

Title of Report:	Planning Improvement Workshop
Committee Report Submitted To:	Planning Committee
Date of Meeting:	25 May 2022
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Improvement and Innovation
Outcome	Council maintains its performance as the most efficient of NI's local authorities
Lead Officer	Head of Planning

Budgetary Considerations	
Cost of Proposal	N/A
Included in Current Year Estimates	
Capital/Revenue	
Code	34001
Staffing Costs	

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

FOR NOTING

1.0 Purpose

1.1 This Report is to provide Members with details on the Planning Improvement Workshop held on 29 April 2022 to consider the recommendations set out in the NIAO Report, PAC Report, DfI Review of the Implementation of the Planning Act and actions outstanding from the Planning Forum.

2.0 Details

2.1 The purpose of the Planning Improvement Workshop was to consider the recommendations from the NIAO and PAC Reports, DfI Review of the Implementation of the Planning Act and actions outstanding from the Planning Forum to deliver improvements to the planning system and future governance arrangements to ensure effective and collaborative delivery of the recommendations.

2.2 The workshop was attended by key stakeholders from DfI, Councils and statutory consultees and discussions focused on the prioritisation of the recommendations from the various reports. The priority was allocated based on a voting system with the recommendations receiving the highest number of votes given priority over other recommendations.

2.3 A summary of the priority list for action in the short, medium and long-term is attached at Appendix 1.

2.4 DfI have requested feedback on the priority list from councils in order to develop an agreed action plan and agree the associated governance arrangements to guide and monitor delivery of the improvements in the planning system.

Options

- Option 1 – agree the attached list of priority actions in the short, medium and long-term and agree to Head of Planning responding to DfI accepting the priority list of actions.
- Option 2 – agree a revised list of priority actions in the short, medium and long-term and agree to Head of Planning responding to DfI recommending a revised list of priority actions.

3.0 Recommendation:

3.1 **IT IS RECOMMENDED** that the Committee notes the Action Plan attached at Appendix 1 and agrees to either Option 1 or Option 2.

NOTES FROM PLANNING IMPROVEMENT WORKSHOP ON 29 APRIL 2022

SHORT, MEDIUM & LONG TERM IMPROVEMENT ACTIONS [AS VOTED FOR IN WORKSHOP]

SHORT TERM (completed in 9 months)

18 votes	Bring forward proposals to introduce statutory 'validation check-lists' and seek to advance policy development at the earliest opportunity.
12 votes	Establish a commission to undertake a fundamental review to ascertain the long-term, strategic changes that are needed to make the planning system fit for purpose and to produce a radical action plan to identify tangible improvements to the planning system with an update on progress after six months.
9 votes	Ensure that the planning system is financially sustainable through urgent legislation on planning fees and an appropriate, long-term funding model incl. an automatic annual inflationary uplift, and multiple fees for retrospective applications. [Urgent review of transfer of functions grant to recognise enforcement and LDP need etc]
3 votes	Review the current LDP timetables and consider whether the remaining steps of the LDP process could be further streamlined.

3 votes	Work to be undertaken to drill down and ascertain the reasons for the increased numbers of applications/ consultations and re-consultations.
3 votes	Immediate action required to ensure that the system is operating fairly and appropriately with regard to overturn rates.
2 votes	Fundamental need for a cultural change in the way local and central government interact around planning, reflected immediately in a more inclusive planning forum which includes representation from developers and communities.
1 vote	Review the statutory list of consultees in plan-making to determine whether it remains relevant/appropriate to local planning authorities.
1 vote	Focus on improving the performance of the most important planning applications including analysis of the factors contributing to delays.
1 vote	Review the policy approach in terms of clarifying call-in criteria and seek to improve the efficiency of the process going forward.
1 vote	Explore which 'non-planning' elements should be considered for removal from the planning system. Implement any agreed recommendations.
1 vote	Statutory consultees to review their resource requirements against workloads.
1 vote	Urgent clarification from DAERA on the appropriateness of ammonia thresholds in making planning decisions.

