

Report on	DFIs Public Consultation on the Introduction of a Planning Application Validation Checklist.
Date of Meeting	6 Dec 2022
Reporting Officer	Melvin Bowman
Contact Officer	Dr Chris Boomer.

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

1.0	Purpose of Report
1.1	The purpose of this report is to inform members that DFI have initiated a consultation process on its plans to introduce Statutory 'validation checklists' with the aim of improving the quality and completeness of planning applications coming into the system. Suggested responses to key consultation questions are provided for members consideration and agreement.
2.0	Background
2.1	Earlier in 2022 a series of reports highlighted the need to improve planning performance and to deliver a more efficient, effective and equitable planning system.
2.2	In Jan 2022 the Department published its first full Review of the Implementation of the NI Planning Act 2011 which contained 16 recommendations aimed at improving the planning system. Amongst other things, the importance of front-loading the planning application process to ensure applications are accompanied with all necessary supporting documentation needed to reach a decision at the point of submission was recognised. Further reports on the NI planning system by the NIAO and Public Accounts Committee both also referenced the need for, and benefits of, validation checklists. Members will recall that the Council also supported the principle of validation checklists in its response to the PAC in June 2022.
2.3	Council's response must be issued to the Department no later than 6 th Jan 2023.
3.0	Main Report

3.1	<p>The NIAO encountered a strong consensus which consistently spoke about the ‘low bar’ set for information required to make a legally valid planning applications in NI. The PAC report in Mar 2022 recognised that poor quality applications can clog up the system and allows multiple amendments at every stage of the process. The PAC recommended that the Department and local Government implement immediate changes to improve the quality of applications entering the system.</p>
3.2	<p>Current Legislation set out in section 40 of the Planning Act and Article 3 of the Planning (General Development Procedure) Order NI 2015 sets out the format for an application for planning permission. Whenever an application which satisfies the above becomes valid the timeframe for processing that application commences. It is widely recognised that on many occasions an application, whilst meeting this initial validation test, lacks all the information needed to determine it, for example a Flood Risk Assessment / Traffic Impact assessment. Seeking this additional information inevitably leads to delays in processing times and impacts negatively on resources and efficiency.</p>
3.3	<p>Belfast City Council have already been operating a non-statutory validation checklist of its own and have found it to be positively received and have also found that it has resulted in less delays to the application process.</p>
3.4	<p>The proposal and purpose of this Consultation is to seek views on amending the Planning (General Development Procedure) Order (NI) 2015 to provide Statutory status for validation checklists. Such a checklist will provide guidance about the level and type of information required to be submitted with an application and will be proportionate to the nature and scale of the proposal.</p>
3.5	<p>Amending the Legislation would enable the Council to publish ‘checklists’ setting out additional (above current minimum statutory requirements) supporting information which would be required to accompany different types of application. It is proposed that there will be some flexibility for individual councils to take an approach which suits their local needs and planning issues. Applications will not be considered valid until they comply with the published checklists and as such the clock will not start ticking in terms of meeting statutory processing times. I see other benefits of such a checklist such as providing applicants with a greater understanding of ‘up front’ costs associated with a development proposal as well as well as reducing a culture of ‘speculative applications’. This will also better inform the initial Consultation engagement with our Consultees and reduce the need to subsequently re-notify thirds parties upon the receipt of later received separate pieces of supporting information / reports.</p>

3.6	<p>The Consultation recognises the need for a dispute mechanism such as that which exists in England and Wales where there is disagreement between an applicant and planning authority as to whether an application is valid.</p>
3.7	<p>In England an applicant can serve a notice on the planning authority stating why additional information requested is unreasonable and seeking the request to be waived. This then begins a potential 'non-determination' appeal process with the person considering the appeal considering both the validity and merits of the application itself. In Wales there is a 'stand-alone' dispute mechanism which deals solely with the consideration of the validation issues. An applicant in this instance can either provide the information or appeal the non-validation.</p>
3.8	<p>The Council are posed the following questions as part of the Consultation:</p> <ol style="list-style-type: none"> 1. Do you agree with the proposal to provide a statutory basis for planning authorities to introduce a validation checklist for planning applications? 2. Do you agree that a 'dispute mechanism' should be available to applicants who disagree with the information / evidence requirements? 3. Would you prefer a dispute mechanism linked to 'non-determination' of the application as in England, or a stand-alone approach such as that in Wales? <p>It is my recommendation, having considered the issues, that the Council should respond positively to the proposal and indicate that it is in agreement with the need to provide a Statutory basis for a validation checklist.</p> <p>I also recognise the need for a dispute mechanism but would encourage a stand-alone mechanism such as that operating in Wales, this being simpler and with focus only on the invalidity matters arising.</p>

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	That members accept the recommended responses as indicated at Par. 3.8 and as completed in the attached Public Consultation paper and that a reply to this consultation is issued to the Department by the 6 th Jan 2023 confirming this position.
6.0	Documents Attached & References
6.1	Appendix A – Completed Public Consultation report

PUBLIC CONSULTATION

PLANNING APPLICATION VALIDATION CHECKLISTS

Date: November 2022

Contents

Responding to this Consultation document.....	4
How to respond.....	4
Confidentiality and Data Protection.....	5
Impact Assessments.....	6
 Introduction.....	 7
Purpose of the Consultation.....	7
Current Validation Requirements.....	9
Belfast City Council Approach.....	10
Planning Performance.....	10
The Proposal.....	11
Validation Disputes.....	12
 Summary.....	 13
Consultation Questions.....	14

ANNEX A – Screening for Equality Impact Assessment

ANNEX B – Preliminary Regulatory Impact Assessment

Responding to this consultation document

How to Respond

You are invited to send your views on this consultation document. Comments should reflect the structure of the document as far as possible with references to question numbers and paragraph numbers where relevant.

