

**Planning, Safety and Transport
Policy Group**



Department for

Infrastructure

An Roinn

Bonneagair

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Council Chief Executives

19 May 2022

Dear Chief Executive

PLANNING IMPROVEMENT

Thank you for our series of discussions and the engagement with your teams on this important issue. This letter covers a number of aspects related to the planning improvement agenda and follows our most recent discussions on 13 May.

Departmental Response to PAC Recommendations

As I advised at our meeting on 13 May, Department of Finance (DoF) colleagues have helpfully advised us how to handle the draft responses to the Memorandum of Reply (MOR) to the recent PAC report, particularly in relation to the recommendations that encompass more than the Department's responsibilities. Given there is no direct line of accountability to the PAC for Councils, they have advised that the Department needs to set out the context to the two tier system at the start of the MOR and then answer each recommendation on behalf of the Department only. They are content that we can add references to collaboration with Councils and others as part of our answers. This will ensure that the lines of accountability to the PAC are kept clear and that there is a consistent approach to that used by other similar bodies. In that regard, DoF colleagues are content with the proposed approach/wording, although they are aware that we are seeking your input as part of the process.

I therefore attach a first draft MOR for your comment/input. Given that no PAC is in place, there is slightly less urgency on this process than would otherwise be the case. I have therefore secured an extension so that you can agree your feedback at your planned SOLACE meeting on 10 June and provide it to the department following that discussion (**by 13 June**). We are happy to provide any support to that process that you may find helpful, including attending the meeting or discussing the responses separately and can also take feedback from individual councils as well.

Given that, in line with DoF advice, the MOR will be made on behalf of the Department only, and will not represent commitments on behalf of Councils, we are seeking a SOLACE rather than formal Council response to this draft (although I appreciate that there is strong political interest in this work and you will want to consider how best to provide your feedback to us).

In recognition of the significant role of the Councils, as I also advised on 13 May, once a PAC is set up, it is highly likely that they will write to Councils (most probably via NILGA but could be via SOLACE), to share the report with you and encourage you to work together, with us and with wider stakeholders on the recommendations. It will be a matter for you to consider how best to respond at that stage to the PAC, including the role of your Councillors / Planning Committees in that process.

Feedback on Planning Workshop of 29 April

It is, of course, important that we continue to make progress in the meantime on the planning improvement agenda and the actions that we need to take. I therefore refer to my email of 5 May, which provided a summary of the planning improvement workshop on 29 April held in Lisburn. Thank you to those who have responded with comments. I note that a number of Councils have advised that they were not able to provide substantive responses as they are waiting to discuss these papers with their various committees. While I recognise the importance of gaining member buy-in and you will want to consider the best approach, I would just like to reiterate that the findings produced through the workshop are very much a first draft and that much more work is needed to refine these and reach agreement on the work to be undertaken, including engagement with wider stakeholders. As such, I think it is important that we should first reach some informal consensus with officials and it was that initial officials' feedback that we had been seeking at this stage. Any further comments are therefore most welcome.

In addition, as we discussed on 13 May, we aim to set up a further discussion with your directors on the action plan and the next steps, given their strategic contribution to this agenda. More details on this will follow to them.

Future Planned Workshops

As mentioned on 13 May, and following the April workshop, there was general consensus that more work was needed to define the vision and what we are trying to achieve through planning improvement. To this end we have now organised a half day workshop on the morning of 6 June to be held in Crumlin Road Gaol. This will be led by Sue Barclay who facilitated the 29 April workshop and will be with a smaller group, although it will also involve input from wider stakeholders (exact attendees to be confirmed in due course).

The purpose of this workshop is to help develop the future vision for the planning system and hence what the planning improvement agenda needs to achieve. The workshop will therefore help inform the framing of the further work required on the design, development and delivery of the strategic action plan for the planning system, and will include some sense checking of the work done to date on the prioritised actions against the vision.

In order to keep the numbers for the workshop manageable, I would ask Councils to nominate 2 chief executives, 2 directors and 2 heads of planning to participate, ensuring a spread of interests and views. Representatives from the development community, environment community, community engagement and statutory consultees will also be invited.

I would be grateful for a response by 27 May with your agreed nominations who will be able to attend on 6 June.

We have also discussed the potential for a wider workshop (how we achieve the vision etc.), which would engage broader stakeholders, later in June, and which would build on the work undertaken to date in a more inclusive manner. Details on this will follow in due course.

It is expected that the planning improvement agenda will be discussed at the regular meetings of the Planning Forum on 9 June and SPG on 22 June and we also intend to engage with the new Minister in due course.

