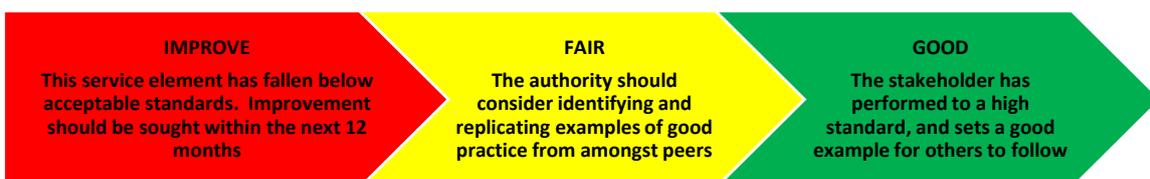


<b>Consultation on Planning Performance Framework for Northern Ireland</b>	<b>28<sup>th</sup> June 2017</b>
<b>Planning Committee</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	Protecting and Enhancing our Environments and Assets; Innovation and Transformation
<b>Outcome</b>	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough. Embrace new technologies and processes where they can bring about better experiences for citizens and visitors.
<b>Lead Officer</b>	Head of Planning
<b>Cost: (If applicable)</b>	N/A

## 1.0 Background

- 1.1** The Department for Infrastructure (DfI) commissioned Mark Hand, Head of Planning at Monmouthshire Council to work with the 11 Planning Authorities to devise and agree a set of indicators for planning in order to develop a Planning Performance Management Framework (attached at Appendix 1). The objective was to make recommendations for a framework to measure performance in a proportionate and meaningful way and to use the data collected to help drive service improvements.
- 1.2** This framework is an ongoing piece of work that will be refined and clarified with local government. Therefore it is proposed to set up a Planning Performance Management Working Group to include both local and central government attendees to monitor and review the performance indicators.
- 1.3** It is intended to commence monitoring from 1<sup>st</sup> April 2017 with the first quarterly report being issued after June. DfI will publish quarterly reports to Councils to input data collated by Council and agree content of the reports. It is proposed that these additional performance targets will form part of the published official statistics and will be used annually by DfI within an overall NI-wide planning report.
- 1.4** Where applicable, the framework categorises performance into one of three performance bands:



## 2.0 Details

2.1 The performance indicators to be reported upon on a quarterly and annual basis are set out in six categories:

- Plan-making
- Efficiency
- Quality
- Engagement
- Enforcement
- Outcomes (establishing systems and data gathering for the first year – will not be externally published).

### 2.2 *PI1-PI2 Plan-making*

The performance indicators PI1-PI2 are in relation to plan-making. They refer to progress on the development of the Council's plan. It is important to note that PI2 will only be applicable one year after Council has adopted its Local Development Plan.

**Option 1** agree with indicators and reporting in relation to PI1-PI2 as these will require minimal resources to extract the yes/no answer.

**Option 2** agree with indicators and reporting in relation to PI1-2 as above but disagree with colouring of performance bands as red and green perceive that Council is failing if it has not published its Preferred Options Paper, Plan Strategy or Local Policies Plan even though it is in-line with the agreed and published Timetable.

**Option 3** disagree with the indicators and reporting.

### 2.3 *PI3 PI8- Efficiency*

Performance Indicators PI3 – PI8 relate to Efficiency and can be easily extracted from the Planning Portal by DfI's Analysis, Statistics and Research Branch (ASRB). PI3 and PI5 replicate the major and local statutory indicators already reported on in the published Official Statistics and PI4 and PI6 provide an indicator excluding withdrawn applications and legacy applications (i.e. those submitted on or prior to 31<sup>st</sup> March 2015). PI7 and PI8 provide average times for processing legacy applications.

**Option 1** agree with the indicators and reporting in relation to PI3-PI8 provided they are extracted from the Planning Portal by ASRB. However, the target timeframe should only commence on receipt of valid planning application (or environmental statement and/or further environmental information where applicable).

**Option 2** agree with the indicators and reporting in relation to PI3-PI6 as Option 1 above but average time to process legacy applications is meaningless. Suggest report on number of legacy application determined/live instead.

**Option 3** disagree with the indicators and reporting.

## 2.4 *PI9- PI13 – Quality*

PI9 refers to the number of applications determined under delegated powers which can be extracted easily from the Planning Portal by ASRB.

PI10 relates to the percentage of applications approved and again is reported currently in the Official Statistics.

PI11, however, refers to the percentage of Planning Committee decisions made against officer recommendation. Although this indicator would be important for each individual Council, it may be misconstrued if published in quarterly statistical bulletins. The reason for this is that each Council operates different Schemes of Delegation with differing procedures in relation to referred/call-in of delegated applications to the Planning Committee for determination. To publish this figure as raw data with no narrative could be misleading. However, on receipt of the Annual Report from Councils this information could be published with the narrative included.

PI12 and PI13 relating to the percentage of appeals against refusals of planning permission dismissed and appeal costs awarded are welcome indicators as they provide qualitative statistics to the decisions taken by Council, both officers and Planning Committee.

**Option 1** agree with the indicators and reporting in relation to PI9-PI13 provided they are extracted from the Planning Portal by ASRB.

**Option 2** agree with the indicators and reporting excluding PI11 provided they are extracted from the Planning Portal by ASRB. PI11 only to be included in Annual report with narrative attached.

**Option 3** disagree with the indicators and reporting.

## 2.5 *PI14 – PI5 - Engagement*

PI14 relates to whether the Council allows speaking rights at the Committee which indicates a willingness of the Council to engage with those involved in the planning process.

PI15 relates to whether planning officers provide advice and guidance to the public during office hours. This again provides a willingness of Council to discuss and explain planning policies to the general public to educate them in the planning process.

**Option 1** agree with the indicators and reporting in relation to PI14-PI15 as the response will require minimal resources and indicates the willingness of Council to engage with the public involved in the planning process.

**Option 2** disagree with the indicators and reporting.

## 2.6 *PI16 - Enforcement*

PI16 relates to the reporting on the number of enforcement cases progressed to conclusion within 39 weeks. This is similar to the current statutory target published in the Official Statistics on a quarterly and annual basis.

**Option 1** agree with the indicator and reporting in relation to PI16 provided it is extracted from the Planning Portal by ASRB.

**Option 2** disagree with the indicator and reporting.

## 2.7 *PI 17 - Strategic Planning Division*

PI17 relates to all regionally significant applications dealt with by DfI and have been subject to pre-application discussions with satisfactory provision of draft environmental information prior to submission. The target of 30 weeks does not commence until receipt of the environmental statement (where applicable). Where further environmental information is received the target is extended by a further 30 weeks.

**Option 1** – no comment to make as this is not within the control of Council.

**Option 2** – target of 30 weeks should commence similar to all other applications subject to Environmental Statement and/or further Environmental Information dealt with by Council.

## 2.8 *PI18 – Outcomes*

This indicator relates to the different types of housing granted consent, eg affordable housing, market housing, as well as office, retail and industrial floorspace and megawatts of renewable energy approved. Although this information would be interesting, it is not currently captured on the Planning Portal. To record such information would require a moderate amount of resources. This is acknowledged and it is indicated that this indicator will be reported on from 1<sup>st</sup> April 2018. However, at this time the Planning Portal will still not be capable of capturing this information and this data would be required to be captured manually by Council staff.

**Option 1** agree to the inclusion of this indicator reporting from 1<sup>st</sup> April 2018 and for Council staff to capture this information for reporting purposes.

**Option 2** disagree with the inclusion of this indicator until such times as the new IT system is in place ensuring that this information is captured and easily extracted.

## 3.0 **Recommendation**

3.1 **IT IS RECOMMENDED** that the Committee decide on the preferred options above in relation to each of the indicators and agree that the Head of Planning respond to DfI reflecting the Committees decision on each performance indicator.

# PLANNING PERFORMANCE MANAGEMENT FRAMEWORK



## Introduction

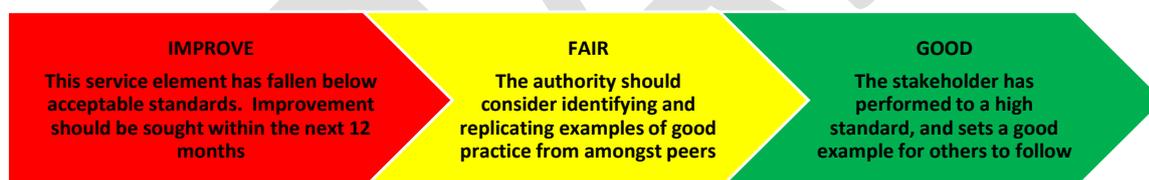
- 1.1 The planning system in Northern Ireland has undergone a period of significant change. On 1<sup>st</sup> April 2015, the majority of planning functions were devolved from the Northern Ireland Government's former Department of the Environment (DOE) to 11 newly re-organised district councils. The previous arrangement of 26 district councils had been in place since the early 1970s.
- 1.2 Both actual and anecdotal evidence suggests that the new planning system and council reorganisation are now bedding-in. It is recognised that any performance management measures should have regard to the context of recent significant change, as well as the introduction of any significant further change and / or additional resource demands at this time.
- 1.3 The Department for Infrastructure (Dfi) commissioned Mark Hand (Head of Planning, Housing and Place-Shaping Innovation and Enterprise Directorate, Monmouthshire County Council) to prepare a report scoping out proposals for a planning performance management framework for Northern Ireland, including suggested indicators and definitions, timescales and other matters for consideration. This framework is based on the work carried out by Mark.
- 1.4 The framework has been formulated following discussions and a workshop with Dfi, heads of planning and relevant senior local government officers; as well as consideration of good practice in other regions (primarily Wales and Scotland); a customer survey asking planning agents / developers what is important to them in terms of an effective planning system; and feedback from heads of planning, enforcement officers and Dfi officials on the draft report issued in January 2017.
- 1.5 The objective of the exercise was to make recommendations for a framework to measure performance in a proportionate and meaningful way and to use the collected data to help drive service improvements. The desired outcome is a positive, efficient and effective planning system for Northern Ireland. Any performance management framework will evolve with time, as lessons are learnt or as circumstances, challenges or priorities change.
- 1.6 The outcomes of the framework will be of benefit to councils in helping them to identify best practice and to drive forward continuous improvement. It will also help central and local government to demonstrate planning's contribution to delivering the draft Programme for Government (PfG) outcome-based indicators. These include a strong, competitive, regionally balanced economy; protection of the environment; a healthier and more equal society; and a society where people are connected with opportunities through infrastructure. This requires central government to work with local government, private sector, voluntary and community sectors to maximise what can be achieved collectively.
- 1.7 While there are currently three statutory planning indicators, it is widely recognised that these do not cover all the work carried out by the local planning authorities (LPAs). This framework will help to address this by capturing data on other planning-related activities.
- 1.8 The framework incorporates the existing three statutory indicators, which will remain in addition to the new indicators.

## Monitoring and reporting arrangements

- 2.1 The new performance reporting arrangements will come into effect from 1<sup>st</sup> April 2017. In the

interest of driving forward continuous improvement across the Northern Ireland planning system, the Department will gather the data on a quarterly basis. Where possible, the data will be extracted from the planning portal or from official statistics; to minimise the burden on LPAs.

- 2.2 The quarterly reports will be issued to councils following the end of each quarter by DfI, pre-populated with centrally available data, as part of the current Official Statistics (OS) validation process. Councils will be asked to provide the input for any performance indicators they are responsible for updating and to confirm their agreement with the content of the reports. Once received, the Department will incorporate the information into the quarterly OS reports in the most appropriate format. At the end of each year the Department will use this information within an overall NI-wide planning report, which will include details of the Department's planning-related work and Planning Appeal Commission's (PAC) performance, and will publish the report on its website. Following the Department's release of quarterly pre-announced OS publications, councils may choose to publish their own quarterly reports.
- 2.3 Councils will be able to add narrative to explain performance and identify successes and areas for improvement / actions.
- 2.4 It is envisaged that this framework will evolve over time. The Department, in conjunction with local government, will review indicators and definitions and agree targets for the next year based on lessons learnt, trends, priorities and aspirations.
- 2.5 Where applicable, the framework categorises performance into one of three performance bands:



- 2.6 The indicators set out in the performance framework table are divided into six categories:
  - Plan-making
  - Efficiency
  - Quality
  - Engagement
  - Enforcement
  - Outcomes (establishing systems and data gathering for the first year - will not be externally published)
- 2.7 Some of the indicators are currently not subject to specific targets. Where this is the case, the target is described as 'to be benchmarked'. These targets will be set in discussion with the LPAs and the Department.
- 2.8 A list of the indicators can be found at [Annex A](#).

## SECTION 1 – PLAN MAKING:

**Performance Indicator 1 (PI 1)** - Has the council:

- a) Had its Statement of Community Involvement (SCI) agreed by the Department?



- b) Published its Preferred Options Paper?



- c) Published its Plan Strategy?



- d) Published its Local Policies Plan?



### Definitions

- i) 'Statement of Community Involvement' means the document as defined in the Planning (Statement of Community Involvement) Regulations (NI) 2015. Guidance can be found in Development Plan Practice Note 02.
- ii) 'Agreed' by the Department means that the council has either received a positive written response accepting the SCI from the Department or that no response has been received within 4 weeks of the council submitting the SCI to the Department.
- iii) 'Preferred Options Paper' means the document as defined in Part 3 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (the LDP Regulations). Guidance can be found in Development Plan Practice Note 04.
- iv) 'Published' means made publically available in accordance with the relevant section of the LDP Regulations (for example Regulation 11 in relation to the POP).
- v) Publication of the 'Plan Strategy' refers to making publically available the adopted Plan Strategy under Regulation 24.
- vi) Publication of the 'Local Policies Plan' refers to making publically available the adopted Local Policies Plan under Regulation 24.

**Performance Indicator 2 (PI 2)** - Has the council submitted its local development plan (LDP) Annual Monitoring Report (AMR)?



The AMR would detail the extent to which the objectives set out in the LDP are being achieved. This indicator would not be applicable until a full year following LDP adoption, which is some time off.

**Definitions**

- i) 'Submission' of the Annual Monitoring Report means the date on which a copy of / link to the council's AMR is sent in writing to the Department under Regulations 25 and 27.

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## SECTION TWO – EFFICIENCY

**Performance Indicator 3 (PI 3)** - Average processing time taken to determine major applications.



This indicator is the existing statutory indicator.

**Standard** – Major applications processed from date valid to decision or withdrawal within an average of 30 weeks.

### Definitions

- i) A 'major' application is as defined in the [Planning \(Development Management\) Regulations \(Northern Ireland\) 2015](#).

**Performance Indicator 4 (PI 4)** - Average time taken to determine major applications (excluding legacy and withdrawn applications).



This indicator is similar to the existing statutory indicator but excludes legacy applications and withdrawn applications.

### Definitions

- i) A 'legacy' application is described as an application registered as valid on or before 31<sup>st</sup> March 2015.
- ii) Applications withdrawn by the applicant prior to the decision notice being issued will be excluded from the statistics.

**Performance Indicator 5 (PI 5)** – Average processing time taken to determine local applications.



**This indicator is the existing statutory indicator.**

**Standard** – Local applications processed from date valid to decision or withdrawal within an average of 15 weeks.

**Definitions**

- i) A 'local' application is as defined in the [Planning \(Development Management\) Regulations \(Northern Ireland\) 2015](#), and any other applications for approval or consent under the Planning Act (Northern Ireland) 2011 (or any orders or regulations made under that Act). Applications to discharge conditions are excluded.

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**Performance Indicator 6 (PI 6)** - Average time taken to determine local applications (excluding legacy and withdrawn applications).



This indicator is similar to the existing statutory indicator but amended to exclude legacy and withdrawn applications.

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**Performance Indicator – 7 (PI 7)** - Average times taken to determine major legacy applications.

Given the age of these applications (only applications that have a date valid on or prior to 31<sup>st</sup> March 2015) a target is rather meaningless.

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**Performance Indicator – 8 (PI 8)** - Average times taken to determine local legacy applications.

Given the age of these applications (only applications that have a date valid on or prior to 31<sup>st</sup> March 2015) a target is rather meaningless.