All responses should be made in writing and submitted to the Department no later than 6 January 2023 in one of the following ways:

1. **Where possible online via Citizen Space**
2. By e-mail to: **Legislation.Planning@infrastructure-ni.gov.uk**
3. By post to:
**Public Consultation
Planning Applications - Validation Checklists
Regional Planning Directorate
Room 1-08
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB**

In keeping with government policy on openness, responses to this consultation may be made available on request or published on the Department's website at:

[Planning Legislation | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://infrastructure-ni.gov.uk/planning-legislation).

We look forward to receiving responses to the proposals and issues raised within this consultation document. Additional copies of the consultation document can be downloaded from the Department's website at:

[Planning Legislation | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://infrastructure-ni.gov.uk/planning-legislation) or requested via the postal address, e-mail as above, by telephone on (028) 90540563 or by Text phone (028) 90540642.

This document is available in alternative formats. Please contact us using the contact details above to discuss your requirements.

If you have any comments or complaints about the consultation process itself (rather than the content of this document), these should be directed to the postal or e-mail addresses above.

Confidentiality and Data Protection

Information contained in your response may be made public by DfI. If you do not want all or part of your response made public, please state this clearly in the response by marking your response as 'CONFIDENTIAL'. Any confidentiality disclaimer that may be generated by your organisation's IT system or included as a general statement in your correspondence will be taken to apply only to information in your response for which confidentiality has been specifically requested. Information provided in response to this consultation, excluding personal information, may be subject to publication or disclosure in accordance with the access to information regimes (this is primarily the Freedom of Information Act 2000 (FOIA)).

The Department will process your personal data in line with the Department's Privacy Notice ([DfI Privacy | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://infrastructure-ni.gov.uk/infrastructure-privacy-notice)). Personal data provided in response to this consultation will not be published. If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

As indicated above, the Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraph below as it will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation or a call for evidence. The Department cannot automatically consider as confidential information supplied to it in response

to a consultation or a call for evidence. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, excluding information about your identity, should be made public or treated as confidential

Impact Assessments

Government bodies are required to screen the impact of new policies and legislation against a wide range of criteria, including equality and human rights.

Equality Impact Assessment Screening and a Preliminary Regulatory Impact Assessment have been undertaken and are set out at Annexes A and B to this consultation paper. The Department believes that there would be no differential impact in rural areas or on rural communities.

The Department also considers that the proposals laid out in this document are fully compliant with the Human Rights Act 1998.

The Department welcomes views and comments on whether the conclusions contained in the above assessments are correct.

1 Introduction

Purpose of the consultation

- 1.1 This consultation forms part of the Department's Planning Improvement Programme aimed at creating an efficient, effective and equitable planning system trusted to deliver high quality, sustainable, inclusive and healthy places.
- 1.2 Earlier this year a series of reports highlighted the need to improve the quality of planning applications entering the planning system and the potential benefits this could bring in terms of improving processing times, the quality of decisions and in turn the delivery of development on the ground.
- 1.3 In addition, in January 2022 the Department published its first Review of the Implementation of the Planning Act (NI) 2011 (the Review) which contained 16 recommendations aimed at improving the planning system. The Review, which was informed by a wide range of stakeholders, recognised the importance of front-loading the planning application process to ensure applications are accompanied with all necessary supporting documentation needed to reach a decision at the point of submission.
- 1.4 The Review considered that validation checklists, which are part of the planning legislation framework in other jurisdictions, could be an important tool in improving the quality and completeness of planning applications coming into the system. The Department stated in the review report:
The Department will bring forward proposals to introduce 'validation checklists' and will seek to advance policy development at the earliest opportunity.
- 1.5 Further reports on the Northern Ireland planning system by the Northern Ireland Audit Office (NIAO)¹ (February 2022), and the Public Accounts Committee (PAC) (March 2022)², both referenced the need for, and benefits of, the introduction of validation checklists.
- 1.6 The NIAO stated during its work, that it encountered a strong consensus which consistently spoke about the "low bar" set for the information required to make a legally valid planning application in Northern Ireland.

¹ <https://www.niauditoffice.gov.uk/publications/planning-northern-ireland>

² <http://www.niassembly.gov.uk/globalassets/documents/committees/2017-2022/pac/reports/planning-in-ni/public-accounts-committee---planning-in-northern-ireland.pdf>

- 1.7 The NIAO further reported there was a view that the criteria set out in the Planning Act was too narrowly prescribed and did not require key supporting documentation – such as flood risk assessments, environmental statements and transport assessments - to be provided with applications at the point of submission. This means that potentially ‘incomplete’ applications must be accepted by a planning authority (having met the minimum statutory requirements) and from which, the time period for statutory processing begins.
- 1.8 The NIAO believe this contributes to inefficiency and poor processing times in a number of ways:
- statutory consultees are often expected to provide a substantive response to planning applications where essential supporting information is missing;
 - consultees are spending time on poor quality or incomplete applications, and often have to be consulted multiple times on the same application; and
 - applications which arrive at the planning committee for a decision often have to be deferred to allow supporting information to be provided.
- 1.9 The NIAO considered if the planning system continues to accept poor quality applications, this creates a culture of speculative applications, whereby the system is being used to effectively “MOT” projects and determine the assessments required.
- 1.10 The PAC report published on 24 March 2022 stated that the Committee had significant concerns around the evidence it heard of widespread issues with the quality of applications entering and progressing through the planning system. It believes that allowing poor quality applications risks poor quality development, can “clog up” the system, and is designed to allow multiple amendments at every stage of the process, including right up to appeal.
- 1.11 The PAC considered that presently the planning system does not sufficiently encourage good quality applications and a robust mechanism is needed to stop poor quality applications entering the system in the first place. It recommended that the Department and local government implement immediate changes to improve the quality of applications entering the system and believe the introduction of validation checklists is one way to do this.

1.12 The PAC and NIAO reports cited the example of Belfast City Council's introduction of an Application Checklist on an administrative basis, and the subsequent improved performance it achieved against statutory targets.

Current validation requirements

1.13 The format of an application for planning permission is provided for by section 40 of the Planning Act, while the detailed form and content of a planning application is specified in Article 3 of the Planning (General Development Procedure) Order (NI) 2015. Similar provision is made for applications for listed building consent via section 86 of the Planning Act, in tandem with Regulations 2 and 3 of the Planning (Listed Buildings) Regulations (NI) 2015.

