The NI planning system is **under performing**. In 2019/20, the average processing time for determining Major applications in Northern Ireland was **52.8 weeks**, a modest increase over 59 weeks for 2018/19, and still almost double the statutory target of **30 weeks**. This is a very clear indicator that the planning process in NI is not working effectively.
13. Even the 30 week target is not especially strenuous when compared to the statutory targets in England and Wales. Whilst the categorisation of applications in GB is different to NI, the target in England and Wales for determining Major applications is 13 weeks and performance there is generally significantly better. The fact that the regional target in NI is being missed by such a considerable margin should be a **real concern**.
14. Notwithstanding the fact that it deals with the most Major applications of any Planning Authority in Northern Ireland, BCC's performance returns for Major applications is significantly better than the NI average at 37 weeks compared to 52.8 weeks, but there is **still room for improvement**.
15. It is also considered that there is scope to improve **Local application performance**. In 2019/20, the average processing time for Local applications in Northern Ireland was 14.0 weeks, just inside the 15 week statutory target. BCC's performance was the same as the regional average. Whilst the categorisation of applications in GB is different to NI, the target in England and Wales for determining Minor applications is 8 weeks and performance there is generally significantly better.
16. Under-performance has a range of negative consequences including:
 - Adverse economic impacts including delays to construction and negative impacts on growth
 - Frustration for customers and the public
 - Inefficiency and poor use of public money
 - Reputational damage to the City and Northern Ireland with potential loss of investment and economic harm
17. It is essential that **Northern Ireland** has an efficient, competitive and **fit for purpose** planning system that supports the region rather than hinders it. This is especially important in a post COVID-19, post BREXIT world with investment likely to be more difficult to secure for Northern Ireland in an increasingly competitive environment. High performing and efficient Planning Authorities are much more likely to attract economic activity to their area and this is especially important for **Belfast** being the first city in Northern Ireland and **economic driver** for the region. It is critical that Belfast is able to compete with other major cities, not only locally but internationally.

Illustrative Example

18. As a hypothetical but typical example, let's say a developer has submitted a planning application for 10 houses. It is only accompanied by the bare minimum information required by the Order for it to be legally valid. The "clock has therefore already started ticking" on the application. The council proceeds to consult on the application. Several weeks later one of the statutory consultees responds advising that a Drainage Strategy – required by PPS15 for housing schemes of 10 units or more – is missing.
19. The planning officer communicates this requirement to the planning agent. The planning agent then has a meeting with their client – the applicant – advising them that the documentation needs to be submitted if the application is to have a chance of being approved. There is then a delay as the agent obtains quotes for this additional works and the developer argues with the agent whether the information is absolutely necessary. Eventually the documentation is commissioned but it takes several weeks for it to be prepared. The Drainage Strategy is finally submitted, some months after the application was originally submitted. The council re-consults on the application and a further month later the statutory consultee responds, advising that it is dissatisfied with the technical conclusions in the document.
20. The table at **Appendix 1** illustrates the above scenario using what might reasonably be considered a "best case scenario" compared to the very often much longer delays experienced by Planning Authorities in processing "incomplete" applications with key information missing at the start of the process. In the example at Appendix 1, the Local application is not decided until Week 23 – 8 weeks and 53% above the statutory target of 15 weeks. In many cases, the time taken to complete this process will typically be **much longer**. It should be noted that the example involves **three** rounds of consultation by the Planning Authority, adding considerable burden and wasteful costs to both the Council and statutory consultees.
21. It can clearly be seen how it typically takes many months – and **a lot more time than should be necessary** – for a Planning Authority to determine even a medium scale planning application. Some planning agents have even admitted that they submit incomplete applications for their client just so that they can say it is in the system and being processed.


Application Checklist

22. In order to address the quality of applications on submission, BCC recognised the **need to publish guidance** for its customers on which information is needed with applications at the outset.
23. Unlike in England Wales, there is **no legislative provision** in Northern Ireland to compel customers to provide this information. Planning Authorities here are unable to publish a *Local Validation List* which identifies which information is mandatory on the submission of applications. This means that BCC's approach could only be a work-around of the legislation.

