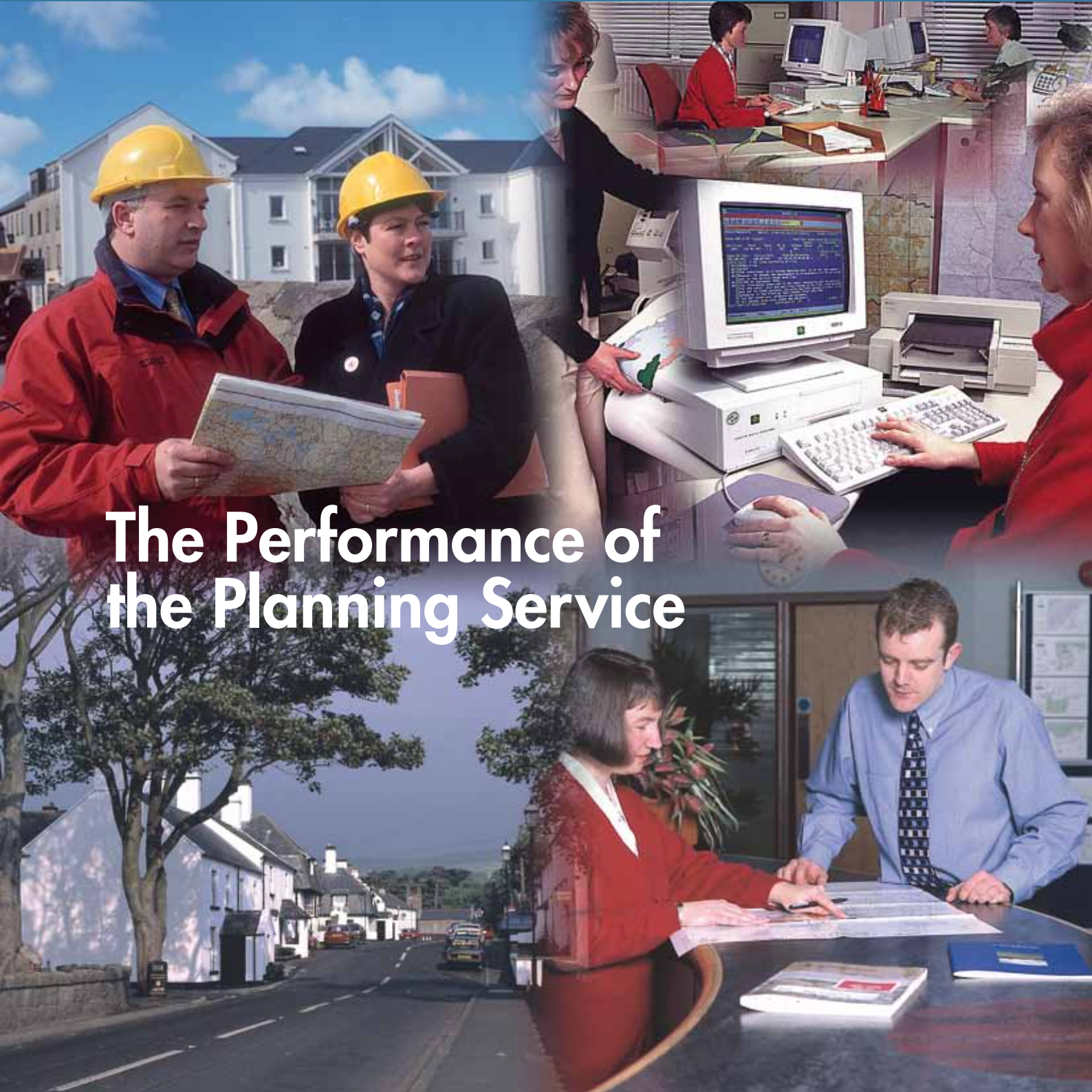




Northern Ireland Audit Office



The Performance of the Planning Service

REPORT BY THE COMPTROLLER AND AUDITOR GENERAL
25 NOVEMBER 2009



Northern Ireland Audit Office

Report by the Comptroller and Auditor General for Northern Ireland

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The Performance of the Planning Service

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KJ Donnelly
Comptroller and Auditor General

Northern Ireland Audit Office
25 November 2009

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Abbreviations

BMAP	Belfast Metropolitan Area Plan
DOE	Department of the Environment
DSD	Department for Social Development
DRD	Department for Regional Development
e-PIC	Electronic Planning Information for Citizens
EU	European Union
GB	Great Britain
MPP	Modernising Planning Processes
NI	Northern Ireland
NIA	Northern Ireland Assembly
NIAO	Northern Ireland Audit Office
NIEA	Northern Ireland Environment Agency
P&T	Professional and Technical
P2D	Planning to Deliver reform programme
PAD	Pre-Application Discussions
PEDU	Performance and Efficiency Delivery Unit
PPS	Planning Policy Statement
PSA	Public Service Agreements
RPA	Review of Public Administration
RDS	Regional Development Strategy
SEA	Strategic Environmental Assessment
SLA	Service Level Agreement
SPD	Strategic Projects and Design Division

Executive Summary



Executive Summary

Introduction

1. The Department of the Environment (the Department) is responsible for planning control within Northern Ireland and the Planning Service (the Agency), an Agency within the Department, administers many of its planning functions. The Agency's key business areas are the preparation of Development Plans and the Development Management system, (the process of dealing with individual planning applications and also enforcing planning control). In 2008-09, the Agency's gross expenditure was £42m and income was £17.7m, 97 per cent of which was derived from planning fees. At 31 March 2009, the Agency had a staff complement of 850, with 794 in post.
2. The planning system can contribute significantly to Northern Ireland's economic, social and environmental wellbeing, and the Agency plays a pivotal role within that system. The planning system has numerous participants, frequently with conflicting and strongly-held views about what is or is not acceptable in planning terms. These participants have the potential to impact on the planning process and particularly to influence the length of time which it takes to determine an application or progress a particular Development Plan, as they play a critical role in how the system operates.
3. In order to bring about improvements in the system, a review of operational planning policy, Development Planning and Development Management

was carried out during 2000-01.

This culminated in the launch of the Planning to Deliver programme, which set out an ambitious agenda of 85 separate projects embracing all areas of the Agency's activity. Despite these reforms, the hoped-for improvement in performance has not yet been fully realised.

4. Following the restoration of devolved government in May 2007, a further programme of reform for the planning system in Northern Ireland was announced. The reform programme will also take account of and enable the implementation of the Executive's decision in relation to the Review of Public Administration, which represents a fundamental change programme in itself.

The performance of the planning system

5. Planning applications must be assessed within the context of a formal policy framework. Planning Policy Statements set out the policies of the Department on particular aspects of land use and other planning matters and apply to the whole of Northern Ireland. They set out the main planning considerations that the Department takes into account in assessing proposals for the various forms of development and their contents are also taken into account in the preparation of Development Plans.
6. The Executive's Programme for Government 2002-2005 anticipated that each Planning Policy Statement

would take an average of 18 months to develop. The actual time, however, has been significantly longer, with some taking 3-5 years. The absence or delayed completion of certain draft or final Planning Policy Statements means that planning decisions are not being taken within the context of a fully up-to-date policy framework that aligns with the requirements of the Regional Development Strategy.

7. Development Plans may be in the form of area, local or subject plans and apply the regional policies of the Department at the appropriate local level. The Programme for Government 2002-2005 set a target for completing Development Plan coverage for the whole of Northern Ireland by March 2005, but this was not achieved. The current target is to ensure draft or adopted Development Plans are in place for the whole of Northern Ireland by March 2011.
8. The Development Management process is a key aspect of the Agency's business and the speed with which it deals with individual applications is its key indicator of performance. To date, the Agency has not met its Public Service Agreement targets for applications and the extent of the shortfall since 2003-04 is significant. 2008-09 saw an improvement in relation to minor and intermediate applications¹ with their respective Agency business plan targets being met. Overall, however, performance across all categories is still significantly below that of six years ago.
9. Enforcement activity aims to ensure that unauthorised development which is in breach of planning control is regularised. The number of enforcement cases notified to the Agency more than doubled between April 2003 and March 2008 from 1,777 to 3,934. At the end of June 2009 the number of live cases was 4,615. However, enforcement performance targets were only agreed in principle in March 2007 and, as a result of weaknesses in the Agency's management information system, no performance management framework was in place until 2009-10.
10. During the period 2004-05 to 2007-08, the Planning Appeals Commission experienced a considerable increase in its workload. The number of appeals received rose by 260 per cent from 762 in 2004-05 to a high of 2,765 in 2006-07, before falling to 1,493 in 2007-08 and again in 2008-09 to 515. As a result of the increased workload, the backlog of appeals reached a peak of 2,834 at 31 March 2008, before falling to 1,431 at 31 May 2009. As the historic backlog is reduced, the Planning Appeals Commission anticipates that it should be able to achieve its appeals determination targets, in the majority of cases, by 2011.

Factors influencing the Agency's performance

11. The Agency's performance has been strongly influenced over recent years by a sustained period of economic growth and

¹ Performance statistics from November 2008 exclude those draft PPS14: Sustainable Development in the Countryside applications held back under the PPS14 / PPS21 policy.

Executive Summary

a buoyant property market, reflected in a very significant and sustained increase in the number of planning applications received. Between 1996 and 2006, application numbers increased significantly year-on-year, almost doubling over the period from under 20,000 to a peak of over 36,000. The Agency indicated that a significant component of the increase up to 2005-06 was applications for single rural dwellings. The large influx of applications affected considerably its ability to process applications within a reasonable time, and also affected the performance of consultees and the Planning Appeals Commission.

12. In reaching a decision on planning applications, the Agency relies on advice and information from a number of other public bodies. The Agency has sought to manage relationships and service standards through Service Level Agreements with some (but not all) stakeholders. To date, however, this has not delivered the desired level of consultee performance and the Agency told us that the average time taken for consultation with third parties, including public bodies, was approximately 25 weeks.
13. As far back as 1996, the Northern Ireland Affairs Committee at Westminster reported² that the Agency's caseload per planner was considerably above

the average of other UK planning authorities. Since then, six studies on caseloading and manpower planning have been carried out by the Agency and by consultants working on its behalf. However, no staffing model has yet been produced and current caseloads across divisions exceed both the level recommended by the consultants, and those derived by the Agency itself.

14. Development Plans have been subject to an increasing number of Judicial Reviews³ and this has also impacted significantly on the ability of the Agency and Planning Appeals Commission to progress work on the plans. Planning Policy Statements have also been subject to legal challenges and this has contributed to the failure to meet the Agency's target to deliver a full suite of Planning Policy Statements.
15. Prior to 2002-03, the Agency considered the unit cost of processing a planning application to be its key measure of efficiency, and formally measured its performance against this indicator. However, this was abandoned and has not been replaced with any other formal unit cost measures. We estimate that the cost per planning decision over the last five years increased by 59 per cent, whilst the number of decisions per planner, for the same period, remained relatively static, before falling by 19 per cent in the last two years.

² The Northern Ireland Affairs Committee examined 'The Planning System in Northern Ireland' during 1995-96 and reported its findings in March 1996.

³ Judicial Review is a procedure by which the courts can review the legality of the decisions and actions of public authorities, including the government. Judicial Review looks at the fairness of the decision-making process rather than the merits of the decision itself. (Managing Public Money Northern Ireland June 2008)

Initiatives to improve performance

16. In April 2006, the Agency implemented new procedures whereby planning applications are checked upon receipt, to ensure that all the requirements for submitting a valid application are met. The new arrangements meant that the percentage of invalid applications in the system fell from over 23 per cent (8,000) to less than 3 per cent (500). The Agency met its validation targets for the first time in 2008-09.
17. In recognition of the need for tailored management processes for major development proposals, the Agency established a new Strategic Projects and Design Division (SPD) at its Headquarters in July 2005. Although the number of major applications received at Headquarters fell over the three years from 2004-05 to 2007-08, the number of decisions issued each year also fell. As a result the number of 'live' major applications at each year end remained steady, at around 400. However, in 2008-09, the number of live major applications increased by 15 per cent, with applications exceeding the number of decisions.
18. If the relevant local Council disagrees with the Agency's planning opinion, it may request to have this reconsidered by way of a deferral⁴ or, ultimately, referral to the Agency's Management Board for review⁵. More than one third of applications deferred have had their planning opinion changed. A new policy introduced in October 2005 saw a reduction in deferrals from almost 9,000 to 4,153 in the following year and arrangements, introduced in April 2007, have resulted in a 75 per cent reduction in the number of Management Board Referrals requested by Councils.
19. In December 2007, a streamlined Council consultation scheme to speed minor and non-contentious⁶ applications was piloted in the Derry City Council area. Based on this, the average time taken to reach a decision on non-contentious applications reduced from several months to less than six weeks, compared with a target of 18 weeks. By May 2009, all Councils were operating the streamlined Council consultation scheme.
20. In November 2004, the Agency signed a contract to procure the electronic Planning Information for Citizens (e-PIC) system, intended to allow for delivery of planning processes electronically. The contract anticipated roll-out of the system in the first quarter of 2006, but this has not yet happened. It is now expected that e-PIC will become fully operational in 2010, with a total capital budget of £12.8m, compared with £5.5m in the original business case. Because of the delay, the Agency has not yet been able to fully deliver much-needed improvements in its business processes and service to its customers.

4 If the Council disagree with the opinion they may request a deferral providing sufficient reasons for this request. If a deferral is accepted a meeting will take place and the application will be presented back to Council at a later meeting with a reconsidered opinion.

5 The Management Board Referral (MBR) process affords Councils the opportunity to refer to the Agency's Management Board the Divisional Planning Offices' final position on a planning application when the Council is 'strongly of the opinion that a decision contrary to that proposed should be made'.

6 These include: applications for extensions and alterations to a dwelling, residential garages, agricultural buildings, advertisements etc.

Executive Summary

21. In November 2008, the Department of Finance and Personnel's Performance and Efficiency Delivery Unit (PEDU) and the Agency reported jointly to Ministers on their review of delivery against the key government target (PSA 22)⁷ on planning applications processing. PEDU agreed an Action Plan with the Agency, which was substantially implemented by April 2009 and current results show progress towards improved performance.
22. In July 2009, the Minister for the Environment launched a consultation process on his detailed proposals for fundamental and far reaching changes, including the transfer of responsibility for the majority of planning functions from central to local government. It is clearly important that a performance measurement framework is agreed with local government, and in place, before transfer of functions to Councils.

⁷ PSA 22: Protecting Our Environment and Reducing Our Carbon Footprint, aims to improve the quality of our natural and built environment and heritage and reduce our carbon footprint

Part One: Introduction



The Planning System contributes to the economic, social and environmental well-being of Northern Ireland residents.

This section of our report provides a background to the role, functions and resources of the Planning Service and outlines the context within which it operates.

Part One: Introduction

The Planning Service has a key role in improving the quality of life for people in Northern Ireland

- 1.1 The planning system contributes to the future development and use of land in our cities, towns and rural areas. The central concerns of the system are to determine, in the public interest, what kind of development is appropriate, how much is desirable, where it should be located and what it looks like.
- 1.2 Administration of the planning system in Northern Ireland involves a number of different bodies. The Department of the Environment is responsible for planning control within Northern Ireland and the Planning Service, an Agency within the Department, administers many of its planning functions. Responsibility for developing planning policy now sits with the Department's Planning and Environmental Policy Group. The Agency's aim is "to improve the quality of life for the people of Northern Ireland by planning and managing development in ways which are sustainable and contribute to creating a better environment". Its objectives include: the provision of high quality and timely professional planning decisions; operational policy and plans; and promotion of orderly and consistent use of land.
- 1.3 The Department for Regional Development is responsible for strategic

planning, including the Regional Development Strategy for Northern Ireland, while the Department for Social Development is responsible for urban renewal and urban regeneration. The Planning Appeals Commission, an independent body under the aegis of the Office of the First and Deputy First Minister, has responsibility for appeals, public inquiries and independent examinations on a wide range of land use planning issues related to the above functions operated by the respective departments.