1.14 These requirements set out what information or evidence must be submitted with applications for planning permission or other consents to make an application 'valid' before it can be considered by a planning authority. An application for planning permission is to contain:

- a written description of the development;
- an address or location of the land;
- the name and address of the applicant;
- a plan sufficient to identify the land;
- such other plans and drawings necessary to describe the development;
- a design/access statement, where required;
- a certificate under Article 9; and
- any fee.

1.15 Whenever a planning application becomes 'valid' the timeframe for processing the application commences. It is against this timeframe that performance is measured, and also for the purposes for appeals against 'non-determination' of an application. However, many applications when submitted do not contain all the information needed to determine them. This can result in further request(s) to the applicant which can subsequently lead to delays in processing with a consequent negative impact on resources and efficiency.

Belfast City Council Approach

- 1.16 Following discussion with the Department in 2017/18, Belfast City Council introduced a pilot 'Application Checklist' on a non-statutory / administrative basis. The Application Checklist was in the form of a comprehensive guide for applicants which set out the information required to be submitted with any given type of planning application, according to its characteristics, scale and spatial constraints. Essentially based on the principle of validation checklists in England and Wales but without the statutory weight. The Council's Application Checklist was implemented in three phases:
- **Phase I** (January 2019) applied to certain large-scale local planning applications;
 - **Phase II** (May 2019) applied to certain major planning applications; and
 - **Phase III** (April 2021) applied to all planning applications excluding certain householder and other minor applications / consents.³
- 1.17 Following monitoring of the performance of the checklist regime, the Council concluded that since its introduction, the Application Checklist has been very positively received by consultees and customers who were less likely to submit an incomplete application. It also concluded that it had a significant positive impact on the Council's delivery of its Development Management service, and in most cases it allowed the Council to secure the additional supporting information upfront, resulting in less delays to the application process and less pressure on statutory and non-statutory consultees.

2. Planning Performance

- 2.1 The Department regularly publishes reports on the volume of planning applications received and decisions issued. They include geographic detail at Local Government District and Assembly Constituency levels.⁴
- 2.2 Whilst there has been an overall improvement in 2021/22 compared to 2020/21, there is no doubt that processing times for applications in the planning system, particularly for major and economically sensitive applications, is causing frustration with stakeholders,

³ <https://www.belfastcity.gov.uk/planning-and-building-control/planning/applying-for-planning-permission/application-checklist>

⁴ <https://www.infrastructure-ni.gov.uk/articles/planning-activity-statistics>

given the impacts that this has on economic development and post-COVID recovery.

- 2.3 The Department acknowledges that it is important that everything possible is done to keep improving the timeframes for processing applications and to do so jointly with councils, statutory consultees and other stakeholders.

3 The proposal

- 3.1. The purpose of this consultation is to seek your views on the Department's proposal to amend The Planning (General Development Procedure) Order (NI) 2015 to provide for the introduction of 'validation checklists' to address 'poor quality' or 'incomplete' applications entering the planning system.
- 3.2. A validation checklist will provide guidance to applicants about the level and type of information required to be submitted with a planning application. The requirements are intended to be proportionate to the nature and scale of the proposal.
- 3.3. The proposed amending Order would enable a planning authority (council or the Department) to prepare and publish 'checklists', above the current minimum statutory requirements which would remain unchanged, setting out the additional supporting information / evidence which would be required to accompany different types of planning application e.g. specific to its siting, the type of development proposed etc. There will be some flexibility for individual councils to take an approach that suits their local area and planning issues.
- 3.4. The legislation will require that an applicant needs to provide the information (on a validation checklist) where it is reasonable, having regard, in particular, to the nature and scale of the proposed development; and about a matter which it is reasonable to think will be a material consideration in the determination of the application.
- 3.5. The overall objective of such an amendment is to enhance the quality of applications entering the system, to front-load the decision making process, which should result in better processing times and more efficient consultee responses. Applications will not be considered valid until they comply with the required information contained in the published checklists and, therefore, the clock will not start ticking in terms of meeting statutory processing time targets. Ultimately, the requirement to ensure applications are

accompanied by all necessary information should result in overall improved planning performance.

3.6. The benefits of validation checklists are generally accepted as follows:

- they set out the scope of information required at the outset to ensure a ‘fit for purpose’ submission;
- they enable the planning authority to have all the necessary information to determine the application and to draft the planning permission and conditions appropriately;
- they minimise the need for further submission of additional information during the life of the application which avoids unnecessary delay in the determination of applications;
- they provide applicants with certainty as to the level of information required and the likely overall investment needed prior to the application submission; and
- they ensure that the appropriate information is provided with an application to assist interested parties, including consultees, in their consideration of development proposals.

4. Validation Disputes

4.1. Legislation in England & Wales also provides applicants with a right to dispute ‘non-validated’ applications – these are applications where there is a dispute between the applicant and the planning authority as to whether the application is ‘valid’.

4.2. The Department is of the opinion that the introduction of validation checklists here would also require a similar ‘validation dispute’ mechanism, otherwise the only recourse available to an applicant would be judicial review proceedings. Including a dispute mechanism within the amending Order would avert the need for such challenges and would uphold an applicant’s European Convention on Human Rights Article 6 right to a fair trial.

4.3. In England, where a local planning authority requires particulars or evidence to be included with an application and the applicant disputes the need for such evidence, the applicant can serve a notice on the planning authority saying why the additional information which has been requested is considered unreasonable and requesting that the requirement be waived. The planning authority can then notify the applicant that it either no longer requires the information, called "*a validation notice*" or one saying the information is still required, "*a non-validation notice*".