---

## SECTION THREE - QUALITY

**Performance Indicator – 9 (PI 9)** - Percentage of applications determined under delegated powers.

### **Definitions**

- i) The numerator is the number of applications determined under delegated powers during the reporting period. The denominator is the total number of applications determined during the reporting period.
- 

**Performance Indicator – 10 (PI 10)** - Percentage of applications approved.

### **Definitions**

- i) The numerator is the number of applications approved during the reporting period. The denominator is the total number of applications determined during the reporting period.
- 

**Performance Indicator – 11 (PI 11)** - Percentage of committee decisions made against officer recommendation.

### **Definitions**

- i) The numerator is the number of applications determined by the Planning Committee that were contrary to officer recommendation as published in the Committee minutes, during the reporting period. The denominator is the total number of applications determined by the Planning Committee during the reporting period.
- 

**Performance Indicator – 12 (PI 12)** - Percentage of appeals against refusals of planning permission that are dismissed.

### **Definitions**

- i) The numerator is the number of appeal decisions that were dismissed (i.e. the council's decision was upheld) during the reporting period. The denominator is the total number of appeals determined by the Planning Appeals Commission during the reporting period. This indicator excludes appeals against non-determination and enforcement notices.
- 

**Performance Indicator – 13 (PI 13)** - Number of appeal costs awards.

### **Definitions**

- i) This measures the number of instances where costs were either awarded fully or partially in the council's favour, or wholly or partially against the council. The indicator measures the number of instances, not the amount of money.
-

## SECTION FOUR – ENGAGEMENT

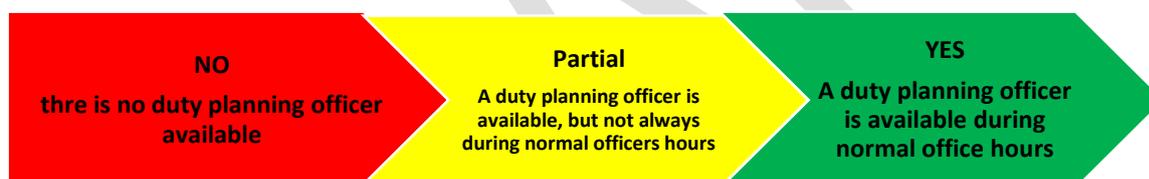
**Performance Indicator – 14 (PI 14)** - Does the council allow public speaking at planning committee meetings?



### Definitions

- i) 'Public speaking at Planning Committee meetings' means any scheme formally adopted by the council and in operation that allows applicants, objectors and / or third party supporters to speak at Planning Committee meetings in relation to a specific application on the Committee agenda. The number of speakers, types of application on which speaking is permitted, length of time allowed for speakers etc. are all matters for the council to decide for itself to best meet its service needs.

**Performance Indicator – 15 (PI 15)** - Does the council have a planning officer on duty to provide general planning advice to customers?



### Definitions

- i) The Duty Officer service must, as a minimum, be available Monday to Friday 9:00am to 4:30pm to count as a full Duty Officer service and to be recorded as a 'yes' in the performance returns. A lesser service should be recorded as 'partial', or no service as 'no'. The Duty Officer should be suitably qualified or experienced to provide day to day general planning guidance. The Lagan/NI Direct Service does not constitute a Duty Planning Officer.

## SECTION FIVE – ENFORCEMENT

**Performance Indicator – 16 (PI 16)** - Proportion of enforcement cases progressed to the target conclusion within 39 weeks:



**This is the existing statutory indicator.**

**Standard** – 70% of all enforcement cases progressed to target conclusion within 39 weeks of receipt of complaint

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## SECTION SIX – STRATEGIC PLANNING DIVISION

**Performance Indicator – 17 (PI 17)** - Contribute to sustainable economic growth by progressing all regionally significant applications to a Ministerial recommendation within 30 weeks of receipt of the application (or environmental statement, where applicable).



### Definitions

- i) The processing target shall apply to RSD applications that:
- have been subject to pre-application discussions (PADs) with satisfactory provision of draft environmental information prior to submission, where applicable;
  - are not the subject of a request for further environmental information. Such a request will extend the target by 30 weeks upon receipt of the information.
-

## SECTION SEVEN – OUTCOMES

### **Performance Indicator – 18 (PI 18) - Planning outcomes:**

- i. number of affordable housing units granted consent;
- ii. proportion of affordable housing units granted consent that are located within defined settlement boundaries;
- iii. number of market housing units granted consent;
- iv. proportion of market housing units granted consent that are located within defined settlement boundaries;
- v. total number of housing units completed;
- vi. housing land availability indicators;
- vii. amount of office floor space granted (net increase in sqm);
- viii. amount of retail floor space granted (net increase in sqm);
- ix. amount of industrial floor space granted (net increase in sqm);
- x. number of megawatts of renewable energy approved.

While this information will be required by councils to populate their local development plans and for ongoing monitoring of those plans, it is considered important as an indicator of planning outcomes and therefore has been included in the framework. However, it is recognised that the planning portal does not capture all this information. Some of the above data may already be collated by some councils, but not all. In order to allow all councils time to collate this data, these outcome indicators will not be reported upon, or published, during 2017-18. The intention would be that councils will have this year to establish the monitoring systems necessary to capture this information, with a view to reporting properly from 1<sup>st</sup> April 2018.

This issue will be taken forward through further discussions with the proposed Performance Management Working Group, including agreed definitions for the indicators.

MEASURE		Data available from
<b>Section one - Making Plans</b>		
PI - 1	Has the council:	
	a) Had its Statement of Community Involvement (SCI) agreed by the Department?	Dfi
	b) Published its Preferred Options Paper?	Council
	c) Published its Plan Strategy?	Council
	d) Published its Local Policies Plan?	Council
PI - 2	Has the Council submitted its local development plan (LDP) annual monitoring report (AMR)?	Dfi
<b>Section two - Efficiency</b>		
PI - 3	Average time taken to determine major applications (current statutory indicator)	Dfi – Planning Portal
PI - 4	Average time taken to determine major applications (excluding legacy and withdrawn applications)	Dfi – Planning Portal
PI - 5	Average time taken to determine local applications (current statutory indicator)	Dfi – Planning Portal
PI - 6	Average time taken to determine local applications (excluding legacy and withdrawn applications)	Dfi – Planning Portal
PI - 7	Average time taken to determine major legacy applications	Dfi – Planning Portal
PI - 8	Average time taken to determine minor legacy applications	Dfi – Planning Portal
<b>Section three - Quality</b>		
PI - 9	Percentage of applications determined under delegated powers	Dfi – Planning Portal
PI - 10	Percentage of applications approved	Dfi – Planning Portal
PI - 11	Percentage of committee decisions made against officer recommendation	Council
PI - 12	Percentage of appeals against refusals of planning permission that are dismissed	PAC
PI - 13	Number of appeal costs awards	PAC
<b>Section four - Engagement</b>		
PI - 14	Does the council allow public speaking at planning committee meetings?	Council
PI - 15	Does the council have a planning officer on duty to provide general planning advice to customers?	Council
<b>Section five - Enforcement</b>		
PI - 16	Proportion of enforcement cases progressed to the target conclusion within 39 weeks	Dfi – Planning Portal
<b>Section six – Strategic Planning Division</b>		
PI - 17	Contribute to sustainable economic growth by progressing all regionally significant applications to a Ministerial recommendation within 30 weeks of receipt of the application (or environmental statement where applicable).	Dfi

2017-18 to be used as base year for data collection purposes:

<b>Section seven – Outcomes (to be monitored from 1/4/18)</b>		
PI - 18	<b>Planning outcomes:</b>	
	Number of affordable housing units granted consent	Council
	Proportion of affordable housing units granted consent that are located within defined settlement boundaries	Council
	Number of market housing units granted consent	Council

	Proportion of market housing units granted consent that are located within defined settlement boundaries	<b>Council</b>
	Total number of housing units completed	<b>Council</b>
	Housing land availability indicators	
	Amount of office floor space granted (net increase in sqm)	<b>Council</b>
	Amount of retail floor space granted (net increase in sqm)	<b>Council</b>
	Amount of industrial floor space granted (net increase in sqm)	<b>Council</b>
	Number of megawatts of renewable energy approved	<b>Council</b>

DRAFT

**Deputy Secretary  
Planning, Water & DVA**

**Chief Executives of Councils**

71 Ebrington Square  
Derry-Londonderry  
BELFAST  
BT49 6FA  
Tel: (028) 7131 4136

12 May 2017

Dear Chief Executive

## **PLANNING PERFORMANCE MANAGEMENT FRAMEWORK**

The Department has been working closely with councils over the past 10 months to develop a planning performance management framework. To assist in this, in July 2016, the Department commissioned Mark Hand, Head of Planning at Monmouthshire Council, to work with the 11 planning authorities to devise and agree a set of indicators for planning.

Mark has now issued his final report, the objective of which was to make recommendations for a framework to measure performance in a proportionate and meaningful way and to use the collected data to help drive service improvements. The desired outcome is for a positive, efficient and effective planning system.

The attached draft framework is based on Mark's final report. The outcomes will be of benefit to councils in helping them to identify best practice and to drive forward continuous improvement. It will also help central and local government demonstrate planning's contribution to delivering the draft Programme for Government outcome-based indicators.

This framework is an ongoing piece of work and we will continue to work with local government colleagues to refine and clarify any issues. To this end, it is proposed, as recommended in Mark's report, that a Planning Performance Management Working Group be set up, to include local and central government attendees.

With regard to section 7 (Planning Outcomes) (PI 16 in Mark's final report), we believe that this data is very important to the Department's overarching responsibility for an effective and efficient planning system, and to ensuring it has a fit for purpose legislative and policy framework. This data will also be of benefit for councils when drawing up and annually monitoring their own local development plans. However, we acknowledge the difficulties these indicators may pose at this time and the different

stages councils are at in collating the necessary information. Consequently, in order to allow time for the Department and councils to consider how this data can best be obtained and collated, we intend to delay its introduction by a year and use 2017-18 as a base year, with a view to monitoring and reporting on these from 1 April 2018.

Mark has asked me to pass on his thanks to all those who contributed to the drawing up of the proposals.

It is hoped to commence monitoring from 1 April 2017, with the first quarterly report being issued after June. Therefore, I would be grateful if you could forward any comments in relation to the framework by Friday 26 May.

Yours sincerely

A handwritten signature in black ink that reads "Fiona M. McCandless." The signature is written in a cursive, slightly slanted style.

**FIONA MCCANDLESS**

Deputy Secretary  
Planning, Water & DVA

**Chief Executives of Local Councils**

71 Ebrington Square  
Derry-Londonderry  
BELFAST  
BT49 6FA  
Tel: (028) 7131 4136

19 May 2017

Dear Chief Executive

**PLANNING PERFORMANCE MANAGEMENT FRAMEWORK**

Further to my letter dated 12 May regarding the above, I have received some representations requesting an extension to the deadline of 26 May for comments. The Draft Framework was also discussed at the Strategic Planning Group yesterday (18 May) and officials from local government informed the meeting that they wished to discuss the framework with their Planning Committees.

In order to facilitate these requests, I am happy to extend the date for comments to Friday 30 June.

Yours sincerely



**FIONA MCCANDLESS**



# PLANNING PERFORMANCE FRAMEWORK FOR NORTHERN IRELAND

FINAL REPORT MARCH 2017

## Abstract

An efficient and effective planning system is a crucial tool for meeting the needs of Northern Ireland's communities. It enables economic growth and house-building, create thriving and attractive places to live, work and relax, while protecting and enhancing the best of Northern Ireland's beautiful landscapes and rich culture and heritage.

This report sets out a Planning Performance Framework for Northern Ireland, including indicators and definitions, timescales and other matters for consideration. The Framework has been informed by engagement with planning practitioners from the private sector (agents/developers), District Councils and the Department for Infrastructure, as well as considering best practice in England, Scotland and Wales.

The objective is to establish a framework to measure performance in a proportionate and meaningful way and to use the collected data to help drive service improvements. The desired outcome is a positive, efficient and effective planning system for Northern Ireland. Any performance management framework should evolve with time, as lessons are learnt or as circumstances, challenges or priorities change.

*Mark Hand, Arloesi Planning*

markarloesi@outlook.com

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## Planning Performance Framework for Northern Ireland

### Final Report March 2017

#### **Executive Summary:**

- i. This report sets out proposals for a Planning Performance Framework for Northern Ireland, including indicators and definitions, timescales and other matters for consideration.
- ii. The objective of this report is to make recommendations for a framework to measure performance in a proportionate and meaningful way and to use the collected data to help drive service improvements. The desired outcome is a positive, efficient and effective planning system for Northern Ireland. Any performance management framework should evolve with time, as lessons are learnt or as circumstances, challenges or priorities change.
- iii. The recommendations have been formulated following discussions and a workshop with the Department for Infrastructure (DfI), Heads of Planning and relevant senior Local Government officers; consideration of good practice in other regions (primarily Wales and Scotland); a customer survey asking 93 regular planning agents/developers what is important to them in terms of an effective planning system; and feedback from Heads of Planning, Enforcement Officers and the DfI's Analysis, Statistics and Research Branch on the draft report issued in January 2017.
- iv. The following indicators are recommended:

#### **Plan-making:**

##### **PI1 Has the Council:**

###### **a) had its Statement of Community Involvement (SCI) agreed by the Department?**

Yes/Submitted but awaiting DfI decision/No. The Annual Performance Report (APR) can include an explanation if applicable, including consideration of the extent to which the SCI is operating effectively.

###### **b) Published its Preferred Options Paper?**

Yes/No. The Annual Performance Report (APR) can include an explanation if applicable.

###### **c) Published its Plan Strategy?**

Yes/No. The Annual Performance Report (APR) can include an explanation if applicable.

###### **d) Published its Local Policies Plan?**

Yes/No. The Annual Performance Report (APR) can include an explanation if applicable.

Rationale: This indicator directly relates to the primacy of the Plan-led system as per Section 6(4) of the 2011 Act and paragraph 5.11 of the SPPS. In a Plan-led system, the production of up-to-date Local Development Plans is essential to deliver sustainable development. This indicator measures progress towards Plan adoption.

Resource implications: Minimal. The PI response requires a simple factual position update.

Timescale: This PI can be measured from April 2017.

**PI2 Has the Council submitted its Local Development Plan (LDP) Annual Monitoring Report (AMR)?**

Yes/Not applicable/No. The APR can include an explanation if applicable. The AMR would detail the extent to which the objectives set out in the Local Development Plan are being achieved. This indicator would not be applicable until a full year following LDP adoption, which is some time off.

Rationale: In a Plan-led system, the effective operation of adopted Local Development Plans is essential to deliver sustainable development. This indicator ensures adopted LDPs are monitored annually to ensure they are delivering on priority targets.

Resource implications: Minimal. The PI response requires a simple factual position update.

Timescale: This PI can be measured from April 2017 (acknowledging that the response will be 'not applicable' for a number of years until emerging LDPs are adopted).

**Efficiency:**

**PI3 Average time taken to determine major applications**

This indicator is the existing PS1 but amended as follows:

- to exclude legacy applications (those registered before 1<sup>st</sup> April 2015), as per the Scottish system, because they distort the picture of District Council performance;
- to exclude withdrawn applications, as per the Welsh system. Withdrawn applications have normally stalled for a significant period due to circumstances beyond the Council's control, and withdrawal is the applicant's decision not the planning department's decision.

Rationale: One of a suite of indicators that, when taken together, provide a comprehensive picture of the efficiency of the planning service. The average time indicators measure speed of decision-making.

Resource implications: Low. The DfI's Analysis, Statistics and Research Branch can easily electronically exclude legacy applications based on the date valid and can exclude withdrawn applications based on the decision type.

Timescale: This PI can be measured from April 2017.

**PI4 Percentage of major applications determined within the agreed timescale**

The 'agreed timescale' would be a set target (currently 30 weeks) or an alternative deadline agreed in writing between the applicant/agent and planning department on a case by case basis. This allows a balance to be struck between making timely decisions, the applicant obtaining planning permission and securing good outcomes. The applicant can decline the requested time extension and retain their right of appeal against non-determination once any agreed time period has passed. Based on current performance, the existing 30 week

average target is an appropriate starting point<sup>1</sup>. With time, the target can be reviewed in liaison with District Council representatives via a Performance Working Group. Legacy and withdrawn applications should be excluded.

