

Planning Committee

Thursday, 14th April, 2022

SPECIAL HYBRID MEETING OF THE PLANNING COMMITTEE

Members present: Councillor Carson (Chairperson);
The High Sheriff, Councillor Hussey;
Councillors Brooks, Garrett, Groogan, Hanvey,
Maskey, McMullan, Murphy and Spratt.

In attendance: Ms. K. Bentley, Director of Planning and Building Control;
Mr. E. Baker, Planning Manager (Development Management);
Ms. N. Largey, Divisional Solicitor;
Mrs. S. Steele, Democratic Services Officer; and
Mrs. L. McLornan, Democratic Services Officer.

Apologies

Apologies were reported from Councillors Hutchinson, O'Hara and Whyte.

Declarations of Interest

Councillor Spratt declared an interest in items 2b and 2d – applications in respect of 24 Malone Park, in that he had previously engaged with residents regarding the site and he advised that he would leave the meeting for the duration of the item.

Planning Applications

THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF THE POWERS DELEGATED TO IT BY THE COUNCIL UNDER STANDING ORDER 37(e)

LA04/2020/0559/F - Renovation and single storey rear extension to dwelling, construction of a new detached garage and new entrance gates and pillars at 24 Malone Park; and

LA04/2020/0562/DCA - Demolition of rear extension (partly single storey, partly one and a half storey) and existing shed and summerhouse at 24 Malone Park

The Committee agreed to defer consideration of the above two applications for a site visit so that Members could familiarise themselves with the area.

LA04/2020/1943/F and LA04/2020/1944/LBC – Residential conversion of the existing listed warehouses to form 57 residential units (1 to 3 bed units, including 60% social and affordable to

**include a minimum of 20% social housing at 3-19
(Former Warehouse) Rydalmer Street**

The Committee was reminded that the details of the application had been presented to it as part of the preceding Pre Determination Hearing which had taken place immediately prior to the Special Meeting.

The Principal Planning officer explained that DfI had confirmed that it was not calling in the application and that it was being returned to the Council for a decision.

DfI Roads had concerns regarding road safety and traffic progression as a result of insufficient parking. However, it had also provided conditions and informatics should the Council view that the development was acceptable.

The Committee was advised that the concerns which had been raised by DfI Roads should be balanced against the characteristics of the site, its sustainable location and the significant benefits of the scheme, notably that it would bring the important listed buildings back into viable use, deliver much needed affordable housing and that it would have regeneration benefits for the area.

A Member expressed deep frustration that DfI Planning had taken five months to return the application to the Council for its determination without any explanation. The Committee agreed that a letter be sent to DfI Planning expressing its frustration in relation to the delays and to request a timeline as to when the regulations that require mandatory Pre-Determination Hearings under such circumstances will be changed. it

After discussion, the Committee approved the application, subject to conditions and a Section 76 Planning Agreement, with delegated authority given to the Director of Planning and Building Control to finalise the wording.

(Councillor Brooks left the meeting at this point in proceedings)

**LA04/2021/2280/F - Mixed use, mixed tenure
residential-led development of 778 apartments in
three buildings with internal and external amenity
space; flexible commercial/community floorspace
(convenience store with hot food counter/A1/A2/D1
uses/cafe/bar/restaurant); public realm including
public square and waterfront promenade; cycle and
car parking and associated landscaping, access roads,
plant and site works including to existing river revetment
on lands adjacent to and south east of the river Lagan,
west of Olympic Way of Queen's Road, Queen's Island**

The Senior Planning officer presented the details of the major application to the Committee. She explained that Blocks 11 and 11a were proposed for Build to Rent (BTR) accommodation whilst Block 9 was proposed for social housing (78 units), with the remainder being managed by the Housing Association for private rental. An area of the site (Area 10) would be dedicated as a public square called "South Yard Square".

She outlined the main issues which had been considered during the assessment of the application included:

- the principle of a mixed-use development at that location;
- development of open space;
- housing delivery including affordable housing;
- transport including network capacity, parking provision and highway safety;
- design, layout and impact on the character and appearance of the area;
- impact on built heritage and archaeological interests;
- the quality of living environment for prospective residents;
- the impact on amenity of nearby residents and businesses;
- environmental protection and human health;
- waste management;
- drainage and flood risk;
- wastewater infrastructure;
- ecology and natural heritage;
- economic considerations;
- a Planning Agreement and developer contributions; and
- Pre-Application Community Consultation.