- 4.4. After the statutory time period for determining the application has expired from the date of the non-validation notice, the applicant can appeal against non-determination (this is basically the same procedure as if the application has been refused). The person considering such an appeal will consider both the dispute regarding 'validity' and the merits of the application itself (although if it is decided that the local planning authority was correct in determining that the application was invalid, the appeal will be automatically dismissed). The procedure for the determination of validation appeals is set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015.⁵
- 4.5. In contrast, legislation in Wales provides for a 'stand-alone' dispute mechanism which deals solely with consideration of the information requirements. Where the planning authority thinks the application (or anything accompanying it) does not comply with a validation requirement, the authority must give the applicant notice to that effect. The applicant can either provide the information, or appeal the non-validation of the application within two weeks from the date of the notice. The procedure for the determination of validation appeals made to the Welsh Ministers (under section 62ZB of the Town and Country Planning Act 1990) is set out in The Town and Country Planning (Validation Appeals Procedure) (Wales) Regulations 2016.⁶
- 4.6. Evidence from Wales demonstrates that the number of 'non-validation' appeals determined by the Planning Inspectorate there has averaged 6 per year from 2016-2021.⁷

5. SUMMARY

- 5.1. In summary, the Department's overall objective for the proposed amendment is to provide the statutory basis for a planning authority to be able to prepare and publish a validation check list to address 'poor quality' or 'incomplete' applications entering the planning system. Once in place, the Department expects that this will improve the quality of applications coming into the system and overcome avoidable delays in the processing of applications for planning permission by front-loading applications with all the evidence and information deemed necessary for their determination. This approach should also lead to improved statutory consultee response times, reduce the need for re-consultations and improve the time taken to reach planning decisions.

⁵ [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

⁶ <https://www.legislation.gov.uk/wsi/2016/60/made>

⁷ <https://gov.wales/sites/default/files/publications/2021-04/non-validation-appeals-register.pdf>

Consultation Questions

Question 1:

Do you agree with the proposal to provide a statutory basis for planning authorities to introduce a Validation Checklist for planning applications?

Yes ☒ No ☐

(Please provide reasons for your answer.)

Mid-Ulster District Council regard this as an important means by which improvements in the quality and completeness of planning applications can be achieved leading to improved processing times.

Question 2:

Do you agree that a ‘dispute mechanism’ should be available to applicants who disagree with the information/evidence requirements to be submitted with an application?

Yes ☒ No ☐

(Please provides reasons for you answer.)

The Council agree that a dispute mechanism will provide a means by which those applicants not satisfied can exercise a right of appeal and have their case heard by an independent body.

If you answered ‘Yes’ to Question 2, please go to Question 3.

Question 3:

Would you prefer a dispute mechanism linked to ‘non-determination’ of the application as in England (see para 4.3-4.4 above) or a ‘stand-alone’ approach as in Wales (see para 4.5 above)?

‘Non-determination’ dispute ☐ ‘Stand-Alone’ dispute ☒

(Please provides reasons for you answer.)

The Council believe that it is better to have the focus of any dispute mechanism limited only to the invalid matters which are the subject of any dispute. This provides a simpler and perhaps quicker means by which such disputes can be resolved.

Question 4:

From the list below, please select the category of respondent most appropriate to you.

Business and development interests ☐

Resident/community groups/voluntary organisations ☐

Environment and heritage groups ☐

Political party/elected representative ☐

Council ☒

Statutory consultee ☐

Applicant ☐

Architect/Planning consultancy/Agent ☐

Other ☐

ANNEX A

DEPARTMENT FOR INFRASTRUCTURE

SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

The purpose of this form is to help you to consider whether a new policy (either internal or external) or legislation will require a full equality impact assessment (EQIA). Those policies identified as having significant implications for equality of opportunity must be subject to full EQIA.

The form will provide a record of the factors taken into account if a policy is screened out, or excluded for EQIA. It will provide a basis for quarterly consultation on the outcome of the screening exercise, and will be referenced in the biannual review of progress made to the Minister and in the Annual Report to the Equality Commission.

Further advice on completion of this form and the screening process including relevant contact information can be accessed via the Department for Infrastructure (DfI) Intranet site.

HUMAN RIGHTS ACT

When considering the impact of this policy you should also consider if there would be any Human Rights implications. Guidance is at:

- <https://www.executiveoffice-ni.gov.uk/articles/human-rights-and-public-authorities>

Should this be appropriate you will need to complete a Human Rights Impact Assessment. A template is at:

- <https://www.executiveoffice-ni.gov.uk/publications/human-rights-impact-assessment-proforma>

Don't forget to Rural Proof.

Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Information about the policy

Name of the policy

Planning Applications – Validation Checklists

Is this an existing, revised or a new policy?

New Policy

What is it trying to achieve? (intended aims/outcomes)

The aim of the policy is to bring forward an amendment to Article 3 of the Planning (General Development Procedure) Order (NI) 2015 (GDPO) to provide councils and the Department with the authority to prepare and publish “validation checklists”, to address ‘poor quality’ or ‘incomplete’ applications entering the planning system. A Validation Checklist provides guidance about the level and type of information required to be submitted with a planning application, in order to provide a degree of certainty and clarity to assist applicants. The requirements should be proportionate to the nature and scale of the development proposal.

The overall outcome of the proposed amendment is to overcome delays in the processing of applications for planning permission, by front-loading applications with all the evidence and information deemed necessary to determine the applications. This should lead to improved statutory consultee response times, (that is, the time taken by, for example: Roads, Water and Environmental Health to comment on a development proposal), reduce the need to re-consult statutory consultees, and improve the time taken to reach decisions. An associated dispute mechanism may also prove necessary which will also be consulted upon. This will provide an applicant with a means in which to dispute a decision by a planning authority not to validate a planning application where it determines that the information provided is insufficient or incomplete.

Are there any Section 75 categories which might be expected to benefit from the intended policy?

If so, explain how.

No

Who initiated or wrote the policy?

The Department for Infrastructure (the Department)

Who owns and who implements the policy?

The Department for Infrastructure / councils.

Background

The performance of the planning system in processing planning applications has been highlighted through various examinations/findings of the NI planning system: the Northern Ireland Audit Office (NIAO)⁸ Report on 1 February 2022; and the Public Accounts Committee (PAC)⁹ Report on 24 March 2022.