- 1.4 The planning system can contribute significantly to Northern Ireland's economic, social and environmental wellbeing, and the Agency plays a pivotal role within that system.

"An effective planning system in Northern Ireland is essential to ensure the provision of jobs, homes, better transport, lively communities and sensitive care of the environment. The aim of the Planning Service is to manage development in ways which will contribute to a quality environment and seek to meet the economic and social aspirations of present and future generations. The planning system has a crucial role to play in delivering programmes such as those for achieving sustainable development; for urban and rural regeneration; for improving infrastructure and transport; targeting social need; and promoting equality. These will be delivered through

supportive planning policies, land use allocations and associated planned infrastructure.”⁸

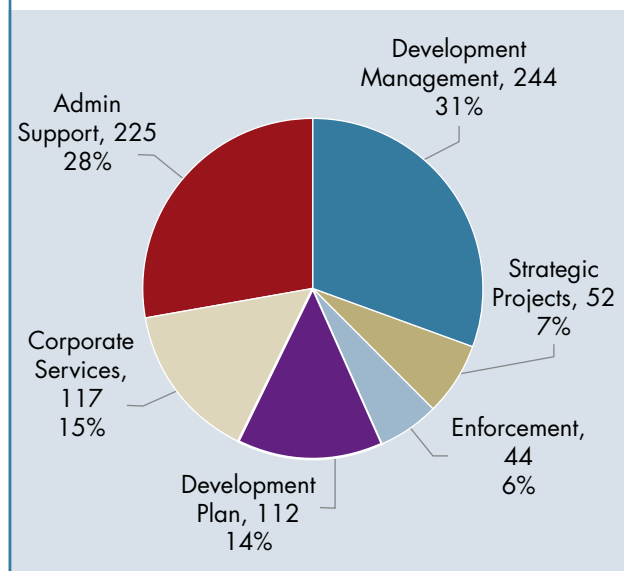
- 1.5 Currently, planning in Northern Ireland is unique across the United Kingdom in that there is one central planning authority – the Planning Service – rather than planning being devolved locally. However this is due to change under the planned implementation of the Review of Public Administration in 2011, when the bulk of planning functions will be devolved to 11 Councils.

The Agency has a number of key functions and its annual costs are of the order of £40 million per year

- 1.6 The Agency is funded jointly by income from fees and funds voted by the Northern Ireland Assembly. In 2008-09, the Agency’s gross expenditure was £42m and income was £17.7m, 97 per cent of which was derived from planning fees. The Agency is required to recover in full the permitted costs⁹ of determining planning applications and in 2008-09 achieved a recovery rate of 71 per cent¹⁰ (**see Appendix 1**).
- 1.7 The Agency’s key business areas are the preparation of Development Plans and the Development Management system (the process of dealing with individual planning applications and also enforcing planning control). The Agency was also

responsible for the preparation of a number of key Planning Policy Statements (PPSs) until these transferred from the Agency to DOE in April 2007¹¹. At 31 March 2009, the Agency had a staff complement of 850, with 794 in post. Figure 1 shows the breakdown of staff across the main business areas¹².

Figure 1: Agency staff breakdown across main business areas at 31 March 2009



Source: The Agency

- 1.8 The Agency is structured regionally, with a Headquarters in Belfast dealing with:
- Strategic guidance, support on development plan preparation, contributing to development of policy and draft PPSs;

⁸ Modernising Planning Processes Implementation Plan (February 2003).

⁹ Permitted costs include the cost planning applications, pre-application enquiries, monitoring compliance with planning conditions, participation in appeals and NIEA costs relating to its consultee role.

¹⁰ This percentage reflects the current position, which is not to recover through planning fees the notional cost of consultation with Roads Service - approximately £3m each year in 2007-08 and 2008-09. If the Road Service notional costs are excluded then the revised cost recovery percentage for 2008-09 is 82 per cent.

¹¹ Following Devolution there was a split in responsibility for planning policy between DOE and DRD. In effect Planning Service developed planning policy on behalf of DOE until the policy team transferred to DOE in 2007.

¹² Admin support is provided across the Agency - to Development Management, Development Plan, Enforcement in Divisions, and at Headquarters.

Part One: Introduction

- Operational guidance and support, Strategic Projects involving complex operational issues such as minerals planning, and major applications including large retail developments; and
- Corporate Services including policy and legislation, finance and funding, ICT and other support functions.

1.9 In addition, there are six Divisional Planning Offices and two Sub-Divisional

Planning Offices across Northern Ireland, each responsible for operational issues and the preparation of Development Plans within particular local government districts, as shown by the map below.

The Agency operates in a complex and challenging environment

1.10 The Agency told us that, over recent years, the planning process has become an increasingly complex area of

Figure 2: Agency Divisional Planning Offices



Source: The Agency

government activity and has at its heart two inherent tensions. The first is between the desire to facilitate development and economic growth and the requirement for environmental protection, particularly in an era of increasing numbers of EU Environmental Directives. The second is between the desire for speed of decision-making and the requirement for wider participation, openness and transparency. Both of these fundamental tensions within the wider planning system have a critical bearing on its efficiency.

- 1.11 The planning system also has numerous participants, frequently with conflicting and strongly held views about what is or is not acceptable in planning terms. These participants have the potential to impact on the planning process and particularly to influence the length of time taken to determine an application or progress a particular Development Plan, as they play a critical role in how the system operates.

A number of key reforms have been undertaken in order to improve planning performance

- 1.12 In order to bring about improvements in the system, a review of operational planning policy, Development Planning and Development Management was carried out during 2000-01. This culminated in the launch of the Planning to Deliver (P2D) programme in 2002-03. The programme set out an ambitious agenda of 85 separate projects embracing all areas of the Agency's
- activity and comprised four inter-related strands:
- the Modernising Planning Processes (MPP) Implementation Plan;
 - reform of the legislative framework;
 - the development of electronic planning through the Electronic Planning Information for Citizens (e-PIC) project¹³; and
 - reform of Planning Service's internal structures.
- 1.13 Key reforms emerging from the programme included: more streamlined Council consultation procedures; the formation of a Strategic Projects Division; the implementation of new procedures to quality assure planning applications on receipt; and the development of Service Level Agreements with a range of key consultees. Further reforms have been effected through legislation (the Planning Reform (Northern Ireland) Order), enacted in May 2006, included provision for wide-ranging reform of the development control and appeal processes, enhanced enforcement powers and more straightforward Development Plan procedures.
- 1.14 Despite these reforms, the hoped-for improvement in performance has not yet been fully realised. **Appendix 2** shows that the number of planning decisions processed by the Agency to decision or withdrawal increased each year from 2002-03 to 2005-06. However, this

13 The Electronic Planning Information for Citizens (e-PIC) system is intended to allow customers, the public and consultees to interact with the planning application process online in a secure environment thereby increasing the transparency, speed, efficiency, and quality of the service.

Part One: Introduction

increase was exceeded by the growth in new applications, so the “live” caseload also increased, peaking at 22,830 in March 2006. Since then, however, this position has improved each year, with the number of “live” cases in March 2009 falling to just under 13,000, the lowest level since 2002-03.

1.15 The Agency told us that a number of factors contributed to an unanticipated increase in volumes of work in the early 2000s, which impacted on performance, including:

- a significant increase in planning applications and planning appeals due to a sustained period of economic growth at that time;
- increased complexity of plan-making in the context of the new directions set by the Regional Development Strategy and implementation of EU Directives;
- greater public involvement and awareness accompanied by more openness, transparency and an increase in number of objections received;
- Judicial Reviews of individual planning decisions and against Development Plans;
- temporary redeployments of staff in October 2004, August 2005, and again in February 2008 to deal with operational workload pressures which impacted adversely on Development

Plan and Planning Policy Statement programmes; and

- problems of staff retention and recruitment.

Further reforms are planned or in train

1.16 Following the restoration of devolved government in May 2007, a further programme of reform for the planning system in Northern Ireland was announced. The programme encompasses changes over the short, medium and long term. The short-term reform measures, which started during the 2007-08 business year, are focused on helping to tackle current workload pressures and producing early improvements in efficiency and effectiveness in the handling of planning applications. The medium- to long-term reforms are expected to result in more fundamental changes, addressing all the key elements of the planning system including Development Plans, policy and Development Management.

1.17 The reform programme will also take account of and enable the implementation of the Executive’s decision in relation to the Review of Public Administration (RPA), which represents a fundamental change programme in itself. The Agency said it is taking forward the transfer of planning functions, in partnership with local government, as an integral part of the reform programme. Following the transfer, the bulk of planning functions will be devolved to

Councils, with elected representatives responsible and accountable for most planning decisions, including enforcement matters and the preparation of development plans. The transfer will create a new planning system for Northern Ireland, requiring new roles, responsibilities and relationships for all those involved in the planning process and preparation for the changes is underway.

- 1.18 Since its creation as an Agency in 1996, the Planning Service has therefore had to address significant challenges, many of which have been largely beyond its direct control (see paragraph 1.15). While the Agency has responded through reform of its systems, re-structuring and re-deployment of staff, there has inevitably been an impact on performance.

Our study reviews the Agency's performance, the factors influencing performance and the actions taken by the Agency to address performance difficulties

- 1.19 NIAO has previously reported on the Agency's predecessor (Town & Country Planning Service) in 1995. This Report highlighted a number of concerns including:
- a failure to meet targets for processing planning applications and issuing decisions;
 - a marked variance from legislative requirements and performance achieved in GB;
 - a wide variation in staffing – numbers and mix – between Divisions and the need to develop an approach to manpower planning taking account of objectives, priorities, and to establish an equitable staffing for each Division;
 - the need for a proactive approach to enforcement, dedicated enforcement teams and a proper management information system; and
 - the need to have Service Level Agreements in place to manage the impact of third party consultations on performance.
- 1.20 This report is a high level review of the overall performance of the Agency, key factors underpinning that performance and the actions taken by the Agency to address its performance problems.
- **Part Two** reviews the Agency's performance over recent years, focusing on its performance against government/Ministerial targets, particularly in regard to Development Management;
 - **Part Three** identifies the main factors underlying performance and the extent to which these are within the Agency's control; and
 - **Part Four** considers the effectiveness of actions taken by the Agency to improve its performance and also outlines the current planning reform programme, including the

Part One: Introduction

transfer of planning functions to local government under the Review of Public Administration.

1.21 To inform our review we:

- reviewed documentation and interviewed staff at the Agency and the Department and the Planning Appeals Commission;
 - surveyed around 100 stakeholders including Councils, the consultee bodies, and each of the Divisional Planning Offices on various aspects of the planning system to gauge their views on the main issues, problems and potential for improvements; and
 - analysed a wide range of performance information produced by the Agency.
-

Part Two: The Performance of the Planning Service



In seeking to plan and manage development, the Agency and Department have established a number of targets for the main business areas over recent years. These include the need to:

- Establish a full fit for purpose suite of planning policies;
- Adopt up-to-date development plans for all of Northern Ireland;
- Improve the speed with which planning applications are processed; and
- Increase the level of customer satisfaction.

This section of our report reviews progress against these performance objectives.

Part Two: The Performance of the Planning Service

2.1 Planning applications must be assessed within the context of a formal policy framework (see Figure 3). Legislation requires the Agency to determine planning applications having regard to the Development Plan, so far as material to the application, and all other material considerations. These include:

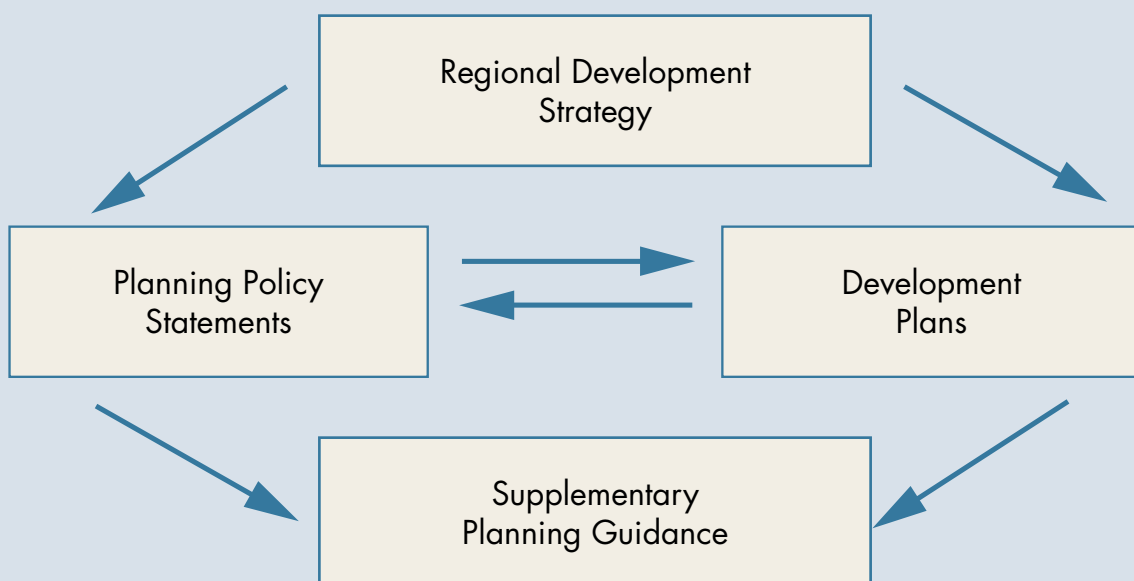
- the Department of Regional Development’s 2001 Regional Development Strategy (RDS) for the development of NI up to 2025;
- Planning Policy Statements (PPSs), which contain policies on land use and other planning matters and apply to the whole of Northern Ireland (NI); and
- relevant Development Plans, which apply regional policy at the

appropriate local level, informing stakeholders of the policy framework and land use proposals that will be used to guide planning decisions in their area.

A full framework of planning policy was due to be in place by the end of 2005 but is still incomplete

2.2 PPSs set out the policies of the Department on particular aspects of land use and other planning matters – for example telecommunications or the built heritage - and apply to the whole of Northern Ireland. They set out the main planning considerations that the Department takes into account in assessing proposals for the various forms of development. Their contents are also taken into account in the preparation of Development Plans.