The Members were advised that the site was located within the development limit of Belfast in the BUAP 2001 and Draft BMAP 2015 (dBMAP, both versions). It was un-zoned, white land in the BUAP 2001 whilst under both versions of dBMAP 2015, Zoning BHA 01 allocated the site and wider lands at Titanic Quarter for mixed-use development. She explained that dBMAP 2015 (v2014) required development to accord with an overall Development Framework to be agreed by the Department. The Development Framework had been prepared in 2003, adopted by the former Department of Environment and was amended in 2010.

She explained that, as the site was within the development limit and considering the site context, relevant zonings and site history, the principle of a mixed-use development including housing was already established and was acceptable.

The Committee was advised that the proposed development would cost an estimated £117million to construct, generating an estimated 310 full time equivalent (FTE) construction jobs over three years. It was further estimated that non-residential uses at the proposed development would require a total of 80 gross direct FTE jobs onsite to support commercial/community operations in the retail, professional services, health and care and hospitality sectors.

She reported that a number of green travel measures were included as part of the application in order to mitigate the low level of parking spaces. The measures included Travel plans for each block, a travel fund of £400,000 to be managed through the Travel Plan process and used by Translink to provide Travel Cards and to support the G2 Glider. In addition, Belfast Bikes and Car Club membership were also proposed as well as the option of a bicycle voucher. She explained that there would be a flexible pot of money in which membership of the Belfast Bikes and Car Club schemes and the option of a bicycle voucher would be offered to residents and, if any residents did not want to take up some of the options, the money would roll forward, meaning that the pot would be available for a minimum of five years.

In respect of the open space, she outlined that 26% of the site was public open space, which was in addition to the terraces and courtyards which were private spaces for residents.

She outlined that a number of amenities were provided on site, including a convenience store, bars, restaurants and a crèche, and that it was therefore anticipated that a reduced number of trips to and from the site would be required in comparison with other schemes.

She outlined that the total internal and external amenity space provided per unit ranged from 6.4 square metres to 8.5 square metres, which was slightly below Creating Spaces standards but that officers believed that the quality of the spaces and the proximity to amenities were relevant.

The Committee was advised that a number of representations had been received in respect of the scheme, 6 letters of support and 8 letters of objection. The letters of support welcomed the high density, City living as well as the sustainable transport options and the regeneration of the site. The objections cited issues with the Build to Rent model, the impact on existing land values, the impact on traffic and travel, the loss of open space, amenity issues and the height, scale and design.

Statutory consultees, including DfI Roads, DfC HED, DAERA NIEA, Shared Environmental Services (SES), DfI Rivers and Belfast City Airport, had been consulted and had no objection to the proposal, subject to conditions and a Section 76 Planning Agreement as appropriate.

The Committee was advised that the site fell within Phase 2 of Titanic Quarter which was the subject of the outline planning approval (Z/2006/2864/O). As part of that approval a number of conditions were imposed setting a trips ceiling, above which wider roads infrastructural improvements would be triggered. The wider area had already been subject to a number of other transport infrastructure improvements as part of the Titanic Quarter Transport Master Plan, including the realignment of Queen's Road; signalisation of Queen's Road / Sydenham Road junction; widening and improvements along Queen's Road; improvements on Sydenham Road; a high frequency bus service and the Glider Route; and the construction of the Sydenham Road / Titanic Boulevard signalised junction.

Further infrastructure works had also been approved under planning application LA04/2019/2810/F for the creation of the Titanic Eastern Access Road, which would provide connectivity from Sydenham Road to Queens Road via Hamilton Road. The Members were advised that it would improve vehicular progression on the Queen's Road and Queen's Quay.

The Committee's attention was drawn to the Late Items pack whereby the NIHE had advised that it had no further comment in relation to the Further Environmental Information (FEI) over and above its previous consultation response.