The Department regularly publishes statistics on planning performance¹⁰. Whilst there has been an overall improvement in 2021/22 compared to 2020/21, there is no doubt that processing times for applications in the planning system, particularly for major and economically sensitive applications, is causing frustration among stakeholders, given the impacts that this has on economic development and post COVID recovery.

The Department acknowledges that it is important that everything possible is done to keep improving the timeframes for processing applications and to do so jointly with councils, statutory consultees and other stakeholders.

Alongside the external reports mentioned above, the Department published its first report on the Review of the Implementation of the Planning Act (NI) 2011

⁸ <https://www.niauditoffice.gov.uk/publications/planning-northern-ireland>

⁹ <http://http://www.niassembly.gov.uk/globalassets/documents/committees/2017-2022/pac/reports/planning-in-ni/public-accounts-committee---planning-in-northern-ireland.pdf>

¹⁰ <https://www.infrastructure-ni.gov.uk/articles/planning-activity-statistics>

(the review report) in January 2022 which, contained 16 recommendations aimed at improving the planning system¹¹.

This proposal forms part of the Department's ongoing planning improvement agenda and flows from recommendation PT3-5 set out in the review report dealing with actions to improve the quality and completeness of planning applications:

Recommendation PT3-5 of the Review Report: *The Department will bring forward proposals to introduce 'validation checklists' and will seek to advance policy development at the earliest opportunity.*

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

- Financial
- Legislative

The introduction of validation checklists to planning applications will result in extra **up-front** costs to applicants, in that it will require all necessary evidence and information needed to determine the proposal, to accompany the application at the time of its submission. This would be in contrast to councils seeking the required information at a date after the application has been made, usually, (but not exclusively) prompted by responses from statutory consultees, leading to delays in processing.

Amendment to Article 3 of the Planning (General Development Procedure) Order (NI) 2015.

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon? (please delete as appropriate)

- staff
- service users

other public sector organisations

¹¹ <https://www.infrastructure-ni.gov.uk/publications/review-planning-act-ni-2011-report>

Other policies with a bearing on this policy

- None
- Not applicable

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data. The Commission has produced this guide to [signpost to S75 data](#).

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Religious belief: This proposal forms part of the Department's ongoing planning improvement agenda and flows from recommendation PT3-5 set out in the review report dealing with actions to improve the quality and completeness of planning applications. It also responds to the findings set out in both the NIAO and PAC Reports published earlier in 2022.

Recommendation PT3-5 of the Review Report: *“The Department will bring forward proposals to introduce ‘validation checklists’ and will seek to advance policy development at the earliest opportunity.”*

Such legislative provisions have been successfully introduced in other jurisdictions for a number of years (England & Wales), with further advice and guidance on the local information requirements for planning applications also set out in the National Planning Policy Framework¹² (England).

There is no evidence to suggest that the amendment proposed to the GDPO of itself or generally, is more or less likely to adversely impact upon any s.75 group(s). The requirements are to be kept to the minimum needed to make decisions, and are usually reviewed at least every two years. Planning authorities are also only to request supporting information that is relevant, necessary and material to the application in question.

The requirement to front-load the application process with the information/evidence needed to reach a sound decision will apply equally to every applicant, and will be specific to the type of application made, and the nature, scale and location of the proposed development. Each and every planning application is considered on its own individual merits, and the potential equality impacts will form part of that decision-making process.

The Department does not therefore envisage any significant, adverse or unequal impact of this policy upon any s.75 category.

¹² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Political Opinion: As above

Racial Group: As above

Age: As above

Marital Status: As above

Sexual Orientation: As above

Men & Women generally: As above

Disability: As above

Dependants: As above

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision?

Specify details of the needs, experiences and priorities for each of the Section 75 categories below:

Religious belief: None – no equality issues identified as the information requirements i.e. in the Validation Checklists, to be published by planning authorities will be applicable to all those making a planning application.

Political Opinion: As above

Racial Group: As above

Age: As above

Marital status: As above

Sexual orientation: As above

Men and Women Generally: As above

Disability: As above

Dependants: As above

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 which are given on pages 66-68 of this Guide.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e) The policy is likely to be challenged by way of judicial review;

- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories?

Please provide details of the likely policy impacts and determine the level of impact for each S75 categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**: None identified. The policy proposal will apply equally to all planning applications and not impact on equality of opportunity for applicants.

What is the level of impact? None

Details of the likely policy impacts on **Political Opinion**: As above

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**: As above

What is the level of impact? None

Details of the likely policy impacts on **Age**: As above

What is the level of impact? None

Details of the likely policy impacts on **Marital Status**: As above

What is the level of impact? None

Details of the likely policy impacts on **Sexual Orientation**: As above

What is the level of impact? None

Details of the likely policy impacts on **Men and Women**: As above

What is the level of impact? None

Details of the likely policy impacts on **Disability**: As above

What is the level of impact? None

Details of the likely policy impacts on **Dependants**: As above

What is the level of impact? None

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories? Yes/No

Detail opportunities of how this policy could promote equality of opportunity for people within each of the Section 75 Categories below:

Religious Belief - No

The proposed policy will apply equally to all users of the planning system. There is no opportunity to better promote equality of opportunity for applicants.

Political Opinion – No, as above

Racial Group – No, as above

Age – No, as above

Marital Status – No, as above

Sexual Orientation – No, as above

Men and Women generally - No, as above

Disability - No, as above

Dependants No, as above

3. **To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?**

Please provide details of the likely policy impact and determine the level of impact for each of the categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**: None. The Policy is introducing a Validation checklist for planning applications in order to improve the planning process.

What is the level of impact? None

Details of the likely policy impacts on **Political Opinion**: None. The Policy is introducing a Validation checklist for planning applications in order to improve the planning process.

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**: None. The Policy is introducing a Validation checklist for planning applications in order to improve the planning process.