Rationale: One of a suite of indicators that, when taken together, provide a comprehensive picture of the efficiency of the planning service. This indicator seeks to balance measuring speed against securing a positive outcome for both the customer and stakeholders.

Resource implications: Moderate. It will be necessary to record performance against an agreed extension of time, while retaining the 30 week target date for reporting on PI3. At present, the Portal IT system cannot record a decision deadline and an agreed extended deadline. The options are to either record this data separately from but alongside the Portal, or await a future update to/replacement of the Portal (estimated 2019).

Timescale: Only if a parallel data recording system is adopted can this PI can be measured from April 2017.

**PI5 Average time taken to determine local applications**

This indicator is the existing PS2 but amended as per PI3 (PS1) above to exclude legacy and withdrawn applications.

Rationale: One of a suite of indicators that, when taken together, provide a comprehensive picture of the efficiency of the planning service. The average time indicators measure speed of decision-making.

Resource implications: Minimal. The DfI's Analysis, Statistics and Research Branch can easily electronically exclude legacy applications based on the date valid and exclude withdrawn applications based on the decision type.

Timescale: This PI can be measured from April 2017.

**PI6 Percentage of local applications determined within the agreed timescale**

As per PI4 above. The current 15 week average target is an appropriate starting point based on current performance<sup>2</sup>, with the target being reviewed in liaison with District Council representatives via a Performance Working Group. Legacy and withdrawn applications should be excluded.

Rationale: One of a suite of indicators that, when taken together, provide a comprehensive picture of the efficiency of the planning service. This indicator seeks to balance measuring speed against securing a positive outcome for both the customer and stakeholders.

Resource implications: Moderate. It will be necessary to record performance against an agreed extension of time, while retaining the 15 week target date for reporting on PI5. At present, the Portal IT system cannot record a decision deadline and an agreed extended deadline. The options are to either record this data separately from but alongside the Portal, or await a future update to/replacement of the Portal (estimated 2019).

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<sup>1</sup> From April to December 2016, the Northern Ireland average (median) time taken to determine major applications was 45.8 weeks (it was 70.0 weeks including legacy applications). Source: DfI Q3 16/17 statistics.

<sup>2</sup> From April to December 2016, the Northern Ireland average (median) time taken to determine local applications was 15.0 weeks (it was 16.4 weeks including legacy applications). Source: DfI Q3 16/17 statistics.

Timescale: Only if a parallel data recording system is adopted can this PI can be measured from April 2017.

**PI7 Average time taken to determine legacy applications**

As per the existing PS1 but excluding withdrawn applications, and reporting only on applications that have a date valid prior to 1<sup>st</sup> April 2015. Withdrawn applications would be excluded. Given the age of these applications, a target is rather meaningless. If desired, the legacy applications could be subdivided between major and local applications. APRs should include commentary on progress made in determining legacy applications and the number still undetermined.

Rationale: One of a suite of indicators that, when taken together, provide a comprehensive picture of the efficiency of the planning service. This indicator seeks to measure progress on determining legacy applications.

Resource implications: Low. The Dfl's Analysis, Statistics and Research Branch can easily electronically separate out legacy applications based on the date valid and exclude out withdrawn applications based on the decision type.

Timescale: This PI can be measured from April 2017.

Resource implications: Low. It should be possible for the Dfl to run a report to extract this data based on information already collated.

**Quality:**

**PI8 Percentage of applications determined under delegated powers**

Rationale: Alone this performance indicator does not say much, but read in conjunction with PI3-PI7 it adds to the information regarding efficiency, and in conjunction with PI9-PI12 it adds to the picture regarding the way in which decisions are made and the outcome.

Resource implications: Minimal. This data is already available via the Portal and can be collated and reported on by the Statistical Analysis and Reporting Branch.

Timescale: This PI can be measured from April 2017.

**PI9 Percentage of applications approved**

Rationale: Alone this performance indicator does not say much, but read in conjunction with PI3-PI8 it provides a picture regarding the balance of speed versus a positive/quality outcome. It also provides evidence that the planning system is not blocking development and economic growth.

Resource implications: Minimal as this data is already recorded by Dfl in its Statistical Reports.

Timescale: This PI can be measured from April 2017.

**PI10 Percentage of Committee decisions made against the Officer recommendation**

Rationale: When considered in conjunction with PI11 and PI12 the data provides a rounded picture of the quality of decisions, gives an indication of Officer-Member working relationships and could identify potential training needs. For example if Committee

overturns are not upheld at appeal, this might indicate a training need for Committee Members. Conversely, if the overturns are upheld at appeal, it might indicate a training need for Officers.

Resource implications: Minimal. This data is already available via the Portal and can be collated and reported on by the Statistical Analysis and Reporting Branch.

Timescale: This PI can be measured from April 2017.

**PI11 Percentage of appeals against refusals of planning permission that are dismissed**

Rationale: It is suggested that this indicator should measure appeals against planning refusals only. Appeals against Enforcement Notices are low in number and can be discussed in the APR if desired. Appeals against non-determination of the application relate more to the absence of timely decision-making rather than the quality of the District Council’s decision and so these should be excluded. This PI measures the quality of decisions made, as the PAC either upholds or overturns the Council’s decision. The limitation is that this applies to refusals only, but this is unavoidable as there is no third party right of appeal against the grant of planning permission. It is recommended that Council APRs include information and commentary regarding corporate complaints and compliments, upheld Ombudsman complainants and Judicial Reviews, but it is not considered appropriate to include those items as a performance target.

Resource implications: Minimal. This data can be obtained from the Planning Appeals Commission.

Timescale: This PI can therefore be measured from April 2017.

**PI12 Number of appeal costs awards**

This indicator measures the number of occasions where a Planning Appeals Commissioner awards costs at appeal. Costs could be awarded against the Council, if for example the Commissioner considers that the District Council’s decision cannot be substantiated or its behaviour has been unreasonable during the appeal proceedings. Alternatively, costs can be awarded in favour of a Council if the appellants have behaved unreasonably or their case has no prospect of success.

The indicator measures the number of instances where costs are awarded, not the amount of costs awards (£). In response to feedback from the Heads of Planning, partial costs award will be recorded separately.

	No. instances full costs awarded	No. instances partial costs awarded
For the Council		
Against the Council		

Rationale: This indicator seeks to measure the quality of decisions made and/or the quality of service provided in terms of defending decisions at appeal in an open and timely way.

Resource implications: Low. This data can be obtained from the Planning Appeals Commission. Alternatively, these instances will be very low in number and so can be manually recorded if necessary.

Timescale: This PI can be measured from April 2017.

**Engagement:**

**PI13 Does the District Council allow public speaking at Planning Committee meetings?**

Yes/No. The DfI has produced best practice guidance for a protocol for public speaking rights. Quite rightly, this is simply guidance, and each District Council has discretion to set its own rules to meet the needs of its communities.

Rationale: allowing public speaking is considered to be best practice and is an important way of ensuring engagement in decision-making.

Resource implications: Minimal. The PI response requires a simple factual position update.

Timescale: This PI can be measured from April 2017

**PI14 Does the District Council have a planning officer on duty to provide general planning advice to customers?**

Yes/Partial/No. Consideration should be given to the amount of service that should be provided to score a 'yes' (e.g. 09:00-16:30 every weekday?).

Rationale: Research elsewhere has identified that access to planning advice is important to customers: a customer survey could test whether or not the same is true in Northern Ireland: if not, this indicator could be deleted.

Resource implications: Minimal. The PI response requires a simple factual position update.

Timescale: This PI can be measured from April 2017.

**Enforcement:**

**PI15 Percentage of enforcement cases resolved within the target deadline:**

This is identical to the existing PS3 indicator, which is considered to work perfectly well in terms of measuring the initial stages in formally resolving a breach of planning control that lie fully within the Council's control. An enforcement case is 'resolved' when one of the following actions has been taken:

- a) it has been concluded that no breach of planning control has occurred;
- b) it has been concluded that formal enforcement action is not expedient;
- c) a retrospective planning application has been submitted;
- d) an enforcement notice has been issued (to include Enforcement Notice, Breach of Condition Notice, Stop Notice, Unsightly Land Notice, Fixed Penalty Fine, Enforcement Warning Notice requiring submission of a retrospective application. It does not include issuing a Requisition for Information);
- e) the breach has ceased (use ceased, building demolished etc.).

Rationale: timely and appropriate enforcement action is an essential part of the planning service. The steps are fully within the Council's control. Reference to the 39 week target

deadline has been removed from the PI title to allow greater flexibility to adjust this target in the future. Any such changes to the target should be agreed by the Performance Working Group.

Resource implications: none.

Timescale: This PI can be measured from April 2017.

**Outcomes:**

**PI16 Planning outcomes:**

- i. Number of affordable housing units granted consent;
- ii. The proportion of affordable housing units granted consent that are located within defined settlement boundaries<sup>3</sup>;
- iii. Number of market housing units granted consent;
- iv. The proportion of market housing units granted consent that are located within defined settlement boundaries<sup>4</sup>;
- v. Total number of housing units completed<sup>5</sup>;
- vi. Amount of office floor space granted (net increase in sqm);
- vii. Amount of retail floor space granted (net increase in sqm);
- viii. Amount of industrial floor space granted (net increase in sqm);
- ix. Number of megawatts of renewable energy approved.

Rationale: The number of housing units approved, the amount of employment floorspace approved, and renewable energy promotion are considered to be important planning outputs that align with the Minister's core objectives for the Northern Ireland planning system as set out in the SPPS. This indicator seeks to report on delivery against those priorities.

Resource implications: Moderate. Some of this data is already measured by some Councils but other data, while included on the application form (vi-viii) is not entered into the Portal at present and therefore cannot be retrieved without an inefficient manual search.

Renewable energy production (ix) is not currently captured on the application form unless volunteered by the applicant. This data would in any case reflect the maximum potential output: the real output would depend on wind speed/hours of sunlight etc. so the data would need to be treated with an element of caution.

Timescale: It is recommended that this PI be introduced during 2017/18 as a trial run, with a view to collecting the data properly from 1<sup>st</sup> April 2018.

**Other matters:**

**v. Equalities:**

The approval of Gypsy and Traveller sites forms an important part of addressing a specific housing need and meeting equalities objectives. However, it is recommended that this is best reported via LDP AMRs as delivery against the evidenced need in each Council area. In addition, it is understood that this is already reported on via each Council's equalities reporting.

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<sup>3</sup> A settlement boundary is that as defined in an adopted Area Plan or Local Development Plan

<sup>4</sup> A settlement boundary is that as defined in an adopted Area Plan or Local Development Plan

<sup>5</sup> This would be calculated using Building Control data

Consideration was given to whether or not other indicators would be appropriate to capture planning's role in ensuring equality for Northern Ireland's communities. However, the planning system primarily considers the land use implications of uses of land/buildings or physical development. Use of land is divided into use classes, so for example a religious institution could be used for any religious group: the permission would not be specific to a particular religion or group. The planning service sometimes has an important role to play in making timely decisions on adaptations to homes to allow people with disabilities to remain living safely and comfortably in their own homes, however most such works are 'permitted development' and do not require a planning application, so would not be captured by an indicator.

vi. **Recommendations:**

**Recommendation 1 - District Council Annual Performance Reports:**

That each year the DfI's Analysis, Statistics and Research Branch produces a template Annual Performance Report for each Council and populates it with that Council's statistics, using the data collation system already in place. Each Council would then add narrative to explain their performance and identify successes and areas for improvement/actions. Each Council would be responsible for publishing its APR on its website and submitting it to the DfI by an agreed deadline (31<sup>st</sup> October is suggested).

It is recommended that the APR should include:

- promotional information celebrating successful outcomes, for example regeneration projects that have gained planning permission or key development projects that are under way. This is an opportunity to publicise the value of the planning service for example in delivering quality and sustainable environments and enabling much needed house-building and job creation (see Recommendation 2);
- information and commentary regarding corporate complaints, compliments, upheld Ombudsman complainants and Judicial Reviews, to provide additional information about the quality of both decisions and the planning service. This data should be readily available within each Council;
- the number of undetermined legacy applications. This data is already collated by the DfI; and
- information regarding the number of withdrawn applications, including their duration within the planning system (0-6 months; 6-12 months or >12 months). This will capture information about potentially significant amounts of work that would otherwise go unreported. Withdrawn applications are already captured by the DfI's statistical and the three proposed time bands are used in relation to renewable energy schemes and legacy applications.

**Recommendation 2 - Annual Performance Reports:**

That the Heads of Planning or an appropriate sub group reviews a small sample of APRs from Wales and Scotland (suggest 4-6 in total) to identify best practice and, in particular, ways of emphasising outcomes of the planning system, not just performance data.

**Recommendation 3 – Northern Annual Performance Report:**

That the DfI produces an Annual Performance Report summarising the performance of Northern Ireland as a whole including reporting on the Department's and Planning Appeal Commission's performance. This report would be produced following submission of the District Council APRs. Given the low number of Regionally Significant Development applications, it is suggested that the APR includes commentary about the proposal and outcome in addition to decision speed and any relevant explanation for the time taken, if appropriate. This NI APR should also include information on call-in decisions (number and decision speed) and appeal decision speed by PAC.

**Recommendation 4 – Data analysis:**

That the DfI's Analysis, Statistics and Research Branch continues to provide data analysis support, including accuracy checks of the data submitted: this support is invaluable to provide robust, consistent and meaningful data analysis, as well as reducing the resource burden on Councils.

That consideration should be given to reporting both the arithmetic mean and the median, as per Scotland. The median figure may become less relevant if legacy applications and withdrawals are excluded. This should be reviewed by the Performance Working Group once the changes have bedded-in (see Recommendation 6).

**Recommendation 5 – IT systems:**

That the 'Discovery Project' should continue to review the best way of delivering an effective back-office planning IT system to replace/improve upon the Portal. Based on the experience in Wales, the use of corporate systems within individual Councils has caused considerable (and costly) problems when indicators or regulations are changed, necessitating amendments to multiple IT systems throughout Wales. Whatever IT system is procured, the software should be capable of measuring the new performance indicators, be sufficiently flexible to allow future amendments to those definitions (ideally free of charge), and enable improved access to performance management information for line managers. It should also enable the centralised capture and analysis of performance by the DfI's Analysis, Statistics and Research Branch. Consideration should be given to future performance management tools, for example would it be helpful to be able to record the reason an application missed the target deadline, and then run a report on that data?

**Recommendation 6 – Performance Working Group:**

A Performance Working Group should be established comprising representatives from the DfI Planning Division; the DfI's Analysis, Statistics and Research Branch; and District Council planning departments (primarily managers/leaders but with a small representation from Admin/Technical Support staff too). The Group should meet regularly (suggest quarterly) to:

- review performance indicators and definitions and to agree targets for the next year based on lessons learnt, trends, priorities and aspirations;
- to review the benefits of measuring the arithmetic mean in addition to the median for PI3-PI7 (as in Scotland);
- to identify a mechanism for measuring performance relating to 'intermediate' applications (15+ dwellings) separately using existing taxonomy categories. If beneficial, consideration should be given to amending PI3 and PI4 to create new PI measures for intermediate scale development;

- to monitor statistics relating to applications subject to S.76 agreements and review if any associated changes should be made (e.g. stopping the clock when a resolution to approve is made);
- to consider options for an additional enforcement indicator to measure the end-to-end customer (complainant) experience.

**Recommendation 7 - Clock-stopping:**

It is not recommended that the clock should stop or pause for any reason. Although there are numerous factors that can stall the Council's ability to determine an application, what matters to the customer is the end-to-end time. LPAs could record the reasons applications go beyond the target decision deadline and use this information to review and improve their procedures/systems/performance via their APR as applicable, or simply report on it as a reason for the performance figures being what they are. This will require a change to the NI Planning Portal which may not be possible in the immediate future.

**Recommendation 8 – Customer satisfaction survey:**

That Councils consider implementing a standardised NI-wide customer satisfaction survey and using the results as part of identifying best practice and benchmarking, for incorporation into their APRs. The survey should be at least annual, although ideally it would be issued as soon as the Decision Notice is dispatched to maximise meaningful customer feedback.

