Report on	Lessons from the last 10 years of planning
Date of Meeting	5 <sup>th</sup> March 2024
Reporting Officer	Service Director for Planning
Contact Officer	Service Director for Planning

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	х

1.0

Purpose of Report

1.1	To examine what lessons what can be learnt over the last ten years from the Performance of the Planning Department and identify any key failings in the system.
2.0	Background
2.1	A key theme in local government currently is moving from transition to transformation. The transition stage occurred fairly smoothly in Planning due to the work of the Transition team in 2014 when a shadow Mid Ulster Council was formed under the governance of members and the leadership of a new Chief Executive supported by a small team of officers including the Planning Manager. The success of that initial work has now been well tested over the 9 years since April 2015 when Mid Ulster Council formerly came into existence and indeed the Planning Department has already made great strides with its transformation with the installation of our new independent Planning Portal and the restructuring of the planning officer grades.
2.2	Members are already aware from the results of the customer survey that planning agents are reasonably satisfied and perceive Mid Ulster as operating the planning functions in a transparent, fair and efficient manner. It is also clear that our new planning portal has been both an operational and financial success particularly when compared with the well reported problems that other Councils have encountered in investing into the regional planning portal. Members will also be interested to note that according to work undertaken by SOLACE it appears Mid Ulster is the most cost efficiently run Planning Service in comparison to the costs indicated by other Councils, although care needs to be taken when viewing such figures as it is not clear that all Council's assign budgets and account for costs in the same way.
2.3	Whilst our customers appear reasonably satisfied there is room for improvement and NI Executive Audit Committee have recorded the view that the Planning System is not satisfactorily serving the region. Whilst most of the changes needed

are legislative and fall to the Department for Infrastructure to deliver, Mid Ulster Council has its role to play. In moving forward, it is useful to consider what lessons we can learnt from the past and how Mid Ulster Council has performed in relation to other Councils.

#### 3.0 | Main Report

- 3.1 During the transition stage a system of governance for decision making was set up a Planning Protocol written, a scheme of delegation, devised, Members trained, staff transferred, and new structures set up. All files were transferred from the department to the Council's offices and the Council wired into the regional planning portal. Since that initial set up scheme of delegation and Planning Protocol have been reviewed on two occasions, a new planning office opened up in Dungannon, and the Department restructured. All of these changes were in response to service needs and improving services for our customer. The simple lesson that can be drawn from this is
  - the Council can define and adapt how it operates as and when it feels expedient to do so.
  - change should be seen as a continuous process with the aim of making services better.
- The regional measure of Planning performance is measured in terms of how long it takes to process a planning application and how long to conduct an enforcement investigation. That targets reflected in the Council's business plans being to
  - process 50% of major applications within 30 weeks,
  - process 50% of local application within 15 weeks,
  - conclude 70% enforcement investigations in 39 weeks.
- In pursuing these targets not all Council's start from an equal base, Mid Ulster over the last 9 years has consistently received the third most applications in Northern Ireland and has dealt with nearly double the application of some of its neighbours (Appendix 1: Fig1 & 2). This in itself places a strain on the service and means there is no room for slack and in moving forward there is no reason to assume this will change.
- 3.3 Mid Ulster also has the highest approval rate which obviously is popular among those customers submitting applications. This is achieved by the deferral system that is used to address the deficiencies in many applications. Faster decisions would be achieved if decisions were made on applications as submitted. However this would lead to a large number of refusals and would question the ethos of the Council and Service. There is a perception that high approval rates means a lack of vigour in the planning system. This is something which I would dispute, given that Mid Ulster Council has not had been subject to sustained criticism in the Courts, by the Ombudsman or Planning Appeals Commission. However, it does need to be recognised that on occasion prolonged deferral of applications puts a strain on staff resources, can give false hope and increase costs for some

applicants who may have been better off if the application had been refused earlier in the process. The lesson is simple;