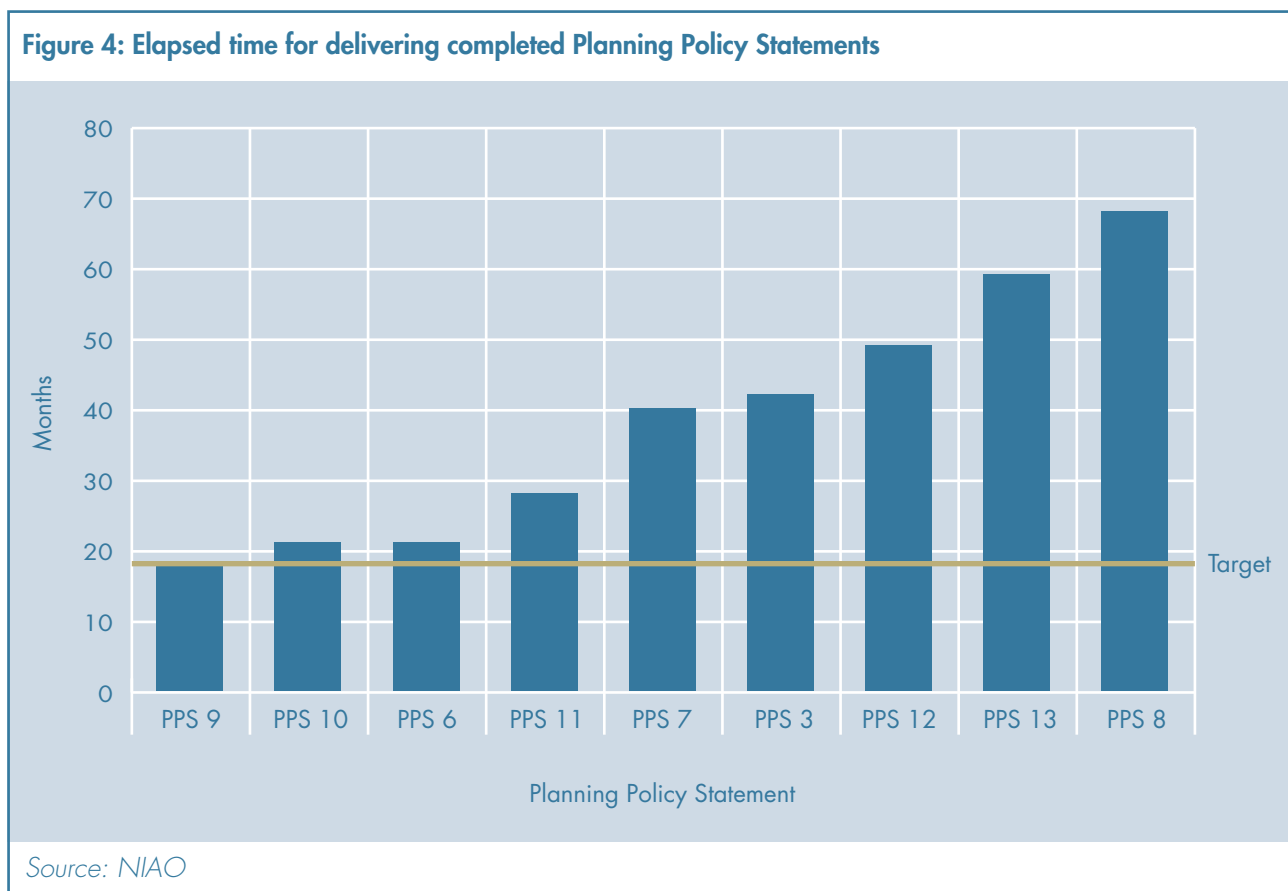
Figure 3: Hierarchy of Planning Documents



Source: The Agency

2.3 The Executive's Programme for Government 2002-2005 "Making a Difference", and the Agency's 2003 Modernising Planning Processes (MPP)¹⁴ Implementation Plan committed the Department to completing a full suite of PPSs, covering specified policy areas, by the end of 2005. It was anticipated that each PPS would take an average of 18 months to develop. The actual time, however, has been significantly longer, with some taking 3-5 years (see Figure 4 below and also **Appendix 3**).

2.4 The Agency also set targets for delivering specific PPSs in its annual Business Plans¹⁵. However, it is difficult to monitor progress against these targets, because the outcomes were reported only in very broad terms (e.g as being on track for achievement or partially achieved). To test the elapsed time between delivery of PPSs compared with the original target, we selected the Agency's 2003-04 Business Plan to review the actual outcomes (see Figure 5 below).



14 The MPP programme to modernise and reform planning processes across the Agency's core business areas was launched in February 2003, with all proposals to be completed by the end of 2005.

15 Until January 2008 there was a split in responsibility for planning policy between DOE and DRD. DRD was responsible for regional Planning Policy Statements (PPS) on Sustainable Development in the Countryside (PPS 14), Retailing (PPS 5), Housing (PPS 12), Transport (PPS 13), and PPS 20: The Coast. However from 15 January 2008 DOE assumed responsibility for all PPSs (see Appendix 2).

Part Two: The Performance of the Planning Service

Figure 5: Target v Actual Delivery of PPSs in 2003-04 Agency Business Plan

PPS	Target Date	Actual Date	Difference from target
PPS 3	September 2003	February 2005	+ 17 months
PPS 4	December 2003	Ongoing	+ 71 months (and counting)
PPS 8	September 2003	February 2004	+ 5 months

2.5 We recognise that what constitutes a complete suite of PPSs is continually evolving to meet needs and demands and so additional work, not anticipated at the time of setting the 2005 target, has been carried out, such as PPS 18: Renewable Energy and PPS 8: Open Space, Sport and Outdoor Recreation. However, policies on important areas such as Minerals and Tourism have still not been issued for consultation while other key planning policies in relation to the Countryside, Retailing, and Housing have been delayed by Judicial Review (which meant that work could not continue pending the outcome of the legal process). The current target is to have a fit-for-purpose suite of PPSs in place by March 2011 and their future role and content is being reviewed by the Department's Planning and Environmental Policy Group.

2.6 The absence or delayed completion of certain draft or final PPSs means that planning decisions are not being taken within the context of a fully up-to-date policy framework that aligns fully with the requirements of the Regional Development Strategy. In these circumstances, we consider that there is a risk that some

planning applications may be allowed which do not align with the Regional Development Strategy. The Agency told us that decisions are taken in the context of a range of material considerations apart from policy and that the decision maker can depart from published policy if there are sound and reasonable planning reasons for doing so.

Targets for providing up-to-date Development Plan coverage for the whole of Northern Ireland have not been achieved

2.7 Development Plans may be in the form of area, local or subject plans and apply the regional policies of the Department at the appropriate local level. They inform the general public, statutory authorities, developers and other interested stakeholders of the policy framework and land-use proposals that will guide planning decisions in their local area.

2.8 The Programme for Government 2002-2005 set a target for completing Development Plan coverage for the whole of Northern Ireland by March 2005. It was intended that these documents would become the primary policy tool, with all

Figure 6: Producing the Belfast Metropolitan Area Plan (BMAP)

The Belfast Metropolitan Area Plan (BMAP) covers: Belfast City; Lisburn City; Newtownabbey Borough, North Down Borough, Castlereagh Borough, and Carrickfergus Borough. This provides coverage for nearly 7 per cent of NI and captures some 38 per cent of its population.

Work initially started on BMAP in September 2000 and a draft Area Plan was published for consultation over four years later in November 2004. In response to the consultation some 3,687 objections and representations were received by the Agency.

BMAP was referred to the Planning Appeals Commission (the Commission) in March 2006 for a public inquiry which opened in April 2007. The inquiry closed a year later in May 2008 and a report from the Commission is expected in Summer 2010.

The Agency expects to adopt BMAP during 2011-12 and estimates that this process has cost them £7.5m up to February 2008. The Commission estimates that its costs for draft BMAP to March 2009 are £341,000.

planning applications being determined in accordance with their provisions, unless other material considerations indicated otherwise. As a result, there would be greater clarity for both developers and planners.

- 2.9 The delivery target was not achieved and, at 31 March 2005, only 47 per cent of NI was covered by up-to-date adopted or draft Development Plans. Subsequently the target was changed to achieving 78 per cent coverage by 31 March 2008, but coverage at that date was only 59 per cent. The Agency said that this level of coverage equates to 82 per cent of NI's population. The current target is to ensure draft or adopted Development Plans are in place for the whole of NI by March 2011 and **Appendix 4** shows progress made in delivering each Development Plan.

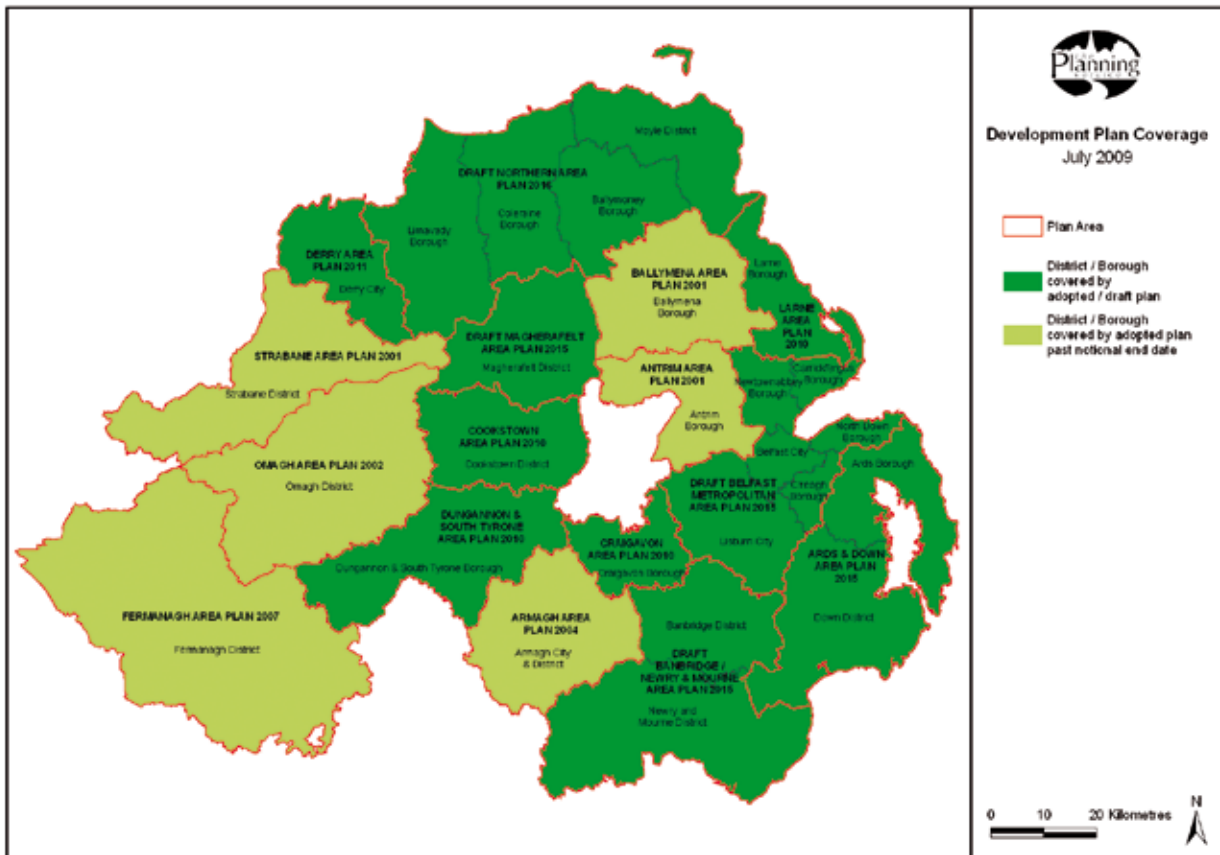
- 2.10 One example of the impact of delay is the Belfast Metropolitan Area Plan (BMAP),

which began in September 2000 and which will replace 12 development plan documents (see Figure 6 above).

- 2.11 The Agency told us that all parts of NI currently have an adopted or draft Development Plan in place. The map below, at Figure 7, shows the Development Plan coverage at July 2009. However, the delays experienced in bringing forward new or replacement plans have resulted in the Agency continuing to rely on several Development Plans that have passed their notional end dates and that do not fully align with the new directions set out in the Regional Development Strategy – for example, they do not meet its Sustainable Development principles and lack the full suite of environmental protection designations contained in later plans. The Agency told us that even if a Development Plan has reached its notional end date, it still remains a material consideration until such times as a new plan is

Part Two: The Performance of the Planning Service

Figure 7: Development Plan coverage of Northern Ireland at July 2009



Source: The Agency

produced. We consider that the slow rate of progress in developing up-to-date Development Plans risks creating uncertainty for the public, developers and other stakeholders.

To date the Agency has not met its Public Service Agreement targets for processing planning applications¹⁶

2.12 The Agency administers the Development Management process (the system

for dealing with individual planning applications) and assesses proposals against the relevant Development Plan, current planning policies and other material considerations. This is a key aspect of the Agency's business and the speed with which it deals with individual planning applications is its key indicator of performance.

2.13 The Agency's targets in this area have changed over time. Until 2003, targets in Northern Ireland followed those in

¹⁶ The date for meeting the current Public Service Agreement (PSA) targets is March 2011.

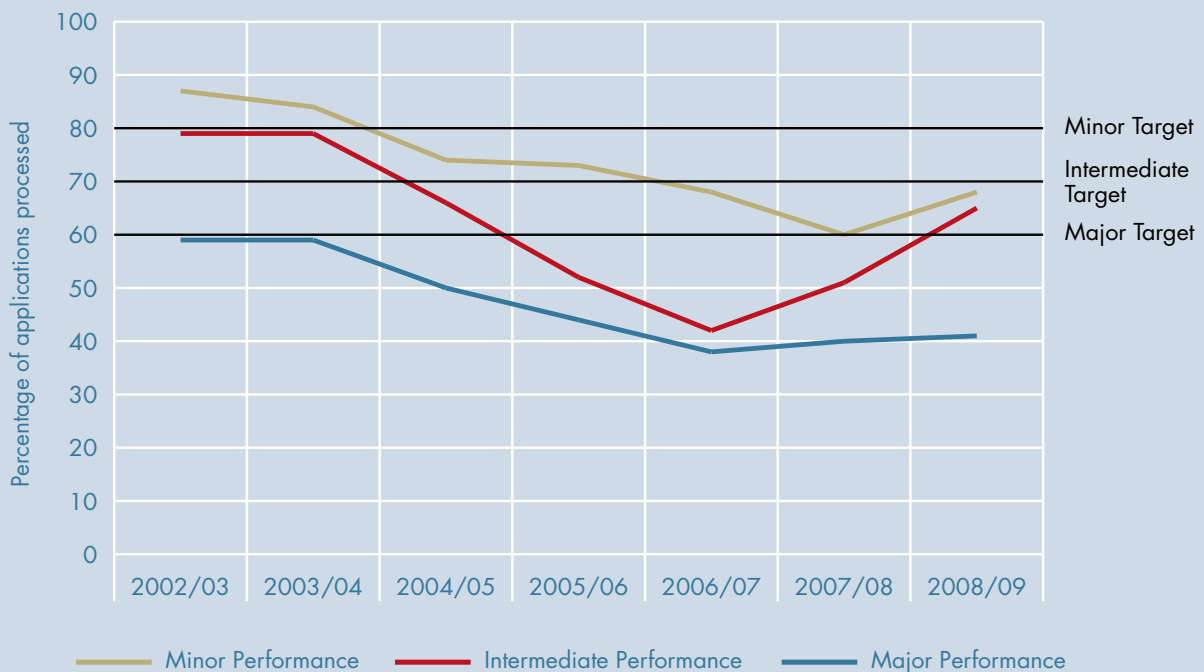
Great Britain, where decisions had to be made within 8 weeks (based on the statutory right to appeal on the basis of non-determination¹⁷). However, the target processing times have subsequently been changed and are now much longer. In 2006-07 the current Public Service Agreement (PSA) target processing times (to decision or withdrawal) were introduced:

- 60 per cent of major applications are to be processed within 23 weeks;

- 70 per cent of intermediate applications within 31 weeks; and
- 80 per cent of minor applications within 18 weeks¹⁸.

These targets were originally to be achieved by 31 March 2008 but this has now been extended to 2011, with annual targets included in the Agency's business plan to reflect the progressive improvements that are to be delivered in order for the Agency to meet the overall PSA targets by 2011.

Figure 8: Performance over the last seven years against PSA processing targets for application type



Source: The Agency

17 If a decision is not made within two months of an application being received (16 weeks if accompanied by an Environmental Statement) then there is a right of appeal to the Planning Appeals Commission should an applicant wish to take this route.

18 Major, Intermediate and Minor are categories of planning applications for the purposes of the PSA targets and are based on the complexity of the application. For example: Major includes housing, retailing and industrial development. Intermediate includes single dwellings; and Minor includes domestic extensions and advertisements.