1 vote	Assess the key skills and experience gaps across the planning system with a plan to ensure that all councils have access to the skills they need to operate effectively if any skills gap is identified.
	Undertake a general review of current departmental directions.
	Review Dfl's approach to transport assessments (TAs), drawing in appropriate stakeholders and including an analysis of resource requirements.
	Review processes where delegation rates fall below 90 per cent, to ensure that they represent the best use of council resources.
	Full transparency around decision-making ensuring processes are open and transparent. Official minutes of the Planning Committee meeting should contain details of the planning considerations that have driven the decision.
	Regularly review of past decisions to understand the real-world outcomes, impact on communities and the quality of the completed development of both good and bad news stories with lessons learned shared across all councils.
	Introduction of compulsory training for members of planning committees, to be consistent across all councils and sufficient to allow elected members to fulfil their duties.
	Raise awareness of support available through Community Places planning advice service, planning advice volunteers and information Contained on planning websites.

	Additional proposals/actions put forward from some groups (in addition to the various reports under consideration)
	Review of enforcement strategies, policy and resourcing – including prioritisation and environmental obligations
	Review of Hartlands judgment
	Planning Authorities review resource requirements
	Need a single vision / objectives for the NI Planning System

MEDIUM TERM (completed 9-18months)

13 votes	Review existing PAD process and identify/agree/implement improvements in practice between planning authorities and statutory consultees. Include how to enforce compliance with PAD advice. [view of some councils that the approach to PADs should not be the same between councils – ‘one size doesn’t fit all’]
11 votes	Explore further and give consideration to the legislative requirements around statutory consultations including timeframes for consultation responses, penalties for late responses and how to proceed if statutory consultees do not respond within the required timeframes.
10 votes	Consider 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).
7 votes	Digital Planning -_Assess whether there are ways in which to enhance online/digital means of communication in plan-making, development
4 votes	Consideration and a cultural change in the oversight of the planning system is required. Intervention should be to support delivery and to make improvements.
2 votes	Establish workshops to rectify the common mistakes arising from information/evidence submitted (agents etc.).
1 vote	Provide development plan guidance as required by the review of current processes following adoption of a number of LDPs.

1 vote	Bring forward proposals to supplement existing s.59 provisions which would disallow the variation of a development proposal at appeal.
1 vote	Explore further the potential use of the transport model for the assessment of major planning applications.
1 vote	Review existing thresholds and categories of development to determine the need for revisions.
	Bring forward proposals to make Pre-Determination Hearings discretionary for councils in the exercise of their functions.
	Review current requirements around Tree Preservation Orders with a view to bringing forward proposals to permit the varying or revoking of TPOs. Consider whether there is a need for guidance to clarify certain TPO terms or definitions.
	Bring forward proposals to provide for both in-person and on-line/electronic Pre-Application Community Consultation public engagement. Clarity on the PAN process could be provided in expanded guidance if appropriate.
	Investigate differences in enforcement case outcomes to ensure cases are being processed consistently across Northern Ireland.
	Additional proposals/actions put forward from some groups (in addition to the various reports under consideration)
	Environmental governance review re water requirements (sewage capacity / HRA etc)
	Review of RDS & SPPS

LONG TERM (18 months plus)

	Assist with improving accessibility to the Local Development Plan process and other place shaping processes through Better Integration of Community Engagement Activity, planning Communications and learning about Planning.
	Explore the possibility of applying Fixed Penalty Notices to advertisement control.
	Rural housing policy to be agreed and implemented equally and consistently across Northern Ireland.
	Consider making the NIW pre-development enquiry (PDE) process mandatory through future Water legislation.
	Take forward a commission to measure the public value of the planning system.
	Review proposals for outcomes within the draft PfG in relation to planning.
	Provide community with early information on planning proposals through Neighbour Notification, Site Notices, Low-Cost Digital Applications and Advertising Requirements, in order to improve accessibility to community engagement and give opportunity to become involved in the planning process.
	Improve the quality of community engagement at the pre-application stage for major and regionally significant developments through:-