24. In November 2018, BCC published its *Guide to the Planning Application Process* (see **Appendix 3**). This set out for the very first time how the Council processes planning applications in Belfast. The approach alligns with the Planning Service's "10 Operating Principles". These Operating Principles were informed by Development Management best practice in GB, based on lean-systems thinking, and developed in consultation with planning staff. Their implementation was the central recommendation of an independent review of Belfast City Council's Planning Service¹, aimed at improving customer service. The objective was to provide a faster, much more responsive planning application process, better delivering for its customers and wider city.

25. Operating Principle 1 directly addresses the quality of information when planning applications are submitted and reads:

1



We make sure we have the right information to support an application at the start of the process.

- We tell our customers what information we need with their application before they submit it. Our **Application Checklist** will set out what information is required and when.
- We check if the required information has been submitted and ask for it if it is missing.
- If the information we need and ask for is not provided we may refuse permission.

26. BCC introduced its Application Checklist in November 2018 in parallel with publication of its *Guide to the Planning Application Process*, enshrining the 10 Operating Principles and Council's new approach.

27. The Application Checklist is a comprehensive guide for customers that sets out which information is required with any given type of planning application, according to its characteristics, scale and spatial constraints. Essentially based on the principle of a *Local Validation List* in England and Wales but without the statutory weight.

Structure of the Application Checklist

28. The Application Checklist is structured in four parts:

- **Main document** – describes the information requirements for planning applications and categorising them into two areas: "Basic information" that is legally required by the Order to make an application legally valid; and "Other supporting information" required to make an application "complete". The

¹ Review conducted by Jim MacKinnon, former Chief Planner for Scotland, in 2017

main document also describes the process of front-loading this information at the validation stage;

- **Appendix 1 – Information Checklist:** essentially a checklist that both applicants and the Planning Service can use to prompt and verify which Basic and Other supporting information is required with the application. Applicants are encouraged to submit the Information Checklist alongside their application;
- **Appendix 2 – Basic Requirements:** guidance on information requirements for an application to be legally valid in accordance with the Order;
- **Appendix 3 – Other Supporting Information:** detailed guidance on which other information is required to make the application “complete” and to give the Council reasonable chance of making a positive determination at the first time of asking. Typically this information is required by Planning Policy Statements and good practice. Appendix 3 advises which information is needed according to the characteristics of the proposal, its scale and any specific spatial constraints.

Implementing the Application Checklist

29. Since the Order does not permit BCC to legally compel the applicant to provide “Other supporting information” upfront with an application, the Council has implemented the following improvised work-around.

- 1) On first submission of the application, the Planning Service checks whether it is **a) valid** (i.e. the Basic information has been provided in accordance with Article 3 of the Order); **and b) complete** (i.e. the correct Other supporting information has been provided in accordance with the Application Checklist)
- 2) If information is missing then the Planning Service writes to the applicant requesting the information
- 3) If the missing information is Basic information then the application is invalid and cannot legally be processed. If the missing information is Other supporting information then the applicant is given 14 days to provide the information, otherwise the application is returned to the applicant along with the planning fee and not registered. The applicant is advised to resubmit their application along with planning fee once they are in a position to provide the missing information. This means that the determination period for the application does not start until the new application is made.

30. **Phase 1** of the Application Checklist was implemented in January 2019, shortly after publication in November 2018. Initially, the Checklist was applied to the following largescale Local applications (Major applications were deliberately excluded at first in order to give applicants a “bedding in” period):

- 10 residential units and above
- Commercial proposals of 1,000 sqm or more

- Sites of 0.5ha and above
31. **Phase 2** was then implemented in May 2019, extended to include Major applications as follows:
- **Proposals for Major development**
 - 10 residential units and above
 - Commercial proposals of 1,000 sqm or more
 - Sites of 0.5ha and above
32. The Council plans to introduce **Phase 3** of the Application Checklist on 01 April 2021. Implementation will be extended to include all applications for planning permission, save for Householder proposals, Advertisement Consents and some other minor Local application types.