The Senior Planning officer also explained that NI Water (NIW) had provided an updated consultation response, having reviewed the FEI. It had noted that the original planning permission for the site had expired and that it was a new application. NIW stated that the TQ Development Framework did, in its view, hold some weight. NIW had signed up to the Development Framework including the associated Drainage chapter, in 2008, in light of the waste-water infrastructure requirements at that time. NIW stated that it believed that a review of the Titanic Quarter site from a holistic perspective was now required as the circumstances had developed. Due to waste-water infrastructure constraints, there might

be environmental risks associated with increased loading as a result of the proposed development. NIW had therefore recommended approval of the application with conditions. Specifically, it had recommended a condition which required approval of mitigation via the waste-water assessment process to ensure that the impact of foul sewage connection would be at zero detriment from an environmental perspective. NIW had also advised the Planning Service that the mitigation solution should be easily resolved. However, formal confirmation could not be provided until the completion of hydraulic modelling which was due to be finished by the beginning of May.

The Senior Planning officer reported that non-statutory consultees, including Environmental Health, Economic Development, the Local Development Plan team, the City Centre and Regeneration team, the Northern Ireland Housing Executive (NIHE) and Belfast Harbour Commissioners had no objections to the proposal subject to conditions and relevant Section 76 provisions. The Council's Senior Urban Design Officer had provided detailed comments on design aspects of the scheme.

As part of the Late items pack, the applicant had sought to clarify a number of points contained within the case officer report. The Committee was asked to note a number of points, including:

- the number of objections was 8, not 9;
- clarification was provided regarding specific numbers of parking spaces and cycle spaces;
- the outline planning reference was Z/2006/2864/O as opposed to Z/2010/2864/O;
- additional clarification on trip levels and sources of information had been provided;
- in paragraph 4.2 of the Case officer's report, PPS13 had not been listed;
- regarding short-term occupancies - all tenancies would be protected and a full-time management team would be in place to control;
- regarding the phasing of social housing – once title to the land for Block 9 was transferred to a registered Housing Association, the first BTR block could be occupied (but not both). The remaining BTR block would only be able to be occupied once the social rented housing had been constructed to NIHE specification, transferred to a Housing Association and certified to the Council with a certificate of completion. The approach sought to strike a balance between the need to ensure the delivery of the social housing units (and the other Housing Association units) and the delivery of the BTR units;
- all bars and restaurants would be publicly accessible;
- no bridge was proposed in the Phase 2 masterplan;
- reference to new bicycle vouchers would be specified in the individual Travel Plans;

- in relation to paragraph 8.7.17 – there would be 614 Juliet balconies; and
- Para 8.7.18 – there would be no sky bars, but sky lounges instead.

The Senior Planning officer reported that six letters of support for the scheme had been received as well as nine letters of objection.

The Chairperson welcomed Ms. S. Murphy, agent for the application, to the meeting. She advised the Committee that:

- the major mixed tenure residential development scheme was being brought forward by developers Lacuna Developments and Watkin Jones Group Plc, who had a track record of delivering in Belfast, having brought forward several of the purpose-built student accommodation schemes;
- it was a direct response to the opportunity to deliver a Build to Rent (BTR) proposition at scale, in support of the Council's Belfast Agenda, with its focus on increasing the resident population within and adjacent to the City Centre;
- the site was located on the river edge within Titanic Quarter which was part of Belfast's Innovation District. It was adjacent to Titanic Belfast and other heritage attractions, including the Slipways and Hamilton Dock, and was also on the Maritime Mile and within a 20 minute walk to the city centre;
- the 778-unit scheme included a mix of private and social rented units together with commercial ground floor uses including a crèche, high quality internal and external amenities and extensive high quality public realm equating to 26% of the overall site area;
- the application was supported by an Environmental Impact Assessment and followed extensive Pre-Application Discussions (PADs) with the Council and Statutory Consultees. Pre-application consultation had also taken place with local stakeholders;
- the planning history confirmed the principle of waterfront residential use at the site;
- the scheme was closely aligned to the objectives of a suite of City strategies and included generous provision of Housing Association housing and significant investment in high quality public realm, both of which would be of benefit to the City;
- the development would also deliver a range of social and economic benefits, the creation of jobs during both the construction and operation of the development, and the provision of additional services and facilities within Titanic Quarter, helping to build its critical mass;
- the proposals generally accorded with the approved Titanic Quarter Development Framework and the requirements of planning policy. They could be brought forward without harm to interests of planning importance, including heritage assets such as the shipyard's iconic scheduled cranes and graving dock, and the listed drawing office. Titanic Belfast would continue to be prominent and visible in local views, including over the scheduled slipways as envisaged by the Development Framework;
- the scheme was of a high standard of design which benchmarked well against similar schemes in other Cities in the UK and Ireland. It would mark a further step towards realising the vision of Titanic Quarter as a

high-profile European waterfront and new urban quarter, contributing to the future prosperity of the city as a whole;

