



<b>Subject:</b>	Statutory Consultations Annual Performance Report 2021/22
<b>Date:</b>	15 November 2022
<b>Reporting Officer(s):</b>	Kate Bentley, Director of Planning and Building Control
<b>Contact Officer(s):</b>	Ed Baker, Planning Manager (Development Management)

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
<b>After Committee Decision</b>	<input type="checkbox"/>
<b>After Council Decision</b>	<input type="checkbox"/>
<b>Some time in the future</b>	<input type="checkbox"/>
<b>Never</b>	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report or Summary of Main Issues</b>
1.1	The Department for Infrastructure (DfI) has published its third annual performance report that highlights the performance of statutory consultees in the planning process.
1.2	The performance report is appended at <b>Appendix 1</b> and is for notation.
<b>2.0</b>	<b>Recommendation</b>
2.1	That the Committee notes this report.
<b>3.0</b>	<b>Main Report</b>
3.1	<u>Background</u> Statutory consultees play an important part in the planning application process by providing the Council with technical advice in specialist areas such as transport, the environment, ecology, historic buildings, waste water infrastructure etc. Their formal engagement in the process is a legislative requirement for certain types of planning application as prescribed by the Planning (General Development Procedure) Order (Northern Ireland) 2015.

3.2	<p>DfI publishes an annual report on statutory consultee performance. It recently published its performance report for 2021/22, which is reported to the Committee for notation. A copy of the performance report is provided at <b>Appendix 1</b>.</p> <p><u>Key information</u></p>
3.3	<p>The Department's performance report includes a range of statistics and data. Some of the "highlights" from the 2021/22 report are listed below.</p> <ul style="list-style-type: none"> <li>• The <b>total number of consultations</b> issued to statutory consultees across the region rose by 15% between 2020/21 (23,721) and 2021/22 (27,191). Whilst there was a 15% uplift in the number of consultations issued, the number of applications received increased only by 6%, which indicates that the consultation rate per application rose appreciably during this period.</li> <li>• An average of 69% of statutory consultations were <b>responded to within time</b> within the statutory 21-day period. For Local applications, 70% (78% for Belfast) of responses were received within time, whereas for Major applications it was only 56% (63% for Belfast).</li> <li>• 95% of consultations were for <b>Local applications</b> (which make up 99% of applications) with 5% consultations on <b>Major applications</b> (1%). Therefore, there is a much high rate of consultations issued on Major applications than Local applications. This raises the question of whether there is over-consultation on applications for Major development.</li> <li>• The most <b>often consulted statutory consultee</b> was DfI Roads with nearly 12,000 consultations issued across the region; this was followed by DAERA and NI Water with around 4,000 consultations; DfC/HED with 3,500 consultations and DfI Rivers with just under 3,000 consultations</li> <li>• <b>Statutory performance by organisation</b> was as follows: <ul style="list-style-type: none"> <li>- DfI Roads – 69%</li> <li>- DAERA – 63%</li> <li>- NI Water – 97%</li> <li>- DfC/HED – 65%</li> <li>- DfI Rivers – 40%</li> <li>- NIHE – 79%</li> </ul> </li> </ul>
3.4	<p>Officers advise that the performance report published by the Department is useful but would benefit from a much deeper dive of the information. For example, the report should include information around average consultee performance by organisation by council area to assess whether consultees are performing better in some council areas than others. Also, the statutory measure of whether or not consultation responses are received within the statutory 21-day consultation period is binary whereas it would be valuable to know the average length of time taken by consultees to respond, again broken down by council area. Further metrics would help stakeholders better understand the performance of the statutory consultee process and help to identify areas of weakness and improvement.</p>
3.5	<p>Officers have raised these issues previously with the Department, notably at the regional <i>Planning Forum</i>, which was setup to improve the statutory consultee process. Officers will formally write to DfI to raise these issues again and seek further improvements to the way in which performance is reported. Officers will also continue to seek improvement to the statutory consultee process generally through the regional improvement agenda linked to the recommendations of the NI Audit Office and Public Accounts Committee reports on the NI planning system, published in February and March 2022 respectively.</p>

3.6	Issues around the statutory consultee process were highlighted to the Committee at the February Planning Committee, <a href="#">item 12a</a> . The Committee may find it useful to cross-reference the information provided in that previous report.
<b>4.0</b>	<b>Financial &amp; Resource Implications</b>
4.1	Substandard statutory consultee performance causes delays, inefficiency and increased costs for the Council in processing planning applications. It is essential to an effective and streamlined planning system that the statutory consultee process operates effectively. In this regard, the Department's performance report for 2021/22 is a useful reference, however, it is considered that greater refinement of the reporting framework is required so as to better understand the effectiveness of the system and identify areas for improvement.
<b>5.0</b>	<b>Equality or Good Relations Implications / Rural Needs Assessment</b>
5.1	No adverse impacts identified.
<b>6.0</b>	<b>Appendices – Documents Attached</b>
	<b>Appendix 1</b> – Statutory Consultations Annual Performance Report 2021/2022 (DfI)