Part Two: The Performance of the Planning Service

- 2.14 To date, the Agency has not met its PSA targets and the extent of the shortfall since 2003-04 is significant (see Figure 8 above and **Appendix 5**). In 2007-08 it under-performed against the respective targets for processing major, intermediate and minor applications, by around 20 percentage points in each case. 2008-09 saw an improvement in relation to minor and intermediate applications¹⁹ with their respective Agency business plan targets being met. Overall, however, performance across all categories is still significantly below that of six years ago.
- 2.15 The Agency's performance in processing applications has been poor. Figure 9 and **Appendix 6** shows that since 2003-04 end-to-end processing times for the Agency had become increasingly longer until 2008-09 when business plan targets for minor and intermediate applications were met. Although not a PSA target (as noted in paragraph 2.13), there is a statutory period of two months (8 weeks) within which to determine an application, and failure to meet this timeframe is grounds for an appeal. However only a small number of applications are determined within this timescale and, in the period from 2003 to 2008, the percentage of applications processed within 8 weeks fell from 16 to five per cent before rising significantly in 2008-09 to 24 per cent. Paragraph 2.29 reflects that the number of non-determination appeals as a percentage of the overall total fell from 34 per cent in 2004-05 to just over two per cent in 2007-08. At 31 March 2008, 4,307 (23 per cent) of applications had been in the system more than 12 months. The Agency told us that a substantial number of these were a result of the Judicial Review of draft PPS 14²⁰ and subsequent revision to that policy.

Figure 9: Speed of application processing in the Agency from 2003-04 to 2008-09

	Application processed within 8 wks	Application processed within 6 months	Application processed outside 12 months
2003-04	16%	78%	6%
2004-05	10%	67%	9%
2005-06	8%	58%	16%
2006-07	4%	51%	19%
2007-08	5%	59%	18%
2008-09	24%	74%	9%

Source: The Agency

¹⁹ Performance statistics from November 2008 exclude those PPS 14 applications held back under the PPS 14 / PPS 21 policy.

²⁰ In March 2006, the Department for Regional Development introduced draft PPS 14 on Sustainable Development in the Countryside which placed significant restrictions on rural development (see para 3.4).

Figure 10: Divisional processing performance for application type against 2008-09 PSA targets' processing time frames

	Major applications percentage processed within 23 weeks	Intermediate applications percentage processed within 31 weeks	Minor applications percentage processed within 18 weeks
Ballymena	48%	68%	70%
Belfast	39%	57%	72%
Craigavon	40%	53%	74%
Downpatrick	26%	41%	51%
Headquarters (SPD)	21%	na ²¹	20%
Derry	41%	70%	75%
Omagh	53%	81%	73%
Agency	41%	65%	68%

Source: The Agency

- 2.16 The Agency is organised in Divisional offices and a review of performance at this level indicates a substantial degree of variance across the respective Divisions for each type of application, as illustrated in Figure 10 and in detail at **Appendix 5**.
- 2.17 The planning system in NI also processes applications much more slowly than those in other jurisdictions across the UK. In 2007 more than 60 per cent of Scottish and Welsh planning applications were determined within eight weeks. In England, 76 per cent of minor applications were determined within 8 weeks in 2008-09²². For illustrative purposes Figure 11 shows the significant differences between the Agency's Divisional performance against the English target for processing minor applications. However a like-for-

Figure 11: Comparison of 2008-09 Divisional performance against Minor application processing targets in England.

Divisions	Percentage of NI minor applications achieving English target
England	76
Ballymena	26
Belfast	29
Craigavon	22
Downpatrick	13
Headquarters (SPD)	12
Londonderry	33
Omagh	26

Source: The Agency

21 Headquarters – the Strategic Projects and Design Division (SPD) - do not normally process intermediate and occasionally deal with a small number of minor applications.

22 The English targets separate the categories of applications into Minor, Major and Other. In England the Minor category does not include change of use; householder; and advertisement applications, whilst NI does. Planning Service Headquarters do not generally process minor applications.

Part Two: The Performance of the Planning Service

like" comparison is not possible, for a number of reasons, including the differing range of applications within application categories, the different legislative base and the significant structural and process differences in other jurisdictions. For instance, in England, the locally elected planning authority makes planning decisions based primarily on the locally agreed Development Plans, and an average of 90 per cent of applications are handled through delegated arrangements broadly similar to the Streamlining procedures introduced by the Agency since December 2007 (see paragraph 4.13 – 4.14).

The Agency's enforcement activity has increased significantly, but it has not used its statutory powers to recover costs and there was no performance management system in place before March 2009

2.18 Enforcement aims to ensure that unauthorised development which is in breach of planning control (such as unapproved building, demolition or land-use) is regularised. Enforcement is a key business area within the Agency's Development Management process and the number of enforcement cases notified to the Agency more than doubled between April 2003 and March 2008 from 1,777 to 3,934. At the end of June 2009 the number of enforcement cases was 4,615. In 2007 the Criminal Justice Inspectorate²³ reported that despite its importance, the Agency's Business Plan did not include specific objectives,

targets or commitments directly relating to enforcement activities. However an overall target of progressing 70 per cent of cases to closure/formal action/planning application within 9 months is included in the 2009-10 Directorate²⁴ business plan.

2.19 There are several potential outcomes of the investigation of an enforcement complaint:

- no breach of planning control is identified and therefore no further action is needed;
- the development is deemed lawful because the statutory time limit for enforcement action has passed;
- only a minor breach has occurred and it is not expedient to pursue formal action;
- the breach is remedied through negotiation between the landowner/developer and the Agency;
- a retrospective planning application is submitted to regularise the situation and subsequently approved; or
- the Department proceeds with formal enforcement action, ranging from warning letters, through to enforcement notices, stop notices and ultimately court action.

2.20 Some 60 per cent of complaints are judged by the Agency to require no

23 Enforcement in the Department of Environment (October 2007), Criminal Justice Inspection Northern Ireland

24 The Agency's organisational structure contains three Directorates - Operations; Strategic Planning; and Corporate Services. Enforcement activity is carried out by officers in both Operations and Strategic Planning.

further action. Where action is required, almost all cases are resolved through negotiation and/or a retrospective planning application. However, this is a lengthy and resource-intensive process, as highlighted by an April 2008 Internal Audit report that, showed 15 per cent of cases being more than three years old. In 2003 consultants employed by the Agency found that, even when cases are successfully prosecuted, the cost to the public purse of taking a prosecution is often substantial and the penalties levied by courts relatively small.

- 2.21 The Agency committed to introduce and monitor performance targets for the processing of enforcement cases in 2003-04. However these targets were only agreed in principle in March 2007 and, as a result of weaknesses in the Agency's management information system, no performance management framework was in place until 2009-10. As a result, there is no data indicating a performance baseline against the overall proposed target of bringing 70 per cent of cases to closure/formal action/planning application within 9 months. However, as noted at paragraph 2.18, an overall enforcement target is included in the relevant 2009-10 Directorate business plans and the Agency told us that enforcement teams across each of the Divisional Planning Offices now manage and report on targets.

- 2.22 Enforcement costs from 2005-06 to 2008-09 totalled £6.24m. The Planning Reform (Northern Ireland) Order (2006)

allows for the cost of enforcement to be recouped through planning application fees. However it is current Agency policy not to recover any of its enforcement costs, resulting in a loss of potential income.

- 2.23 PPS 9: The Enforcement of Planning Control, published in March 2000, sets out the general policy approach that the Department will follow in taking enforcement action against unauthorised development in NI. Although the 2003 Modernising Planning Processes action plan (see paragraph 1.12) committed the Agency to having a formal enforcement strategy in place by 2005, this is still outstanding. The Agency decided instead to publish an Information Leaflet – A Guide to Enforcement in Northern Ireland (2005), which provides guidance on how it carries out enforcement of planning control.

Customer satisfaction levels have fallen by over half since 1998

- 2.24 The Agency measures customer satisfaction²⁵, and there has been a significant downward trend in customer satisfaction levels since 1998, from approximately 76 per cent to 32 per cent in 2008 (see Figure 12 below).

25 Approximately 600 surveys are issued to a random sample (split between Agents and Applicants) who have received a decision on a planning application within the previous six months. These have historically been done approximately every two years with a response rate of around 30 per cent.

Part Two: The Performance of the Planning Service



Several recurring themes have emerged from the surveys. These included concerns that: the planning process was unacceptably slow; fees were too high; there was a lack of communication from, and poor access to, planning officers; a lack of consistency of planning decisions across Divisions; and a perceived inexperience of planning officers. Delays in the statutory body consultation period were also noted.

2.25 As part of our work we surveyed around 100 stakeholders with an interest in the performance of the Agency (see **Appendix 7**). The views expressed, summarised in Figure 13, mirrored those contained in the Agency's own surveys but also confirmed that these views held not only for the Development Management process, but also in relation to enforcement, the planning appeals process and the preparation of Development Plans.

Figure 13: Summary of NIAO survey response percentages across key business areas

Response	Development Plan process	Development Management system	Planning Appeals process	Enforcement
	%	%	%	%
Very Good	0	3	0	0
Good	6	12	12	3
Neither Good nor Bad	18	27	32	32
Poor	59	41	35	44
Very Poor	17	17	15	15
No Answer	0	0	6	6

Source: NIAO

2.26 These low levels of customer satisfaction are reflected in a number of specific comments received from respondents to our survey (see Figure 14 below).

The Agency told us that, more recently, it has received positive feedback from stakeholders, reflecting improved outcomes resulting from the new performance initiatives that it has introduced (see Part Four of this report).

Figure 14: Comments from NIAO Stakeholder Survey**Comments included :**

"The Development Plan process is too slow, over-complicated, bureaucratic and time-consuming. It does not provide sufficient flexibility to respond to changing economic and social conditions and the result can be a shortfall of land available for development when it is required"

"Planning Service, even though modernised, are currently not as capable of responding, administering and processing applications as they were a decade ago and cannot parallel the delivery times expected within the modern commercial society of today!"

"Planning Service, as the co-ordinators of planning applications, would appear to be powerless when dealing with internal consultees, e.g Roads Service and EHS (now the Northern Ireland Environment Agency), who frequently fail to respond within a reasonable timeframe"

"[We] had to wait 21 months for a planning decision in respect of an outline planning permission for a [...] housing development.... This was despite assurances ... that the application "ticked all the right boxes".

"The area most in need of improvement is enforcement. At present, there is too little enforcement being carried out in NI and so the planning process has a poor public image".

Part Two: The Performance of the Planning Service

Increased numbers of planning appeals, applications and objections to planning decisions and Development Plans have adversely affected performance in the Planning Appeals Commission

2.27 The Planning Appeals Commission (the Commission) is an independent appeals body whose functions fall into three broad categories: decisions on planning appeals; reporting on hearings and public inquiries in connection with major planning applications; and reporting on public inquiries and independent examinations in connection with Development Plans. During 2007-08 and 2008-09, almost half of the full-time Commissioners worked on Development Plan referral work. The Commission expects that this will continue in 2009-10.

2.28 Planning appeals generally fall into two broad categories. The first includes cases where an application has been refused, or approved with certain conditions, to which the applicant objects. The second includes cases where the Agency has failed to reach a decision within two months (Article 33 appeals²⁶). During the period 2004-05 to 2007-08, the Commission experienced a considerable increase in its workload when the number of appeals received rose by 260 per cent from 762 in 2004-05 to a high of 2,765 in 2006-07, before falling to 1,493 in 2007-08 and again in 2008-09 to 515.

2.29 In 2008-09 some 35 per cent of appeals were allowed. Until 2003, the Agency undertook an annual audit in

order to identify the reasons why appeals were being made or subsequently allowed. However, since 2003, no further audits have been undertaken on a centralised basis. Instead the Agency said it monitors appeal outcomes by means of monthly exception reports and appropriate action is taken if required. The Agency told us that the increase in appeals is directly linked to the overall increase in applications, and subsequent refusals. It also said that the increase in refusals for houses in the countryside is directly linked to the introduction of draft PPS 14²⁷ (see paragraph 3.4).

2.30 The Commission told us that 80 per cent of total appeals related to rural development. During the three years from 2004-05 to 2006-07 Article 33 appeals represented 34 per cent, 20 per cent, and 15 per cent respectively of total appeals before falling to just over two per cent in 2007-08. This increase in the Commission's workload contributed to a marked fall in its performance over the period, as illustrated in Figure 15 below.

2.31 As a result of the rising number of appeals and the increase in the Development Plan workload, the backlog of appeals reached a peak of 2,834 at 31 March 2008. The Commission told us that it deals with most appeals in the chronological order in which they were submitted. Depending on the procedure selected, an appeal submitted in April 2009 could be determined within 1.5–2 years, so appeals being determined in April 2009 were actually submitted between March and October

26 Applicants are entitled to make an appeal under Article 33 of The Planning (Northern Ireland) Order 1991 if Planning Service has failed to make a decision within two months or 16 weeks if the application accompanied by an Environmental Statement.

27 Draft PPS 14: Sustainable Development in the Countryside, published by DRD in March 2006, placed tighter controls over single dwellings in order to address development pressure affecting rural Northern Ireland.

Figure 15: Planning Appeals Commission performance against target for appeal decisions from 2004-05 to 2008-09

Target for Appeals (excluding enforcement)	2004-05	2005-06	2006-07	2007-08	2008-09
80% of formal hearings within 30 weeks	42%	22%	0%	0%	0%
80% of informal hearings within 27 weeks	80%	25%	0%	0%	1%
80% of appeals by written representation within 24 weeks	86%	30%	7%	0%	0%

Source: Planning Appeals Commission

2007. In order to address the shortfall in resources reflected in this delay, an additional £2.2 million, to be provided between 2008-09 and 2010-11, was agreed by the Commission's sponsoring Department (Office of the First Minister and Deputy First Minister) in November 2007. This allowed the appointment of two additional commissioners at both senior and principal levels, and an additional 14 Panel Commissioners (on a fee by case basis) in September 2008. The Commission said that this assisted in reducing the backlog to 1,045 at 30 September 2009.

- 2.32 During 2008-09, the output of appeal decisions (1,411) exceeded the annual intake of appeals (515). As the historic backlog is reduced, the Commission anticipates that, subject to workload and resource issues, it should be able to achieve its appeals determination targets, in the majority of cases, by 2011.

NIAO Conclusions

To date, the Agency has not met its PSA targets in relation to processing planning applications. Development Plans and planning policies have not been produced as planned and levels of customer satisfaction are very low.

There is a considerable variation in the relative performance between Divisional Planning Offices. In addition, NI's performance is significantly below other GB planning authorities. There may be valid reasons for these differentials. For example, there are differences in the mix of planning applications between Divisions, and in the case loads of staff, both between different offices and with other jurisdictions. There are also operational and statutory differences between NI and other jurisdictions.

Nevertheless the scale of differences in processing times is significant. More investigation and analysis is required to identify the causes of the differences and to benchmark processes to learn good practice. It is important, in moving towards Review of Public Administration, that staff resources are allocated in line with projected workloads.

Part Two: The Performance of the Planning Service

Targets and performance measurement are largely activity- and output-based (for example, the Agency's main measures relate to processing times and delivery of Development Plans). There are no indicators which measure the outcomes and impacts of the Agency in terms of its ultimate aims of sustainable development, protecting the environment and promoting economic growth.

Enforcement activity is important and the number of cases is increasing. Despite, this, the Agency has not fulfilled commitments made and it is therefore important that an overarching strategy is established, and that performance against the targets put in place in March 2009 is monitored and reported on.

Although it has reduced in recent years, a significant percentage (35 per cent in 2008-09) of planning application refusals, or conditions imposed as part of planning approvals, are overturned following appeal. We consider that there may be merit in the Agency recommencing its Appeals audit in order to analyse the reasons behind these to inform future planning decisions, and help training.

Development Plans and Planning Policy Statements underpin the planning system. We consider that the absence of up-to-date plans and policies potentially undermines that system because there is a risk that decisions may be made that do not align with the Regional Development Strategy. It is essential that the 2011 targets for completing the suite of Planning Policy Statements are met and that development plans are progressed as far as possible prior to the transfer of planning functions to Councils, planned for May 2011.

