

**Regional Planning Directorate**



Department for

**Infrastructure**

An Roinn

**Bonneagair**

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To

Council Chief Executives

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14 February 2022

Dear Colleagues

### **PLANNING FORUM ACTION UPDATE**

You will be aware of the ongoing focus on the performance of the planning system in Northern Ireland, and in particular the role of statutory consultees in that system, including through the findings and recommendations set out in the recent Northern Ireland Audit Office report and subsequent hearings before the Public Accounts Committee. You will also be aware of the work of the Planning Forum, established following a review into the effectiveness and efficiency of the planning system (commissioned by the Department) which focused particularly on the role of statutory consultees.

The cross governmental forum works collaboratively between central and local government, with a particular focus on improving timeframes for processing major and economically significant planning applications. A work programme was developed through the forum, which originally involved circa 30 actions, with further actions being added over time. To date 19 actions have been completed with the remainder expected to be delivered in 2022. For your information, I have attached an overview of these actions and if you have any questions or queries in relation to the work, I would be grateful if you would raise them with me through your respective Heads of Planning.

Yours sincerely

[REDACTED]  
**ANGUS KERR**  
**Chief Planner &**  
**Director of Regional Planning**

Cc Heads of Planning (Council)

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## Planning Forum Action Update – January 2022

| Actions to be completed                  |  |   |
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| Ref No. to Forum / Sub-Group Action Plan | Action   | Update  |
| 3<br><b>FAP7b</b>                        | Statutory consultees to review their resource requirements against workloads   | All statutory consultees have responded (bar one) to a request for resource update. Minister met with DoF to discuss resources. Letter to Perm Secs from Katrina will issue. Continue to monitor resources going forward.   |
| 9<br><b>FAP10</b>                        | Review Dfl's approach to transport assessments (TAs), drawing in appropriate stakeholders and including an analysis of resource requirements.  | Dfl Roads Consultancy Services team has identified the additional resource that would be required to reduce response times for dealing with transport assessments (from 6 to 3 weeks). Will be considered as part of budget discussions.<br><br>Roads to continue to update Forum.  |
| 12<br><b>SGAP7</b>                       | Produce a report for discussion/agreement with the Forum on which 'non-planning' elements should be considered for removal from the planning system. Implement any agreed recommendations. | Paper issued to members in relation to 3 of the 'matters' raised by local government for discussion at December meeting. Following December meeting: <ul style="list-style-type: none"> <li>- Council reps asked to provide examples and potential solutions for the 3 matters set out in the paper.</li> <li>- Council reps asked to meet with NIW to discuss a number of issues and report back to Forum.</li> <li>- Roads to consider and feed back in relation to PSDs &amp; TAS approvals.</li> <li>- Council reps to consider and feed back on PSDs.</li> </ul> The remaining matters are being considered, pending further information and meetings. |
| 21<br><b>SGAP5</b>                       | Build capacity and capability in the system through targeted training.   | DAERA had advised that councils need to indicate what training they require. If a specialist area, councils would need to take forward themselves. Knowledge sharing might be the way to go. DAERA held an information session about single dwellings, attended by 140 planners. However, it may be the end of the financial year before this can be rolled out due to resource pressures.  |
| 22<br><b>SGAP3</b>                       | Review existing PAD process and identify/agree/implement improvements in practice between planning   | Discussion paper presented at December meeting has been circulated with feedback requested by 21 January. Work shop approach agreed at the meeting and  |

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|  | authorities and statutory consultees. Include how to enforce compliance with PAD advice. Consider producing an updated practice note to support. | council reps asked to propose someone to take this work forward. |
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| Actions reliant on other processes and decisions |  |  |
|--|--|--|
| Ref No. to Forum/ Sub-Group Action Plan          | Action   | Update   |
| 1<br>FAP1  | Review proposals for outcomes within the draft PfG 2020/21 in relation to planning   | This action will be kept under review during the next stages of the PfG process to ensure that the importance of Planning - as a vital cross cutting, multi-sectoral enabling process - is recognised in so far as possible.   |
| 4<br>FAP5  | 'Subject to Ministerial Approval' - Implement legislative change to introduce statutory local validation check lists (following consideration of BCC pilot review report).   | This action is being taken forward through the review of the Planning Act.   |
| 5  | 'Subject to Ministerial Approval' - Implement legislative change to prevent the late submission of information with an application (when the council has resolved to take a decision based on the information previously submitted). | This action is to be considered through the review of the implementation of the Planning Act process.  |
| 8<br>FAP8  | Consider making the NIW pre-development enquiry (PDE) process mandatory through future Water legislation.  | NIW and DfI Water policy to explore future potential options for legislative change in the next mandate.   |
| 10<br>FAP11                                      | Explore further the potential use of the transport model for the assessment of major planning applications.  | The Department is in the initial stages of procuring a Managed Services Framework for transport planning and modelling services which would include for the construction of the transport model and the fore-running tasks of data collection. However, due to the COVID emergency there is substantial doubt over the validity of any data until a 'new normal' is established. Therefore the decision on the construction of the |