Pre Application Discussions

33. In accordance with its 10 Operating Principles, BCC places great emphasis on Pre Application Discussions (PADs) as a means to improve the quality and **front-load** the application process. The Council actively encourages PADs for Major schemes and more complex Local proposals.
34. The PAD process provides opportunity for the Planning Authority to advise the applicant on the **level of information** required to support their planning application when submitted. The Application Checklist is an **incredibly useful tool** which planning officers are able to refer to at the PAD stage, strongly encouraging the applicant to follow it when putting together their application.

Pre-implementation Engagement with Customers

35. Before the Application Checklist was introduced, BCC was very careful to **engage with customers** around the systemic problems within the planning application process in Northern Ireland. Particular reference was made to information requirements on submission of an application. Engagement took place with applicants, agents and developers across a series of Development Industry Workshops in 2018. The feedback from customers was that they **understood the problems** and the reasons why the Council needed to publish an Application Checklist.
36. Feedback from customers following implementation of the Application Checklist is provided later on in this report.

Impact of the Application Checklist

37. Since its introduction, the Application Checklist has had a **significant positive impact** on the Council's delivery of its Development Management service. In most cases it has allowed the Council to secure the Other supporting information upfront, resulting in less delays to the application process and less pressure on statutory and non-statutory consultees.

Major applications

38. Although the Application Checklist was not directly applied to Major applications until 01 May 2019, it was implemented for most of the 2019/20 performance year.
39. In 2019/20, BCC returned its **best ever performance** against the statutory target with an average processing time of **37 weeks**. This compares to 41.4 weeks in 2018/19 and 51.5 weeks in 2017/18, demonstrating marked improvement.
40. A key factor was the implementation of the Application Checklist which meant that the Council could secure the Other supporting information upfront, necessary to fully consider the applications as submitted.
41. As an indicator of the extent to which incomplete Major applications has been a problem, of the 34 new applications received in 2019/20, **only 11 (32%) were both valid and complete** on receipt. Or to put it the other way, 68% of all Major applications received by the Council did not have sufficient information to fully assess them. Had the Council continued to determine those applications without requiring the additional information then either it would have led to delays in the processing of the applications as the information was sought at a later stage; or refusal of the application due to lack of information.
42. In requesting the additional information in line with the Application Checklist, the following pattern emerged:
- 22 (64%) applications became both valid and complete within 14 days of the receipt date (up from 32% on receipt);
 - 25 (74%) applications within 21 days;
 - 29 (85%) applications within 30 days.
 - 34 (100%) applications within 86 days.
43. This demonstrates that in the majority of cases incomplete Major applications were **made complete within a relatively short space of time**, thereby speeding up the application process and placing less pressure on statutory and non-statutory consultees who would have otherwise been asked to comment on incomplete applications.

Local applications

44. Phase 1 of the Application Checklist was introduced in January 2019 and applied to large scale Local applications as set out above. The Application Checklist was therefore applied to all those Local applications for the whole of the 2019/20 performance year.
45. In 2019/20, BCC returned its **best ever performance** against the statutory target of an average processing time of **14 weeks** (the first time BCC had achieved the Local statutory target since transfer of planning powers in 2015).

This compares to 15.2 weeks in 2018/19 and 15.2 weeks in 2017/18, demonstrating marked improvement.

46. Once again, an **important factor** was the implementation of the Application Checklist which meant that the Council could secure the Other supporting information upfront, necessary to fully consider those larger scale Local applications, rather than asking for it later resulting in delays.
47. In 2019/20, BCC received 1,545 Local applications. Taking a sample of 21 larger scale Local applications to which the Application Checklist was applied, the average processing time for those applications was 43.8 weeks. Significantly, taking a similar sample of 21 large scale Local applications in 2018/19, the average processing time was 75.4 weeks – representing a **31.6 week improvement** (42%) improvement since the Application Checklist was implemented.
48. Data for 2020/21 is considered unrepresentative of performance because of the significant impacts of COVID-19 and has not been used.