Part Three: Factors Influencing Planning Service's Performance



The Agency's performance over recent years has been influenced by a number of underlying factors, some of which are outside the Agency's direct control.

This part of the report identifies the main contributory factors and examines the impact of these factors.

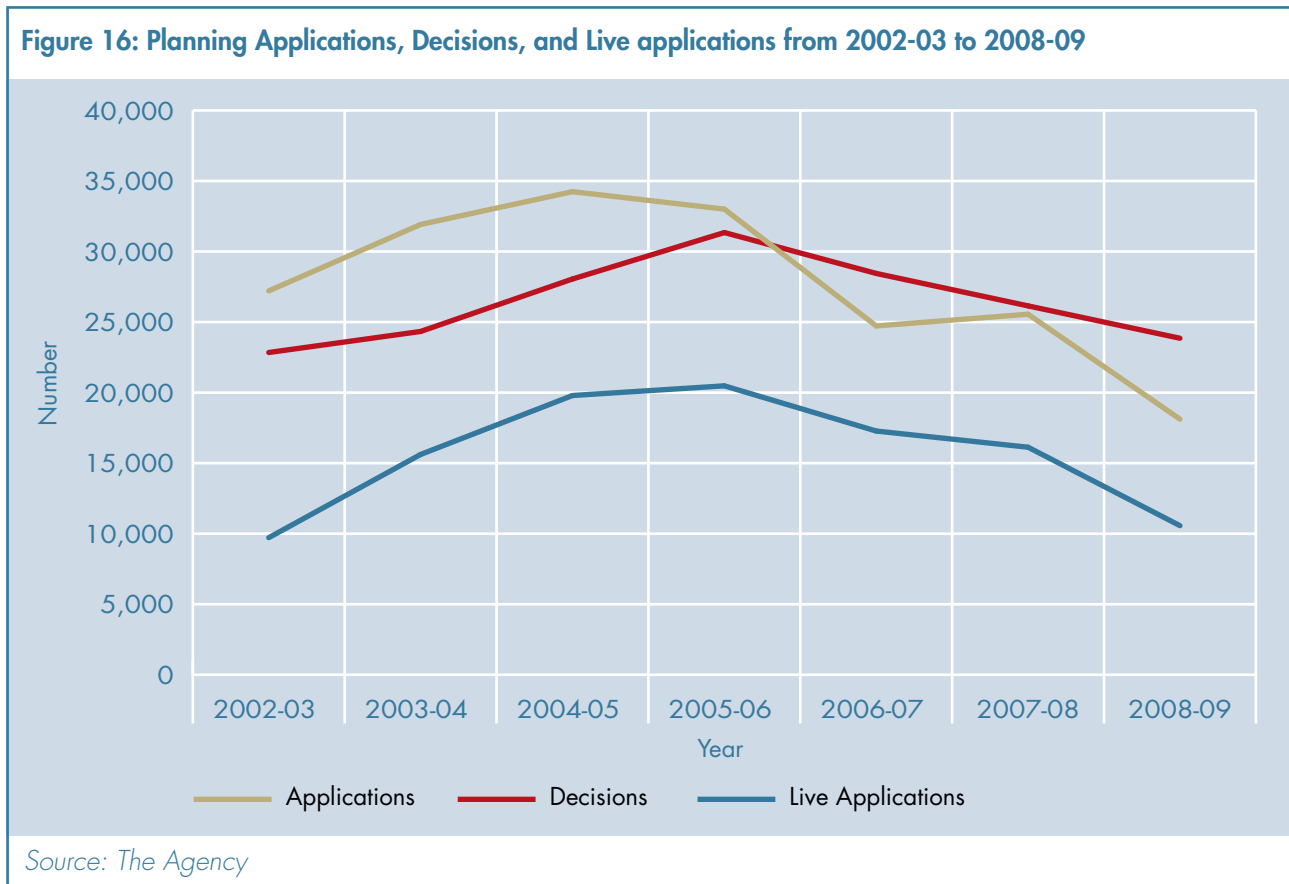
Part Three: Factors Influencing Planning Service’s Performance

Processing times were affected adversely by a significant increase in numbers of planning applications resulting from an upturn in the economy

- 3.1 The Agency’s performance has been strongly influenced over recent years by a sustained period of economic growth and a buoyant property market. This is reflected in a very significant and sustained increase in the number of planning applications received by the Agency.
- 3.2 Over the long term there has been a considerable increase in the Agency’s level of activity. Between 1996 and

2006, application numbers increased significantly year-on-year, almost doubling over the period from under 20,000 to a peak of over 36,000 (see Figure 16 below)²⁸. The Agency told us that numbers have subsequently decreased, due largely to the economic downturn. **Appendix 2** shows that over the six-year period from 2002-03 to 2007-08, although the number of planning applications fell by five per cent (from 29,561 to 27,906) and the number of applications decided or withdrawn increased by 13 per cent (from 25,193 to 28,497), the number of “live” applications in the system increased by some 53 per cent (from 12,068 to

Figure 16: Planning Applications, Decisions, and Live applications from 2002-03 to 2008-09



28 Comparison is limited as pre 2006 application figures include invalid applications and post 2006 do not include invalid applications.

18,479). However, by 31 March 2009 the number of live applications had been reduced to 12,912. All live applications are at various stages of being processed but they do include a "backlog" element i.e. planning applications not determined within the PSA target time frames. As at 30 June 2009 this backlog figure was 4,875. However it does not include approximately 2,000 applications which were deferred pending the outcome to legal challenges on draft PPS 14 and which are now being considered under the revised policy draft PPS 21.

3.3 The Agency told us that the increase in applications up to 2006 was partly made up of commercial and urban proposals, including high-density redevelopments for apartments, and that these can be controversial and slow to process through the system. However, the Agency also indicated that a significant component of the increase up to 2005-06 was applications for single rural dwellings, as Figure 17 below shows.

3.4 In March 2006, the Department for Regional Development (DRD) introduced draft PPS 14 on Sustainable Development in the Countryside which

placed significant restrictions on rural development. As Figure 17 shows, in the four years before its introduction and in anticipation of its more stringent requirements, applications for new and replacement single rural dwellings increased significantly representing over 40 per cent of applications received. Following the introduction of draft PPS 14, an application for Judicial Review was made in June 2006 by Omagh District Council. In October 2007, the Court concluded that DRD did not have the statutory authority to make planning policy and responsibility for taking the matter forward transferred to DOE. In the period between March 2006 and the Judicial Review decision in October 2007, the Agency received 11,500 applications for new and replacement rural dwellings. The Agency told us that this large influx affected considerably its ability to process applications within a reasonable time, and also affected the performance of consultees and the Planning Appeals Commission (see paragraphs 2.28 to 2.31).

3.5 Following the Judicial Review outcome, the Agency deferred making a decision on 2,300 applications received

Figure 17: Applications for new and replacement single rural dwellings 2002-03 to 2008-09

	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
No of Applications	11,201	14,653	17,445	16,695	7,533	7,465	4,651
Single rural dwellings as a % of Total Applications	38%	43%	48%	47%	28%	27%	31%

Source: The Agency

Part Three: Factors Influencing Planning Service's Performance

because of the potential for changes in the new draft PPS 21²⁹ to result in a different outcome than would result from applying PPS 14. Following the issue of the new PPS 21 in November 2008 (which replaced draft PPS 14), these applications became eligible for review, and the Agency told us that around 300 (20 per cent) of those reassessed by March 2009 had been approved. The Planning Appeals Commission told us that it expects a substantial number of appeals against those refused.

Poor quality planning applications adversely affect application processing times

3.6 Before a decision can be taken, planning applications must contain sufficient information of the appropriate quality (such as correctly completed application forms, fees and plans). The Agency told us that, in many cases, this is not provided, even where applicants employ professional agents to handle their application. In these circumstances, the Agency is obliged to seek further

information from applicants and/or agents to meet the requirements of planning policies and to obtain information requested by consultees, such as Roads Service, Northern Ireland Water or the Northern Ireland Environment Agency (NIEA). Examples of cases requiring significant information include:

- major planning proposals which may be of such a scale as to have potentially wide-ranging environmental effects require an Environmental Impact Assessment; and
- applications for major retail developments require a retail impact assessment in accordance with PPS 5: Retailing and Town Centres.

Failure to provide the relevant documentation renders an application invalid at the outset. However, even when such information is provided, it may prove to be of insufficient quality, and this may cause its progress to be delayed, as the following case study illustrates.

Figure 18: Application to develop a major industrial plant, with significant potential economic benefits for the local area

The divisional office held several pre-application meetings to advise the applicant on submission, particularly stressing the need to submit a complete, accurate Environmental Statement, as required by legislation. The NIEA had particular concerns about any impact on water quality, because of its proximity to a nature conservation site.

The application was received in June 2006, accompanied by an Environmental Statement. However, following receipt of all the consultation responses, the Environmental Statement was considered so deficient that 63 additional items of information were required. The revised information submitted by the applicant was still considered to be seriously flawed and, despite various meetings and discussions between the agent, the Agency and NIEA, the agreed further information was not provided and the application was withdrawn in February 2009.

29 Draft PPS 21: Sustainable Development in the Countryside, was issued for consultation by DOE in November 2008.

3.7 The presence of invalid applications in the Agency's management information system had the effect of distorting performance outturn statistics for end-to-end processing times. To address this, in March 2006, the Agency introduced new validation procedures to check the completeness of each new application upon receipt, and those judged to be invalid are returned to the applicant for amendment without being recorded on the system. Currently, around a third of applications are judged to be invalid upon receipt (see paragraph 4.4).

Other public sector bodies have not met targets agreed and this has adversely affected application processing times

3.8 In reaching a decision on planning applications, the Agency relies on advice

and information from a number of other public bodies. The timely provision of this advice and input is crucial to the Agency's performance and to the effective and efficient operation of the planning system. There is no statutory requirement for any of these consultees to respond within specified timeframes, but generally the operational target is for consultees to respond within 15 working days from receipt of the request. However the lapsed time to complete consultation may be a lot longer.

3.9 The Agency has sought to manage relationships and service standards through Service Level Agreements (SLAs) with some (but not all) stakeholders. The Agency's statistics on consultees' performance are illustrated by Figure 19, below. The Agency told us that the average time taken by consultation with

Figure 19: Agency statistics on consultee response performance in 2008-09 ³⁰

Consultee	Target in place	Number of planning consultations requested	Percentage within 15 days
Northern Ireland Environment Agency	75% within 30 working days	9,655	28
Roads Service	70% within 15 working days	30,122	47* (74**)
Northern Ireland Water	90% within 15 working days	11,827	45
Rivers Agency	No SLA in place ³¹	1,716	49
District Councils (Environmental Health) ³²	90% within 15 working days	10,295	45

*Planning Service response times are measured from the date the consultation request is sent

**Roads Service measures, as per the SLA, from its receipt of the consultation documents

Source: The Agency

30 The SLA with Roads Service has been in place since 2004-05, the SLA with NIEA was only put into place in 2007-08, and the NI Water SLA was only put in place in 2008-09. Performance against a 15-day benchmark target by the main consultees is shown in order to provide a comparison.

31 Rivers Agency told us that no SLA is in place as availability of resource is a critical issue in the delivery of a service and that they do not have the resources to meet the targets.

32 SLAs are in place with 21 out of the 26 District Council Environmental Health Offices (EHO). Using a combined/average figure to report EHO performance can cover variation in performance from one area to another.

Part Three: Factors Influencing Planning Service's Performance

third parties, including public bodies, was approximately 25 weeks. However there has been no formal agreed system in place for recording or publishing consultee data, and due to the time lag between issuing and receipt of requests, the consultees' own figures do not agree with the Agency's figures. In particular, Roads Service records show that in each of the last four years since 2005-06 they have exceeded their SLA target response times. In addition NIEA records show that they returned 79 per cent within their target 30 working days, compared to the Agency's 56 per cent. We note (paragraphs 4.21–4.22) that as part of the implementation of the Performance and Efficiency Delivery Unit (PEDU) Action Plan, recently revised SLAs now state that consultees will be responsible for monitoring performance against the SLA targets.

- 3.10 While the degree of input required of each of these bodies varies according to its function, this is deemed to be reflected in its individual SLA target. Consultee performance can impact on the speed of decision-making in respect of individual applications and highlights the need for active management of individual consultees and the consultation process overall. Our survey of the main consultees indicated that their ability to respond is dependent on several factors including: the resources available; the number of requests and their appropriateness; and the completeness and quality of the application.

Caseloads appear high for certain staff and there are significant variances across Divisions

3.11 As far back as 1996, the Northern Ireland Affairs Committee at Westminster reported³³ that the Agency's caseload per planner was considerably above the average of other UK planning authorities - 167 against the UK average of 131. Since then, six studies on caseloading and manpower planning have been carried out by the Agency and by consultants working on its behalf. However, no staffing model has yet been produced. For example:

- in 2002, consultants produced a staff planning model and, while the Agency regarded this as a valuable manpower planning tool, it was not implemented;
- in 2005, consultants were engaged to examine whether a potential model could be developed to determine staff requirements of Divisional Planning Offices. Again, it was not implemented, and further work was postponed; and
- in May 2005, the Agency carried out an exercise within its Omagh Division, aimed at establishing the optimum number of cases an officer could deal with in a year. It concluded that an average caseload of 180 was manageable. The exercise compared these results against work undertaken by consultants on local authorities in England, which concluded that annual

33 The Northern Ireland Affairs Committee examined 'The Planning System in Northern Ireland' during 1995-96 and reported its findings in March 1996.

caseloads per case officer should be 1.50 or less.

As Figure 20 below shows, current caseloads across divisions exceed both the level recommended by the consultants, and those derived by the Agency itself.

- 3.12 The Agency told us that from 2004 – 2007, it lost 90 professional staff, many of them experienced, through a combination of resignations and career breaks. This created additional operational difficulties at a period when the volume of planning applications was very high. Almost half of the resignations occurred in 2006-07, leading to an overall professional vacancy rate of 12 per cent.
- 3.13 Despite the consultancy exercises and depletion in professional staff numbers noted above, the Agency was unable to provide us with an analysis of optimum staffing levels at each Division,

or overall, as a means of establishing its requirement. Similarly, although the average staff vacancy target rate is five per cent, no analysis has been produced to show the effect of this situation on the Agency's ability to achieve business targets.

- 3.14 The Agency told us that it operates with an overall staff complement, plus agreed staff complements for each individual Division and section, with resources, vacancies etc, managed against these complements. It also said that it has agreed to take account of the Omagh division's caseload model to inform decisions on staffing levels and will continue to deal with workload pressures through process improvements and review of priorities across Divisions. In addition it said that it is working with consultants appointed as part of Review of Public Administration Implementation Structures to develop a model for service delivery for local government functions from 2011.

Figure 20: Divisional Offices' application caseload per planner as at 31 March 2008

	Ballymena	Belfast	Craigavon	Downpatrick	L'derry	Omagh	Total
Planners dealing with individual planning applications³⁴	23	22	36	33	23	35	172
Total planning application caseload³⁵	6,040	6,309	10,127	7,418	6,246	10,676	46,816
Average planning application caseload per planner	262	287	281	225	271	305	272

Source: NIAO

34 Excludes Senior Professional & Technical Officer (SPTO)

35 Includes applications received in year and those carried forward from previous years

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3.15 In our view, the absence of a staffing and caseload model leaves the Agency poorly placed to manage its resources and inhibits its ability to meet its business and Public Service Agreement targets, particularly in the event of any further significant fluctuations in volumes of business or staff levels. Similarly, we consider that the task of developing staffing models for the future may be made more difficult by the absence of an appropriate model for delivering the current service.