- a clear focus of the scheme was to ensure that it had strong sustainability credentials and could successfully be delivered from a transport perspective;
- the scheme was a direct response to tackling climate change, reducing urban sprawl and creating a connected community. Consistent with its highly accessible location, a low level of car parking was proposed;
- creating new dense neighbourhoods, supported by amenities, local services and public open spaces helped to build healthier and more sustainable communities, which, aligned with the Bolder Vision, would help create a greener, more walkable and connected city; and
- a Section 76 Agreement would secure the commitments made in the scheme's Travel Plan, including the delivery of appropriate cycling infrastructure and an innovative Travel Fund designed to equip future residents with a range of alternatives to the private car.

The Chairperson thanked Ms. Murphy for her contribution.

A Member queried why less amenity space was being provided for residents in Block 9, which had been earmarked for social housing. She also queried why Block 9 did not meet the standards for adequate outlook. In response, Ms. Murphy advised the Committee that the site was located close to a number of public open spaces such as the slipways and that the site itself comprised 26% open space. She added that there was also the children's playpark and the sports facilities for all residents on site. She explained that Block 9 had been designed in line with the new City Centre Design Guide and that a number of the units had balconies.

The Senior Planning officer advised the Committee that the external private amenity space was similar in all three blocks. She explained that the difference between Block 9 and the other blocks was in respect of less internal amenity space, such as the absence of a working from home space and a sky lounge, which she explained that officers could not insist upon for social housing units.

A further Member stated that, while he welcomed that 10% of the units were to be designated for social housing, he would always like to see more. In response to a question regarding the management of the site, Mr. J. Anderson, Choice Housing, advised the Committee the social housing units were in one block as it would be too difficult to manage if they were dispersed throughout the blocks and that, in general, they zoned the areas for management purposes.

In response to a further Member's query regarding the scale and massing of the development, the Chairperson advised the Members that Mr. A. Murray, Director at TODDS, advised the Committee that extensive conversations had taken place with the Urban Design officer and with Historic Environment Division (HED) in relation to the design. He explained that the blocks had been architecturally considered with appropriate stepping of different building heights.

In response to a further question regarding the quality of the outdoor balconies and terraces, Mr. Murray explained that the climatic environment of the site, especially the prevailing winds, had been taken into consideration when designing the outdoor amenity spaces.

The Senior Planning officer added that it was important to note that, not only would South Yard Square be protected from the elements, but that it would be a focal point in the middle of Phase 2. She explained that it would be surrounded by buildings on either side, including the recently approved Hamilton Dock hotel.

A Member complimented the applicant team on a progressive application and on the inclusion of social housing within it. He added that the queries which Members had raised at the briefing the previous month had also been taken on board and dealt with in relation to the green travel measures and that that was to be welcomed.

The Chairperson advised the Committee that Mr. C. Sloan, DFI Roads, was in attendance to answer questions.

A Member asked for further clarification in respect of the Queen's Island Strategic Masterplan and in relation to the trigger point of the number of trips for wider roads infrastructural improvements. In response, Mr. Sloan advised the Committee that the Strategic Masterplan had not yet been finalised but that a detailed transport assessment had been carried out which illustrated that the development could be accommodated on the existing road network. He advised the Committee that the DFI assessment of the proposal had been a thorough desktop exercise in accordance with standards. He added that the responsibility for the upgrade of the junction at Queen's Road would likely fall to the Belfast Harbour or T2, as it was on private, not public, land.