Feedback from Customers

Development Industry Workshop – October 2019

49. In October 2019, BCC held a **Development Industry Workshop** and sought feedback from customers on the Application Checklist, first implemented in January of that year.
50. Over 200 customers were invited and attendees included: NIFHA, Radius Housing, Turley, Cherton, SustransNI, Newington Housing, Titanic Quarter Ltd, Clanmil Housing, TSA Planning, Lacuna Developments and the Royal Society of Ulster Architects.
51. Feedback was generally **very positive**. Agents found the Application Checklist to be a useful tool in advising their clients on the information required to be provided with their applications – this was particularly helpful when dealing with inexperienced clients. Agents noted that this can sometimes be a difficult conversation with their client because of the costs associated with providing additional information. Therefore, it was extremely helpful to agents to have the information requirements published in written form so that they could clearly evidence to their clients which information was needed. The Application Checklist reinforced agents' advice and helped them when quoting their professional fees.
52. Agents said that they were **less likely to submit an incomplete application** following implementation of the Application Checklist as they knew that the Council would send the application back to them. The requirement for reports is now factored into the project timeline and costed for. If a developer is serious about developing a site then following the Application Checklist de-

risks their scheme. One developer stressed the importance of collaboration with the Council and that it is better to provide more information than less.

53. In terms of **constructive criticism**, customers pointed out that whilst the Application Checklist theoretically speeded up the process, consultees are often still slow to respond to applications, sometimes requesting information at the application stage that they should have identified at the PAD. Further frustration was expressed about **consultee response times** and that consultees are not always fully engaged with the PAD process (officers advise that this issue falls outside the scope of this review but will be necessary to pick up with the Department and statutory consultees).
54. Particularly useful was customer feedback that the Application Checklist should be **flexible and not overly prescriptive** as two sites are never the same. It is important that information requirements are not over-zealous and do not result in unnecessary costs for the applicant. It was recognised that the Application Checklist needs a bedding in period and it was queried whether information sought is always necessary. BCC recognises this and the Application Checklist itself advises customers that the Planning Service ‘...*will take a proportionate approach to requests for other supporting information. [It] will only ask for it where it is reasonable and necessary to enable us to assess your application.*’ Other comments were that the Council should always double-check that the requested information has not already been provided in a different document or form.

55. A copy of the feedback from the event is provided at **Appendix 2**.

Telephone Interviews with Agents – 2021

56. Several **telephone interviews** were conducted with agents in February 2021 in order to provide updated customer feedback on the Application Checklist.
57. Agents remained of the view that the Application Checklist provides a **helpful list of documents** required with planning applications.
58. One agent said that their practice already prided itself in providing comprehensive applications, even before the Application Checklist was introduced. In this regard the Application Checklist should really be aimed at “bad agents” who do not routinely provide the right information with applications. The Application Checklist is also particularly helpful to younger, less experienced members of a planning consultant’s team in helping them better understand application information requirements.
59. Agents recognised the **importance of the PAD process** and that the Application Checklist provides a very valuable reference point for discussing information requirements at the PAD stage. However, agents are surprised when consultees sometimes request additional information after the application has been submitted even though it was not specifically requested by the consultee during the PAD – agents said that this calls into question how much consultees are engaging in the PAD process.

60. One agent said that 14 days is generally too short to provide additional information at the validation stage – in some cases agents have to secure three quotations for the work. The work then has to be programmed into the winning consultant's schedule and completed. However, officers advise that this point actually **affirms the need** for the Council's tougher approach to information requirements – it proves that missing information can sometimes take a considerable amount of time to submit, unnecessarily and unreasonably prolonging the application process with the “clock continuing to tick” on the determination period.
61. The agents remain of the opinion that a **flexible approach** should be taken by the Council in applying the Application Checklist. This would allow applications to be validated and up and running with the understanding that the additional information will follow in due course. They said that it's important that the Council uses “**human discretion and judgement**” when applying the Application Checklist and that it's not just seen as an administrative tick-box exercise by officers with no proper thought on whether the information is fundamentally necessary to the assessment of the application. There should not be a “one size fits all” approach, recognising that no two sites will be the same and that information requirements will vary from one application to the next, even if ostensibly they seem similar.
62. In this regard it's important that the Council sees the “bigger picture” when requesting information. Some information – such as a Construction Environmental Management Plan – can be secured by condition and does not always need to be provided up front when the application is submitted.
63. It is also important that there is **consistency** between officers and teams when applying the Application Checklist.