Finally, we are liaising with system modelers in DoF who hopefully will be able to help us with some of the diagnostics around the planning process which the group at the workshop on 29 April agreed was an important first step in ensuring we targeted the right interventions/improvements first.

Conclusion

I appreciate that we are asking for your input and contributions in multiple ways as we frame the action plan together. In conclusion, I would make two final points. Firstly, we are aware of the important role of the Regional Commission in considering the action plan and shaping it, once they are in place. Nonetheless, putting together our proposed plan for their initial consideration will ensure we can maximize momentum moving forward and make improvements at pace. Secondly, your collective positive engagement on this agenda is very much appreciated, as will be your continued support and commitment to the delivery of the actions as we move forward. I trust that, as well as this planning phase, like the Department, you will be considering the actions and taking forward any quick wins that are possible within your organisations.

We all recognize that there is a journey to go to improve the planning system for all stakeholders, but I am confident that, with collaboration and teamwork, we have an opportunity to implement and deliver strategic improvements to the planning system going forward.

Yours sincerely



Julie Thompson
Deputy Secretary

Enc

[Redacted]

From: Moira Quinn
Sent: 31 May 2022 18:31
To: 'McGrady, Fiona'
Subject: RE: Planning Improvement Agenda

Good afternoon Fiona

And thank-you for the invite. Unfortunately I am unavailable [Redacted] but would be interested in receiving an update following the meeting.

Kind regards
Moiaie

Moira Quinn
Director of Corporate Services
Tel. 028 7034 7269
Mob. [Redacted]

[Redacted]



www.causewaycoastandglens.gov.uk

From: McGrady, Fiona [mailto:[Redacted]]
Sent: 31 May 2022 16:23

To: [Redacted]
olga
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kim
Nic
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ni.g
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Subject: FW: Planning Improvement Agenda

Dear colleague

I am contacting you to invite you, as Directors responsible for planning in councils, to a meeting to discuss the Planning Improvement agenda on 17 June at 2.30-4.30pm (the Chief Executives were very supportive of such a meeting when I met with them earlier this month). As you are aware, the planning system has been the subject of a number of reviews and reports in recent times (the Northern Ireland Audit Office, the Public Accounts Committee, the Review of the Implementation of the Planning Act etc.) from which a considerable range of recommendations and areas for potential change and improvement have emerged.

Some of you have already attended the workshop held on 29 April to identify and prioritise actions on the way forward and your input to that workshop was very helpful. A further workshop has been arranged on

Monday 6 June with a broader range of stakeholders to help develop a future vision for the planning system and what we need to deliver from the improvement actions which will help inform and guide this work going forward, I understand two of you will also be attending this workshop, representing Council Directors. The outcome from the workshop on 6 June will be shared with Council Chief Executives to help inform their discussions at Solace on 10 June.

Whilst we are planning and engaging together for the future, it is also important that we start to move improvement actions forward. Therefore, in terms of the meeting on 17 June, we would like to discuss together what we can do practically to improve the planning system, in light of the vision, including:

- identification of quick wins;
- how we assign resources to this work (potentially identifying leads for some of the work);
- discussion on priorities;
- the governance needed; and
- further input re the Regional Commission

We will of course also discuss these issues with Heads of Planning but it is important to get an agreed context for this work at Director level.

I would hope to hold the meeting on 17 June via zoom if you are available and would be grateful if you would confirm with my colleague [REDACTED] whether you will be able to attend.

Many thanks.

Julie Thompson

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Tel: 0300 200 7830

Email: [REDACTED]

Your reference:

Our reference:

09 June 2022

Dear Chief Executive

PLANNING IMPROVEMENT

Following on from my letter to you of 19 May I am writing to update you on the outcomes of the Planning Improvement workshop held on 6 June and to outline the proposed way forward.

This workshop was held in Crumlin Road Gaol and included a wide range of stakeholders, with representatives from community, industry, environment and central and local government. A key purpose of the workshop was to develop the future vision for an improved planning service and the following vision was worked up through discussions:

'An efficient, effective and equitable planning system trusted to deliver high quality sustainable, inclusive and healthy places.'

I appreciate that diaries meant that no Chief Executives could attend the workshop on Monday, but I trust that this vision is broadly acceptable to you, although we can of course take feedback on it. Whilst the workshop set the context for the vision as being what the planning service should look like in 5 years, we would expect to make progress on many of the improvement actions much quicker than that. This vision is therefore very important in being clear what the planning improvement agenda needs to achieve.

In addition to developing a new vision for the planning service, the actions identified at the 29 April workshop (which you received with my previous letter) were refined further

into a more focused and prioritised list, with the benefit of input from wider stakeholders and different perspectives. This is now attached at **Annex A**.