The Chairperson advised the Committee that Mr. C. O'Hara, Technical Director at RPS, was in attendance to answer any questions in relation to transport and traffic. Mr O'Hara advised the Committee that the trigger level had been set in 2005, seventeen years ago, and that it had been based on trip predictions at that time for development proposals within the Titanic Quarter. However, he advised the Members that the actual number of trips measured since that time had been significantly lower than anticipated. He explained that the only two sites which were operational were the Titanic Hotel and Titanic Belfast and that the prediction was that they would generate 2239 daily trips. He explained further that the actual trips associated with those two developments were less than 1000 per day and that there was therefore considerable headroom in that development alone in respect of the trigger level.

He confirmed to the Committee that the Transport Assessment, which had formed part of the planning application, had been carried out in 2019, when traffic had been at pre-pandemic levels. He explained that the assessment had taken into consideration the number of trips associated with the recently approved Hamilton Dock Hotel, the approved Aquarium, Catalyst Inc., the Odyssey approval and the Financial Services campus. He explained that they had undertaken detailed junction modelling, including the introduction of the Eastern Access Road. He added that it was important to note that the development in question only contained 140 car parking spaces and therefore the traffic impact could not be that significant. DFI Roads reviewed and assessed the Transport Assessment and concluded that the impact of the proposed development could be accommodated on the existing network without the need for any mitigation measures.

In response to a further Member's question regarding the current capacity available in the area, the Senior Planning officer reiterated that the modelling undertaken in 2019 had illustrated that the figures which had been agreed in 2005 far exceeded the actual number of trips on the ground.

Mr. O'Hara advised the Committee that the capacity of the junction, as it currently sat with the existing 2019 traffic flow, all the associated committed developments and the proposal which was in front of Members that evening, was at 85% of its full capacity.

A Member stated that she still had concerns regarding the traffic levels in the Queen's Road area which had been well documented.

Moved by Councillor Groogan,
Seconded by Councillor Carson and

Resolved – that the Committee writes to DFI Roads to request an update on the upgrade of the junction at Queen's Road.

A Member requested further information in relation to the level of public open space within the development and how it had been calculated, expressing concern that not all the land would in actual fact be public open space. Ms. Murphy advised the Committee that, even by removing the creche's private outdoor play space, car parking areas and footways, the development was still well over the 15% as required by PPS8, with the space provided by the promenade, the promenade link/thoroughfare and South Yard Square.

A Member stated that she still had a number of concerns with the development, particularly the outlook and overshadowing of Block 9 and the amenity space provided. The Senior Planning officer responded to the queries raised and emphasised that the officers had taken an on balance approach and that the nearby facilities which were on the doorstep of the development mitigated against the amenity concerns raised.

The Chairperson then put the officer's recommendation, to grant approval to the application, subject to conditions and a Section 76 Planning Agreement as set out in Case officer's report and the Late Items pack. Delegated authority was sought for the Director of Planning and Building Control to finalise the conditions and the Section 76 Agreement.

On a vote, four Members voted for the recommendation and three against and it was accordingly declared carried.

Miscellaneous Item

Public Accounts Committee Report on Planning in NI

(The High Sheriff, Councillor Hussey, left the meeting at this point in proceedings)

The Committee considered the undernoted report and the associated appendices which are available on mod.gov:

“1.0 Purpose of Report or Summary of Main Issues

1.1 The NI Assembly, Public Accounts Committee (PAC) has published a report and recommendations in relation to Planning in Northern Ireland. This paper provides an overview of the PAC report and recommended response from the Council. The proposed response is to be considered by the Strategic Policy and Resources Committee on 15 April 2022. A full copy of the PAC report is provided at Appendix 1 on mod.gov. The Council’s proposed response is provided at Appendix 2 on mod.gov.

2.0 Recommendation

2.1 That the Committee notes this report including the proposed response to the Public Accounts Committee at Appendix 2 on mod.gov.

3.0 Background

3.1 In February 2022, the Planning Committee considered two recent reviews of the NI planning system:

- Firstly, the Northern Ireland Audit Office’s review of the NI planning system (copy provided at Appendix 3 on mod.gov); and
- Secondly, the Department for Infrastructure’s review of the implementation of the Planning Act (Northern Ireland) 2011 (copy provided at Appendix 4 on mod.gov).