- Deferrals form a valuable part of the Mid Ulster System but the number and time taken to conclude these needs to speed up.
- 3.4 The high number of applications means the Service continually needs to be managed and staff moved from different posts to ensure officers can keep pace with the applications coming in. If the number of decisions issuing is less than the number of applications coming in, this in itself causes inefficiencies as staff struggle with high caseloads and a backlog can develop (Appendix 1: Fig 4). This has happened on two occasions, to a lesser extent in 2017/18 when staff absences meant one team could no longer cope and a back log developed. However, both staff recruitment and decisive action in terms of reorganisation from three area teams to the current two built resilience in the structure and meant it was cleared over the following year. Over that period, we also worked to address delays with our internal consultees (environmental Health) by developing staff guidance to address unnecessary consultation and forging greater links by housing an environmental health officer in the planning office. We also aimed to do the same with Road Service and came to an agreement, however Dfl Road Service never followed through with the agreement.
- 3.5 The second backlog developed as a result of the Covid pandemic 2020 and 2021 which proved larger and more stubborn to shift. Firstly, problems occurred in being able to work remotely which was addressed through updating our IT hardware and security and then as a result of staff shortages and difficulties in recruiting. To add to the difficulties, we received our highest number of applications over that period and were also diverting staff resources to put in a new computer system. However, we have made serious inroads in addressing the backlog and to date have reduced the number of applications in the system by around 20%. This is primarily as a result of posting a Head of Local Planning, filling all the vacancies which occurred by bringing in trainee planners as part of the restructuring and by reassigning staff working on the Local Development Plan. Accordingly moving forward:
  - There is a need to retain staff and agility, the trainee planner program is a key part of this.
- In terms of performance, the processing of major applications has averaged around 67 weeks which is well outside the target (Appendix 1, Figure 7). This is primarily due to the nature of the applications which normally require environmental assessments and other supporting statements. All Councils have also failed to make these targets as an average across the 9 years although some periodical have achieved it. This in my view does not mean the Mid Ulster is failing but that it is systemic within the Planning System. Work is under way regionally to see if this can be addressed by legally requiring front loading through legislation to empower Council's to require the supporting evidence before validating an application. Mid Ulster has also demonstrated its commitment by assigning major applications to a Majors team led by a Principal Officer. It would

be naive to think this will change the amount of time an applicant can expect to spend at the pre- construction stage of a project but by frontloading much of the preparation prior to an application being made this will reduce the time spent formerly in the planning system and therefore:

- The Council should continue to work with the Department to bring forward legislation to improve the standard of submission.
- 3.7 In terms of Local applications, which represent over 99% of applications, Mid Ulster's performance is overall good and has been the 4<sup>th</sup> best of all Councils and better than the regional average (Appendix 1: Fig 8). Had it not been for the Covid pandemic it is clear targets would have been met. Ironically performance falls when a backlog is being cleared so performance dipped in 2018/19 when the backlog accumulated the previous year was cleared and it fell dramatically in 2022/23 when the covid backlog began to be cleared. Performance is recovering from 21.6 weeks in the year 22-23 to 16 weeks average processing time as of 1<sup>st</sup> January this year.
- 3.8 Performance of the enforcement team is similar in that all that all performance targets were met up until 2020-21. However, they have fallen this financial year again because of a backlog developing over Covid. (Fig 11). However, there are two key things which differentiates Mid Ulster from other Council's in that we open the lowest number of enforcement cases because we require a named complainant thus reducing vexatious complaints. In contrast, we have the highest conviction rate (Fig 12 and 13). This is primarily due our approach which we should continue with, which is
  - Give those who carry out unauthorised development every opportunity to correct but deal with continued failures which cause harm to people and the environment sternly.
- 3.9 The other primary area of work is the preparation of the Local Development Plan. The timetable has been adjusted several times, however, it is interesting to consider progress against what was originally envisaged when work commenced in 2015. At that time it was felt that a preferred options paper would be published in 2016 followed a Draft Plan Strategy in 2017. This proved to be a little ambitious given the quantum of background work needed. However, a Draft Plan Strategy was indeed published in 2019 and it recognised that there were already shortages in development land supply in certain areas, particularly industrial land in Dungannon. Unfortunately, due to the need to reconsult due to an advertising and delays caused by Covid we did not submit to the Department until May 2021. Since then, the Department has failed to either call a Public Examination or serve a direction. When the new plan system was brought in it was envisaged this would be done within one month and not rest with the Department for three years. Indeed, our original time frame anticipated that by this time not only the Plan Strategy, but the Local Policies Plan would have been adopted. Given that no Council has adopted a Local Policies Plan and only a few have Plan Strategies it is clear the system is not working. To add to this the Planning Appeals Commission have declared they are unable to deal with any more Plans until 2026-27. Clearly this indicates a systemic breakdown in the Plan making system