Feedback from Staff

64. Feedback from staff about the Application Checklist has also been very positive. Comments include the following:

Principal Planning Officer (Local applications): *‘The Application Checklist provides the basis under which all applications should be submitted and in our experience to date, in applying it, it has been unchallenged by the industry. The list of requirements has provided an invaluable guide to developers, their agents and architects and has assisted planning officers in front loading the system. This has helped prevent delays as incomplete applications are not getting into the system and duplication of consultation has been kept to a minimum; ultimately this has resulted to some extent in a more effective and efficient system.*

The Application checklist has also started to imbed a culture change in Belfast and brings the process more in line with our counterparts in GB. That culture change has resulted in better quality submissions, with the development industry taking greater responsibility for their part in the planning

process. The proposed legislative change to validation requirements is now critical to maintain the momentum of the Checklist and bring the benefits forward for the process across Northern Ireland.'

Senior Planning Officer (Major applications): 'I have found the Application Checklist (AC) to be helpful – it provides a structured approach to the validation of planning applications and importantly from a process point of view ensures the application of a consistent approach which is of benefit to validating officers and customers. In my experience, it has resulted in information being sent back and resubmitted, which has aided our processing times. In other instances I have waited a number of weeks for information to be submitted which has delayed the start of the processing of the valid application but I suppose that is the balance that has to be struck to ensure that we have all the relevant information at the outset of the process. We would require changes in legislation to assist us in this regard.'

Ultimately we want to front load the system with all the necessary information and I consider that the PAD process has a significant role to play in highlighting the information required to determine the application. However, the PAD process does not apply to all applications and therefore applications will be received requiring officer judgement/experience to decide whether the necessary information has been submitted such as for example Contamination report, Air Quality Impact Assessment etc.'

There still remains issues with the quality of information provided and whilst the application checklist may be used by some as a tick-list to get the application up and running I have a number of applications whereby information submitted has been insufficient and has required further information (Air Quality, Contaminated Land, Noise Impact Assessments), which has then resulted in delays in processing. This is something I think we need to keep an eye on to ensure that reports are not prepared in haste just to satisfy the Application Checklist.'

Again the PAD process could be of benefit in this regard if the necessary info is submitted at this stage for consideration but will not apply to all applications. On the flip side this would result in protracted PAD process and possible duplication of work for consultees. It's all about striking the right balance!'

Senior Planning Officer (Major applications): 'I personally think it is an assistance in simply encouraging case officers to think about the main issues of an application at an early stage in the process. Similarly it seems to have stimulated the same thought process for agents with most Major applications submitted with a comprehensive suite of reports and supporting information, and giving us something of a foundation and support to seek the relevant information at the outset. In fairness this was something which has improved over the last few years but certainly the Application Checklist has helped inform and expedite the process.'

Planning Officer (Local applications): *‘Overall it’s a positive tool which was long overdue. It’s proved to be very useful for both officers and our customers. If customers are confused on any aspect of validation we can refer them to it. Previously we had no real point of reference other than legislation which at times can be difficult to understand. I think it has helped to speed up validation processing times and resulted in the front loading of applications. It’s also helped officers to understand the link between policy and supporting information. Going forward I think it would be useful if we had similar user friendly guides for Permitted development, Development Plan searches, how to calculate your fee, idiots guide to Use class order and how to do a comprehensive history search etc.’*