## **Planning Performance Framework for Northern Ireland**

### **Final Report March 2017**

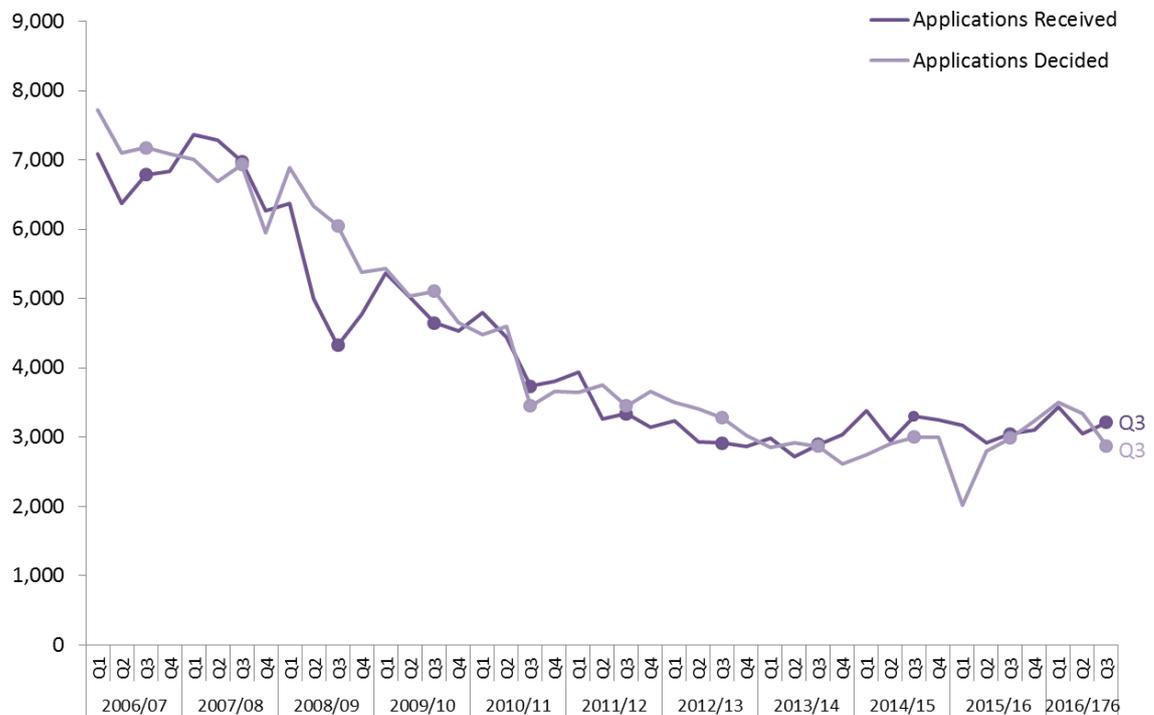
#### **1.0 Introduction:**

- 1.1 This report sets out proposals for a Planning Performance Framework for Northern Ireland, including suggested indicators and definitions, timescales and other matters for consideration.
- 1.2 The objective of this report is to make recommendations for a framework to measure performance in a proportionate and meaningful way and to use the collected data to help drive service improvements. The desired outcome is a positive, efficient and effective planning system for Northern Ireland. Any performance management framework should be fair, consistent, clear and achievable. It should also help to drive efficiency and self-improvement and establish a consistent basis for comparison and benchmarking purposes. Where possible it should make use of existing reporting arrangements. It should also be expected to evolve with time, as lessons are learnt or as circumstances, challenges or priorities change.
- 1.3 The recommendations have been formulated following discussions and a workshop with the Department for Infrastructure (DfI), Heads of Planning and relevant senior Local Government officers; consideration of good practice in other regions (primarily Wales and Scotland); a customer survey asking 93 regular planning agents/developers what is important to them in terms of an effective planning system; and feedback from Heads of Planning, Enforcement Officers and the DfI's Analysis, Statistics and Research Branch on the draft report issued in January 2017.

#### **2.0 Background Context:**

- 2.1 The planning system in Northern Ireland has undergone a period of significant change over the last 18 months. On 1<sup>st</sup> April 2015, the planning function was devolved from the Northern Ireland Government's former Department of the Environment (DoE) to 11 newly re-organised District Councils. The previous arrangement of 26 District Councils had been in place since the early 1970s.
- 2.2 This period since April 2015 has involved three key areas of significant culture change:
  - Newly merged District Councils establishing their governance, purpose and priorities as new organisations;
  - Former Civil Servants from the DoE transferring to a different working environment and public interface within the new 11 Councils; and
  - District Councils adapting to their new role as decision-maker on planning applications rather than simply being a consultee.
- 2.3 Both actual and anecdotal evidence suggests that the new planning system and Council reorganisation are now bedding-in, but it is important that any proposed performance management measures have regard to the context of recent significant change: the

introduction of significant further change and/or additional resource demand at this time could be self-defeating. In terms of the evidence, the number of applications determined in NI dropped sharply in Q1 2015/16, coinciding unsurprisingly with Local Government reform and the transfer of planning powers. Decision numbers have since increased and are now back to 2011/12 levels. Both decision numbers and the number of planning applications lodged remain significantly below pre-2007 levels. The latter is not within the control of District Councils and is not unique to Northern Ireland, rather being a result of the wider



economic climate.

Source: Figure 1.1 Northern Ireland Planning Statistics Quarter 3 2016/17, DfI

### 3.0 The Current Situation:

3.1 At present, planning performance is measured against three statutory performance indicators:

**PS1: Average time taken to determine major planning applications.**

3.2 The target set by the DfI is for the average time taken to determine applications for major development to be less than or equal to 30 weeks. Time is measured from receipt of a valid application to issuing the decision, or withdrawal of the application. The ‘average’ is calculated as the median, to reduce the skewing effect of significant outliers. A ‘major’ application is defined in the [Planning \(Development Management\) Regulations \(Northern Ireland\) 2015](#)<sup>6</sup>.

<sup>6</sup> A ‘major’ application is defined in the [Planning \(Development Management\) Regulations \(Northern Ireland\) 2015](#) but is essentially:

- Residential: 50 or more units or the site is or exceeds 1 hectare;
- Retailing, Community, recreation or Culture: creation of 1000sqm+ floorspace or the site is or exceeds 1 hectare;

- 3.3 Average determination times for major applications have been getting worse since April 2015. It should be noted that this definition changed significantly in 2014/15 so an analysis of historic trends is not readily achievable.
- 3.4 For the 2015/16 period<sup>7</sup>, the average processing time for major applications was 46.4 weeks, which is well over the 30 week target. Only one District Council achieved this target during 2015/16 (Antrim and Newtownabbey). No Council achieved the 30 week target in the first half of 2016/17<sup>8</sup>, and the average processing time during this period increased significantly to 70.4 weeks. This can be partly attributed to District Councils progressing long-standing inherited legacy applications: if the 65 determined legacy applications are excluded, the average processing time for the first half of 2016/17 reduces to 46.1 weeks (but this is still well above target).
- 3.5 During the 2015/16 period:
- 286 major applications were determined, of which 243 were legacy applications;
  - 87% were approved;
  - 16 applications were withdrawn;
  - 145 new applications were received.

**PS2: Average time taken to determine local planning applications.**

- 3.6 The target set by the DfI is for the average time taken to be less than or equal to 15 weeks. Time periods and averages are measured in the same way as for PS1 above. A ‘local’ application is defined in the [Planning \(Development Management\) Regulations \(Northern Ireland\) 2015](#)<sup>9</sup>.
- 3.7 Average determination times for local applications have recently improved each quarter, falling from 21 weeks in Q3 15/16 to 16 weeks in Q2 16/17.
- 3.8 During the 2015/16 period:
- 11,188 local applications were determined, of which 4931 were legacy applications;
  - 94% were approved;

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- Business, industry, storage and distribution: creation of 5000sqm+ floorspace or the site is or exceeds 1 hectare.
  - Minerals working: site is or exceeds 2 hectares (but, generally, is less than 25 hectares );
  - Energy generation exceeding 5MW (but is less than 30MW ).

<sup>7</sup> Source: <https://www.infrastructure-ni.gov.uk/system/files/publications/infrastructure/planning-statistics-2015-16-tables.XLSX> . The data in table 8.2 was used (this differs slightly from the data in table 3.1).

<sup>8</sup> Source: <https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-july-september-2016> . The data in table 8.2 was used (this differs slightly from the data in table 3.1).

<sup>9</sup> ‘Local applications’ means an application defined as local development in the Planning (Development Management) Regulations (Northern Ireland) 2015, and any other applications for approval or consent under the Planning Act (Northern Ireland) 2011 (or any orders or regulations made under that Act). Applications to discharge conditions are excluded.

- 444 applications were withdrawn;
- 12,069 new applications were received.

**PS3 Proportion of enforcement cases progressed to the target conclusion within 39 weeks.**

3.9 The target set by the DfI is for 70% of enforcement cases to be concluded within 39 weeks. Enforcement cases are investigations into alleged breaches of planning control under Part 5 of the Planning Act (Northern Ireland) 2011 (or under any orders or regulations made under that Act). Target conclusion means the achievement of one of the following outcomes of an investigation:

- (i) Case closure;
- (ii) Submission of a retrospective planning application;
- (iii) Enforcement action under Part 5 of the Planning Act (Northern Ireland) 2011 (or under any orders or regulations made under that Act) which is measured as the date on which the appropriate enforcement notice or breach of condition notice was issued);
- (iv) Summons to court – which is measured as the date on which the District Council instructs its solicitor to progress summons action to court.

3.10 During the 2015/16 period:

- 2712 enforcement cases were concluded;
- 77.2% were concluded within 39 weeks, which comfortably exceeds the 70% target. Only one District Council failed to achieve the target);
- Of the 2712 concluded cases, 2640 enforcement cases were closed, of which:
  - 695 were remedied/resolved;
  - 406 were granted planning permission;
  - 438 were not expedient to pursue;
  - 918 cases did not represent a breach of planning control;
  - 179 were immune from enforcement action; and
  - 4 were allowed at appeal/the Enforcement Notice was quashed;
- 2914 new enforcement cases were opened.

**Other Indicators**

3.11 In addition to the above indicators, the DfI records its own performance in terms of average time taken to determine regionally significant planning applications for which it has jurisdiction. The Departmental targets and indicators are currently under review.

**Data Analysis**

3.12 Data for indicators PS1 to PS3 is collated via a shared Planning Portal IT system. Data quality is checked by the DfI's Analysis, Statistics and Research Branch. The Branch then publishes a quarterly statistical bulletin with a comprehensive commentary about actual performance and past trends. This publication fulfils its purpose of statistical reporting and analysis, although the content reflects process rather than outcomes. This topic is considered further below.

3.13 It is noted that most of the statistical analysis is based on comparing the latest quarterly returns with the same quarter in the previous year. This approach seems to inherently imply that workload or performance fluctuates on a seasonal basis, and that Q2, for example,

should be expected to reflect Q2 last year. It is accepted that there are aspects of the construction industry that are seasonal and might track backwards through project management timetables into the planning system, for example:

- Launching sales on a housing development in Spring when people start thinking of 'nest building';
- Avoiding concrete pours or significant excavations during freezing or very wet weather;
- Opening a business to coincide with peak trade e.g. Christmas;
- Opening a new school to coincide with the academic year.

However, the biggest impacts on workload and performance in the last decade have related to the global economic downturn, the introduction of new legislation (such as pre-application consultation on major applications) and the transferring of planning powers to District Councils. There is no seasonal aspect to those events, and it might be more beneficial to compare the latest quarter's performance with the preceding quarter or a rolling 12 month period, for example.

## 4.0 Performance Management:

4.1 Before making recommendations for a Planning Performance Framework for Northern Ireland, it is important to consider two interrelated issues. Firstly, what can performance management achieve, and secondly what does 'good' look like? Essentially, effective performance management needs to carefully consider what is being measured and why, what the results tell us, and whether or not the results will inform future behaviour, priorities or service delivery.

### What can performance management achieve?

4.2 It must be recognised that while performance management is a vital tool for improving the planning service, it does not in itself deliver better outcomes. If used improperly, performance management can actually drive perverse outcomes. For example, an unhealthy focus on decision speed can result in either quick refusals<sup>10</sup> (which help no-one), or the approval of mediocre development, which fails to achieve the objective of creating attractive places to live and work in: sustainable places for the well-being of current and future generations. However, it must also be recognised that unduly slow decisions hinder economic development and create uncertainty for all parties. A balance needs to be struck.

4.3 Performance management does, however, provide an important opportunity to reflect on performance, benchmarking against previous performance, the NI average, and also making comparisons with other Authorities. By identifying and investigating areas of best practice, Planning Authorities can share with each other areas of success and, where applicable to local circumstances, that best practice can be applied to, or adapted to suit, other planning departments.

### What does 'good' look like?

4.4 The planning system can be a complex mix of legislation, politics and public opinion. Its purpose is to deliver sustainable development by making balanced judgements informed by

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<sup>10</sup> This was documented in the DCLG's 2008 *Planning for Homes* publication in England in 2008 based on evidence collated by the National Audit Office. Reported in *Planning* magazine 09 January 2009 (page 4).

the often competing objectives of numerous stakeholders. In terms of outcomes, the planning *system* has numerous customers.

4.5 However, it is sometimes worth trying to distil matters back to simple concepts. In its most basic sense:

- The customer of the planning *service* is the applicant. If there were no applicants wanting to carry out development, there would be no planning applications to determine, nothing to consult on, no need for a Development Plan, and no planning service to provide;
- Ultimately, the customer wants one thing: to get planning permission;
- Ultimately, the Planning Authority wants one thing: to give planning permission for acceptable development. 'Acceptable' relates to quality, design and location, all of which would normally be the aims of planning policy.

4.6 In terms of enforcement:

- The customer is the complainant. This might be a resident, Councillor, interest group or Council officer, but if nobody ever spotted and reported unauthorised development, there would be no enforcement complaints and therefore no enforcement service;
- Ultimately, the customer wants the material planning harm to be addressed (this might be via removal of the breach, amendments to the development/use, or simply regularisation, as sometimes the reason for the complaint is that something is unauthorised rather than actually causing harm);
- Ultimately, the Planning Authority wants the material planning harm to be addressed.

4.7 While this is clearly an overly simplistic view, it does illustrate that in most cases, the customer and the planning department share the same goal. The main disagreement comes over whether or not a development is acceptable in planning terms.

4.8 To both the Planning Authority and the immediate customer, therefore, 'good' could be defined as:

- Quick approval of acceptable development;
- Prompt and robust enforcement action against unacceptable unauthorised development.

To the Planning Authority, 'good' is also the robust refusal of unacceptable development and defence at appeal, although applicants may not recognise this as 'good'.

The wider community and other stakeholders would probably generally agree with the above statements, although the definition of 'acceptable' development would be disputed, and the focus would likely be more on a quality outcome than speed. However, it is considered that most people would recognise the importance of timely decisions in terms of

certainty for all parties and to avoid deterring economic growth or regeneration. Acceptability and quality are relatively subjective and inherently difficult to measure.

4.10 Feedback and discussion at the Heads of Planning workshop identified the following as traits of a good service:

- Customer focus;
- Communication/engagement;
- Accessibility of advice and information;
- Certainty of outcome and timescales;
- Equality

4.11 To help inform the Performance Framework, 93 regular planning agents and developers were contacted by email and asked, very simply:

*"What is important to you as a customer of the Northern Ireland planning service?"*

A detailed questionnaire was deliberately avoided so that responses were not led in any way by the questions. For example, if options are given or references made to, for example, decision speed, the respondent instantly has decision speed in their mind as a potential issue. 14 responses were received. Although a poor response rate, this should not detract from the value of the responses received which contained a number of consistent themes.