	and questions the value of a system that results in Local Policy Plans being adopted around the time of their notional end by date, i.e. 2030. The Council wrote to the Public Accounts Committee on 24 <sup>th</sup> June 2022 (appendix 2) advising the need to reform the Plan System but has received no response. Accordingly, the lesson is:  • The Council can no longer rely on the Plan making system to bring about
	Policy change or ensure adequate land supply to meet the needs of the residents of mid ulster within the next few years and where shortages of development arise this may need to be consideration when addressing individual applications.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/A
	Human: N/A
	Risk Management: N/A
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Recommendation(s)
5.1	(i) That the Head of Strategic Planning follows up with the representation made to the Public Accounts Committee on 22 <sup>nd</sup> June 2022 on the adequacy of the Plan System
	(ii) That the Committee note the lessons learnt to date.
6.0	Documents Attached & References
6.1	Appendix 1 - Planning Statistics
	Appendix 2 - Letter to the Public Account Committee

Fig 1: Applications received

Andrin & Heart	And St. C.	Managh City, de	Tondage &	Called And Co.	Dand City o	Standard	4 Onnais	Mid & E.	S. Anthi	Ment Mari	Strategic Planning.	Non	Han Indand
2015/16	722	977	1,251	1,592	1,222	897	932	980	819	1,379	1,443	6	12,220
2016/17	798	1,022	1,383	1,786	1,311	897	1,062	1,016	861	1,392	1,491	18	13,037
2017/18	730	969	1,331	1,808	1,286	866	1,036	1,020	891	1,415	1,570	11	12,933
2018/19	744	961	1,348	1,756	1,199	857	1,064	960	825	1,337	1,480	10	12,541
2019/20	778	907	1,263	1,580	1,129	840	1,026	963	801	1,424	1,488	8	12,207
2020/21	730	1,009	1,340	1,584	1,161	959	1,111	906	839	1,534	1,657	3	12,833
2021/22	907	1,084	1,310	1,664	1,260	1,065	1,157	1,047	906	1,452	1,744	4	13,600
2022/23	732	941	1,065	1,372	1,093	802	926	834	755	1,217	1,478	2	11,217
	6141	7870	10291	13142	9661	7183	8314	7726	6697	11150	12351	62	100588

Fig2: Applications decided

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2015/16	686	925	1,215	1,316	1,042	760	979	842	865	1,233	1,153	18	11,034
2016/17	799	906	1,423	1,707	1,301	850	1,004	1,038	824	1,327	1,757	21	12,957
2017/18	720	985	1,123	1,807	1,059	951	1,013	957	870	1,200	1,612	17	12,314
2018/19	743	947	1,244	1,767	1,171	763	1,057	914	889	1,413	1,242	6	12,156
2019/20	747	801	1,132	1,567	1,119	871	966	935	728	1,300	1,571	10	11,747
2020/21	543	797	926	1,341	905	783	908	854	784	1,208	1,424	10	10,483
2021/22	860	1,022	1,374	1,555	1,162	945	1,098	846	953	1,423	1,666	10	12,914
2022/23	765	991	1,041	1,269	1,015	780	967	726	662	1,231	1,309	15	10,771
	5863	7374	9478	12329	8774	6703	7992	7112	6575	10335	11734	107	