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|                           |   | <p>transport model is currently deferred – this impacts the achievement of this action.</p> <p>Roads to continue to provide updates to the Forum.</p>  |
| <b>15</b><br><b>FAP9</b>  | Take forward a commission to measure the public value of the planning system.                   | <p>Work deferred pending outcome of work on PfG.</p> <p>Previous research reports have been produced through the RTPI in 2014. It is considered that the value of planning is well known and that this particular recommendation would not in itself speed up the consultation process. It was agreed at the December meeting that this action would be kept in the background and potentially revisited at a later stage.</p> |
| <b>18</b><br><b>SGAP6</b> | Establish workshops to rectify the common mistakes arising from information/evidence submitted. | It is recognised that this action should await the outcome of the validation checklist legislative process; however, councils have confirmed their intention to make preparations in advance, including engagement with applicants/agents.   |

| <b>Completed Actions</b> |                      |   |                      |                 |
|--------------------------|----------------------|---|----------------------|-----------------|
| No.                      | Internal Action Ref. | Recommendation  | Action Owner         | Completion Date |
| 1                        |                      | Set up Planning Forum   | Dfl - Julie Thompson | Dec-19          |
| 2                        |                      | Appoint a SRO in Dfl to provide strategic oversight   | Dfl                  | Dec-19          |
| 3                        |                      | Complete a joint workshop to review council practice on consultation requests (necessity, timing, information etc.); and implement subsequent actions/measures. | Dfl                  | Nov-20          |
| 4                        |                      | Carry out an urgent review of staff structures and staff numbers in Dfl Rivers against current workloads.   | Dfl                  | Nov-20          |
| 5                        |                      | IT capability should be reviewed as soon as possible (e.g. flood risk modelling).   | Dfl                  | Nov-20          |
| 6                        | FAP2                 | Ensure the new planning IT system allows for effective monitoring and reporting of statutory consultee responses.   | Dfl                  | Nov-20          |
| 7                        | SGAP8                | Ensure capacity issues in Shared Environmental Services, an essential   | Local Gov/Dfl        | Mar-21          |

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| <b>Completed Actions</b> |                      |  |   |                 |
|--------------------------|----------------------|--|---|-----------------|
| No.                      | Internal Action Ref. | Recommendation   | Action Owner                                  | Completion Date |
|                          |                      | element on the critical path of planning processes, are addressed.   |   |                 |
| <b>8</b>                 | FAP3a                | Explore delegating road safety assessments of access standards to councils   | DfI Roads                                     | Jun-21          |
| <b>9</b>                 | FAP6a                | Review online and published information currently available to applicants and consider potential gaps and the resources required to plug these gaps.   | Statutory consultees                          | Jun-21          |
| <b>10</b>                | FAP6b                | Identify necessary guidance and place it in a suitably structured way onto the Planning Portal, with links to consultee websites.  | DfI (Planning Portal Team) & SC               | Jun-21          |
| <b>11</b>                | FAP13                | Improve and cleanse the data in the system to ensure annual and quarterly reporting for consultee responses is accurate.   | DfI Planning & Portal Team                    | Jun-21          |
| <b>12</b>                | SGAP2                | Consider more proactive collaboration between planning authorities and statutory consultees to assess and expedite the processing of major or economically sensitive applications.   | Planning authorities/<br>statutory consultees | Aug-21          |
| <b>13</b>                | FAP3b                | Consider the benefits of embedding roads engineer within council planning teams.   | DfI Roads                                     | Sep-21          |
| <b>14</b>                | FAP4                 | Consider a wider rollout of DfI training proposals on environmental compliance to the wider stakeholder community.   | DfI/<br>statutory consultees                  | Sep-21          |
| <b>15</b>                |                      | Issue guidance on the use of 'extensions to the 21 day duty to respond'.   | DfI Planning                                  | Oct-21          |
| <b>16</b>                | FAP7a                | Consultee bodies to review their approach to case management to ensure responses are targeted and proportionate.   | Statutory consultees                          | Dec-21          |
| <b>17</b>                | SGAP4                | Produce a protocol for statutory consultees which sets out in writing what involvement/support is required from them to support an effective and efficient planning system.  | DfI Planning                                  | Dec-21          |
| <b>18</b>                | SGAP1                | Review current practices to ensure all consultation requests are correctly and absolutely necessary, particularly to ensure that consultation requests are not forwarded to statutory consultees until sufficient evidence and information has been provided by the applicant. | Planning authorities                          | Dec-21          |

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| <b>Completed Actions</b> |                             |  |                     |                        |
|--------------------------|-----------------------------|--|---------------------|------------------------|
| <b>No.</b>               | <b>Internal Action Ref.</b> | <b>Recommendation</b>  | <b>Action Owner</b> | <b>Completion Date</b> |
| <b>19</b>                | FAP8                        | Consider making the NIW pre-development enquiry (PDE) process mandatory.<br><br>This action as stands is now closed and a new action has been created to explore future legislative options in the next mandate. | NIW                 | Dec-21                 |