



Subject:	Review of the implementation of the Planning Act 2011
Date:	16 March 2021
Reporting Officer:	Aidan Thatcher, Director of Planning & Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management) Keith Sutherland, Planning Manager (Plans & Policy)

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 and Summary of Main Issues
1.1	The Department for Infrastructure (DFI) is carrying out a review of the implementation of the Planning Act (Northern Ireland) 2011. DFI has issued a “call for evidence” to key stakeholders asking them to respond (see Appendix 1).
1.2	The Planning Committee is asked to agree the Council’s response at Appendix 2 , which will inform the Department’s review.
2.0	Recommendation
2.1	The Committee is asked to agree the draft response to DFI's call for evidence at Appendix 2 regarding the Departmental review of the implementation of the Planning Act (Northern Ireland) 2011.

3.0	Main Report
	<p data-bbox="271 197 446 224">Introduction</p> <p data-bbox="271 230 1460 358">3.1 DFI is conducting a review of the implementation of the Planning Act (Northern Ireland) 2011. DFI has issued a “call for evidence” to key stakeholders asking them to respond (see Appendix 1). The Planning Committee is asked to agree the Council’s response, which will inform DFI’s review. A draft response provided at Appendix 2.</p> <p data-bbox="271 398 446 425">Background</p> <p data-bbox="271 432 1460 526">3.2 The Planning Act (Northern Ireland) 2011 (“the Act”) was implemented in 2015 following the reform of local government and decentralisation of the majority of planning powers from the former Department of Environment to the 11 new councils.</p> <p data-bbox="271 566 997 593">3.3 The key aims of the reform of the planning system were:</p> <ul data-bbox="319 616 1460 761" style="list-style-type: none"> • deliver Northern Ireland Executive’s decision to transfer the majority of planning functions to the newly formed councils thus creating a two tier planning system; and • bring forward short, medium and long term process improvements to modernise the system. <p data-bbox="271 801 1141 828">3.4 The Department is required by law to undertake a review of the Act.</p> <p data-bbox="271 869 1428 1131">3.5 DFI stresses that the focus of the review is on the “implementation” of the legislative provisions of the Act itself and the extent to which the original objectives of the Act have been achieved. This will then inform whether there is a need to retain, amend or repeal any provisions of the Act. The review will also provide opportunity to consider any improvements or ‘fixes’ which may be required to the way in which the Act has been commenced and implemented in subordinate legislation. DFI says that it is likely that issues with the planning system that have surfaced as a result of the Coronavirus pandemic will be considered as part of this review.</p> <p data-bbox="271 1171 1460 1299">3.6 DFI issued the call for evidence on 15 February 2021. The deadline for responses was originally 15 March 2021. However, at the behest of Belfast City Council and other councils, DFI has agreed to extend the consultation period to 16 April 2021 to allow consideration by the Planning Committee and subsequent ratification at Full Council.</p> <p data-bbox="271 1339 1173 1400">3.7 A link to the Planning Act (Northern Ireland) 2011 is provided below: https://www.legislation.gov.uk/nia/2011/25/pdfs/nia_20110025_en.pdf</p> <p data-bbox="271 1440 430 1467">Key Issues</p> <p data-bbox="271 1473 1444 1534">3.8 This is a very significant opportunity for the Council to influence much needed change and improvement to the planning process in Northern Ireland.</p> <p data-bbox="271 1574 1460 1736">3.9 The planning system in NI is underperforming. 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. Whilst the statutory target for Local applications was achieved for Northern Ireland as a whole there remains much scope for improvement.</p> <p data-bbox="271 1776 1460 1971">3.10 There is widespread frustration experienced by users of the NI planning system that DFI retained too many “checks and balances” when planning powers were transferred to councils. The structure of councils being legally reliant on central government Departments to make planning decisions causes difficulties, uncertainty and delays. There is considerable “red tape” and unnecessary administrative processes for Planning Authorities to follow. The bar for information requirements for applications at the beginning of the</p>

<p>3.11</p> <p>3.12</p>	<p>process is far too low and encourages “bad” applications to enter the system. Planning fees do not come close to covering the costs of council planning services and Planning Authorities are far from cost neutral.</p> <p>There is opportunity to address these and other issues to some degree through the Department’s review. However, it is considered that much more fundamental reform is required if the NI planning system is to effectively support Belfast and the wider region. It is essential that Northern Ireland has a fit for purpose planning system if Belfast is to meet the needs of its communities, prosper and compete with other cities in these Islands and around the world. To this end, officers advise that an independent review of the NI planning system should be carried out by an outside body with particular expertise in international land-use planning and governance.</p> <p>The Council’s proposed response to the Department’s “call for evidence” is provided at Appendix 2. Members are asked to endorse this response.</p>
<p>4.0</p>	<p>Finance and Resource Implications</p>
<p>4.1</p>	<p>The proposed changes to the Planning Act 2011, as identified at Appendix 2, are aimed at reducing “red tape” and improving the efficiency and effectiveness of the planning system in Northern Ireland. These changes will in turn have a positive impact in terms of reducing costs and improving performance.</p>
<p>5.0</p>	<p>Equality or Good Relations Implications/Rural Needs Assessment</p>
<p>5.1</p>	<p>There are no equality or good relations implications associated with this report.</p>
<p>6.0</p>	<p>Appendices</p>
	<p>Appendix 1 – DFI “call for evidence” with respect to its review of the implementation of the Planning Act (Northern Ireland) 2011.</p> <p>Appendix 2 – BCC draft response to the call for evidence.</p>