4.12 The top 5 characteristics of a good service were:

1. Timely, honest and open communication with customers;  
This does not lend itself to a performance indicator however it is recommended that complaints and complements are reported on in the Council's APR.
2. Prompt decisions and an appreciation of the economic implications of delays;  
This will be measured by PI3-PI7.
3. A positive outcome (i.e. obtaining planning permission);  
This will be measured by PI9.
4. Properly resourced planning departments;  
This does not lend itself to a performance indicator, however APRs in Wales contain information about staff structures and resources and the same approach could be adopted in Northern Ireland.
5. Confidence to interpret policy and make decisions.  
This does not lend itself to a performance indicator directly, although there are links to the proposed indicators on decision speed, Committee overturns, and appeal success rate. The proposed customer survey would also provide further customer insight.

## 5.0 Previously proposed changes and ideas from elsewhere:

5.1 In February 2015, the DfI consulted on a proposed Performance Management Framework and suite of proposed additional indicators<sup>11</sup>. Unfortunately the timing of this work coincided with Local Government reorganisation and therefore only three of the new 11 Councils submitted a response. The DfI considers that the time is now right to re-examine this topic, and the District Council planning departments are now able to actively engage in the discussion.

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<sup>11</sup> See Appendix 1

5.2 Notwithstanding the low response rate in 2015, the replies have been taken into account. In particular:

- Respondents sought a more collaborative approach between the DfI and District Councils in setting out the framework. The DfI has sought to implement this request via the Heads of Planning workshop and future engagement associated with this report and draft proposals;
- Concern was raised regarding the number of proposed indicators and the associated resource implications. Regard has been had to this feedback in producing the draft Framework;
- It was agreed that, to inform this work, the Department should set out its strategic objectives for planning in Northern Ireland. These objectives would then be used as a framework to help identify suitable measures of outcomes. Regard has been had to the Strategic Planning Policy Statement published in September 2015 in producing the draft Framework.

5.3 Although the DfI advises that the proposed Planning Performance Framework need not be constrained by the previous 2015 proposals, some of the 18 initial suggestions had merit, in particular those relating to Plan-making and those relating to the quality of decisions made (Committee overturns, appeal decisions and Ombudsman/Judicial Review decisions). Others are considered to add little value to shaping improved services (for example the number of Planning Committee meetings held).

#### **Strategic objectives for planning in Northern Ireland**

5.4 The Strategic Planning Policy Statement was published in September 2015 and states (paras 2.1-2.2) that the objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. Planning Authorities should therefore simultaneously pursue social and economic priorities alongside the careful management of built and natural environments for the overall benefit of society.

5.5 Planning Authorities should prioritise timely and predictable decision-making to support positive place-making and effective stewardship that contributes to shaping high quality sustainable places in which to live, invest, work and spend leisure time. The SPPS identifies economic growth as a key dimension of sustainable development for Northern Ireland. This requires the planning system to continue to provide protection to the most cherished aspects of the built and natural environment, while unlocking development potential, supporting job creation and aiding economic recovery for the benefit of all.

5.6 Paragraph 4.2 identifies the core planning principles of the two-tier planning system as:

- Improving health and well-being;
- Creating and enhancing shared space;
- Supporting sustainable economic growth;
- Supporting good design and positive place-making; and
- Preserving and improving the built and natural environment.

#### **Wales**

5.7 The 2015 Planning (Wales) Act marked the introduction of a desire to create a positive planning system, facilitated by culture change from all parties involved. The new legislation

has built upon previous performance measurements and introduced various new measures, such as a requirement on Local Planning Authorities to produce an Annual Performance Report (APR), the ability for Authorities to agree extended deadlines with the applicant for determination of their application, a requirement for LPAs to refund the application fee if the application is not determined within a deadline, and the power for the Welsh Government to step in if an LPA is consistently poorly performing. Not all of these measures are welcomed by Local Planning Authorities and concerns are often expressed that they have the potential to drive perverse behaviour and do not align with the aspiration for place-making.

5.8 A Planning Performance Framework<sup>12</sup> has been developed in close partnership with Local Planning Authority representatives via a working group. The framework comprises 19 performance indicators and a further 7 Sustainable Development Indicators. The 19 performance indicators fall into five categories:

5.8.1 Plan-making:

- Is there an adopted (in date) Development Plan?
- Is the LDP progressing in accordance with the original Delivery Agreement timetable?
- If the LDP has been adopted, has an Annual Monitoring Report been submitted?
- Does the LPA have a 5 year housing land supply (NB the way this is now measured is causing a significant issue for LPAs)?

5.8.2 Efficiency:

- % major<sup>13</sup> applications determined within 56 days (8 weeks) or within the agreed timescale<sup>14</sup>;
- Average time<sup>15</sup> in days to determine major applications;
- % all applications<sup>16</sup> determined within 56 days or within the agreed timescale;
- Average time in days taken to determine all applications;
- Proportion of applications determined under delegated powers;

5.8.3 Quality:

- % decisions made under delegated powers;
- % decisions made by Planning Committee that were against officer advice;

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<sup>12</sup> See Appendix 2

<sup>13</sup> A major application is defined as 10 or more dwellings, 1000sqm + of additional commercial floorspace or a site area of 1 hectare or more (or 0.5ha if an outline application for residential development but the number of dwellings is not known).

<sup>14</sup> The agreed timescale is 8 weeks from date of receipt of a valid application, or any other deadline agreed in writing with the applicant. It is worth noting that the only time the clock is paused is if the application fee cheque bounces. It is not paused for any other reason (for example if extra information is required). If a S106 planning agreement is required (equivalent to NI's S76), the clock stops when a formal resolution is made to grant planning permission subject to that legal agreement.

<sup>15</sup> Unlike NI, the average is measured as the arithmetic mean (i.e. total number of days divided by the number of applications). This means outliers are included in, and can heavily skew, the result.

<sup>16</sup> 'All applications' includes a very similar if not identical range of applications to the NI 'local development' category, however importantly it also includes major applications too, so majors are effectively counted twice in Welsh statistical returns.

- % appeal decisions that upheld the Council's decision;
  - Number of cases where costs were awarded against the Council at appeal;
- 5.8.4 Engagement:
- Can the public speak at Planning Committee meetings?
  - Is there a 'Duty officer' service to provide public advice?
  - Does the LPA website allow applications to be viewed and commented upon?
- 5.8.5 Enforcement:
- % enforcement cases 'investigated'<sup>17</sup> within 84 days;
  - Average time taken to investigate enforcement complaints;
  - % enforcement cases 'resolved'<sup>18</sup> within 180 days;
  - Average time taken to resolve enforcement cases.
- 5.9 The Sustainable Development Indicators attempt to measure the contribution of planning to wider Welsh Government objectives, namely:
- Floorspace approved/refused for new economic development on allocated employment sites;
  - Planning permission granted for low carbon energy development (number of applications for stand-alone renewable energy schemes exceeding 5MW, and the number of megawatts approved/refused);
  - Number of dwellings approved (market/affordable);
  - Planning permission granted/refused for development within flood zones (number of dwellings/amount of floorspace);
  - Amount of development approved on greenfield vs brownfield sites;
  - Amount of public open space lost or gained as a result of planning permissions;
  - The amount of money secured via planning contributions.

These Sustainable Development Indicators have been useful in illustrating the positive contribution of planning as well as providing evidence to counteract 'planner-bashing' by politicians, developers or the media. However, data collection has been particularly problematic and still (two years in) requires a considerable amount of manual collation, for example counting how many of the approved homes lie within the designated flood plain. The measures combine data retrieval with spatial analysis, for example identifying decisions relating to economic development (easy), identifying which of those are located within LDP allocated employment sites (manual check due to limitations of IT systems) and then extracting the floorspace area for those applications. Approximately 40% of planning applications in Wales are submitted electronically via the Planning Portal. Where back-office systems are capable, the information from the application form can be automatically uploaded. In all other cases, the data must either be manually entered (which is resource

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<sup>17</sup> 'Investigated' means the time taken from receipt of complaint to notifying the complainant of whether or not a breach of planning control has occurred, and what action the LPA proposes to take. The 84 day period is an unusually generous period carried forward from when this indicator measured 'Cases resolved', which was very similar to NI's PS3.

<sup>18</sup> 'Resolved' means that the enforcement case is fully closed, e.g. there is no breach; action is not expedient; planning permission has been granted; an Enforcement Notice has been complied with; or the breach has otherwise ceased or been removed.

intensive) or manually checked for relevant cases for statistical returns. Some of these difficulties would be reduced or avoided if all Authorities used the same IT system, a significant benefit in Northern Ireland. To date, full statistical returns are still not being provided by all LPAs, limiting the use of the data that is collected.

- 5.10 It is worth noting that data quality is not checked by the Welsh Government. LPAs are expected to take responsibility for their own data and carry out any necessary checks before submitting it. There is an opportunity to explain errors in the Annual Performance Report, but the published data remains the published data after a cut-off date. This approach is still bedding-in, but in principle is supported: the data should be right the first time and it is the LPA's responsibility to ensure this is the case. It is, after all, their data.

### England

- 5.11 In England, there is a mix of two tier (County and District) Councils and Unitary Authorities. Statistics are reported separately for the two systems, which makes any meaningful understanding of the wider planning system unduly complicated. Local Planning Authorities are not required to produce an Annual Performance Report; however the Department for Communities and Local Government (DCLG) does produce a quarterly statistical report on key performance data.
- 5.12 A significant number of performance indicators are reported upon, and split between County and District decision-making, including:
- Number of applications determined and the approval rate;
  - % major applications determined within 13 weeks (91 days) or within an agreed deadline, both as an inclusive figure and separating out those with an extension of time (EoT) or planning performance agreement (PPA);
  - % non-major<sup>19</sup> applications determined within 8 weeks (56 days) or within an agreed deadline;
  - % householder applications determined within 8 weeks (56 days) or within an agreed timescale;
  - Proportion of applications determined under delegated powers;
  - Appeal success rate;
  - Enforcement activity (number of formal notices issued or injunctions taken out);
  - As contextual information only, the number of applications approved for residential development is recorded. This data is submitted by LPAs. However, a private company (Barbour ABI) is contracted to extract and collate supplementary information for the DCLG on the number of units granted permission;
  - Traveller pitches approved and time taken to determine the applications;
  - Data is also recorded on England's new controversial and complicated system of prior approvals for larger household extensions, and conversions of offices, warehouses, agricultural buildings, casinos etc. to residential units. The submitted information records how many cases were deemed to not require prior approval, and of the remainder, in how many cases prior approval was refused or granted.

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<sup>19</sup> 'Non-major' developments includes the categories previously referred to as 'minor', 'householder' and change of use.

- 5.13 The quality of data submitted is checked by the DCLG and queried with the LPA if necessary, similar to the approach in Northern Ireland.
- 5.14 Since April 2014, 'extensions of time' or performance agreements can be used for all application types, not just major applications, although anecdotal evidence from conversations with colleagues in English LPAs suggests many were unaware of this provision until late 2015/16 so the results are likely to only now be evident in published statistics. The effect on 'in time' major decisions is clear, with 0% of major applications having an EoT agreement in Q2 2009/10 rising to 55% in Q2 2016/17. During that period performance has 'improved' from 70% to 80% of major applications determined within time, albeit with a trough in the middle reflecting the economic downturn that is also reflected in NI and Welsh performance statistics. The phrase 'improved' is used in inverted commas because the applications have not been determined more quickly, they have simply been outside of the 13 week target but with the applicant's agreement. This is, however, an important reflection of the importance that applicants place on getting a positive decision over simply a quick decision.

### Scotland

- 5.15 Scotland introduced a Planning Performance Framework in 2012 which measures:
- Number of applications determined and the approval rate;
  - % major applications<sup>20</sup> determined within an agreed deadline, both as an inclusive figure and separating out those with an extension of time (EoT) or planning performance agreement (PPA);
  - Average time<sup>21</sup> taken to determine major applications (but this measure excludes any applications subject to separate processing arrangements e.g. EoT or PPA);
  - % local development<sup>22</sup> applications determined within 2 months;
  - Average time taken to determine local development applications (excluding legacy cases);
  - % householder applications determined within 2 months;
  - Average time taken to determine householder applications (excluding legacy cases);
  - Proportion of applications determined under delegated powers;
  - Success rate at local review appeals and appeals to the Scottish Ministers;
  - Enforcement activity:
    - Number of formal notices issued or injunctions taken out;
    - Number of breaches taken up (i.e. there is a breach of planning control);
    - Number of cases resolved

The latter two items were recently added because LPAs considered that recording only formal notices meant a lot of informal negotiation, mediation and action was 'hidden'.

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<sup>20</sup> Major developments include applications for 50 or more homes or where the site area exceeds 2 hectares, as well as certain waste, water, transport and energy-related developments (20MW+), larger retail developments, and other types of major developments (10,000sqm +).

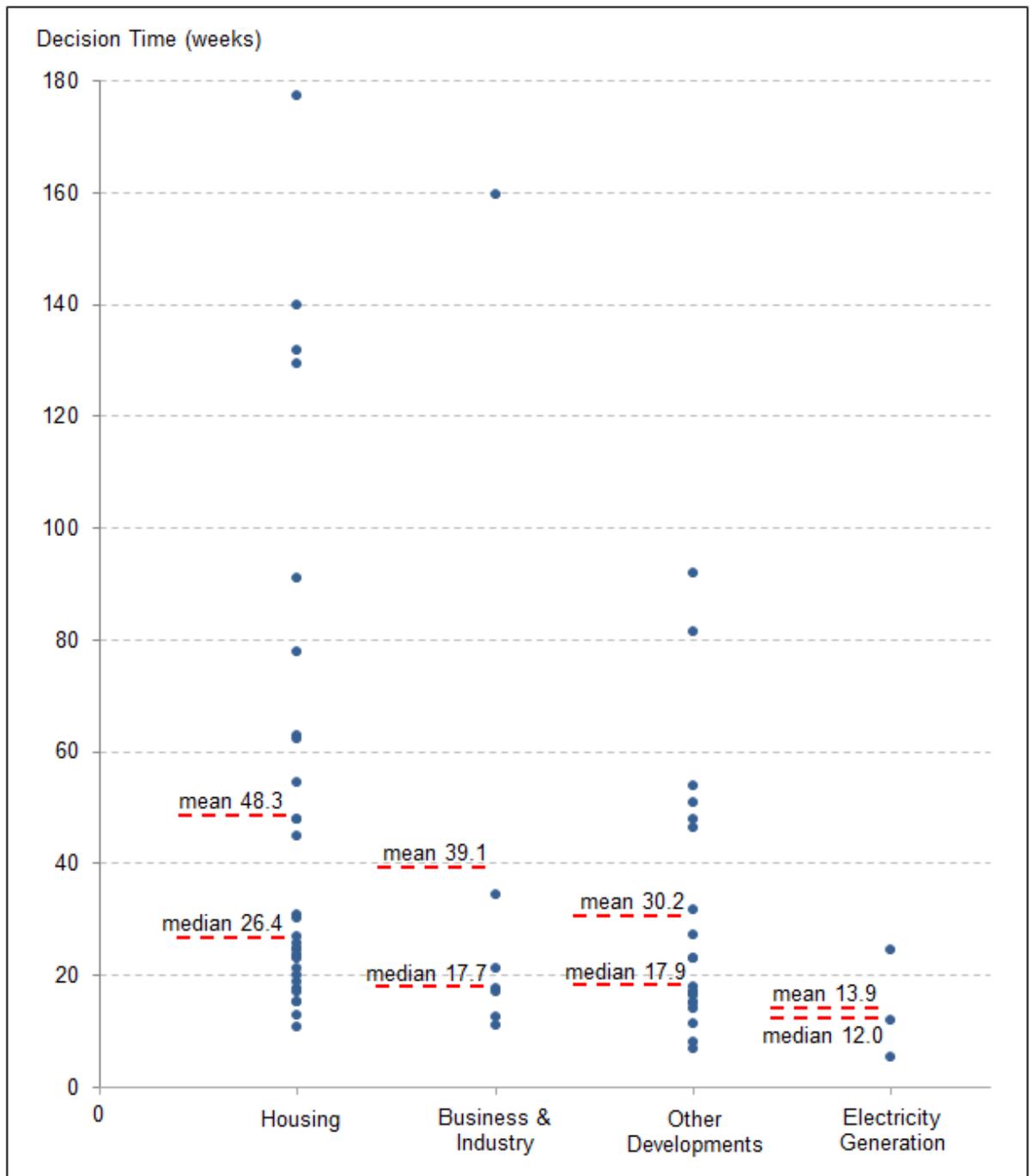
<http://www.gov.scot/Resource/Doc/278390/0083657.pdf>

<sup>21</sup> Both the arithmetic mean and the median are measured. However, unlike Wales, applications subject to Processing Agreements are excluded. Applications involving a legal agreement are recorded separately.