Planning Officer (Local applications): *‘I have found the Application Checklist useful for pre-application submission of information that is clearly laid out in policy, such as drainage assessment, TAF etc. On occasion, I’ve encountered problems where much of this information is front loaded with the application, however when we go to a different consultee, e.g. EHO / NIEA, additional information is requested, thus resulting in delay. Obviously, the applications that have been subject to PAD will have all this information, generally making things easier.’*

Business Support (administrative team): *‘The majority of agents are aware of the Application Checklist and use it, albeit at times they seek clarification on why something is needed. However whilst they are aware of it, it would not, as a general rule always be submitted with an application.’*

Both agents and general public are co-operative in providing additional information on request. There may need to be more work done around ‘awareness and use of the checklist’ to ensure a quality application at the start of the process as opposed to continually request additional information, taking up officer time, by both Planning Officers and Business Support staff.’

Feedback from Consultees

65. Several statutory consultees were asked to provide their feedback on the Application Checklist. Responses were received from the following.

66. **DFI Roads** provided the following positive feedback.

‘Unfortunately there are too many poor quality planning applications submitted that seek to use the planning service like an MOT check – put it in and see what’s wrong. The current planning system supports this approach, rather than encouraging applicants to submit good quality planning applications. This would provide a much better, more efficient and quicker planning service for all. DfI Roads, as a statutory consultee, fully supports the

efforts made by BCC Planning Service to improve the quality of planning applications through the Application Checklist. However, at this stage it is difficult to accurately determine if the Application Checklist has had a noticeable difference to the quality of planning applications since its launch. This is partly due to it still being relatively new and the Application Checklist having no legislative support.

The Department, as Roads authority and as a Statutory Consultee, would be generally supportive of any initiative that improves the quality of planning applications, including setting legal minimum requirements for information to be submitted with a planning application.'

67. DfI Rivers responded as follows.

'DfI Rivers have not proactively monitored the impact the introduction of the Application Checklist has had on the consultation process, however, generally speaking we are very much in support of this checklist approach, as it focuses applicants on front-loading their applications with the relevant information. This ultimately gives rise to less re-consultations being received by the Statutory Consultee (SC) and overall improves the efficiency and effectiveness of the SC process.

DfI Rivers would support legislative changes [to make the Application Checklist mandatory] as a statutory obligation would embody a stronger approach in dealing with poor applications – this statutory requirement would now be placed on the applicant/agent to provide the required information before the “planning target clock” starts.'

68. DAERA also welcomed the Application Checklist.

'The approach being adopted by Belfast City Council very much aligns with the Department's position to improve the quality of planning consultations being submitted to the Department as a Statutory Consultee.'

69. DfC HED responded as below.

'With regard to what is required for HED to make a substantive response, the Application Checklist has made some positive impact on the quality of applications/consultation process. However, our proposed changes to the LB1 form - and related changes to the Application Checklist - should deliver more 'fit for purpose' applications. HED still receives consultations that do not have all of the required information and has to request further information to facilitate a full assessment before we can make a substantive response. This often requires re-consultations, which impacts on our performance/ability to meet targets effectively. (HED has provided details of the information required (as in my email 18/02/2021 12:00).'

HED would support such legislative changes, as we consider it could add significant efficiencies in our role as a statutory consultee. Applications are more likely to contain the required information for a full assessment /substantive response, and this would reduce significantly the quantity of re-consultations.'