Fig 3: Applications approved

Newtownski	N. N. R.	An Caladala	adj City	Called City	d Coast of State	and City of	Tanada Calla	Mid & C	de Annin	Newn.	Mountage Court	North North	Sen Holand
2015/16	77/1/1/1/4 93.4%	PAN CANADA ON BANGA 95.4%	94.5%	93.2%	91.3%	96.7%	92.0%	93.6%	94.5%	MIGUISION 96.7%	90.8%	72.2%	93.7%
2016/17	93,4%	97.1%	95.4%	95.2%	93.0%	93.1%	94.0%	95.1%	93.6%	98.0%	88.3%	76.2%	94.0%
2017/18	92.8%	96.3%	95.8%	92.4%	94.3%	97.0%	94.4%	93.7%	92.2%	97.8%	88.2%	88.2%	93.8%
2018/19	94.5%	96.4%	95.6%	90.7%	93.3%	97.2%	94.9%	94.7%	93.4%	98.4%	80.2%	83.3%	93.2%
2019/20	94.8%	97.1%	95.5%	93.2%	92.9%	97.6%	95.3%	91.9%	93.7%	97.2%	88.7%	80.0%	94.0%
2020/21	95.6%	96.9%	95.6%	95.7%	94.9%	98.6%	98.1%	94.1%	94.3%	99.2%	91.2%	90.0%	95.7%
2021/22	94.9%	93.5%	95.5%	95.4%	95.2%	95.7%	97.3%	98.2%	94.6%	99.2%	91.1%	95.1%	99.1%
2022/23	96.4%	92.1%	94.9%	95.9%	96.5%	96.0%	98.5%	98.0%	94.0%	98,6%	91.7%	95.5%	98.0%

Fig 4: Applications live

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Newtownabl.	MANING .	DOM CHIDAY	Maga City	Beltaer CH	ALBERTAN CORE,	Oend City &	Connect &	Mendeday &	S. Cast Annin	MIA USER	ANT. MOUTHE &	Onnen Irelan		
			. 4 T	CH CH	Tens one	ane of	On allagh &	By To	THE	Stor.	DOMN &	clan		
Mar-16	319	583	711	935	761	619	385	711	275	651	1,376	7,326		
Mar-17	293	637	602	959	680	597	395	653	282	660	991	6,749		
Mar-18	224	523	711	788	779	509	346	649	229	724	999	6,481		
Mar-19	226	543	762	749	760	502	328	655	185	681	1,024	6,415		
Mar-20	292	751	1,158	891	930	536	558	639	284	932	971	7,942		
Mar-21	378	784	1,158	863	897	592	540	656	259	1,009	1,052	8,188		
Mar-22	298	679	862	874	870	597	451	853	242	969	1,106	7,801		
Mar-23	285	668	941	931	927	653	474	862	262	909	1,162	8,074		
At 31 Sept	257	608	821	982	943	662	397	895	231	839	1,378	8,013		

Fig 9: Local Applications Withdrawn

Newtowned!	RIT. PLAS	S. C. dandridge	dar City.	Coast & City	el great	CIM & CAN ON	anadr & Garlera	6, 4	8 4	No No.	Moderne Month	Ten Itelan
2015/16	MILIM ON 35	Continuing Month of the	32	53 S	all say of the	25	anadr & S9	SOUTH SO	18 S. 35	Albuster 58	ANDUMA 46	The lan
2016/17	26	56	58	57	94	67	52	37	30	57	118	65
2017/18	39	45	71	71	89	53	45	52	25	47	75	61
2018/19	30	43	77	104	76	37	45	40	22	63	81	61
2019/20	33	26	78	64	79	29	39	46	25	52	70	54
2020/21	31	43	80	66	49	26	33	31	29	54	53	49
2021/22	42	78	79	82	67	40	51	47	16	52	64	618
2022/23	62	46	70	54	71	28	35	66	24	42	60	558
	237	281	455	441	431	213	248	282	141	310	403	3442