<sup>22</sup> The definition of 'local development' appears to be identical to the NI definition.

5.16 Of note:

- The Scottish data for LPA performance excludes legacy cases (those registered prior to 3<sup>rd</sup> August 2009). These are reported separately on the basis that they can badly skew results;
- The PI definitions allow the clock to be stopped when issues arise that are beyond the LPA's control. In Q1 2016/17, this occurred on 289 out of 9327 determined applications, and the average period for which the clock was stopped was a not insignificant 18.6 weeks. Actual results for that quarter ranged from 0 (4 LPAs out of 34 did not stop the clock at all) to 185.6 weeks. The clock can only be stopped when additional information has not been provided within a reasonable specified period. Reasons for stopping the clock include:
  - Inactivity while the land transaction was on hold (correspondence to that effect from the developer must be provided as evidence);
  - Applicant failed to provide amended drawings on time despite repeated requests and meetings. Correspondence from planning authority to applicant, chasing up the request (minimum one reminder) must be provided as evidence;
  - Site survey required in relation to European Protected Species that must await a particular season. Correspondence showing that survey was necessary, requesting survey from applicant and demonstrating when it was carried out must be provided as evidence;
  - Delay in consultation response from external consultee. Correspondence from planning authority to consultee chasing up the request (minimum one reminder) must be provided as evidence.
- The published statistics reports both the mean and median time taken to determine major applications, and also reports the percentage of decisions that were quicker than the mean, rather than the percentage within a specified target. The graph below for Q1 2016/17 usefully illustrates the effect of using these two different figures as an average and gives an idea of how this different approach between Wales and Northern Ireland affects the published figures;



**Distribution of decision times for major applications in Scotland Q1 2016/17**

- 5.17 National developments are mainly large public works (for example, the regeneration of the former Ravenscraig steelworks) and are identified in the National Planning Framework (<http://www.gov.scot/Topics/Built-Environment/planning/National-Planning-Framework>). National Developments are not included in the published planning performance statistics.
- 5.18 In addition, a number of ‘Markers’ are reported on by the Scottish Government in relation to Plan-making. These are detailed further below. In its report, the Scottish Government scores Planning Authorities on their performance:

RED - Where no information or insufficient evidence to meet the markers has been provided, a 'red' marking is allocated;

AMBER - An amber marking shows that some evidence has been provided and that work is ongoing in the area, with further improvements needed; or that there is a commitment to move this work forward; and

GREEN - Green signifies that an authority is meeting the requirements of the marker on all levels.

### **Strengths and weaknesses of performance management indicators elsewhere<sup>23</sup>**

5.19 The following matters are considered to be strengths and weaknesses of existing systems in Northern Ireland, Wales, England and Scotland which could inform the Northern Ireland Planning Performance Framework:

#### 5.20 General

- The collaborative approach to setting and defining performance indicators and reviewing targets operating in Wales has helped provide generally meaningful, measurable and robust indicators and secure buy-in from both parties.
- The use of Annual Performance Reports in Wales and Scotland encourages LPAs to reflect on performance against previous years. The APR also provides an opportunity for each Authority to tell the story behind their statistics. This might include a conscious decision corporately to prioritise quality rather than speed, or might highlight a particular resource issue, or identify training needs. In Wales, they are used to compare performance against other LPAs and the Welsh average, and the Planning Officers' Society for Wales is seeking to use them to identify and learn from best practice elsewhere. In contrast, Scotland's APRs seem to focus on internal benchmarking only.
- Notwithstanding the benefits of APRs, they tend to be process and performance oriented, rather than outcome focused. However, this is within the gift of the LPAs, as authors, to change. Heads of Planning Scotland suggest that their APRs are more outcome focused rather than procedural/process focused. Glasgow's 2015-16 APR provides a good example containing several case studies of positive outcomes<sup>24</sup>. This approach would benefit from further research.
- The headings used in Wales provide a logical and comprehensive framework.
- Feedback from the workshop expressed concern regarding the resource implications of having too many, or unduly complex, indicators. The 26 indicators used in Wales was considered by most present to be too many. This is definitely the case when supplemented by over 60 indicators contained in the LDP Annual Monitoring Report. While England has a lower number of performance indicators, they are reported in two groups against County (or Unitary) and District Councils, making it difficult to get an overall picture of performance.
- Feedback from the workshop was that the Welsh Sustainable Development Indicators were a good idea but the difficulties in collating the information made them impractical. It is recommended that a small number of similar measures are introduced in Northern Ireland now to measure three priorities identified in the SPPS: housing delivery (especially affordable housing), economic growth and renewable energy. In

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<sup>23</sup> These comments about strengths and weaknesses represent the author's personal opinion.

<sup>24</sup> [Glasgow's APR.pdf](#)

the longer term, these measures should be recorded via LDP AMRs. However, there is significant merit in District Councils agreeing a consistent indicator definition to provide a Northern Ireland-wide figure (see APR section below).

#### 5.21 Plan-making

- The Scottish Government's annual report<sup>25</sup> includes an indicator relating to LDP age, and another reporting on LDPs less than 5 years old (Markers 6 and 7). The merit of such an indicator is debatable: if an LDP is delivering on its objectives, and those objectives are still relevant and appropriate, the Plan's age is arguably of limited importance. In contrast, a young LDP might not be delivering but would score highly against this indicator. It is considered that an LDP Annual Monitoring Report is a better indicator of the quality or effectiveness of an adopted Plan;
- Notwithstanding the above, in a Plan-led system there should be paramount importance placed on each Council having an in-date adopted Development Plan. The Welsh indicator is simple and effective in monitoring this;
- The Welsh Framework includes an indicator to measure progress of emerging LDPs against a timetable formally agreed by the relevant Welsh Minister (the Delivery Agreement (DA)). Authorities are able to request approval of revised Delivery Agreements, however this indicator measures against the original DA, which seems odd given that a new timetable has been approved. There is merit in monitoring how long LDPs take to adopt, but caution must be exercised in assuming that quick equates to good. The benefit of measuring LDP production against a bespoke timetable for each Council is that this acknowledges local complexities and resource challenges;
- Scotland includes two indicators (Markers 9 and 10) to seek to measure Elected Member and other stakeholder engagement in the early stages of the LDP. This appears to rely on very subjective judgements on statements about engagement. This is perhaps better covered via APR commentary in relation to an indicator regarding the Statement of Community Involvement.

#### 5.22 Efficiency

- The use of both % 'in time' and average speed indicators gives a rounded picture. In Wales, previously only % in time was recorded, which resulted in a temptation to put older applications to one side to chase quick decisions on new applications;
- The use of extensions of times allows a balance to be struck between speed and outcome. An applicant can agree to allow more time to secure their desired outcome, but has the ability to refuse a further time extension if matters are not progressing quickly enough. The right of appeal against non-determination would then kick-in. this approach was welcomed by the workshop;
- Punitive measures (such as application fee refunds in Wales) should not be introduced. These incentivise perverse behaviours and focus limited resources in avoiding mistakes: resources that would be better used delivering a positive service. In a similar way, a combination in England of the introduction of powers to remove LPA powers/apply directly to the Government and the use of financial incentives for 'highly performing' LPAs resulted in a demonstrable focus on decision speed. This does not equate to positive outcomes or good customer service: a refusal the day before a deadline simply

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<sup>25</sup> See for example <http://www.gov.scot/Topics/Built-Environment/planning/Roles/Scottish-Government/Service-Improvement/Performance-Annual-Report>

to meet a target means the customer must reapply and start the process from the beginning. This benefits no-one;

- The Scottish approach to measuring both the mean and median is considered to be worth replicating;
- The Scottish approach to measuring legacy applications separately is sensible and should be replicated in Northern Ireland. Similarly, the Welsh approach to excluding withdrawn applications from statistics is sensible.

#### 5.23 Quality

- The indicators relating to appeal decisions and sustainable development indicators seek to measure aspects of quality and/or outcome;
- A measure relating to complaints upheld (internal, Ombudsman, JR) was supported at the workshop. However, it is considered that this information could be included in the APR as contextual information rather than forming a performance indicator. The number of complaints or challenges might reflect the nature of the local community as much as it reflects the quality of service offered by the District Council. A high number of judicial reviews but low number of successful challenges might be considered to show a robust decision-making, or it might reflect a lack of trust in the decision-making process;
- Although not a performance indicator, the Planning Officers' Society for Wales has agreed a standardised customer survey, the results of which are used for benchmarking and service improvement purposes. LPAs voluntarily choose to include the results from this survey as part of their APR. The questionnaire itself is based on one developed by the Planning Advisory Service in England. It is not perfect, but is worth consideration in a Northern Ireland context as additional information for the APR (not a performance indicator). It is recommended that this decision be left to the planning departments themselves.

#### 5.24 Engagement

- Scotland's indicator relating to Member and community involvement in the LDP is considered to be something better reported as commentary alongside the proposed indicator relating to the CIS;
- The Welsh indicators relating to engagement offer a degree of insight into ways in which members of the public can engage with the planning service, and involve limited effort in terms of providing the information for the APR;
- There was discussion at the workshop regarding the merits of an indicator measuring the number of objections or comments of support on a planning application. However, this would be difficult to capture and is also not necessarily a good measure of the planning department's performance.

#### 5.25 Enforcement

- The recent changes to the Welsh enforcement indicators are unclear. There are multiple different PI definitions in different documents/locations, the variations in data submitted make it clear that the indicator is not being measured consistently or accurately in some Authorities, and the relevance of the answer is debatable;

- The English measure simply records instances where formal enforcement action has been taken, which fails to capture the majority of work which is focused on resolving breaches of planning control via informal action;
- The current NI indicator (PS3) is considered to work well.

#### 5.26 Sustainable Development Indicators

- The sustainable development indicators in Wales are well-intentioned but unwieldy and impractical to measure properly. This is not helped by the fact that the 25 Local Planning Authorities use a variety of back office IT systems;
- The workshop expressed concern at too many indicators. The SDIs were considered to be too much too soon. It is recommended that key matters such as housing approvals and completions could be recorded via LDP AMRs using a Northern Ireland-wide agreed definition.

#### 5.27 LDP Annual Monitoring Report

- It is recognised that the Regulations require Northern Ireland's District Council planning department so produce an Annual Monitoring Report following adoption of their LDPs. Experience in Wales in particular has shown that there is a widespread tendency to set an excessive number of targets and indicators in the LDP and accompanying Sustainability Appraisal, many of which are subsequently found to be of limited meaning and/or very difficult to collect. Moreover, a number of indicators are similar to but subtly different from the Sustainable Development Indicators which can cause confusion;
- A suggestion was raised at the workshop regarding the merits of measuring the number of decisions made that are contrary to the adopted LDP. In theory these should be few in number and it is considered that these are better measured via the AMR process.

#### 5.28 Other

- The following potential performance measures were discussed at the Heads of Planning workshop:
  - Including a measure relating to the number of applications that are invalid when submitted. This would record an area of work that is typically hidden, however it is more a measure of the applicants/agents than of the performance of the planning department. Planning departments may wish to measure this informally and use the information gathered to provide improved guidance or training for agents;
  - There was a discussion regarding the impact of planning decisions on increasing Council Tax/Business Rates income, however this should not be a material planning consideration when making decisions, and to record it as a performance indicator could give communities the impression that this matter is given undue consideration when granting planning permission;
  - Reference was made to the Republic of Ireland's cut-off deadline of 5 weeks within which comments on applications must be lodged, as well as the €5 charge for objecting. A cut-off deadline might well resolve an issue with slow consultee responses delaying planning decisions, but it would arguably not improve or assist decision quality. Such a cut-off would require a legislative change which is not within the remit of this report;

- A measure was suggested which records the proportion of applications that were subject to pre-application discussions and were subsequently approved. This could measure the effectiveness of pre-application discussions and the impact it has on speeding up the planning application process. This would be a valuable measure, but might be difficult to collate. It is worthy of further discussion.

5.29 The draft Planning Performance Framework indicators were presented to a meeting of the Heads of Planning on 13<sup>th</sup> January 2017 as well as being considered by the DfI Planning Division and Analysis, Statistics and Research Branch. Feedback from those parties has shaped the final Framework. Appendix 3 summarises the issues raised and resulting changes.

## 6.0 Proposed Performance Framework:

Having considered the measures used elsewhere, the current NI measures, customer feedback and feedback from the Head of Planning workshop, the following performance framework is proposed.

The following performance indicators are proposed, based primarily on those from the February 2015 DfI consultation and/or Welsh indicators. While it is acknowledged that most of these measures will be a yes/no/not applicable response, they mark important aspects of the planning service and are therefore worth reporting on. The resource implications for providing this information will be minimal.

### Plan-making:

#### **PI1 Has the Council:**

##### **a) had its Statement of Community Involvement (SCI) agreed by the Department?**

Yes/Submitted but awaiting DfI decision/No. The Annual Performance Report (APR) can include an explanation if applicable, including consideration of the extent to which the SCI is operating effectively.

##### **b) Published its Preferred Options Paper?**

Yes/No. The Annual Performance Report (APR) can include an explanation if applicable.

##### **c) Published its Plan Strategy?**

Yes/No. The Annual Performance Report (APR) can include an explanation if applicable.

##### **d) Published its Local Policies Plan?**

Yes/No. The Annual Performance Report (APR) can include an explanation if applicable.

Rationale: This indicator directly relates to the primacy of the Plan-led system as per Section 6(4) of the 2011 Act and paragraph 5.11 of the SPPS. In a Plan-led system, the production of up-to-date Local Development Plans is essential to deliver sustainable development. This indicator measures progress towards Plan adoption.

Resource implications: Minimal. The PI response requires a simple factual position update.

Timescale: This PI can be measured from April 2017.

**PI2 Has the Council submitted its Local Development Plan (LDP) Annual Monitoring Report (AMR)?**

Yes/Not applicable/No. The APR can include an explanation if applicable. The AMR would detail the extent to which the objectives set out in the Local Development Plan are being achieved. This indicator would not be applicable until a full year following LDP adoption, which is some time off.

Rationale: In a Plan-led system, the effective operation of adopted Local Development Plans is essential to deliver sustainable development. This indicator ensures adopted LDPs are monitored annually to ensure they are delivering on priority targets.

Resource implications: Minimal. The PI response requires a simple factual position update.

Timescale: This PI can be measured from April 2017 (acknowledging that the response will be 'not applicable' for a number of years until emerging LDPs are adopted).

**Efficiency:**

**PI3 Average time taken to determine major applications**

This indicator is the existing PS1 but amended to:

- exclude legacy applications, as per the Scottish system. Legacy applications should continue to be recorded as they are still applications determined, however they currently distort the picture of District Council performance. Legacy applications should be recorded separately as a new indicator. This need not have any additional resource implications for District Councils, because it should be possible to electronically separate out legacy applications based on the date valid being before 1st April 2015;
- exclude withdrawn applications from the measurement: the decision to withdraw an application is made by the applicant not by the District Council. Withdrawn applications have normally stalled for a significant period due to circumstances beyond the Council's control. These applications should not be recorded anywhere other than as a number of applications withdrawn each quarter/reporting period.

The 'agreed timescale' would be a set target or an alternative deadline agreed in writing between the applicant/agent and planning department on a case by case basis. This allows a balance to be struck between making timely decisions and securing good outcomes. The applicant can decline the requested time extension and retain their right of appeal against non-determination once any agreed time period has passed. The current 30 week average target might be an appropriate starting point, with the target being reviewed in liaison with District Council representatives via a working group. Legacy and withdrawn applications should be excluded.

Rationale: One of a suite of indicators that, when taken together, provide a comprehensive picture of the efficiency of the planning service. The average time indicators measure speed of decision-making.

Resource implications: Low. The DfI's Analysis, Statistics and Research Branch can easily electronically exclude legacy applications based on the date valid and exclude withdrawn applications based on the decision type.

Timescale: This PI can be measured from April 2017.