Case for Legislative Change

70. As has been previously stated, BCC's Application Checklist is essentially a **work-around** of the legislation and, unlike in England and Wales, it does not have the "legislative teeth" to make additional information requirements at validation stage mandatory. This means the Council remains **susceptible** to applicants/agents insisting that their applications are determined on the basis of valid but incomplete applications. There is **no legislative provision** which prevents that information being submitted later and a Planning Authority is duty bound to consider it before deciding the application. This inevitably drags out the planning application process, often by a significant amount of time, heavily contributing to under performance, not only by BCC but also in a wider regional context. This can only realistically be overcome through changes to the planning legislation.
71. Whilst progress is being made, there remains a fundamental need to **change and improve** the culture of planning application submissions in Northern Ireland so that quality is improved. The NI planning system is drastically **underperforming**, particularly in relation to Major and large scale Local applications, and intervention is absolutely necessary if planning is to be effective in supporting the regional economy and its communities. Planning Authorities are on the back foot from the off because information that is required by planning policy – and necessary if a positive determination is to be made at the first time of asking – is more often than not missing at the outset. This means that **Northern Ireland cannot compete** with other jurisdictions such as in GB and Republic of Ireland, putting the region at serious disadvantage, particularly in a post-BREXIT, post COVID-19 world when competition for investment is expected to increase substantially.
72. There continues to be significant need for **much greater discipline** in the planning application process in Northern Ireland and realistically this can only be achieved through legislative change to make additional information requirements mandatory. Legislative change to validation requirements is now critical to maintain the momentum of BCC's Application Checklist and share the benefits with other Planning Authorities across Northern Ireland.
73. There is no one size fits all solution to information requirements and each Planning Authority may wish to take a **different approach** to best suit their particular needs and circumstances. If the Department adopts the "England and Wales" model, individual councils will be able to publish their own "**Local Validation Lists**" (following a period of public consultation) and tailor the guidance accordingly. Or they have the option of not bring forward a Local Validation List at all and maintaining the status quo.

74. It is very noteworthy that the “**John Irvine**” **report** (2019 review of the effectiveness of the planning system in Northern Ireland, commissioned by the Department) also supports the raising of the bar in relation to information requirements at validation through changes to the legislation.

75. “Key Conclusion 3” of the John Irvine report reads:

‘To improve the quality of planning applications and the efficiency of the process, DfI, taking account of the views of the Planning Appeals Commission and the other planning authorities, should consider and advise returning ministers on, the case for proportionate change to legislation (or other means to improve quality) to make the validation test more stringent and to potentially introduce a cut-off date for submission of information.’

76. The need for legislative change in this area has formed a key part of BCC's feedback to the Northern Ireland Audit Office, currently undertaking an audit of the NI planning system. It will also be a central point in BCC's upcoming response to the Department's “call for evidence” in relation to its review of the implementation of the Planning Act (Northern Ireland) 2011.

Conclusions and Recommendations

77. BCC's Application Checklist has been an **undoubted success**. It has contributed significantly to improved application performance in 2019/20 with the Council achieving the statutory Local target for the first time since transfer at **14.0 weeks** average processing time. It also directly assisted BCC achieve its best ever average processing time for Major applications of **37.0 weeks** – a respectable return given the very high volume of Major applications processed by the Council compared to other Planning Authorities.

78. The Application Checklist is helping shift the culture of poor application submissions in Belfast. Feedback from customers, staff and statutory consultees has generally been **very positive**. However, to keep up the momentum and achieve the next level, it is of fundamental importance that there is legislative change to raise the bar for information requirements on submission of planning applications. This will improve quality, greatly enhance performance and reduce pressure on overstretched consultees.

79. It remains important that the Council takes a **measured and proportionate** approach when applying the Application Checklist and that its implementation does not result in unwarranted additional “red tape”.

80. Having regard to the findings of this review, the following recommendations are made:

- 1) The review should be shared with the Department for Infrastructure to support the case for much needed change to planning legislation, aimed at improving information requirements on submission of planning applications;

- 2) The review should be shared with the Northern Ireland Audit Office (currently undertaking an audit of the NI planning system) as part of BCC's engagement in that process;
- 3) The review should also be shared with the other 10 councils in Northern Ireland in the context of the above;
- 4) BCC Planning Service should proceed with implementation of Phase 3 of the Application Checklist to include all applications other than Householder proposals, Advertisement Consent and other minor Local applications; and
- 5) Further training should be provided to BCC staff to ensure that the Application Checklist is applied in a proportionate and consistent way.