There has been a significant increase in the number of plans and policies being challenged and subjected to Judicial Review

3.16 Development Plans are required to be in general conformity with the Regional Development Strategy and the Agency told us that this requirement has proved controversial with some members of the public and politicians, though others fully support it. In addition the Agency said that there is probably much greater awareness and understanding of Development Plans and their implications, as illustrated by the fact that, during their public consultation process, over 18,500 letters of representation have been received for the five draft Plans published since 2001. This compares with representations numbering in the low hundreds for the draft Plans published before then.

3.17 Development Plans have also been subject to an increasing number of Judicial Reviews³⁶ and this has also impacted significantly on the ability of the Agency and Planning Appeals Commission to progress work on the plans (see **Appendix 4**). Since July 2004, any new draft plans have been required to consider the implications of the EU 'Strategic Environmental Assessment' Directive³⁷. This has not only added an additional process to plan production, but also resulted in recent protracted legal challenges in relation to the Strategic Environmental Assessment process. As a consequence:

- progress on three draft Development Plans has been delayed by Judicial Reviews to their Environmental Assessments - the Northern Plan, published in May 2005; the Magherafelt Plan published in April 2004; and the Banbridge, Newry and Mourne Plan, published in August 2006;
- the Northern Plan, cannot be progressed until a ruling is made by the European Court of Justice following the referral to it of two Judicial Review cases (see **Appendix 4**); and
- the Agency has suspended substantive work on preparation of any new Plans, pending the resolution of the challenges to the draft Northern Plan.

36 Judicial Review is a procedure by which the courts can review the legality of the decisions and actions of public authorities, including the government. Judicial review looks at the fairness of the decision making process rather than the merits of the decision itself. (Managing Public Money Northern Ireland June 2008)

37 The EU Strategic Environmental Assessment Directive (SEA) (2001/42/EC) was transposed into UK legislation and separate Regulations for Northern Ireland (SR 2004/280). SEA is a process to ensure that the likely significant environmental effects of certain plans and programmes have been taken into account during their preparation.

3.18 PPSs have also been subject to legal challenges and this has contributed to the failure to meet the Agency's target to deliver a full suite of PPSs. This has particularly affected those PPSs that were formerly the responsibility of the Department for Regional Development (see **Appendix 3**). These include draft PPS 5: Retailing, Town Centre and Commercial Leisure Developments, which was delayed for around two years due to issues arising from a major retail development application, which was subject to Judicial Reviews. Although the application was withdrawn in July 2007 PPS 5 was itself subject to a Judicial Review in 2008, on which a judgement is still pending.

Although the Agency has an efficiency plan in place, it no longer measures unit costs

3.19 The Agency's 2008-11 efficiency delivery plan proposed that efficiency savings are to be achieved by suppressing selected administrative posts in order to reduce costs, and by means of fee increases to generate extra revenue. In our view, such an approach is limited in nature and gives little information on the overall efficiency of the Agency, in terms of its delivery of planning services, or its cost effectiveness. The Agency subsequently told us that it is taking other steps to deliver greater efficiency and effectiveness such as increasing its inter-directorate flexibility, which enables re-deploying staff to areas of pressure.

In addition, a consultation paper entitled "Reform of the Planning System in Northern Ireland: Your chance to influence change", was issued for public consultation on 6th July 2009. This sets out proposals for fundamental changes to the planning system which, if endorsed by the public and the Executive, will lead to new and different ways of working for all key players, including planning officials.

3.20 The Agency also told us that it will be reviewing its efficiency delivery plan, in light of the current economic downturn, which has resulted in a reduction in planning applications and a significant decrease in revenue, (see **Appendix 1**). With effect from August 2009, planning fees were increased by 15 per cent, the first increase in fees since May 2005. The Agency said this was necessary, given the fall in revenue, to enable the Department to recover some of the costs directly incurred in processing planning applications.

3.21 Prior to 2002-03, the Agency considered the unit cost of processing a planning application to be its key measure of efficiency, and formally measured its performance against this indicator. However, this was abandoned, and has not been replaced with any other formal unit cost measures.

3.22 In the absence of any such measures we estimated the costs per planning decision over the last five years³⁸. We also took,

38 In the absence of quality assured information on staff deployed across Divisions over each of the five years NIAO have made assumptions to estimate the split of P&T staff (planners) between Development Management (dealing with applications) and Development Plan functions and to develop the cost of decisions.

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as a proxy for efficiency, the number of decisions made per professional and technical (P&T) officer. The results are recorded below at Figure 21. Over this period the cost per application has increased by 59 per cent whilst the number of decisions per planner remained relatively static before falling by 19 per cent in the last two years.

Figure 21: Analysis of the costs per decision 2004-05 to 2008-09

	2004-05	2005-06	2006-07	2007-08	2008-09
Development Management Costs³⁹	£15.4m	£18.1m	£18.7m	£21.0m	£21.0m
Decisions	30,403	33,696	30,797	28,497	26,203
Cost per decision	£505	£538	£606	£737	£801
Decisions per P&T staff processing applications	108	110	105	94	85

Source: NIAO

NIAO Conclusions

The Agency has experienced extreme difficulties as a result of several factors (paragraph 1.15) including a sustained period of economic growth and a buoyant property market which resulted in the number of planning applications increasing by some 90 per cent from 1998-99 to its peak in 2004-05. This impeded its ability to process planning applications on a timely basis and created a large increase in the numbers of live cases from 2002-03 up to 2005-06. Since then there has been a year on year reduction in the number of live cases to 12,917 at March 2009. This includes a "backlog" of 4,875 live applications not decided within their Public Service Agreement

target time frame at 30 June 2009.

Based on its own estimates, and in comparison with case loads in GB planning offices, it is also evident that the Agency case loads per officer are consistently higher than elsewhere in the UK. In the face of its workload for individual staff, and given the delays in implementing its new IT system, (see paragraphs 4.15-4.20) it is likely that the Agency will have difficulty in significantly improving the output levels of staff in the short term.

A range of external factors has also adversely affected other aspects of the Agency's performance and that of Planning Appeals Commission. In particular, there are much higher numbers of responses to Development

³⁹ For comparative purposes with earlier years the 2007-08 and 2008-09 Development Management costs do not include the notional costs of Roads Service consultation – approximately £3m annually.

Plan consultations and there has been a greater propensity for both Area Plans and PPSs to be subject to Judicial Review. Legal challenges of this nature are outside the Agency's control and can delay the adoption of Development Plans and delivery of PPSs by several years.

In order to make decisions on planning applications, the Agency relies on inputs from a range of statutory bodies. Some public sector bodies have not responded to the Agency's consultations within the timeframes agreed in Service Level Agreements. However it is our view that this should not be considered as outside the Agency's control. It must take more robust action to persuade other bodies to respond in a timely manner.

In our view, the Agency could also have done more to mitigate some of the pressures it has faced. While certain aspects of its business appear to be understaffed, the lack of formal manpower planning and case allocation has not helped its position and it is important that staffing between Divisions is constantly reviewed and managed. In our view, the absence of a staffing model for delivering the current service creates a significant risk that the staffing problems that have beset the Agency will simply be perpetuated at Council level.

Equally, we believe the Agency was mistaken to drop its unit cost monitoring. The lack of appropriate efficiency measures constrains the ability of the Agency to drive forward improvements. Over recent years, the public sector has been expected to generate annual efficiency gains. Despite this, our calculations show that the cost per planning decision has risen by 59 per cent between 2004-05 and 2008-09, whilst output estimated by the

number of decisions per officer has fallen in the last three years. The introduction of a formal efficiency target such as unit cost monitoring would have helped focus the Agency on improving efficiency to help offset the increased volume of applications experienced over recent years.

Part Four: Initiatives to Improve Performance



The Agency has introduced a number of initiatives, including a major reform programme launched in 2002-03, intended to produce demonstrable improvements in the service it provides.

This part of the report examines progress and outcomes from these initiatives to date, as well as noting the plans for future reform.

Part Four: Initiatives to Improve Performance

In 2002-03, the Agency launched a major reform programme, and a number of new initiatives have been put in place

4.1 As noted in paragraph 1.12 the Planning to Deliver (P2D) programme was launched in 2002-03 and set out a wide-ranging agenda covering all areas of the Agency's activity. P2D formed part of the NI Executive's Programme for Government and included the Modernising Planning Processes (MPP) reform programme. The MPP implementation plan set out an ambitious three-year programme aimed at speeding up planning applications and improving the quality of Area Plans. However, although the proposals were for significant and wide-ranging change, they were not supported by costed plans, outlining the resources required to deliver them, nor a methodology by which their success would be measured.

4.2 In the event, the MPP programme ran over a five-year period rather than the three years planned. The majority of its proposals were implemented by March 2008, albeit with some delays, just as the Agency embarked on its current reform programme. However it was decided not to proceed with a number of projects including Planning Obligations/ Developer Contributions and Business Planning Zones⁴⁰. MPP projects delivered included:

- a system for returning invalid applications to applicants for amendment at the outset before any assessment is made;

- new organisational structures, including the creation of Strategic Projects Division, to provide a more focussed approach to dealing with strategically important applications;
- a new procedure for processing strategic applications and Pre-Application Discussions guidance and procedures was published;
- revised procedures to speed up the Council consultation stage;
- introduction of regular audit of the development management process;
- review of Planning Fees; and
- improved enforcement arrangements.

A new procedure for returning incomplete applications is reducing the number of invalid applications in the system

4.3 As noted at paragraph 3.7, until March 2006 invalid applications were recorded on the Agency's management information system, and this had the effect of distorting performance statistics for end-to-end processing times. In April 2006, the Agency implemented new procedures whereby planning applications are checked upon receipt, to ensure that all the requirements for submitting a valid application are met⁴¹. This was intended to reduce the number of invalid applications in the system and to improve the quality of applications received by encouraging agents and applicants

40 Business Planning Zones were seen as an aid to tackling areas of low growth, social disadvantage and high unemployment. MPP looked to make changes to the use of Article 40 of the Planning (Northern Ireland) Order 1991 to increase the scope for the receipt of contributions from developers.

41 Art 7 General Development Order states that an application shall be 'made on a form issued by the Department and shall... include the particulars specified on the form and shall be accompanied by a plan which identifies the land to which it relates and any other plans and drawings and information necessary to describe the development.'

to provide better, and more complete, information from the outset. Removing invalid applications from the system at this early stage also ensures that planners can concentrate on valid applications, thereby speeding up their assessment.

4.4 The new arrangements meant that the percentage of invalid applications in the system fell from over 23 per cent (8000) to less than 3 per cent (500). The Agency told us that there has been some improvement in the quality received. However, a relatively high proportion of applications still have to be returned – at December 2007 the return rate was 34 per cent. Reasons for return are:

- inaccurate plans/drawings (50 per cent);
- incorrect fees paid (17 per cent);
- outline approval expired (10 per cent); and
- minor errors including forms not signed and incomplete addresses (23 per cent).

4.5 For the most part, the Agency has not met its targets for completing the validation process and returning relevant cases to applicants for amendment, as Figure 22 below shows. However performance has improved over the last two years, and in 2008-09 both targets were met. The Agency told us that validation procedures are currently being reviewed.

The Agency has introduced new arrangements for processing major and strategic projects applications and these have delivered some successes

4.6 In recognition of the need for tailored management processes for major development proposals, the Agency established a new Strategic Projects and Design Division (SPD) at Headquarters in July 2005. The cases handled by the SPD are all major applications, including retail and waste management applications. SPD's remit includes processing Article 31⁴² major applications, which are considered to have significant economic or social benefits for the region. In doing so, it is required to work closely with the Strategic Investment Board⁴³ and

Figure 22: Validation processing time performance from 2002-03 to 2008-09

Target	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
75% within 6 Days	60	54	55	56	63	78	90
95% within 10 Days	74	68	70	71	80	91	97

Source: The Agency

42 Major applications deemed to be Article 31 are processed under special procedures and the decision to do so requires the Agency to apply certain statutory criteria before deciding on the applications' status.

43 Strategic Investment Board Limited supports the Northern Ireland Executive and Government Departments in delivering the Investment Strategy for Northern Ireland by providing strategic advice and support to Ministers and the public sector to deliver infrastructure projects successfully.

Part Four: Initiatives to Improve Performance

government Departments to ensure that such proposals are processed efficiently.

4.7 The Programme for Government 2008-11 contains a commitment to decide all large-scale investment planning proposals within six months, provided pre-application discussions (PADs) have taken place with the Agency. PADs are intended to ensure that applications submitted are of a higher quality, so that decisions can be made more quickly. The Agency told us that, prior to their formal launch in December 2007, they had been in place informally and delivered some 'early wins'. In order to enhance the process further, the Agency has established multi-disciplinary Strategic Projects teams at Headquarters, to include secondees from the NI Environment Agency and Roads Service. In the 18 months since their launch, six PADs have been completed with an agreed outcome, taking on average seven months. When applications for these six cases were subsequently submitted, two met the six-month decision target and the remaining four are on course to meet it. Currently 35 PADs are under consideration but the process is lengthy, with discussions to date taking on average almost six months.

4.8 Although the number of major applications received at Strategic Projects and Design Division (SPD) fell over the three years from 2004-05 to 2007-08, the number of decisions issued each year also fell, with the number of 'live' cases at each year end remaining steady, at around 400 (see Figure 23 below).

However in 2008-09 the number of "live" major applications increased significantly by 15 per cent, with applications exceeding the number of decisions. Headquarters would need to improve its performance substantially if it is to meet the PSA target times:

- against a PSA target to process 60 per cent of major applications within 23 weeks the average performance at SPD over the last five years was 21 per cent, (see **Appendix 5**);
- at 31 March 2008 56 per cent of SPD applications had been in the system more than 12 months; and
- against an overall Agency business plan target to reduce by 15 per cent the number of applications that have been in the system for more than twelve months, SPD achieved a reduction of six per cent in 2008-09.

4.9 Owing to the inherent complexity of the applications managed by SPD, good quality management information and reporting are critical. Article 31 major applications account for around 10 per cent of the 2007-08 year-end figures quoted in Figure 23 below. While the Modernising Planning Processes implementation plan included a commitment to develop specific processing targets for Article 31 cases, this has not yet been done and they are included within the major projects target (60 per cent within 23 weeks). The average processing time for the five Article 31 applications decided in

Figure 23: Strategic Projects Division activity levels 2005-06 to 2008-09

	2005-06	2006-07	2007-08	2008-09
Applications Received	312	290	295	383
Applications made Valid	254	264	231	377
Decisions issued	241	234	178	276
Live cases at year end	396	381	395	456

Source: The Agency

2007-08 was 148 weeks and two-thirds of live cases at year end had been in the system for more than two years. Given the strategic importance of Article 31 cases, we consider that these should now be reported on separately.

- improved consultation including new deferral policy by June 2004 (introduced in October 2005); and
- improved arrangements for Management Board Referrals by June 2004 (achieved April 2007).

Revised procedures in place at Council stage have shown the potential to deliver faster turnaround of applications

4.10 It is a statutory requirement for the Agency to consult the relevant local Council in relation to planning proposals. If the Council disagrees with the Agency's planning opinion, it may request to have this reconsidered by way of a deferral⁴⁴ or, ultimately, referral to the Agency's Management Board for a review of the initial planning opinion⁴⁵. The deferral system is highly resource-intensive and can lead to significant delays in the processing of applications. More than one third of applications deferred have had their planning opinion changed. In 2003 the Modernising Planning Processes initiative produced targets for:

4.11 While progress was slower than anticipated, there has been a significant reduction in the number of deferred applications:

- in the year following the introduction of the new deferral policy the number of deferrals fell from almost 9,000 to 4,153;
- the percentage of multiple deferrals (for the same application) has fallen from over 20 per cent to approximately five per cent; and
- since the revised Council consultation arrangements were put in place the number of Management Board Referrals requested has fallen by 75 per cent.