**PI4 Percentage of major applications determined within the agreed timescale**

This indicator would measure the proportion of applications determined either within a set target or within a deadline agreed in writing by the applicant/agent on a case by case basis. Legacy and withdrawn applications should be excluded. PS1 measures performance against trends rather than against an 'acceptable' time period. Paragraph 5.45 of the SPPS identifies the importance of timely decisions on major applications due to the important economic, social and environmental benefits that they can deliver.

The 'agreed timescale' would be a set target (currently 30 weeks) or an alternative deadline agreed in writing between the applicant/agent and planning department on a case by case basis. This allows a balance to be struck between making timely decisions, the applicant obtaining planning permission and securing good outcomes. The applicant can decline the requested time extension and retain their right of appeal against non-determination once any agreed time period has passed. Based on current performance, the existing 30 week average target is an appropriate starting point<sup>26</sup>. With time, the target can be reviewed in liaison with District Council representatives via a Performance Working Group. Legacy and withdrawn applications should be excluded.

Rationale: One of a suite of indicators that, when taken together, provide a comprehensive picture of the efficiency of the planning service. This indicator seeks to balance measuring speed against securing a positive outcome for both the customer and stakeholders.

Resource implications: Moderate. It will be necessary to record performance against an agreed extension of time, while retaining the 30 week target date for reporting on PI3. At present, the Portal IT system cannot record a decision deadline and an agreed extended deadline. The options are to either record this data separately from but alongside the Portal, or await a future update to/replacement of the Portal (estimated 2019).

Timescale: Only if a parallel data recording system is adopted can this PI can be measured from April 2017.

**PI5 Average time taken to determine local applications**

This indicator is the existing PS2 but amended as per PI3 (PS1) above to exclude legacy and withdrawn applications.

Rationale: One of a suite of indicators that, when taken together, provide a comprehensive picture of the efficiency of the planning service. The average time indicators measure speed of decision-making.

Resource implications: Minimal. The DfI's Analysis, Statistics and Research Branch can easily electronically exclude legacy applications based on the date valid and exclude withdrawn applications based on the decision type.

Timescale: This PI can be measured from April 2017.

**PI6 Percentage of local applications determined within the agreed timescale**

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<sup>26</sup> From April to December 2016, the Northern Ireland average (median) time taken to determine major applications was 45.8 weeks (it was 70.0 weeks including legacy applications). Source: DfI Q3 16/17 statistics.

As per PI4 above. The current 15 week average target is an appropriate starting point based on current performance<sup>27</sup>, with the target being reviewed in liaison with District Council representatives via a Performance Working Group. Legacy and withdrawn applications should be excluded.

Rationale: One of a suite of indicators that, when taken together, provide a comprehensive picture of the efficiency of the planning service. This indicator seeks to balance measuring speed against securing a positive outcome for both the customer and stakeholders.

Resource implications: Moderate. It will be necessary to record performance against an agreed extension of time, while retaining the 15 week target date for reporting on PI5. At present, the Portal IT system cannot record a decision deadline and an agreed extended deadline. The options are to either record this data separately from but alongside the Portal, or await a future update to/replacement of the Portal (estimated 2019).

Timescale: Only if a parallel data recording system is adopted can this PI can be measured from April 2017.

**PI7 Average time taken to determine legacy applications**

As per the existing PS1 but excluding withdrawn applications, and reporting only on applications that have a date valid prior to 1<sup>st</sup> April 2015. Given the age of these applications, a target is rather meaningless. It is acknowledged that this PI might capture applications lodged on 31st March 2015 and therefore technically a legacy application but in reality dealt with wholly by the District Council but the number of such cases should be low. In all likelihood, those easier and newer legacy applications have probably now been determined in any case. If desired, the legacy applications could be subdivided between major and local applications. APRs should include commentary on progress made in determining legacy applications and the number still undetermined.

Rationale: One of a suite of indicators that, when taken together, provide a comprehensive picture of the efficiency of the planning service. This indicator seeks to measure progress on determining legacy applications.

Resource implications: Low. The DfI's Analysis, Statistics and Research Branch can easily electronically separate out legacy applications based on the date valid and exclude out withdrawn applications based on the decision type.

Timescale: This PI can be measured from April 2017.

Resource implications: Low. It should be possible for the DfI to run a report to extract this data based on information already collated.

**Quality:**

**PI9 Percentage of applications approved**

Rationale: Alone this performance indicator does not say much, but read in conjunction with PI3-PI8 it provides a picture regarding the balance of speed versus a positive/quality

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<sup>27</sup> From April to December 2016, the Northern Ireland average (median) time taken to determine local applications was 15.0 weeks (it was 16.4 weeks including legacy applications). Source: DfI Q3 16/17 statistics.

outcome. It also provides evidence that the planning system is not blocking development and economic growth.

Resource implications: Minimal as this data is already recorded by Dfl in its Statistical Reports.

Timescale: This PI can be measured from April 2017.

**PI10 Percentage of Committee decisions made against the Officer recommendation**

Rationale: When considered in conjunction with PI11 and PI12 the data provides a rounded picture of the quality of decisions, gives an indication of Officer-Member working relationships and could identify potential training needs. For example if Committee overturns are not upheld at appeal, this might indicate a training need for Committee Members. Conversely, if the overturns are upheld at appeal, it might indicate a training need for Officers.

Resource implications: Minimal. This data is already available via the Portal and can be collated and reported on by the Statistical Analysis and Reporting Branch.

Timescale: This PI can be measured from April 2017.

**PI11 Percentage of appeals against refusals of planning permission that are dismissed**

Rationale: It is suggested that this indicator should measure appeals against planning refusals only. Appeals against Enforcement Notices are low in number and can be discussed in the APR if desired. Appeals against non-determination of the application relate more to the absence of timely decision-making rather than the quality of the District Council's decision and so these should be excluded. This PI measures the quality of decisions made, as the PAC either upholds or overturns the Council's decision. The limitation is that this applies to refusals only, but this is unavoidable as there is no third party right of appeal against the grant of planning permission. It is recommended that Council APRs include information and commentary regarding corporate complaints and compliments, upheld Ombudsman complainants and Judicial Reviews, but it is not considered appropriate to include those items as a performance target.

Resource implications: Minimal. This data can be obtained from the Planning Appeals Commission.

Timescale: This PI can therefore be measured from April 2017.

**PI12 Number of appeal costs awards**

This indicator measures the number of occasions where a Planning Appeals Commissioner awards costs at appeal. Costs could be awarded against the Council, if for example the Commissioner considers that the District Council's decision cannot be substantiated or its behaviour has been unreasonable during the appeal proceedings. Alternatively, costs can be awarded in favour of a Council if the appellant has behaved unreasonably or their case has no prospect of success.

The indicator measures the number of instances where costs are awarded, not the amount of costs awards (£). In response to feedback from the Heads of Planning, partial costs award will be recorded separately.

	No. instances full costs awarded	No. instances partial costs awarded
For the Council		
Against the Council		

Rationale: This indicator seeks to measure the quality of decisions made and/or the quality of service provided in terms of defending decisions at appeal in an open and timely way.

Resource implications: Low. This data can be obtained from the Planning Appeals Commission. Alternatively, these instances will be very low in number and so can be manually recorded if necessary.

Timescale: This PI can be measured from April 2017.

**Engagement:**

It is accepted that the following indicators arguably provide limited information; however it is considered that they are helpful in indicating appropriate measures of enabling public engagement with the planning service. Measuring the number of comments made on an application does not necessarily indicate good performance: a low level of comment might be because effective pre-application engagement means the community is happy with the proposal, or it might mean that they are unaware or disenfranchised. Conversely a significant response rate might not reflect the planning merits of the case. The benefit of reporting on the engagement information is that it highlights those Authorities where good practice is not in place, and the experience in Wales has shown that this has prompted LPAs to step up, for example only one out of 25 LPAs in Wales does not allow public speaking in Committee meetings. The resource implications of providing this information are limited.

**PI13 Does the District Council allow public speaking at Planning Committee meetings?**

Yes/No. The Dfl has produced best practice guidance for a protocol for public speaking rights. Quite rightly, this is simply guidance, and each District Council has discretion to set its own rules to meet the needs of its communities.

Rationale: allowing public speaking is considered to be best practice and an important way of ensuring engagement in decision-making.

Resource implications: Minimal. The PI response requires a simple factual position update.

Timescale: This PI can be measured from April 2017

**PI14 Does the District Council have a planning officer on duty to provide general planning advice to customers?**

Yes/Partial/No. Consideration should be given to the level of service that should be provided to score a 'yes' (09:00-16:30 every working day is suggested). Offering a service but for fewer hours/days would be recorded as 'partial'. The duty officer service could comprise arrangements to allow pre-booked or drop-in appointments to meet an officer, or simply a telephone service. The choice of service is at the discretion of the District Council based on its customer needs, geographic area and resources.

Rationale: Research elsewhere has identified that access to planning advice is important to customers: a customer survey could test whether or not the same is true in Northern Ireland: if not, this indicator could be deleted.

Resource implications: Minimal. The PI response requires a simple factual position update.

Timescale: This PI can be measured from April 2017.

**Enforcement:**

**PI15 Percentage of enforcement cases resolved within the target deadline:**

This is identical to the existing PS3 indicator, which is considered to work perfectly well in terms of measuring the initial stages in formally resolving a breach of planning control that lie fully within the Council's control. An enforcement case is 'resolved' when one of the following actions has been taken:

- a) it has been concluded that no breach of planning control has occurred;
- b) it has been concluded that formal enforcement action is not expedient;
- c) a retrospective planning application has been submitted;
- d) an enforcement notice has been issued (to include Enforcement Notice, Breach of Condition Notice, Stop Notice, Unsightly Land Notice, Fixed Penalty Fine, Enforcement Warning Notice requiring submission of a retrospective application. It does not include issuing a Requisition for Information);
- e) the breach has ceased (use ceased, building demolished etc.).

Rationale: timely and appropriate enforcement action is an essential part of the planning service. The steps are fully within the Council's control. Reference to the 39 week target deadline has been removed from the PI title to allow greater flexibility to adjust this target in the future. Any such changes to the target should be agreed by the Performance Working Group.

Resource implications: none.

Timescale: This PI can be measured from April 2017.

**Outcomes:**

**PI16 Planning outcomes:**

- i. Number of affordable housing units granted consent;
- ii. The proportion of affordable housing units granted consent that are located within defined settlement boundaries<sup>28</sup>;
- iii. Number of market housing units granted consent;
- iv. The proportion of market housing units granted consent that are located within defined settlement boundaries<sup>29</sup>;
- v. Total number of housing units completed<sup>30</sup>;
- vi. Amount of office floor space granted (net increase in sqm);
- vii. Amount of retail floor space granted (net increase in sqm);
- viii. Amount of industrial floor space granted (net increase in sqm);

<sup>28</sup> A settlement boundary is that as defined in an adopted Area Plan or Local Development Plan

<sup>29</sup> A settlement boundary is that as defined in an adopted Area Plan or Local Development Plan

<sup>30</sup> This would be calculated using Building Control data

ix. Number of megawatts of renewable energy approved.

Rationale: The number of housing units approved, the amount of employment floorspace approved, and renewable energy promotion are considered to be important planning outputs that align with the Minister's core objectives for the Northern Ireland planning system as set out in the SPPS. This indicator seeks to report on delivery against those priorities.

Resource implications: Moderate. Some of this data is already measured by some Councils but other data, while included on the application form (vi-viii) is not entered into the Portal at present and therefore cannot be retrieved without an inefficient manual search.

Renewable energy production (ix) is not currently captured on the application form unless volunteered by the applicant. This data would in any case reflect the maximum potential output: the real output would depend on wind speed/hours of sunlight etc. so the data would need to be treated with an element of caution.

Timescale: It is recommended that this PI be introduced during 2017/18 as a trial run, with a view to collecting the data properly from 1<sup>st</sup> April 2018.

**Other matters:**

ix. **Equalities:**

The approval of Gypsy and Traveller sites forms an important part of addressing a specific housing need and meeting equalities objectives. However, it is recommended that this is best reported via LDP AMRs as delivery against the evidenced need in each Council area. In addition, it is understood that this is already reported on via each Council's equalities reporting.

Consideration was given to whether or not other indicators would be appropriate to capture planning's role in ensuring equality for Northern Ireland's communities. However, the planning system primarily considers the land use implications of uses of land/buildings or physical development. Use of land is divided into use classes, so for example a religious institution could be used for any religious group: the permission would not be specific to a particular religion or group. The planning service sometimes has an important role to play in making timely decisions on adaptations to homes to allow people with disabilities to remain living safely and comfortably in their own homes, however most such works are 'permitted development' and do not require a planning application, so would not be captured by an indicator.

**Recommendations:**

**Recommendation 1 - District Council Annual Performance Reports:**

That each year the DfI's Analysis, Statistics and Research Branch produces a template Annual Performance Report for each Council and populates it with that Council's statistics, using the data collation system already in place. Each Council would then add narrative to explain their performance and identify successes and areas for improvement/actions. Each Council would be responsible for publishing its APR on its website and submitting it to the DfI by an agreed deadline (31<sup>st</sup> October is suggested).

It is recommended that the APR should include:

- promotional information celebrating successful outcomes, for example regeneration projects that have gained planning permission or key development projects that are under way. This is an opportunity to publicise the value of the planning service for example in delivering quality and sustainable environments and enabling much needed house-building and job creation (see Recommendation 2);
- information and commentary regarding corporate complaints, compliments, upheld Ombudsman complainants and Judicial Reviews, to provide additional information about the quality of both decisions and the planning service. This data should be readily available within each Council;
- the number of undetermined legacy applications. This data is already collated by the DfI; and
- information regarding the number of withdrawn applications, including their duration within the planning system (0-6 months; 6-12 months or >12 months). This will capture information about potentially significant amounts of work that would otherwise go unreported. Withdrawn applications are already captured by the DfI's statistical and the three proposed time bands are used in relation to renewable energy schemes and legacy applications.

**Recommendation 2 - Annual Performance Reports:**

That the Heads of Planning or an appropriate sub group reviews a small sample of APRs from Wales and Scotland (suggest 4-6 in total) to identify best practice and, in particular, ways of emphasising outcomes of the planning system, not just performance data.

**Recommendation 3 – Northern Annual Performance Report:**

That the DfI produces an Annual Performance Report summarising the performance of Northern Ireland as a whole including reporting on the Department's and Planning Appeal Commission's performance. This report would be produced following submission of the District Council APRs. Given the low number of Regionally Significant Development applications, it is suggested that the APR includes commentary about the proposal and outcome in addition to decision speed and any relevant explanation for the time taken, if appropriate. This NI APR should also include information on call-in decisions (number and decision speed) and appeal decision speed by PAC.

**Recommendation 4 – Data analysis:**

That the DfI's Analysis, Statistics and Research Branch continues to provide data analysis support, including accuracy checks of the data submitted: this support is invaluable to provide robust, consistent and meaningful data analysis, as well as reducing the resource burden on Councils.

That consideration should be given to reporting both the arithmetic mean and the median, as per Scotland. The median figure may become less relevant if legacy applications and withdrawals are excluded. This should be reviewed by the Performance Working Group once the changes have bedded-in (see Recommendation 6).

**Recommendation 5 – IT systems:**

That the 'Discovery Project' should continue to review the best way of delivering an effective back-office planning IT system to replace/improve upon the Portal. Based on the experience in Wales, the use of corporate systems within individual Councils has caused considerable (and costly) problems when indicators or regulations are changed, necessitating amendments to multiple IT systems throughout Wales. Whatever IT system is procured, the software should be capable of measuring the new performance indicators, be sufficiently flexible to allow future

amendments to those definitions (ideally free of charge), and enable improved access to performance management information for line managers. It should also enable the centralised capture and analysis of performance by the DfI's Analysis, Statistics and Research Branch. Consideration should be given to future performance management tools, for example would it be helpful to be able to record the reason an application missed the target deadline, and then run a report on that data?