What is the level of impact? None

4. **Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?**

Detail opportunities of how this policy could better promote good relations for people within each of the Section 75 Categories below:

Religious Belief – No - The Policy is introducing a Validation checklist for planning applications in order to improve the planning process. Effects people of all religious beliefs equally.

Political Opinion – No - The Policy is introducing a Validation checklist for planning applications in order to improve the planning process. Effects people of all political opinions equally.

Racial Group - – No - The Policy is introducing a Validation checklist for planning applications in order to improve the planning process. Effects people of all racial groups equally.

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?

(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

N/A

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

There is no evidence that the policy has any impact on people with multiple identities.

Part 3. Screening decision

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

The Department does not envisage or consider that there are likely to be any specific significant negative, adverse or unequal impacts associated with this policy. The proposed amendment to the Planning (General Development Procedure) Order (NI) 2015 will apply equally to all users of the planning system and there is no evidence that it will have any significant impact in terms of equality of opportunity or good relations.

An associated dispute mechanism would also provide a level of assurance that the information requirements are proportionate and material to the proposed application, and would avert the need for judicial challenges and would also uphold an applicant's European Court of Human Rights Article 6 right to a fair trial.

In line with the Equality Commission NI guidance "regular and ongoing monitoring and screening of each major project will be undertaken to examine any equality impacts".

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced - please provide details.

As above

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

Not applicable

All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, **give the reasons** to support your decision, together with the proposed changes/amendments or alternative policy. Not applicable

Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been '**screened in**' for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion [Author pick 1 2 or 3 if a full EQIA is to take place]

Effect on equality of opportunity and good relations **Rating 1**

Social need **Rating 1**

Effect on people's daily lives **Rating 1**

Relevance to a public authority's functions **Rating 1**

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities? No

If yes, please provide details.

Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

Effective monitoring will help the public authority identify any future adverse impact arising from the policy which may lead the public authority to conduct an equality impact assessment, as well as help with future planning and policy development.

Part 5 - Approval and authorisation

Screened by: Tom Mathews
Position/Job Title: SPTO
Date: 27 October 2022

Approved by: Irene Kennedy
Position/Job Title: Grade 7
Date: 27 October 2022

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy, made easily accessible on the public authority's website as soon as possible following completion and made available on request.

For Equality Team Completion:

Date Received:	25 October 2022
Amendments Requested:	Yes
Date Returned to Business Area:	28 October 2022
Date Final Version Received / Confirmed:	2 November 2022
Date Published on DfI's Section 75 webpage:	2 November 2022

Title: Planning Applications – Validation Checklists	Regulatory Impact Assessment (RIA)	
	Date: 2 November 2022	
	Type of measure: Secondary Legislation	
Lead department or agency: Department for Infrastructure	Stage: Development	
	Source of intervention: Domestic NI	
Other departments or agencies: N/A	Contact details: Irene Kennedy	
	Regional Planning Directorate Room 1-01 Clarence Court 10-18 Adelaide Street Belfast BT2 8GB	

Summary Intervention and Options

What is the problem under consideration? Why is government intervention necessary? (7 lines maximum) The performance of the planning system in processing planning applications has been highlighted through various examinations/findings by the Northern Ireland Audit Office (NIAO), and the Public Accounts Committee in 2022. A number of recommendations from the first Report on the Implementation of the Planning Act 2011 (Jan 2022), also committed to developing policy aimed at improving performance. Poor performance has in part, been attributed to poor quality or incomplete applications entering the system. It is proposed to empower planning authorities to prepare and publish planning validation checklists to address the matter. This will ensure that applications entering the system will be required, from the outset, to include all information/evidence needed to reach a sound decision. The requirements will be proportionate to the nature and scale of the development proposal.		
What are the policy objectives and the intended effects? (7 lines maximum) The overall objective and outcome of the proposed policy is to overcome delays in the processing of applications for planning permission and other consents, by front-loading applications with all the evidence and information deemed necessary to determine the applications. This approach should also lead to improved statutory consultee response times, and reduce the need for re-consultations, and improve the time to reach decisions. This will be achieved by way of an amendment to Article 3 of the Planning (General Development Procedure) Order (NI) 2015 (GDPO). An associated dispute mechanism may also prove necessary which, will also be consulted upon.		
What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base) (10 lines maximum) There were 3 options considered for planning application requirements: <ul style="list-style-type: none"> • Option 1 – Do nothing and maintain current (minimum) application requirements (i.e. maintain the status quo); • Option 2 – Encourage introduction of validation checklists on a non-statutory, administrative basis; and • Option 3 – Place validation checklists on a legislative basis by way of amendment to the GDPO 2015. The preferred option. 		
Will the policy be reviewed? It will be reviewed		If applicable, set review date: 2025

Cost of Preferred (or more likely) Option		
Total outlay cost for business £m	Total net cost to business per year £m	Annual cost for implementation by Regulator £m
£0	£0	£0

Does Implementation go beyond minimum EU requirements?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Is this measure likely to impact on trade and investment?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

Are any of these organisations in scope?	Micro Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Small Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Medium Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Large Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
--	---	---	--	---

The final RIA supporting legislation must be attached to the Explanatory Memorandum and published with it.

Approved by:

Date:

Summary: Analysis and Evidence

Policy Option 1

Description: Do nothing and maintain current (minimum) application requirements.