	<ul style="list-style-type: none"> • Provide a list of key community stakeholders & interest groups to be targeted as part of PACC. • PACC Report containing feedback/checklist on how issues raised by the community have either influenced the proposed development or why they have not. • Proportionate Early Community Engagement for non-Major applications. • Revise PACC arrangements for social housing proposals by Housing Associations, and required by Department for Communities, to avoid duplication. • Update Guidance on pre-app Community Engagement on Planning Applications
	Raise the profile of community engagement by developing a community engagement awareness campaign and Good Practice Standards.
	Develop capacity and skills by creating community engagement online resource, learning and investing in digital innovation, engagement with children and young people and on climate change.
	Understand how third parties engage in the planning process and consider the appropriateness of limited third-party rights of appeal.
	Additional proposals/actions put forward from some groups (in addition to the various reports under consideration)
	Review 2 tier structure / system

EARLY THOUGHTS ON GOVERNANCE

REGIONAL COMMISSION / PROJECT BOARD

Regional Commission

Nature

- Should the Commission be temporary / time limited i.e. sets the priorities/actions etc, then disbands and leaves delivery to Project Board? Or a permanent fixture with an ongoing strategic oversight / monitoring & assurance / continuous improvement remit?
- Should it be similar to the Scottish Forum in terms of its purpose, remit and range of membership?

Remit

- Commission develops strategic action plan, sets directions, identifies key tasks etc; then these are given to Project Board to manage and deliver. Work streams / Groups feed into Project Board.
- Take on board work that has already been done or under way – does not duplicate or reinvent the wheel.
- Terms of reference needed

Membership

- Potential membership of Commission: Council Chief Exec; CBI; 'Community' rep; Academia; 'Customer' rep; 'Environmental' rep; RTPi; DfI Perm Sec.
- Ideally between 6 and 10 members.
- Independent chair (Minister? Another Perm Sec? Independently appointed?) – similar to Scottish Forum?
- Desired skills & experience: legal; audit; architectural; planning; business/development; environmental; customer?

Project Board

- Responsible for managing and reporting to the Commission on the various work streams / task & finish groups
- Joint chairs? Independent chair?
- Membership to include local & central government Directors; statutory consultee Directors; SOLACE; critical friend; workstream chairs?
- Work streams to be managed by a Project Board member?
- Existing Groups – what should be used as vehicle to deliver the work areas? What can be amalgamated into new Groups for delivery? What existing Groups could be stood down?

POTENTIAL WORK STREAMS / TASK & FINISH GROUPS AND POTENTIAL LEADS (THOUGH WILL REQUIRE INPUT FROM OTHERS)

	Work streams / Groups	Potential lead?
1	Legislation	DFI
2	Finance, funding and long term resource/system sustainability	SOLACE
3	Development Management/Enforcement process, including: <ul style="list-style-type: none"> - PADS/validation checklist - Classification of applications - Planning appeals and late submission of info - 'Deep dive' into the development management process to analyse and identify issues and solutions; - Enforcement resourcing, priorities and consistency - Professional & Technical Guidance 	DFI / COUNCILS
4	Local Development Plan process, including: <ul style="list-style-type: none"> - Dfl oversight / adoption role - Transport Plans - Streamlining steps, evidence, consultees etc 	DFI / COUNCILS

	- Professional & Technical Guidance	
5	Performance improvement & reporting; including: <ul style="list-style-type: none"> - Performance Monitoring Framework and reporting / accountability arrangements; - Transparency in decision making, delegation rates, overturn practices and procedures etc. 	DFI / COUNCILS
6	Statutory consultee performance	DFI
7	Capacity building, training & digital enhancement	COUNCILS
8	Communications and engagement	COUNCILS