**Recommendation 6 – Performance Working Group:**

A Performance Working Group should be established comprising representatives from the DfI Planning Division; the DfI's Analysis, Statistics and Research Branch; and District Council planning departments (primarily managers/leaders but with a small representation from Admin/Technical Support staff too). The Group should meet regularly (suggest quarterly) to:

- review performance indicators and definitions and to agree targets for the next year based on lessons learnt, trends, priorities and aspirations;
- to review the benefits of measuring the arithmetic mean in addition to the median for PI3-PI7 (as in Scotland);
- to identify a mechanism for measuring performance relating to 'intermediate' applications (15+ dwellings) separately using existing taxonomy categories. If beneficial, consideration should be given to amending PI3 and PI4 to create new PI measures for intermediate scale development;
- to monitor statistics relating to applications subject to S.76 agreements and review if any associated changes should be made (e.g. stopping the clock when a resolution to approve is made);
- to consider options for an additional enforcement indicator to measure the end-to-end customer (complainant) experience.

**Recommendation 7 - Clock-stopping:**

It is not recommended that the clock should stop or pause for any reason. Although there are numerous factors that can stall the Council's ability to determine an application, what matters to the customer is the end-to-end time. LPAs could record the reasons applications go beyond the target decision deadline and use this information to review and improve their procedures/systems/performance via their APR as applicable, or simply report on it as a reason for the performance figures being what they are. This will require a change to the NI Planning Portal which may not be possible in the immediate future.

**Recommendation 8 – Customer satisfaction survey:**

That Councils consider implementing a standardised NI-wide customer satisfaction survey and using the results as part of identifying best practice and benchmarking, for incorporation into their APRs. The survey should be at least annual, although ideally it would be issued as soon as the Decision Notice is dispatched to maximise meaningful customer feedback.

Appendix 1

DOE February 2015 proposed non-statutory planning measures

Measures	Data source
<p><b>Community involvement</b></p> <ul style="list-style-type: none"> <li>Has the council submitted its statement of community involvement to the Department for agreement?</li> </ul>	<p>As part of statutory requirement – information will be obtained from returns made to the Department by councils.</p>
<p><b>Local development plan</b></p> <ul style="list-style-type: none"> <li>Has the council submitted its local development plan timetable to the Department for agreement?</li> <li>Has the council submitted its annual monitoring report which details the extent to which the objectives set out in the local development plan are being achieved?</li> <li>Is the council on track to deliver the local development plan in accordance with agreed timetable?</li> </ul>	<p>As part of statutory requirement – information will be obtained from returns made to the Department by councils</p>
<p><b>Development management</b></p> <ul style="list-style-type: none"> <li>Percentage of applications taken to planning committee where decisions are made contrary to officer recommendation.</li> </ul>	<p>Planning portal / council.</p>
<ul style="list-style-type: none"> <li>Number of decisions made contrary to officer recommendation which are overturned on appeal.</li> </ul>	<p>Council.</p>
<ul style="list-style-type: none"> <li>Number of Judicial Reviews and number found against the council.</li> </ul>	<p>Council.</p>
<p><b>Enforcement</b></p> <ul style="list-style-type: none"> <li>Does the council have an enforcement strategy in place?</li> </ul>	<p>Council.</p>
<p><b>Planning committees</b></p> <ul style="list-style-type: none"> <li>Number of times planning committee meets.</li> </ul>	<p>Council.</p>
<p><b>Delegated decisions</b></p> <ul style="list-style-type: none"> <li>Has the council prepared a scheme of delegation?</li> </ul>	<p>As part of statutory requirement – information will be obtained from returns made to the Department by councils.</p>

<ul style="list-style-type: none"> <li>Percentage of all planning applications determined under delegated powers.</li> </ul>	Council.
<ul style="list-style-type: none"> <li>Number of local applications called-in for determination by the planning committee.</li> </ul>	Council.
<p><b>Deferrals</b></p> <ul style="list-style-type: none"> <li>Number of applications deferred by the planning committee.</li> </ul>	Council.
<p><b>Appeals</b></p> <ul style="list-style-type: none"> <li>Percentage of applications appealed to the Planning Appeals Commission (PAC).</li> <li>Percentage of applications appealed to the PAC because of a failure to take a planning decision.</li> <li>Percentage of decisions upheld by the PAC.</li> <li>Number of appeals where costs have been awarded against council.</li> </ul>	PAC/council.
<p><b>Quality</b></p> <ul style="list-style-type: none"> <li>Number of complaints received and responded to (in line with councils' complaints procedures).</li> <li>Number of complaints referred to the Ombudsman.</li> </ul>	Council.
<p><b>Other</b></p> <ul style="list-style-type: none"> <li>Number of planning staff in post.</li> </ul>	Council.



*Arloesi Planning*

MEASURE	GOOD	FAIR	IMPROVE
Percentage of enforcement cases where an Enforcement Notice is complied with, planning permission is granted, or the breach of planning control ceases, within 180 days from the start of the case (in those cases where it was expedient to enforce)?	Not set	Not set	Not set
Average time taken to take enforcement action	Not set	Not set	Not set

WALES AVERAGE <small>[Will be available from WG website]</small>	[Authority name] LAST YEAR	[Authority name] THIS YEAR

**Appendix 3: Feedback from Heads of Planning meeting 13/01/2017**

This is a summary of the key points about the proposed Planning Performance Framework arising from discussion with Northern Ireland's Heads of Planning. Developments since the January meeting are shown in *italics*.

**Plan-making:****PI1 Has the Council:**

- e) had its Statement of Community Involvement (SCI) agreed by the Department?
- f) Published its Preferred Options Paper?
- g) Published its Plan Strategy?
- h) Published its Local Policies Plan?

Agreed.

**PI2 Has the Council submitted its Local Development Plan (LDP) Annual Monitoring Report (AMR)?**

Agreed.

**PI3 Deviation in months from the agreed Local Development Plan timetable**

Agreed. *Following further consideration and discussion with the DfI, this suggested PI has since been deleted. Unlike the system in Wales, which measures progress against the original Delivery Agreement despite amendments having been approved by the Minister, the proposed NI indicator was going to measure performance against the latest revised Delivery Agreement. However, given that the legislation allows Councils to update the timetable, on reflection all this indicator would tell anyone is that Councils have gone through an approval process. It doesn't seem to add any value. Councils will know in-house if they are falling behind on the timetable and why, and what they propose to do about it (nothing, extra resource to catch up, or revised timetable etc.).*

**Efficiency:**

The separate recording of legacy applications was welcomed;

Following discussion, the exclusion of withdrawn applications was welcomed. It was noted that many withdrawn applications have been subject to significant officer work. In order to ensure this work is not 'hidden', it is suggested that APRs report on the number of withdrawn applications and include any additional commentary deemed relevant by the District Council.

- *It is recommended that the APR records the number of applications withdrawn after 0-6 months, 6-12 months, or over 12 months. This will give an indication of the amount of resource put into an application that has not been progressed. This data I already recorded for renewable energy and legacy applications.*

There was discussion around whether or not applications subject to a S.76 agreement:

- should be recorded separately under their own PI; or
- the clock should stop when there is a resolution to approve subject to a S.76 agreement; or
- whether they should be counted in the PIs without clock-stopping as per the current situation (either because this represents the whole customer experience, or because there are so few instances, the other options introduce complexity for little benefit).

There was discussion about how exclusion or clock-stopping would be reported, as there is currently no 'flag' in the IT system to indicate that a S.76 agreement is involved.

- *In response to this feedback, it is recommended that the clock does not stop when a resolution is made to approve an application subject to a S.76 agreement. This is partly because from the customer's perspective, the application is not determined until the S.76 agreement is signed and the planning permission is dispatched, and partly due to the disproportionate effort of introducing this change for a low number of S.76 agreements. However, it is recommended that data (resolution date and a tick box) is recorded in the Portal to record these cases. This will allow the merits or otherwise of this change to be reviewed in the future, and will also allow Councils to report in their APRs the impact of S.76 agreements on their performance statistics if they wish. Two redundant data fields have been identified that could be utilised as a temporary measure until the IT system is upgraded in c.2019.*

Validation issues: concerns were raised that the threshold for submitting a valid application is very low, and that at present District Councils cannot determine applications without additional information, but are penalised for time delays. Examples include bat surveys and traffic impact assessments. A brief discussion ensued about the English and Welsh experience of introducing local lists (they are applicable to major applications only in Wales: no Local Planning Authorities are known to have adopted one). The introduction of local lists would require legislative change.

**PI4 Average time taken to determine major applications**

Agreed subject to the general points raised above.

**PI5 Percentage of major applications determined within the agreed timescale**

Welcomed in principle but potentially impossible to record until the Portal system is upgraded or replaced in 2019. The number of agreed extension of time agreements would make manual recording impractical. It was clarified that Planning Performance Agreements would be recorded in the same way as extension of time agreements: both provide a new, agreed decision deadline, against which performance should be measured.

**PI6 Average time taken to determine local applications**

Agreed, as per PI4. However, there was some discussion around the broad definition of 'local' application, and a view that the old 'intermediate' category (15+ dwellings) should be reintroduced.

It was clarified that it is not possible to extract this data unless application types are reclassified. It was queried whether or not the former 'major', 'intermediate', and 'local' categories still exist.

- *It has subsequently been confirmed that this suggestion would require the old (pre-April 2015) classification hierarchy to be reinstated into the Portal. Without this, however, it would still be possible to split the 'local' category into more homogenous groups using the existing taxonomy codes. This could be progressed via the proposed Performance Working Group.*

**PI7 Percentage of local applications determined within the agreed timescale**

As per PI5. It was agreed that extensions of time are still applicable to local applications. This was partly due to the broad definition of 'local', which includes, for example, up to 49 dwellings, and partly due to the view that the purpose of the measure is to balance speed against customer service and quality, which is equally relevant to local applications.

**PI8 Average time taken to determine legacy applications**

Agreed. This indicator was welcomed.

**Quality**

It was accepted that, while a number of these indicators mean little in isolation, when read in conjunction with the other indicators they paint a wider picture of service/performance (for example as an explanation of decision speed, or regarding Officer-Member trust/relationships);

There was consensus that the upgraded/replacement Portal due in 2019 needs to enable a greater level of performance management, including reporting on individual case officer performance against the proposed performance indicators. This information would be for normal line management purposes, not for APRs/kPIs;

There was a discussion about ways of measuring the quality of approvals, given that PI12 measures only the quality of refusals. It was agreed that it is not possible to write a performance indicator to measure this. While it is not considered suitable as a performance indicator, APRs should include commentary on the number of customer complaints, Ombudsman complaints and JRs upheld, noting any key learning points as appropriate. There was a brief discussion about the widespread practice of 'Design Tours' in Wales, in which Officers and/or Members spend a day visiting completed developments to learn from what has worked and what would be done differently next time.

**PI9 Percentage of applications determined under delegated powers**

Agreed, on the basis set out above.

- *It has since been confirmed that this data is already recorded in the Portal so it can easily be reported on.*

**PI10 Percentage of applications approved**

Agreed.

**PI11 Percentage of Committee decisions made against the Officer recommendation**

Agreed. It was clarified that this indicator would measure instances where the published Officer recommendation (some Councils might call this the Group recommendation) is overturned by the Planning Committee.

- *It has since been confirmed that this data is already recorded in the Portal so it can easily be reported on.*

As an aside, it was noted that the ability to run a report on the number of times a Group recommendation overturns an Officer recommendation could be a useful line management tool and evidence possible training needs. Fields exist in the Portal to record the Officer,

Group and Committee recommendation/decision, so this should be easy to measure. (This would be for line management, not for inclusion in APRs).

**PI12 Percentage of appeals against refusals of planning permission that are dismissed**

It was agreed that this indicator will be easy to measure, using data from the Planning Appeals Commission.

**PI13 Number of appeal costs awards**

Agreed, subject to an amendment to also record the number of instances where costs are awarded in favour of the Council as well as against. It was clarified that the indicator measures the number of instances (# appeal decisions) not the amount of costs awards (£). There was some discussion around whether partial costs should be separated out from full awards, or if this could simply be clarified in the APR commentary. The suggested re-worded indicator is shown below:

	No. instances full costs awarded	No. instances partial costs awarded
For the Council		
Against the Council		

**Engagement:**

**PI14 Does the District Council allow public speaking at Planning Committee meetings?**

Agreed. It was noted that it might be interesting to use this data to see if there is a correlation between public speaking at Committee and overturned recommendations / approval rates.

**PI15 Does the District Council have a planning officer on duty to provide general planning advice to customers?**

Agreed. The majority consensus was that yes/partial/no was an appropriate categorisation, with APR commentary providing further detail if applicable. However, the suggested threshold for 'yes' should be amended to '09:00-16:30 every working day'.

**Enforcement:**

**PI16 Proportion of enforcement cases progressed to the target conclusion within 39 weeks:**

Agreed, however the consensus was that this PI (which matches the existing PS3) only measures part of the enforcement service. For the customer (complainant), the important matter is the time taken to fully conclude an enforcement case. PI16 alone does not reflect the considerable amount of time and resource put into fully closing down breaches of planning control. An additional PI was therefore requested. It was concluded that information about Court action and fines could be included as commentary in the APR.

- *Following further consultation with the Heads of Planning and NI Planning Enforcement Group, considerable concerns were raised that the proposed indicator options, which sought to measure the end to end enforcement process, would not reflect fairly on Councils because significant (and lengthy) parts of the process are beyond Council control (including appeals and prosecution timescales). There was no consensus on alternative indicators, with some Councils not wanting an additional*

*indicator and others proposing a raft of detailed measures. It is therefore proposed that no additional enforcement indicator be added at present, but that the Performance Working Group and Enforcement Group continue to consider options for possible future measurement.*

**Outcomes:**

**PI17 Planning outcomes:**

- i. Number of affordable housing units granted consent within defined\* settlement boundaries (\*defined in an adopted Development Plan)**
- ii. Number of market housing units granted consent within defined\* settlement boundaries (\*defined in an adopted Development Plan)**
- iii. Number of affordable housing units completed within defined\* settlement boundaries**
- iv. Number of market housing units completed within defined\* settlement boundaries**
- v. Proportion of approved housing units on brownfield sites**
  - Amount of office floor space granted (net increase in sqm)**
  - Amount of retail floor space granted (net increase in sqm)**
- vi. Amount of industrial floor space granted (net increase in sqm)**
- vii. Number of megawatts of renewable energy approved**

An alternative proposal was discussed briefly at the meeting, using the former terms of ‘urban footprint’ and ‘settlement boundary/limit’. Widespread concerns were raised regarding the clarity of these definitions, their meaningfulness, and the resource implications of recording this data. This indicator requires more thought.

Notwithstanding the above, the following issues were discussed:

- It was clarified that ‘affordable housing’ is as defined in PPS12/the emerging PPS22;
- Housing completions should be measured using Building Control completion notice records and LPS data on rates. However this cannot distinguish between market and affordable housing. It is commonplace for completed developments to contain more affordable housing than the approved scheme, and it is not possible to measure this. PI17iii is therefore impossible to measure. *Consequently, PI17iii and PI17iv have been merged to simply record all completions;*
- The old ‘urban footprint’ terminology is not meaningful;
- It may be possible to measure whether application sites are within or beyond settlement boundaries using GIS overlays, however not all Area Plan settlement boundaries are plotted on GIS;
- It may be possible to collate some of this data via the evidence base for emerging LDPs rather than as a DM performance indicator. The data could then be measured in an appropriate fashion via LDP Annual Monitoring Reports;
- Information about commercial floorspace is provided on the planning application form but is not entered anywhere on the Portal. Attendees do not think there is anywhere to record this data in the Portal, so this would need to be incorporated as part of the upgrade/replacement system.

**Recommendations:**

Recommendation 6 should avoid potentially constraining the 'discovery project' and should make it clear that whatever IT system is procured, the software must be capable of measuring the new performance indicators, be sufficiently flexible to allow future amendments to those definitions, and enable improved access to performance management information for line managers. It must also enable the centralised capture and analysis of performance by the DfI's Analysis, Statistics and Research Branch.

There was widespread support for a customer survey, as per Recommendation 10. A previous Survey Monkey questionnaire may still be available for use. To clarify, the survey would not form a performance indicator: it is simply a suggestion for Heads of Planning to agree to undertake and include the results in their APR. To allow any benchmarking, the survey needs to be consistent across Northern Ireland.