3.2 Following publication of the Northern Ireland Audit Office (NIAO) report, the NI Assembly: Public Accounts Committee (PAC) has been hearing evidence from key stakeholders. The following sessions were held.

- Evidence from the Department for Infrastructure – 10 February 2022
- Evidence from SOLACE – 17 February 2022 (including evidence from Kate Bentley, Director of Planning and Building Control, Belfast City Council)
- Evidence from NILGA – 24 February 2022

3.3 The PAC subsequently published its report on ‘Planning in NI’ on 24 March 2022. This paper provides an overview of the PAC report and includes a recommended response from the Council. A full copy of the PAC report is provided at Appendix 1.

3.4 As further background reading, Members are referred to the agenda item to the February Planning Committee on the NI Audit Office report and the Departmental review of the implementation of the Planning Act (Northern Ireland) 2011, see link below:

<https://minutes.belfastcity.gov.uk/ieListDocuments.aspx?CId=167&MId=10643&Ver=4>

4.0 Public Accounts Committee Report on Planning in NI

Overview

- 4.1 Consistent with the findings of the NIAO report published in February 2022, the PAC report is extremely critical of the NI planning system. It concludes that the planning system in Northern Ireland is not working effectively or efficiently. The PAC calls for a fundamental review, led by someone independent from the Department for Infrastructure, to bring about the long-term, strategic changes needed to make the planning system fit for purpose.
- 4.2 In relation to performance, the PAC observes that since the transfer of functions in 2015, planning authorities have failed to deliver on many of their key targets, particularly on major and significant development. The PAC was ‘appalled’ by the performance statistics. It states that it is simply unacceptable that almost one-fifth of the most important planning applications aren’t processed within three years highlighting that such poor performance has an impact on applicants, developers and communities and is risking investment in Northern Ireland.
- 4.3 The PAC notes that progress on Local Development Plans (LDPs) has been equally poor – with none of the plans being able to progress to adoption in the seven years since transfer in 2015. The PAC heard of the potential for LDPs to shape communities and make decision-making processes easier, but noted that the process has been hindered by the complete underestimation of the complexity and volume of work required, a lack of key skills and resources available to councils. These challenges were considered to have been compounded by a series of unnecessary ‘checks and balances’ implemented by the Department. The PAC urges all those involved in plan-making to work together to streamline remaining LDP processes and produce these important plans as soon as possible.
- 4.4 The PAC goes onto to express concerns about the poor quality of planning application submissions (BCC is the only Planning Authority that has so far sought to directly address this through publication of its *Application Checklist* in 2018). The PAC is also concerned about a lack of transparency in decision making (officers advise that BCC follows good practice in this regard through clearly minuting the reason/s for the Committee’s decision where it overturns the officer recommendation).

Committee reports also clearly explain where applications have been referred to the Committee by an individual Elected Member and reasons why).

- 4.5 The PAC is critical of the role of the Department and its lack of action to address under performance in the system. It observes that the Department is not providing strong leadership in driving change and that it does not grasp the severity of the issues facing the NI planning system. In this regard, the PAC recommends that a commission is setup to oversee much needed change to the NI planning system, but that it should be chaired by someone independent of the Department.
- 4.6 The PAC is extremely concerned about the significant level of silo working within the planning system itself and comments that it one of the worst examples of silo working in the public sector that it has ever encountered. It notes the fragmentation between central and local government, statutory consultees and even within the Department itself, highlighting that it will require a concerted effort from all those involved to work in a more productive way going forward.

4.7 PAC Recommendations

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

1. The planning system in Northern Ireland is not working. The Committee recommends that a Commission is established to undertake a fundamental review to ascertain the long-term, strategic changes that are needed to make the system fit for purpose. This should be led by someone independent from the Department.
2. The Committee has heard that there are a number of opportunities to make immediate improvements to the planning system. We recommend that a commission is established to identify tangible improvements that can be achieved in the short term. This must focus on problem solving, delivery and achieving outcomes within a fixed time frame.
3. The Committee expects action to be taken to improve the planning system. In lieu of any accountability for performance within the system, the Department will provide the Committee with a radical action plan and provide the successor Committee with an update on the improvements made in six months' time.