Fig 10: Enforcement case received

Newtownada	P Pro	् दुध्युष	. 4	Callege	Tay Coast Sugar	A 191	A. Cas.	c 1	2	M. Nown	Mounts &	16
2015/16	Set Ing Co	* Cralidadorida * Nontro do 338	250	406	A COA SHALL	TO T	Add a Tra	BON PA	228	Mid Using 262	OMAN & 263	Zien Itelen 2,91
2016/17	440	383	265	417	400	213	255	254	209	188	399	3,42
2017/18	408	410	316	427	323	181	249	231	209	175	374	3,30
2018/19	488	459	392	590	294	164	273	284	234	167	451	3,796
2019/20	497	496	418	984	348	171	243	293	272	196	344	4,262
2021/22	303	373	364	408	294	172	146	315	216	164	408	3,163
2022/23	332	366	332	491	269	276	180	274	180	171	322	3,193
	2742	2825	2337	3723	2216	1356	1518	1905	1548	1323	2561	

Fig 11: Enforcement 70% concluton times (target 39 weeks or less)

New Carnab	Manny Do	Caldandida A Adama on	an Chy	Haer Chy	Alte May	A CHA CON	Anada Castlere	Sound Whi	da Car	News & C	Mounts North	an lielan
2015/16	19.5	23.6	31.2	31	27	31.3	53.2	29.2	19.7	29.2	64.7	30.4
2016/17	14.2	32	29.6	30.3	24	33.6	28.2	23.6	22.9	32.6	54.2	27.2
2017/18	12.2	34.3	32	36.1	38.8	37.2	32.9	26.7	24	29.5	54.2	33
2018/19	11.8	30,2	28.9	19.9	31.8	73.1	30.8	22.1	20.4	35.5	64.9	27.6
2019/20	7	25.3	20.2	17.4	28	30.6	28.1	22.7	18	27.3	143.8	25
2020/21	24.4	50.7	28.9	43.2	43	37.4	48.4	22.7	22.5	30,3	121.9	39.2

Fig12: Enforcement Prosecution

Newtown about	M. Adv.	Calla Manager	Belle	COMPA CAN	Stand Stranger	, famme	Tady & Salleres	den state	S. Car.	Newy & Down	No. No. No.	ean Itelan
2015/16	Alling Down	A TO A CON ON O	CH 3	CH ON	Seaway Strabary	CHA ONN	Non es	Burn & White	3	Olista OOM	OUT O	18 Jan 23
2016/17	7	1	1	0	6	0	13	1	2	10	0	41
2017/18	6	0	0	6	9	0	19	2	0	8	0	50
2018/19	24	0	0	5	20	0	24	3	0	13	0	89
2019/20	5	3	0	7	16	1	19	1	1	11	0	64
2020/21	0	0	0	4	14	1	6	2	0	6	0	33
2021/22	2	0	0	4	20	4	3	0	1	3	0	37
2022/23	2	0	1	3	6	2	1	3	0	1	0	19
	53	5	5	29	95	8	85	16	7	53	0	356

Fig 13: Enforcement Convictions

Newtown about	Although Down	Caldadidada &	dell'	GARLA CALS	Derry Stranger	CIA & Canada	Tagh Cashereas	Out Party	A Case	New Por	Mounts Clanning	North alegic	am Italian
2015/16	0	1	0	0	7	0	1	0	3	2	4	0	18
2016/17	2	4	0	0	5	0	0	6	2	6	5	0	30
2017/18	1	0	0	1	2	0	0	4	1	6	0	0	15
2018/19	7	0	0	3	4	0	6	1	0	2	1	0	24
2019/20	9	1	1	2	2	0	5	1	1	1	2	0	25
2020/21	0	0	0	3	1	0	0	2	1	5	1	0	13
2021/22	0	0	0	4	8	1	0	2	0	6	0	0	21
2022/23	4	2	0	1	1	0	0	1	0	1	0	0	10
	23	8	1	14	30	1	12	17	8	29	13	0	156



Ms Lucia Wilson Clerk of the Public Accounts Committee By email: Committee.publicaccounts@niassembly.gov.uk

24th June 2022

Dear Sir Madam

# Response to the Public Accounts Committee on Planning in Northern Ireland

On behalf of Mid Ulster District Council, I have been asked to provide the attached report, which was agreed by our Planning Committee on 7th June 2022.