In terms of taking work forward to deliver these actions, council directors with responsibility for planning are meeting with us on 17 June. The purpose of that discussion will be to agree what we can do practically to start the work to improve the planning system. This discussion will include:-

- identification of quick wins and priorities;
- how we assign resources to this work (potentially identifying leads for some of the work); and
- appropriate governance arrangements.

Whilst the Regional Commission, once set up, may take a different view on priorities and improvement actions, it is important that we take forward what work that we can now, so that we are not delaying any quick wins.

I hope this additional information will assist with your discussions at SOLACE on Friday and I am very grateful for all the input and collaboration to date. I also look forward to receipt of your feedback on the draft MOR by early next week.

Yours sincerely



Julie Thompson
Deputy Secretary

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Planning Improvement

Vision

'An efficient, effective and equitable planning system trusted to deliver high quality, sustainable, inclusive and healthy places.'

Prioritisation of short and medium term improvement actions (following workshops held 29 April and 6 June 2022). The workshops considered the full list of short term, medium term and long term actions and sought to agree those short term and medium term actions that were of the highest priority, to be progressed first. Other recommendations/actions will also be considered and not ignored. Work on some medium term and long term actions will need to be commenced if they are to be delivered in a timely way, given their longer lead in times.

Short term actions (to be completed by March 2023 – target dates for each action will be established as soon as possible)

- Bring forward proposals to introduce statutory 'validation check-lists' and seek to advance policy development at the earliest opportunity.
- Establish a Commission to undertake a fundamental review to ascertain the long-term, strategic changes that are needed to make the planning system fit for purpose and to produce a radical action plan to identify tangible improvements to the planning system with an update on process after six months.
- Ensure that the planning system is financially sustainable through urgent legislation on planning fees and an appropriate, long-term funding model, including an automatic annual inflationary uplift, and multiple fees for retrospective applications.
- Fundamental need for a cultural change in the way local and central government interact around planning, reflected immediately in a more inclusive planning forum which includes representation from developers and communities (connected to role of Commission above).
- Review the current LDP timetables and consider whether the remaining steps of the LDP process could be further streamlined (and develop plan guidance).
- Review the statutory list of consultees in plan-making to determine whether it remains relevant/appropriate to local planning authorities (and review resource requirements).
- Explore further and give consideration to the legislative requirements around statutory consultations, including timeframes for consultation responses, penalties for late responses and how to proceed if statutory consultee do not respond within required timeframes.
- Review the policy approach in terms of clarifying call-in criteria and seek to improve the efficiency of the process going forward.
- Urgent clarification from DAERA on the appropriateness of ammonia (and nitrogen) thresholds in making planning decisions.
- Full transparency around decision-making ensuring processes are open and transparent. Official minutes of planning committee meetings should contain details of the planning considerations that have driven the decision.

- Review existing PAD process and identify/agree/implement improvements in practice between planning authorities and statutory consultees. Include how to enforce compliance with PAD advice.
- Review existing thresholds and categories of development to determine the need for revisions.
- Improve the quality of community engagement at the pre-application stage for major and regionally significant development.
- Assist with improving accessibility to the LDP process and other place-shaping processes through Better Integration of Community Engagement Activity, planning communications and learning about planning.
- Collect data evidence about processes and delays.

Medium term actions (to be completed 9-18 months)

- Review DfI's approach to transport assessments (TAs), drawing in appropriate stakeholders and including an analysis of resource requirements.
- Consider legislative change to prevent the late submission of information with an application (when the council has resolved to take a decision based on the information previously submitted).
- **A cultural change in the oversight of the planning system is required. Intervention should be to support delivery and make improvements.**
- Bring forward proposals to provide for both in-person and on-line/electronic pre-application community consultation public engagement. Clarity on the PAN process could be provided in expanded guidance if appropriate.
- Investigate differences in enforcement case outcomes to ensure cases are being processed consistently across Northern Ireland.
- Environmental governance review re water requirement (sewage capacity/HRA etc.).
- Provide development plan guidance as required by the review of current processes following adoption of a number of LDPs.
- Raise the profile of community engagement by developing a community engagement awareness campaign and good practice standards.

PAC recommendations – (not identified for inclusion in prioritised list)

Rural Housing Policy to be agreed and implemented equally and consistently across NI – PAC 7.

Regular review of past decisions to understand the real-world outcomes, impact on communities and the quality of the completed development of both good and bad news stories with lessons learned shared across all councils – PAC 10.

Understand how third parties engage in the planning process and consider the appropriateness of limited third-party rights of appeal – PAC 6.