ECONOMIC ASSESSMENT (Option 1)

Costs (£m)	Total Transitional (Policy) (constant price) Years		Average Annual (recurring) (excl. transitional) (constant price)	Total Cost (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				
Description and scale of key monetised costs by 'main affected groups' Maximum 5 lines There are no new monetised costs with this option, and a planning application will only need to include the current minimum requirements, set out under Art.3 of the GDPO, together with the appropriate planning fee. Further information/evidence requirements (where necessary), will be sought from the applicant after validation and during processing.				
Other key non-monetised costs by 'main affected groups' Maximum 5 lines To maintain the current position would not advance a recommendation in the Review Report; findings from the NIAO/ PAC reports and likely draw criticism from many stakeholders in the planning system, particularly local councils. Potentially incomplete or poor quality planning applications would continue to be submitted, causing delay in processing times and adversely impacting planning performance.				
Benefits (£m)	Total Transitional (Policy) (constant price) Years		Average Annual (recurring) (excl. transitional) (constant price)	Total Benefit (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				
Description and scale of key monetised benefits by 'main affected groups' Maximum 5 lines It is difficult to measure / quantify any monetary benefits or effects of maintaining the current provision under the GDPO. Under this option, the existing regime will continue but without the benefit of potential amendments which otherwise may have been introduced.				
Other key non-monetised benefits by 'main affected groups' Maximum 5 lines Maintaining the existing application requirements, while generally beneficial to potential applicants, will overall be disadvantageous to the planning system as a whole, statutory consultee response times and council performance, in comparison to other jurisdictions where validation checklists have already been implemented.				
Key Assumptions, Sensitivities, Risks Maximum 5 lines It is not unreasonable to assume that maintaining the existing application requirements would be disadvantageous overall to local business in that, unnecessary delays in the processing of planning applications would continue affecting overall performance.				

BUSINESS ASSESSMENT (Option 1)

Direct Impact on business (Equivalent Annual) £m				
Costs:	Benefits:	Net:		Cannot be quantified monetarily but is assumed it would be disadvantageous in comparison to other jurisdictions where validation checklists are in place.

Cross Border Issues (Option 1)

How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland) Maximum 3 lines

The current minimum application requirements set out in Art.3 of the GDPO 2015, and s.40 of the Planning Act are similar to those in other jurisdictions. However, other jurisdictions have introduced validation checklists for some time now. The option to maintain only current minimum requirements here will mean that locally, NI will not keep pace with nor take account of changes / approaches elsewhere.

Summary: Analysis and Evidence**Policy Option 2**

Description: Encourage an administrative approach to validation check-lists

ECONOMIC ASSESSMENT (Option 2)

Costs (£m)	Total Transitional (Policy) (constant price)	Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Cost (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				

Description and scale of key monetised costs by 'main affected groups' Maximum 5 lines

The introduction of validation check-lists, on a **non-legislative / administrative** approach would likely improve the quality of applications, and could result in improved processing times, consultee response times, and overall planning performance. Evidence from Belfast City Council's pilot exercise, undertaken between 2020/21 in this regard supports this conclusion. Councils would bear the costs with this option, however, without statutory weight, applicants would not be bound to provide the additional information/evidence sought. In such circumstances, existing minimum information set out under Art.3 of the GDPO, together with the appropriate planning fee would only be necessary. Further information/evidence requirements (where necessary), will be sought from the applicant after validation, and during processing.

Other key non-monetised costs by 'main affected groups' Maximum 5 lines

This option would not advance a recommendation in the Review Report; nor develop findings from the NIAO/ PAC reports and likely draw criticism from many stakeholders in the planning system, particularly local councils. Potentially incomplete or poor quality planning applications would continue to be submitted, causing delay in processing times and adversely impacting planning performance.

Not to undertake to improve the quality and completeness of planning applications does not fulfil a departmental commitment, and will not ensure that the legislation remains appropriate to the local context. Changes (if any) to similar legislation in other jurisdictions will not be factored in to any assessment.

Benefits (£m)	Total Transitional (Policy) (constant price)	Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Benefit (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				

Description and scale of key monetised benefits by 'main affected groups' Maximum 5 lines

It is difficult to measure / quantify any monetary benefits or effects of this option. Under this option, potential enhanced information/evidence would be sought, but without the benefit of a legislative footing would require the willing participation of applicants to the planning system.

Other key non-monetised benefits by 'main affected groups' Maximum 5 lines

The introduction of validation check-lists on a **non-legislative / administrative** approach would likely improve the quality of applications, and could result in improved processing times, consultee response times, and overall planning performance. This option, while generally beneficial to the planning system, will overall be disadvantageous in comparison to other jurisdictions where statutory validation checklists have already been successfully implemented.

Key Assumptions, Sensitivities, Risks Maximum 5 lines

It is not unreasonable to assume that a voluntary approach to the introduction of validation checklists could benefit the planning system and decision-making, however without a statutory footing it requires the active participation of all applicants which, is not guaranteed.

BUSINESS ASSESSMENT (Option 2)

Direct Impact on business (Equivalent Annual) £m				
Costs:	Benefits:	Net:		Cannot be quantified monetarily but is assumed it would be disadvantageous in comparison to other jurisdictions where statutory validation checklists are in place.

Cross Border Issues (Option 2)**How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland)** Maximum 3 lines

The current minimum application requirements set out in Art.3 of the GDPO 2015, and s.40 of the Planning Act are similar to those in other jurisdictions. However, other jurisdictions have introduced statutory validation checklists for some time now. This option would mean that locally, NI will not keep pace with nor take account of changes / approaches elsewhere.

Summary: Analysis and Evidence

Policy Option 3

Description: Legislate for validation checklists

ECONOMIC ASSESSMENT (Option 3)

Costs (£m)	Total Transitional (Policy) (constant price) Years		Average Annual (recurring) (excl. transitional) (constant price)	Total Cost (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				
Description and scale of key monetised costs by ‘main affected groups’ Maximum 5 lines The introduction of validation checklists on a legislative basis would improve the quality of planning applications entering the system, resulting in improved application processing times, consultee response times, and the overall performance within the planning system. Planning authorities would bear the costs with this option, of preparing and publishing validation checklists. With statutory weight however, applicants would be bound to provide the additional information/evidence sought from the outset, without which, applications would be deemed invalid.				
Other key non-monetised costs by ‘main affected groups’ Maximum 5 lines There are no appreciable non-monetised costs associated with this option. Potentially incomplete or poor quality planning applications would be deemed invalid and not entered into the planning system.				
Benefits (£m)	Total Transitional (Policy) (constant price) Years		Average Annual (recurring) (excl. transitional) (constant price)	Total Benefit (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				
Description and scale of key monetised benefits by ‘main affected groups’ Maximum 5 lines It is difficult to measure / quantify the monetary benefits or effects of this option. A statutory requirement empowering councils to set out the additional supporting information / evidence to accompany different types of planning application, and specific to particular types of development would enhance the quality of applications, front-loads the application process, and should result in better processing times, and consultee response times. This ultimately should also result in improved planning performance giving greater certainty to applicants and other stakeholders.				
Other key non-monetised benefits by ‘main affected groups’ Maximum 5 lines As above.				
Key Assumptions, Sensitivities, Risks Maximum 5 lines There are no appreciable sensibilities or risks associated with this option.				