At the outset, it is important to stress that Mid ulster District Council welcomes the report but is disappointed to see that the Committee has not recognized the improvement to the Planning system resulting from the transfer of planning functions to Local Government. This addressed the democratic deficit, delivered better community participation, transparency and accountability than was ever the case when functions fell under the Department.

This said, our Council recognizes that there is still a need to bring improvements to the planning system. We agree with the Public Accounts Committee that there is a need to improve processes in relation to major development so that development proposals offering most to the economy and our communities are determined in a timely manner. We recognize we have a role to play and to this end, we remain committed to work with the Department and our sister councils to bring about improvements.

In addition to drawing attention to our attached report, the Council is keen to highlight that many of the key delays in the planning system rest with the Department of Infrastructure. These relate to; it responsibilities in relation to progressing local development plans to public inquiry; its failure to respond to planning applications in a timely manner on roads matters; and, its failure to provide adequate direction to NI Water on water and sewerage issues and the planning system.

Dungannon Office

In order to illustrate this, the Public Accounts Committee will be alarmed to learn

- Mid Ulster submitted its Local Development Plan Strategy in May 2021 and after more than a year the Department has failed to request the Planning Appeals Commission to call a public examination. The consequence of this major investment as agreed regionally as part of the South West Region City Deal is delayed.
- A key reason for delay on major applications relates to untimely or inconclusive Road Service responses. When asked to priorities certain major developments, the Dfl Roads Manager provided a written explanation that delays were a product of the Dfl voluntary exit scheme 2016.
- NI Water is now objecting to a large number of applications on the grounds of inadequate water infrastructure causing major delays and leaving it to planning officers to find solutions. This problem is across Council Districts and there has been an absence of an intervention by DfI, the parent Department to find an appropriate way forward.

It would be wrong to suggest Dfl alone is to blame; similar problems arise in relation to responses from Department of Communities and Department of Department of Agriculture, Environment and Rural Affairs (DAERA).

Regardless of whether these are problems, resulting from lack of funding or need further examination, unless they are addressed, any fixes will be short term and sustained improvement will not occur.

In looking to solutions the Councils supports:

### (i) An Independent Commission.

The role of this body should not be limited to a task and finish project on suggestions to improve the Planning System. It should be a properly legally constituted body with the ability to investigate issues and take action relation to the type of issues identified. This body should both assist and be able to hold government Departments to account for improving or failing the Planning System.

#### (ii) A Further review of Public Administration.

Where planners work side by side roads engineers it is much easier to broker solutions to problems in order to assist development. It is difficult to understand why local roads functions, particularly related to planning does not rest with local government. The same is true of other related functions such as regeneration and heritage functions. Elsewhere in the UK, where these functions rest with local authorities decisions making tends to be quicker.

# (iii) A further review of the Development Plan System

It is clear that the two-tier local plan system is broken as witnessed by progress to date. There should therefore be a reinvestigation of the merits of a switch to a unitary plan, move to the English style local development framework, or a time-locked approval system as in the Republic of Ireland. Regardless the role of the Department and Planning Appeals Commission in assessing soundness appear confused and we are now of the view that submissions should be made direct to the Planning Appeals Commission who should be the final arbitrator on the Plan. If this change does not occur at the very least, there should be some binding time- frames set from submission for the Department to complete some of its duties.

### (iv) Sustainable funding for Planning Departments

You will be aware that Mid Ulster placed in its own planning portal. This is now live and was delivered in time and on budget and without the need for additional consultancy. It is a testimony to what planning staff in local government can achieve. A key reason for the decision to provide our own was costs with the regional system were unduly prohibitive and the Department refused to recoup the additional expenditure through planning fee increases. Regardless of our action, we agree with the audit office that fees need to rise. However, it is not just a rise in fees that needs to occur, but that the legislation needs to automatically increase fees annually indexed lined to inflation. Only by doing this will we ensure the sustainability of delivering planning functions.

The Council trusts that Public Accounts Committee finds this submission helpful and we remain optimistic that with the right actions, improvements will be achieved.

Dr. Chris Boomer

Service Director