44 If the Council disagree with the opinion they may request a deferral providing sufficient reasons for this request. If a deferral is accepted a meeting will take place and the application will be presented back to Council at a later meeting with a reconsidered opinion.

45 The Management Board Referral (MBR) process affords Councils the opportunity to refer to the Agency's Management Board the Division's final position on a planning application when the Council is 'strongly of the opinion that a decision contrary to that proposed by the Divisional Planning Office should be made'.

Part Four: Initiatives to Improve Performance

4.12 However, despite the significant reduction in numbers and the additional time being made available as a result, a review of the new procedures by consultants in April 2007 highlighted that there had been a negative impact on relationships between the Agency and Councils and that it was not possible to measure how the revised procedures had actually improved service delivery. In addition, there are no arrangements in place to monitor and report on processing times for Management Board Referrals to see how the Agency is performing against its target to determine Management Board Referrals within six weeks of receipt of supporting evidence from the Council.

A successful pilot for streamlined Council consultation has reduced the average processing time for minor planning applications and has been extended to all Councils

4.13 In Great Britain, Local Authorities delegate around 80 per cent of planning decisions to the Chief Planning Officer, which quickens the decision-making process. In NI “delegated arrangements” were used only during the summer and at election times, to avoid undue delays. In December 2007, a streamlined Council consultation scheme to speed minor and non-contentious⁴⁶ applications was introduced in the Derry City Council area. Under these arrangements, these applications are dealt with by the

Agency, which will reach a decision and issue approval without going to the Council Planning Committee.

4.14 Based on the Derry City Council pilot, the average time taken to reach a decision on non-contentious applications has reduced from several months to less than six weeks, compared with a target of 18 weeks. The Agency said that this improvement is not just because of streamlining the Council consultation but also as a result of categorising applications on receipt, based on such factors as their importance or complexity, and adopting a proportionate response. By May 2009, all Councils were operating the streamlined Council consultation scheme. Given that approximately 50 per cent of applications can be considered under the streamlined arrangements, the potential for faster turnaround of applications and improved service to customers is significant.

A flagship IT project - the electronic Planning Information for Citizens (e-PIC) system - is significantly behind schedule and has not yet been fully delivered

4.15 In November 2004, the Agency signed a contract to procure the electronic Planning Information for Citizens (e-PIC) system, intended to allow for delivery of planning processes electronically. Among other things, this system is intended to

46 These include: applications for extensions and alterations to a dwelling, residential garages, agricultural buildings, advertisements etc.

enable online consultation with statutory consultees, amenity groups, neighbours and the local Councils. It is also intended to provide customers with the ability to apply and pay for planning applications online, search for applications, comment electronically on proposed developments and track planning applications through the planning process via the Internet.

4.16 Consequently, it has the potential to increase the speed and efficiency of the Agency's operations and improve its performance measurement. This project was initiated prior to the introduction of the formal Gateway process⁴⁷ in Northern Ireland in December 2003. However three external "Healthchecks"⁴⁸ have been undertaken. The first, in 2004 prior to the contract being signed, expressed several concerns relating to project management, staff resources and training. The second, in July 2007, concluded that the status for the project was 'Red'⁴⁹, noting that "the entire project is dogged by confusion" and that "a fundamental change in the management of the project and in attitudes is required" to ensure its successful delivery. The latest Healthcheck in June 2009 noted:

- delivery was very late;
- the original budget had been significantly exceeded; and
- the level of improvement and progress which had been achieved and the

belief that the project is moving in the right direction.

In recognition of the work to be carried out before the project is fully implemented the project received a Delivery Confidence assessment of Amber⁵⁰.

4.17 The contract anticipated roll-out of the system in the first quarter of 2006, with the first Healthcheck noting "an expectation that benefits of £3.5m would have been realised by this time", but this has not yet happened. The original business case approved in 2004 included £5.5m of capital expenditure to bring the e-PIC asset into use, but additional funding was subsequently approved in 2006, and an addendum to the business case to finally complete the project at a capital cost of £12.8m was formally approved by DFP in July 2009. There has been partial implementation of e-PIC, with the release of a number of electronic planning applications in 2008-09, and it is now expected that e-PIC will become fully operational in 2010, subject to resources, four years later than estimated, with a total capital budget over 130 per cent above the original budget. Details of the planned and actual full costs of the project including staff, project team, consultants, and maintenance and support expenditure are detailed in Figure 24 below.

47 The Gateway process provides independent review of projects (and programmes) at five key decision points or "gateways" in their lifecycle and gives assurance that they can progress successfully to the next stage.

48 "Healthchecks" follow the same procedures as a Gateway Review but may include more detailed information than required by the Gateway process.

49 A Red, Amber, Green (RAG) overall report status is given by the review team depending on the urgency with which recommendations should be addressed. "Red" indicates that the project should take remedial action immediately to achieve a success. It does not necessarily mean that the project should be stopped.

50 A Delivery Confidence assessment of Amber is given when successful delivery appears feasible if significant issues already existing are addressed promptly and resolved.

Part Four: Initiatives to Improve Performance

Figure 24: e-PIC system planned and actual cost to date

Costs	As per original 2004 business case £m	Current costs to 31 March 2009 £m	Anticipated final cost £m
Capital Costs			
Hewlett Packard led consortium	5.3	8.2	11.6
Consultants ⁵¹	0.2	1.0	1.2
Total Capital Costs	5.5	9.2	12.8
Staff Costs⁵²	4.3	1.0	1.5
20/20 Costs⁵³	2.7	2.7	3.4
Other Costs⁵⁴	5.4	1.7	2.3
Total Costs	17.9	14.6	20.0

Source: The Agency

4.18 The Agency told us that the project had experienced delays and cost overruns for a combination of reasons. For instance, e-PIC is based on a standard planning software package that was developed for GB local planning authorities. This package required significant design modifications and add-ons to provide the technical solution to meet Northern Ireland needs. Planning Service said that the extent of this work was far beyond what had been estimated originally. Additional difficulties were caused by high levels of unavoidable staff turnover and loss of experience within the Agency's e-PIC team and in each of the teams within the consortium of suppliers. The Agency told us that the anticipated lifespan for e-PIC has been revised to 10 years to reflect the size and cost of the asset and to reflect the fact that e-PIC will play a central part in Planning as it moves into a devolved environment

as a result of the Review of Public Administration (RPA).

4.19 In addition to the significant additional financial cost of the project, the delay has forced the continued use, and associated cost, of the Agency's existing 20/20 Planner system for dealing with planning applications beyond March 2006, the anticipated implementation date when e-PIC was expected to go live. This system has long been acknowledged as out of date and unfit for business requirements. Consequently, the Agency has not yet been able to fully deliver much-needed improvements in its business processes and service to its customers.

4.20 The information deficit resulting from e-PIC's delay means that aside from the core business areas, other important areas of the Agency's business, including

51 Specialist consultancy and advice and technical support provided by PA Consulting.

52 Staff costs to implement and support e-PIC up to March 2010.

53 Costs incurred in order to maintain the current system – 20/20.

54 Other Costs include Hardware and Software maintenance and Licences.

enforcement, have been affected by the absence of a reliable management information system. Prior to March 2009 there was no performance management system in place to set enforcement targets or monitor outcomes, nor to manage and report on consultee performance (see paragraphs 2.18 to 2.23, and 3.9).

A Delivery Review carried out by the Performance and Efficiency Delivery Unit (PEDU) identified short term actions to improve the Agency's performance

4.21 In November 2008 the Department of Finance and Personnel's Performance and Efficiency Delivery Unit (PEDU) and the Agency reported jointly to Ministers on their review of delivery against the key government target (PSA 22)⁵⁵ on planning applications processing. Their review examined the scope for short term action needed to improve performance and identified four main issues:

- the performance of Planning Agents (who act on behalf of an applicant);
- Consultee performance;
- Divisional performance; and
- Staff and Management.

4.22 PEDU agreed an Action Plan with the Agency, which was substantially implemented by April 2009 and current results show progress towards improved performance. Recommendations included:

- more active management of agents, in accordance with best practice;
- revision of Service Level Agreements with consultees and consideration of incorporating their targets into PSA 22;
- examine the potential for greater flexibility in staff movement across Divisions;
- use the recent fall in applications as an opportunity to tackle the worst backlogs, e.g. by using a mobile central team; and
- address weaknesses in performance management by logging progress and reporting visibly through the Agency and Departmental Management Boards.

Despite delivering several Planning Reforms the Agency is not yet meeting PSA targets

4.23 Part Two of our report indicated that the Agency has not yet met PSA targets. In the absence of any formal evaluation or benefits realisation plan or analysis, there is as yet, limited evidence of a direct link between the reform initiatives and performance improvements. Responses to our survey suggest that stakeholders are not yet seeing tangible benefits emerging from the reform projects. Indeed, in several cases, specific criticisms were made of individual projects (such as the Invalid applications project, revised Council consultation arrangements, and the Strategic Projects Division).

55 PSA 22: Protecting Our Environment and Reducing Our Carbon Footprint, aims to improve the quality of our natural and built environment and heritage and reduce our carbon footprint.

Part Four: Initiatives to Improve Performance

The perceptions of stakeholders who responded to our June 2008 survey can be gleaned from the illustrative comments in Figure 25 below.

The Agency has told us that since our survey it has received more positive feedback from a number of their key stakeholders and representative groups.

Figure 25: Stakeholders' Views on Performance

"Quality of decision-making in development control is paramount above expediency ... the professionalism of development control planners is not in question".

"The validation process had not increased the efficiency of the Planning Service and comments [from our members] included that Planning Service are actively looking for reasons not to accept applications and this is aimed at improving Planning Service statistics".

"...even with the best endeavours of Planning Service, they, the applicants, industry in general, and the health of the NI economy is being held ransom by ... consultees who clearly in many cases do not even bother to read the applications in any detail and respond accordingly".

"Unless fundamental changes are made to the planning system in NI, the province risks losing out on major economic investment and will not deliver its required infrastructure or housing needs in a timely manner".

"With companies needing to be more responsive and being able to adapt quickly to market opportunities, an uncertain and slow planning system is undermining NI's competitiveness".

"Only 16% [of our members] were able to arrange a pre-consultation meeting with Planning Service and comments on the benefit of these were varied:

- *Information advised proved negative at application stage*
- *Not as beneficial as a decade ago*
- *Causes abortive work and unnecessary alterations during Planning Process*
- *Junior staff unable to give any meaningful feedback Planning staff available inexperienced ... senior staff not available".*

"..... welcomes the establishment of a Strategic Projects Division but believes the team lacks appropriate economic expertise and does not access or have access to timely advice in relation to development proposals with major regional significance – such expertise is essential given the priority set in the Programme for Government".

"The Planning Service "Accessibility Project" is a failure. There is not enough contact between applicant and the planning officer".

Source: NIAO Survey

The Agency has concluded a public consultation on proposals for a fundamental reform of the entire planning system and the analysis of responses is now underway

- 4.24 Following the earlier publication of a paper setting out emerging planning reform proposals, in July 2009, the Minister for the Environment launched a consultation process on his detailed proposals for fundamental and far-reaching changes to the entire planning system, including the transfer of responsibility for the majority of those functions from central to local government. Anticipated outcomes from this latest reform process are:
- a streamlined Development Plan system, which would allow for speedier and more flexible Development Plans and provide greater clarity for developers and the community;
 - a more effective Development Management system, which would be reshaped to manage the different categories of development in ways that are proportionate to the significance of each application, with a greater focus given to economically and socially important developments;
 - improved efficiency of processing and greater certainty about timescales for developers;
 - a change in the culture of the planning system: seeking to facilitate and manage development applications

rather than merely controlling undesirable forms of development, and stronger collaborative working across a range of stakeholders; and

- a better match of resources and processes to priorities and improved value for money for all users of the planning system, through more proportionate decision-making mechanisms.
- 4.25 The time-frame for bringing forward the reforms is broadly the same as that for implementing the local government aspects of the Review of Public Administration. The proposals are designed to enable and take account of the transfer of responsibility for most planning functions to the new district councils, currently planned for 2011.

Enhanced performance measurement is needed to underpin the reform programme

- 4.26 A key requirement for any framework should be to enable government, both central and local, to monitor progress in service delivery and outcomes in relation to identified needs and objectives, and for this to be clear to all stakeholders in the process. In light of the extensive and challenging reforms that are planned or already under way, it is clearly important that a performance measurement framework is agreed with local government, and in place, before transfer of functions to Councils. This framework should cover the new planning authorities (which encompass the Department and

Part Four: Initiatives to Improve Performance

the councils) and other stakeholders, such as consultees, who have a key role in delivering efficiency improvements.

4.27 In addition to providing a clear picture of current performance levels, this baseline framework would provide a basis for managing the transition process and the development of roles and structures under the new arrangements. It should also be designed in a manner that facilitates benchmarking of performance across the new planning authorities in Northern Ireland as well as that in other parts of the UK. Given the reform process that is taking place in tandem with the transfer of functions, the new performance management framework should include not only relevant performance indicators, but also targets that encourage improvement.

4.28 We engaged planning consultants with wide experience of advising both local and central government in England in establishing and developing targets and performance measurement systems related to planning to provide a basic framework of generic performance indicators and targets that they considered relevant to any planning authority. The results, at **Appendix 8**, are not intended to be prescriptive, but rather to inform discussions relating to the new structures being put in place as part of the Review of Public Administration reforms. In light of the changes underway, they recommended that any targets proposed within the new Northern Ireland performance framework should be 'stretch' targets, i.e. gradually

tightening over time, in light of changing circumstances and future improvements in performance.

4.29 Complete, reliable and timely information will be essential to populate the Northern Ireland performance framework, both now and following devolution of functions. The introduction of the e-PIC system should provide an opportunity to do this in a systematic way.

NIAO Conclusions

The Agency has undertaken a series of reforms over the last six years. These have been underpinned by a range of individual projects and initiatives. Key among these has been the introduction of the Strategic Projects and Design Division, the Invalid applications project, the Streamlining of Council consultation processes and the e-PIC project.

While there is some evidence of the success of individual initiatives - for example the streamlined council consultation - the overall impact on performance is not yet clear. Generally, the reform has lacked specific targets and a number of individual initiatives have not been subject to post-project evaluation:

Indeed in a number of specific cases, it is not evident that any substantive benefits have yet been delivered:

- the validation project is helping to reduce the number of invalid applications in the system, but it is a matter of concern that around a third of all applications are considered to be invalid. In our view the high rate of invalid

applications still being submitted, despite the validations project, suggests that there is some communication gap between the Agency and its customers;

- significant store is being placed on the e-PIC project to generate beneficial outcomes for the Agency. However this project is still incomplete and is significantly over time and budget; and
- the formation of the Strategic Project and Design Division and availability of pre-application discussions (PADs) has the potential to generate improved processing times. However the performance statistics suggest that the full benefits are not yet being delivered and that a review of the PADs process is timely.

Given the economic importance and complexity of many major development proposals, and the need for tailored management processes, we consider that the Agency should examine setting specific targets for Strategic Projects and Design Division, including Article 31 applications, and report on these.

PEDU has made a number of specific recommendations. The broad thrust of these is welcome and confirmed by our own findings. In particular, the slow response times of public sector consultees, the need to address differential performance across divisions and the need to plan manpower in a more effective manner are all consistent with the findings from our review.

The proposed new reform programme emphasises flexibility and proportionality. The aim of achieving a more streamlined

Development Plan system, which would allow for speedier and more flexible Development Plans and provide greater clarity for developers and the community, fits well with the type of feedback we received from respondents to our survey. Similarly, moving towards a more effective development management system, to manage different categories of development in ways that are proportionate to the significance of each application, also has the potential to improve service delivery.

