

Regional Planning Directorate



To:

Council Chief Executives

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Our Reference:

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Dear Chief Executive

Re: Visits to planning committees

As you know, as part of the Department's ongoing oversight of the planning system, Departmental officials visited all council planning committees during 2018 to gain a better understanding of the planning decision-making processes of councils. I undertook to provide feedback on these visits.

You will be aware that the effective operation of planning committees plays a crucial role in the performance of the planning system and helps to ensure public confidence in how planning decisions are taken.

During our visits we found instances of well-run committees, with good debate about the issues and strong chairs who controlled the meeting well, with competent and professional planning officials, providing expert advice to the committee.

However, we also found instances where committees appeared to display a low level of understanding of planning policies, particularly in relation to housing development in the countryside and built heritage matters, which, in turn, appeared to have led to the overturn of a large number of planning officer recommendations. This sometimes resulted in a lack of clear planning reasons being presented for decisions made.

In this context, you may also be aware of the outcome of a recent judicial review ([Stuart Knox v Causeway Coast and Glens Borough Council \[2019\] NIQB 34](#)) which concluded that councils in Northern Ireland should both welcome and embrace the legal duty to

provide adequate, coherent and intelligible reasons for their decisions on planning applications. The link to this judgment has been provided below:

https://www.causewaycoastandglens.gov.uk/uploads/general/PC_190417_Item_10.1KN_OX_Judgement_29_03_19_McC10904.pdf

The lack of such clear planning reasons has a significant impact, not only on the effective implementation of regional policy across NI, but on the public's confidence in the planning system and may leave a council open to legal challenge. I would, therefore, encourage you to review council practices, procedures and cultures to ensure that the obligation to provide adequate, coherent and intelligible reasons for decisions on planning applications is being properly discharged.

Other issues that emerged from our visits were as follows:

Call-ins to committee

While we recognise that each council has a scheme of delegation in place, we found instances where it was unclear why an application had been called-in to the planning committee. Where there are a large number of applications called-in, this can have an impact on the performance of the committee and, ultimately, on the planning system.

Discussions

While there were instances of good debate, in various committees we found there were often prolonged, drawn-out discussions on non-planning related matters and a limited use of visual aids in some cases, which, if used appropriately, can effectively assist in the decision-making process.

Conflict of interests

Clearly a councillor with an interest should not continue to participate in the decision-making process of the planning committee; however, it was often unclear as to how conflicts of interest were handled in line with the NI Code of Conduct for Councillors.

We will liaise with NILGA to ensure that any lessons learnt from the committee visits are factored in to any future training for planning committee members.

Local Government Auditor

As I am sure you are aware, the NIAO indicated in its Local Government Auditor's Report 2019 that it intends to carry out a review of the planning system at both a local and central level next year. I think it will be important that we liaise effectively together and I intend to raise this issue at our strategic planning group meetings.

Training for committee members

Finally, I wish to draw your attention to a recommendation made by the Local Government Commissioner for Standards under section 61 of the Local Government Act (Northern Ireland) 2014. Section 61 of the Act places a statutory duty on councils to

consider the recommendations of the Commissioner and prepare a report for the Department for Communities.

The Commissioner found that a planning committee member had participated in decision-making of a planning committee without having undertaken the mandatory training stipulated in the council's planning protocol. She recommended that the relevant council review its processes to ensure that members do not participate in decision-making on the planning committee without first having completed the mandatory training.

The Commissioner also recommended that the relevant Department (that is DfI) should write to all councils, requesting them to ensure that such requirements are in place within all council areas and I am taking this opportunity to bring this recommendation to your attention. If you require any further information, please do not hesitate to contact me.

We will continue to engage with you and planning staff through the various meetings and groups which take place regularly and it is envisaged that further visits will take place to planning committees later this year.

I hope you find the above both informative and helpful.

Yours sincerely



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& Director of Regional Planning

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