4. The Committee recommends that the Department considers ways to streamline the remaining LDP processes, and works with councils to learn lessons from those that have been through the independent examination process with a view to taking a more pragmatic approach to the remaining plans. The Department and councils need to work collaboratively to produce these important plans as soon as possible.
5. The Committee recommends that all those involved in decision-making ensure that processes are open and transparent, particularly where a high degree of interpretation has been exercised. The Department and councils should consider how checks on good record keeping, to ensure transparency, could be carried out effectively.
6. The Committee recommends that the Department should ensure that there is suitable and proportionate means of engaging with the planning system. This should include a deeper consideration of the appropriateness of limited third-party rights of appeal.
7. The operation of the planning system for rural housing is at best inconsistent and at worst fundamentally broken. The Committee believes that it is essential that policy in the area is agreed and implemented equally and consistently across Northern Ireland. The Department should ensure this is the case.
8. The Committee recommends that the Department urgently considers how it exercises its oversight of the planning system. In the Committee's view, this must be accompanied with a cultural change. Intervention should be to support delivery and to make improvements. The current minimal approach is no longer sustainable.
9. The Committee recommends that the Department and local government should implement immediate changes to improve the quality of applications entering the system. Whilst this may require legislative change, we do not believe that this should be an excuse for delay.
10. The Committee recommends that planning authorities regularly review past decisions to understand their real-world outcomes, impact on communities and the quality of the completed development.

11. The planning system must be financially sustainable and this requires an appropriate, long-term funding model. The Committee recommends that all those involved in delivering planning work together to achieve this. In the short term the Department should take the lead on bringing forward legislation on planning fees as a matter of urgency.
12. There is a fundamental need for a cultural change in the way local and central government interact around planning. Whilst cultural change will take time, this should be reflected immediately in a more inclusive planning forum which includes representation from developers and communities.

5.0 Next Steps

- 5.1 As reported to the Planning Committee in February 2022, this is a pivotal time for the NI planning system. Publication of the NIAO and Public Accounts Committee reports represents a significant opportunity for much needed change and improvement.
- 5.2 The Department for Infrastructure must provide a formal response to the PAC report within 8 weeks of its publication (i.e. by 19 May 2022). The recommendations also require an update be given to the successor Public Accounts Committee on the improvements made in six months' time.
- 5.3 SOLACE (Society of Local Authority Chief Executives in NI) is expected to provide a response on behalf of the 11 councils. It is recommended that Belfast City Council also formally responds. A recommended response to the PAC report is provided at Appendix 2 for notation by the Planning Committee and agreement by the Strategic Policy and Resources Committee.
- 5.4 The PAC's recommendation to establish a commission to oversee the fundamental change necessary for the NI planning system is welcomed along with the proposal to include representatives of the development industry and communities. It is only through the participation of all key stakeholders that appropriate solutions can be developed and the necessary improvements delivered. The Council has a very important leadership role in this change process and will be seeking representation on the commission and any structures that feed into the proposed processes.

- 5.5 The Department is organising an all-day workshop with local government officers on 29 April 2022 to formulate the beginning of a potential plan or approach to addressing the issues identified. In order to achieve the stated objectives the discussions will need to resolve a number of aspects including: the overall purpose and scope of the review, governance including representation, assurance, monitoring and reporting arrangements, potential for outside support and expertise, resourcing and approach to implementation.
- 5.6 It is hoped that these various reviews will establish a momentum and commitment to addressing the structural and operational challenges. It is therefore proposed that progress and any emerging proposals will be brought back to Committee as updates going forward.

6.0 Financial & Resource Implications

- 6.1 The existing NI planning system is inefficient and underperforming and the PAC report correctly identifies the need to address its longer term financial sustainability. In January 2021, the Council reported to NIAO that the net cost of its Planning Service is nearly £1.2m after fee income which demonstrated the Council commitment to the effective resourcing of this function. However, the Planning function is far from the cost neutral model suggested at the time of Transfer and the PAC's recommendation that the longer term financial sustainability of the NI planning system should be addressed is therefore welcomed.

7.0 Equality or Good Relations Implications / Rural Needs Assessment

- 7.1 **No adverse impacts identified."**

The Committee noted the update which had been provided and agreed the proposed response to the Public Accounts Committee.

Chairperson