BUSINESS ASSESSMENT (Option 3)

Direct Impact on business (Equivalent Annual) £m				
Costs:	Benefits:	Net:		Cannot be quantified monetarily but is it would bring the approach in NI in to line with other jurisdictions where statutory validation checklists are in place.

Cross Border Issues (Option 3)**How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland) Maximum 3 lines**

The current minimum application requirements set out in Art.3 of the GDPO 2015 are similar to those in other jurisdictions. However, other jurisdictions have introduced statutory validation checklists for some time now. This option would mean that locally, NI will keep pace with approaches elsewhere.

Evidence Base

The performance of the planning system in processing planning applications has been highlighted through various examinations/findings of the NI planning system by the Northern Ireland Audit Office (NIAO), and the Public Accounts Committee in 2022. A number of recommendations from the first Report on the Implementation of the Planning Act 2011 (Jan 2022), also committed to developing policy aimed at improving performance. Poor performance has in part, been attributed to poor quality or incomplete applications entering the system.

It is proposed to empower planning authorities to prepare and publish planning validation checklists to address the matter. This will ensure that applications entering the system will be required, from the outset, to include all information/evidence needed to reach a sound decision. The requirements will be proportionate to the nature and scale of the development proposal. An associated dispute mechanism may also prove necessary which will also be consulted upon.

Legislating for validation check-lists (similar to that in other jurisdictions) advances a recommendation from the Review Report, and takes into account the findings from the NIAO and PAC reports. Evidence from Belfast City Council's pilot exercise further supports legislative change in this regard. A statutory requirement empowering planning authorities to set out the additional supporting information / evidence to accompany different types of planning application, and specific to particular types of development would enhance the quality of applications, front-loads the application process, and should result in better processing times, and consultee response times. This ultimately should also result in improved planning performance across all the planning system. By definition, legislative provisions would also enable a planning authority to reject / invalidate an incomplete planning application, and to request the applicant submit the requisite information. Any failure to meet such requirements could result in the application and fee being returned. This would ensure that such applications do not affect processing times nor overall planning performance.

Options

Three options were considered:

Option 1 – Do nothing and maintain current planning application requirements;

Option 2 – Encourage an administrative approach to validation check-lists across all planning authorities.

Option 3 - Legislate for validation check-lists across all planning authorities

Belfast City Council Pilot Project

Belfast City Council (BCC) review of its implementation of validation checklists on an administrative basis identified that one of the most significant contributing factors in delaying the planning application process was the poor quality of applications on submission. In particular, applications have often been “incomplete” and not supported by the information required by planning policy and best practice. This means that applications cannot be given a positive determination at the first time of asking and there are inevitably delays as the information is sought and finally submitted. This also places unnecessary burdens on already stretched statutory consultees, wasting their time and resources on reviewing incomplete applications.

BCC Planning Service published its *Application Checklist in 2018*, which provided guidance to customers on which information they need to submit with their application, depending on its characteristics, scale and spatial constraints. Information requirements were divided into two categories: “Basic Requirements” – necessary to make the application valid in accordance with planning legislation; and “Other supporting information” – required by planning policy and best practice so that the application can be fully considered. Applications were checked on receipt and if information was missing then the applicant was requested to provide it within 14 days otherwise the application was returned along with the planning fee. Applicants were asked to resubmit the application only when all the information was available.

Feedback from customers was generally very positive. Agents and architects saw significant value in the Council publishing a list of documents required with planning applications. It assisted them when pricing work and justifying to their client which information is needed. Agents said that they are now less likely to submit an incomplete application to BCC because they know the Council will send it back. Constructive feedback includes the need for officers to apply the Application Checklist proportionately and that it must not be used as a simple administrative tick-list – information was only required where it is fundamentally needed.

Feedback from consultees and staff has also been positive. Statutory consultees were very supportive of the Application Checklist as a means to frontload information and improve the quality of applications, thereby making the assessment process much more efficient. They unanimously support legislative change to improve information requirements at the beginning of the process.

BCC concluded that the Application Checklist has been a significant success in improving the quality of planning applications. It has had a marked positive effect on determination times and performance. It has also begun to shift the culture and attitude of customers towards submitting much better quality planning application at the outset of the process.

BCCs review was shared with the Department for Infrastructure in support of its case for a change to planning legislation, aimed at improving information requirements on submission of planning applications

Preferred Option

Overall, Option 3 is considered to be the preferred option as it would meet the policy objectives outlined above.

Benefits for planning authorities: reduced number / processing of planning applications

The benefits of preparing validation checklists are that it:

- scopes the information required at the outset to ensure a 'fit for purpose' submission;
- enables the planning authority to have all the necessary information to determine the application and to draft the planning permission and conditions appropriately;
- minimises the need for further submission of additional information during the life of the application which avoids any unnecessary delays in the determination of applications;
- provides applicants with certainty as to the level of information required and the likely overall cost of the application submission; and
- ensures that the appropriate information is provided with an application to assist interested parties, including consultees, in their consideration of development proposals.

These benefits will result in reduced processing times and improved planning performance, together with improved statutory consultee response times.

Equality Impact Assessment

The Department's initial screening for equality impacts considers that the proposals will not discriminate unlawfully, unfairly or unjustifiably against any sections of the community specified in Section 75 of the Northern Ireland Act 1998.

Impact on businesses

There may be positive impacts for businesses from quicker decision-making on planning applications.

Rural proofing

The Department considers that the proposals would have no differential or adverse impact in rural areas or on rural communities.