Appendix 1 – Example Illustration of the impact of incomplete information on application processing times

Event	Time taken	Total Weeks
Submission of application	N/A	0
Validation Check	1 week	1
Registration	0.5 weeks	1.5
Consultations issued	0.5 weeks	2
Statutory consultee responds identifying need for further information	5 weeks	7
Case officer requests additional information	1 week	8
Agents relays requirement to applicant	0.5 weeks	8.5
Agent commissions third party consultant to provide additional information	0.5 weeks	9
Additional information compiled by consultant and submitted to agent	4 weeks	13
Additional information reviewed by the agent and submitted to Planning Authority	1 week	14
Additional information uploaded by admin team	0.5 weeks	14.5
Re-consultation issued	0.5 weeks	15*
Statutory consultee responds identifying additional information is inadequate	4 weeks	19
Case officer requests revised information	1 week	20
Agents relays requirement to applicant	0.5 weeks	20.5
Agent commissions third party consultant to revised information	0.5 weeks	21
Revised information compiled by consultant and submitted to agent	2 weeks	23
Revised information reviewed by the agent and submitted to Planning Authority	1 week	24
Additional information uploaded by admin team	0.5 weeks	24.5
Re-consultation issued	0.5 weeks	25.0
Statutory consultee responds confirming that the information is adequate	3 weeks	19
Case officer prepares report and application reported to Planning Committee	3 weeks	22
Decision notice prepared and decision issued	1 week	23
Total – 23 weeks to determine (8 weeks beyond the statutory target)		23

* Rounds of consultation

** 15 week Local application target missed

Appendix 2 – Feedback from Development Industry Workshop held in October 2019

Positives to note:

- The checklist has proven very useful to agents and developers.
- Useful tool to advise clients, especially if working with less experienced clients.
- Its use is standard practice and helps when quoting professional fees as agents and clients have an understanding of what reports are required.
- The checklist reinforces the agent's advice.
- The client can see that it is a BCC requirement therefore less push-back.
- Now professional developers understand the shopping list of reports and why they are necessary
- Less likely to ask agents to submit without them as they know BCC will send it back
- Reports are now factored into the project timeline and costed for
- If a developer is serious about developing a site then adhering to the checklist de-risks the scheme
- Links it to the PAD process to confirm which information required. Getting balance of certainty and judgement.
- Clanmil – it is better to provide more information than less. Importance of working collaboratively.

Concerns:

- Main concern is that using the checklist should theoretically speed things up and front load the assessment but consultees are slow to respond and even ask for more information at the application stage than requested at the PAD stage.
There was a concern that some consultees were not fully engaging at the PAD stage – DfI Roads and Rivers agency were identified as asking for more information or inconsistent in what information was required
- Attendees expressed frustration with response times from statutory consultees feeding into the planning process.
- Concern that more needs to be flexible and not overtly prescriptive, no two sites or proposals are the same. Important that doesn't lead to unnecessary costs.
- There will be a bedding down time for the checklist.
- Is it a tick box exercise – is the information sought always necessary? Sometimes the information is provided in another form/document
- Problem of saying info is missing – when they had actually submitted it in a different format within the application that validator/planner did not pick up on Impact/1 year review and get data for customers.

Suggestions:

- It was suggested that a fire safety strategy should be added to the checklist so that schemes do not need to be amended following receipt of planning permission. It was recognised that fire safety is a Building Control matter, but wanted this integrated in the design stage.

- PADs can scope out the detail of information that is needed – there is an overlap with the PAD process.
- Need statistical evidence that the new checklist is working and actually improving application performance.
- Need to share views and expressions of what will be a good scheme – not just exchange reports – and value of some of the reports being written/submitted – tick the box but are they worthwhile? Examples of good/bad submissions for next session with stats on how it's doing
- Too early to say if this is successful in terms of improving turn-around time/Performance
- Flexibility is important so don't have to incur nugatory costs for reports not really needed – that won't affect decision making process - just because on tick list.
- Need availability for dialogue, added value of PAD is that get active engagement of what is really required – lets you know specifics to consider, the tick box won't do this and providing everything doesn't make an easy planning application process.
- Building Control could do something similar – raised submission – for next session

Appendix 3 – BCC Guide to the Planning Application Process (including the Planning Service's 10 Operating Principles)

[Provided in separate attachment]

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