Appendices:



Appendix 1: (paragraphs 1.6, 3.20)

The Full Cost of determining planning applications and Recovery Rate from 2004-05 to 2008-09 as per published annual accounts

	2004-05 £000's	2005-06 £000's	2006-07 £000's	2007-08 £000's	2008-09 £000's
Planning Fees	14,477	18,152	19,475	21,239	17,052
Full Cost of determining planning applications*	15,360	18,121	18,667	23,864	23,881
(Deficit)/Surplus	(883)	391	808	(2,625)	(6,829)
Full Cost Recovery Rate	94%	102%	104%	89%	71%

Planning Service Operating Cost Statement from 2004-05 to 2008-09

Income					
Planning Fees	14,477	18,490	19,628	21,341	17,184
Property Certificate Fees	1,249	1,467	1,632	1,105	508
Other	36	29	205	23	23
TOTAL RECEIPTS	15,762	19,986	21,465	22,469	17,715
Expenditure					
Staff	18,526	21,654	23,862	24,122	24,930
Other Operating	8,051	9,598	8,670	8,521	8,101
Notional	9,462	10,270	9,960	9,590	9,083
TOTAL COSTS	36,039	41,552	42,492	42,233	42,114
NET COST OF OPERATIONS	20,277	21,536	21,027	19,764	24,399

* Figures for fees and costs are not comparable year on year. Figures from 2004-05 to 2006-07 in the Agency's published audited accounts exclude the Development Management notional costs of consultation with DRD Roads Service. Following advice from DOE it was decided that from 2007-08 the notional cost of Roads Service consultation should be included in the full cost recovery figures published in the annual accounts in line with Fees and Charges guidance. In 2007-08 and 2008-09 Roads Service notional costs of consultation were £2.852m and £2.924m respectively. However although it is possible to recover these through planning fees the current position is not to recover the notional costs of other public bodies involved in the planning system. If the Road Service notional costs are excluded then the revised cost recovery percentages for 2007-08 and 2008-09 are 102 per cent and 82 per cent respectively.

Appendix 2: (paragraphs 1.14, 3.2)

Numbers of Planning Applications, Decisions Issued, and Live cases at 31 March from 2002-03 to 2008-09

	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
Applications	29,561	34,269	36,593	35,356	27,076	27,906	20,469
Decisions Issued	22,805	24,036	27,443	30,161	29,084	26,580	24,637
Applications Withdrawn	2,388	2,649	2,960	3,535	1,713	1,917	1,566
Total Decided*	25,193	26,685	30,403	33,696	30,797	28,497	26,203
Live cases	12,068	17,967	22,145	22,830	19,627	18,479	12,919

* Applications decided plus applications withdrawn in year

Appendix 3: (paragraphs 2.3, 3.18)

Time taken to develop a Planning Policy Statement (PPS)⁵⁶

Planning Policy Statement	Scoping / Estimated Date of Initiation	Date Draft Issued	Date Published	Time in Months from Scoping to Publication
PPS 1 (Revised) Planning for Sustainable Development	TBC	TBC	TBC	TBC
PPS 2 (Revised) Natural Heritage	Aug 2008	Projected as Dec 2009	Projected as Sep 2010	Projected to be 25 months
PPS 3 (Revised) Access, Movement and Parking	Aug 2001	Dec 2002	Feb 2005	42
PPS 3 (Clarification) Clarification of Policy AMP 3	Apr 2006	N/A	Oct 2006	6
PPS 4 (Revised) Draft Industry, Business and Distribution	Mar 2002	Jan 2003	TBC	Counting
PPS 5: Retailing, Town Centre and Commercial Leisure Developments (DRD)	Feb 2000	Juy 2006	TBC	Counting
PPS 6 Planning, Archaeology and The Built Heritage	June 1997	March 1998	March 1999	21
PPS 6 Addendum Areas of Townscape Character	May 2003	Dec 2004	Aug 2005	27
PPS 7 Quality Residential Environments	Feb 1998	March 2000	June 2001	40
PPS 7(Addendum) Residential Extensions and Alterations	Aug 2005	Jan 2007	March 2008	31
PPS 8 Open Space, Sport and Outdoor Recreation	June 1998	March 1999	Feb 2004	68

⁵⁶ Following Devolution and the move to 10 Departments there was a split of functions between DOE and DRD. Under this Planning Service administered planning policy on behalf of DOE and it was agreed that DRD should be responsible for regional Planning Policy on Retailing (PPS 5), Housing (PPS 12), Transport (PPS 13), and Sustainable Developments in the Countryside (PPS 14), and PPS 20: The Coast. Following a Judicial Review of PPS 14 policy responsibility transferred to DOE alone in January 2008.

Planning Policy Statement	Scoping / Estimated Date of Initiation	Date Draft Issued	Date Published	Time in Months from Scoping to Publication
PPS 9 The Enforcement of Planning Control	Sep 1998	March 1999	March 2000	18
PPS 10 Telecommunications	July 2000	No 2000	April 2002	21
PPS 11 Planning and Waste Management	Aug 2000	May 2001	Dec 2002	28
PPS 12: Housing in Settlements (DRD)	May 2001	Nov 2002	June 2005	49
PPS 13: Transportation and Land Use (DRD)	March 2000	Dec 2002	Feb 2005	59
PPS 14: Sustainable Development in the Countryside (DRD)	March 2002	Mar 2006	Superseded by draft PPS21	
PPS 21 (PPS 14 Revised)	N/A	Nov 2008	Projected as Nov 2009	
PPS15 Planning and Flood Risk	Dec 2002	Dec 2004	June 2006	42
PPS 16 - Tourism Development	Dec 2008	Projected as June 2009	Projected as March 2010	15
PPS 17 Control of Outdoor Advertisements	Nov 2002	Jan 2004	March 2006	40
PPS 18 Renewable Energy	Jan 2006	Nov 2007	Aug 2009	44
PPS 19 Minerals	TBC	TBC	TBC	TBC
Control of Development in Airport Public Safety Zones (DOE/DRD/DFT)	Dec 2005	Oct 2006	Dec 2007	24

Appendix 4: (paragraphs 2.9, 3.17)

Time taken to develop Area Development Plans under the current system

Area Plan	Started	Draft Plan Consultation	Formal Request to Planning Appeals Commission to conduct an inquiry	Public Inquiry closed	Date Planning Appeals Commission report forwarded to Planning Service	Date Area Plan Adopted by Planning Service	Number of representations received	Other comments e.g. Judicial Review dates
Ards and Down Area Plan 2015	Jan 1999	Dec 2002	Sep 2003	Jan 2007	March 2008	March 2009	2536	The Planning Appeals Commission report was delivered to Planning Service in March 2008.
Banbridge/Newry and Mourne Area Plan 2015	Feb 2000	Aug 2006	Nov 2008	Stage 1 of the Independent Examination was completed in September 2009. Stage 2 of the Examination process is scheduled to commence in January 2010.	n/a	n/a	2105	The Strategic Environmental assessment (SEA) of the Plan was the subject of a now withdrawn (June 2008) Judicial Review. Stage 1 of the Independent Examination commenced in August 2009 – three years after the publication of the draft plan in August 2006.
Belfast Metropolitan Area Plan 2015	Sep 2000	Nov 2004	March 2006	May 2008	Anticipated in early summer 2010	n/a	3687	Strategic Retail section of the report was delivered by Planning Appeals Commission to Planning Service in January 2009.

Time taken to develop Area Development Plans under the current system

Area Plan	Started	Draft Plan Consultation	Formal Request to Planning Appeals Commission to conduct an inquiry	Public Inquiry closed	Date Planning Appeals Commission report forwarded to Planning Service	Date Area Plan Adopted by Planning Service	Number of representations received	Other comments e.g. Judicial Review dates
Magherafelt Area Plan 2015	Jan 2000	April 2004	Dec 2005 (but deferred pending Judicial Review) May 08	June 2009	Anticipated by Dec 2010	n/a	5008	The SEA of the Plan was the subject of a Judicial Review which began in September 2005. It was only in May 2008, after the applicants agreed not to participate further in legal proceedings on the case, that a formal request could be made to the Planning Appeals Commission to initiate the Independent Examination process – four years after the draft plan was published.
Northern Area Plan 2016	March 200	May 2005	n/a	n/a	n/a	n/a	5248	The SEA of the Plan and the Department's November 2007 determination that it was not feasible to carry out a strategic environmental assessment for the Plan are the subject of ongoing Judicial Review proceedings. Both cases have been referred to the European Court of Justice (the former in June 2008 and the latter in December 2008) and the Department has been advised that it could take up to 2 years before the cases are heard.

Appendix 4: (paragraphs 2.9, 3.17)

Time taken to develop Area Development Plans under the current system

Area Plan	Started	Draft Plan Consultation	Formal Request to Planning Appeals Commission to conduct an inquiry	Public Inquiry closed	Date Planning Appeals Commission report forwarded to Planning Service	Date Area Plan Adopted by Planning Service	Number of representations received	Other comments e.g. Judicial Review dates
Antrim, Ballymena & Larne Area Plan 2016	May 2001	n/a	n/a	n/a	n/a	n/a	n/a	
Armagh Area Plan 2018	March 2003	n/a	n/a	n/a	n/a	n/a	n/a	Previous DOE Minister Arlene Foster announced further substantive work on this plan had ceased pending the outcome of the appeal into the SEA judgement on other plans, currently in European Court of Justice.
West Tyrone Area Plan 2019	Sep 2004	n/a	n/a	n/a	n/a	n/a	n/a	
Houses of Multiple Occupation (Belfast) Subject Plan	June 2005	June 2006	Jan 2007	Oct 2007	March 2008	Dec 2008		
Craigavon Town Centre Boundaries & Retail Designations Plan	Feb 2005	Dec 2005	Jan 2007	Sept 2007	Dec 2007	June 2008		

Notes:

Adopted Area Plans within notional expiry date

- Cookstown Area Plan 2010 (published June 2004)
- Craigavon Area Plan 2010 (published August 2004)
- Derry Area Plan 2011 (published May 2000)
- Dungannon and South Tyrone Area Plan 2010 (published March 2005)
- Larne Area Plan 2010 (published March 1998)

Adopted Area Plans past notional expiry date

- Fermanagh Area Plan 2007 (published March 1997).
-

Appendix 5: (paragraphs 2.14, 2.16, 4.7)

Divisional Performance from 2002-03 to 2008-09 for application type against current PSA Targets

Percentage of Major Applications Processed within 23 weeks (Target 60 per cent)

	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
Ballymena	61%	55%	45%	47%	49%	55%	48%
Belfast	56%	64%	60%	53%	49%	48%	39%
Craigavon	60%	57%	42%	35%	25%	32%	40%
Downpatrick	48%	56%	48%	40%	39%	33%	26%
HQ (Strategic Projects)	25%	12%	23%	17%	26%	19%	21%
Derry	67%	56%	39%	37%	32%	38%	41%
Omagh	70%	66%	63%	55%	37%	41%	53%
Agency	59%	59%	50%	44%	38%	40%	41%

Percentage of Intermediate Applications Processed in 31 Weeks (Target 70 per cent)

	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
Ballymena	77%	74%	51%	44%	62%	70%	68%
Belfast	71%	71%	68%	64%	69%	69%	57%
Craigavon	80%	81%	50%	33%	20%	19%	53%
Downpatrick	70%	65%	67%	37%	55%	58%	41%
HQ (Strategic Projects)	na	na	na	na	na	na	na
Derry	79%	58%	58%	56%	55%	66%	70%
Omagh	83%	87%	87%	71%	38%	63%	81%
Agency	79%	66%	66%	52%	42%	51%	65%

Percentage of Minor Applications Processed in 18 weeks (Target 80 per cent)

	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
Ballymena	84%	77%	67%	72%	78%	77%	70%
Belfast	86%	88%	78%	80%	82%	73%	72%
Craigavon	86%	76%	60%	52%	39%	47%	74%
Downpatrick	86%	84%	79%	74%	73%	53%	51%
HQ (Strategic Projects)	na	na	na	na	na	na	20%
Derry	90%	87%	68%	73%	66%	53%	75%
Omagh	90%	89%	85%	82%	52%	58%	73%
Agency	87%	84%	74%	73%	68%	60%	68%

Major, Intermediate and Minor are categories of planning applications for the purposes of the PSA targets and are based on the complexity of the application which influences the time taken to determine. For example, major includes housing, retailing and other commercial / industrial development. Intermediate includes single dwellings, certain social / community uses and recreation, while minor includes domestic extensions, advertisements and agricultural buildings.

Appendix 6: (paragraph 2.15)

Application processing times across each division in the Planning Service in 2008-09

Division	Application processed within 8 wks	Application processed within 6 mths	Application processed within 12 mths	Application processed greater than 12 months
Ballymena	26%	76%	91%	9%
Belfast	29%	79%	94%	6%
Craigavon	22%	65%	85%	15%
Downpatrick	13%	68%	91%	9%
Headquarters	12%	38%	69%	31%
Londonderry	33%	74%	91%	9%
Omagh	26%	82%	94%	6%
All Divisions	24%	74%	91%	9%

PPS14 cases are removed from all performance figures
Percentages above are not cumulative.
Source: *Planning Service*

Appendix 7: (paragraphs 2.25)

List of Stakeholders Surveyed

26 District Councils
 Group Environmental Health Committees
 (Northern, Western, Eastern, and Southern)
 Department For Employment And Learning
 Department for Regional Development
 Department for Social Development
 Department of Agriculture & Rural Development
 Department of Culture, Arts & Leisure
 Department of Education
 Department of Enterprise, Trade & Investment
 Department of Finance and Personnel
 Department of Health, Social Services & Public
 Safety
 Northern Ireland Environment Agency
 Roads Service
 Invest Northern Ireland
 Northern Ireland Water
 Rivers Agency
 National Trust
 North West Architectural Association
 NI Association Engineering Employer's Federation
 Northern Ireland Quarry Owners' Association
 Planning Appeals Commission
 Robert Turley Associates
 School of Law, QUB
 The General Consumer Council for NI
 Transport 2000
 Ulster Farmers' Union
 Ulster Society for the Protection of the Countryside
 URPA
 Association of Consulting Engineers
 Belfast Metropolitan Residents' Group
 Building Design Partnership
 Council for Nature Conservation and the
 Countryside
 Department of Environmental Planning
 Development Planning Partnership
 Royal Institution of Chartered Surveyors (NI)
 Royal Society of Ulster Architects
 Historic Buildings Council
 Institute of Historic Building Conservation
 International Tree Foundation
 McClelland/Salter Estate Agents
 NI Chamber of Trade
 NI Quarry Products Association
 Northern Ireland Economic Council
 Northern Ireland Environment Link
 Northern Ireland Housing Council
 Northern Ireland Retail Trade Association
 Planning Magazine
 Royal Town Planning Institute
 Ferguson & McIlveen
 Rural Community Network
 Rural Development Council
 NI Federation of Housing Associations
 Northern Ireland Housing Executive
 The British Wind Energy Association
 WDR & RT Taggart
 Sustrans
 Chartered Institute of Housing
 Confederation of British Industry, NI Branch
 Construction Employers' Federation
 Environment and Planning Law Association
 Federation of Small Businesses
 Institute Of Directors (NI Division)
 Institution of Civil Engineers (NI Association)
 NI Chamber of Commerce and Industry
 Ulster Architectural Heritage Society
 University of Ulster, School of the Built Environment
 NI Local Government Association
 Royal Town Planning Institute
 Friends of the Earth

Appendix 8:

Performance Indicator framework

National Priorities	National Indicators for Planning Service	National Targets for Planning Service	National Indicators for Benchmarking ⁵⁷	Operational Performance Indicators for the Planning Service	Operational Targets for the Planning Service	Indicators for Benchmarking	Indicators for Councils Post 2011
Supporting social and economic development	<p>a) The number of Commercial and industrial 'regionally significant'⁵⁸ planning applications and Article 31 applications</p> <p>b) Hectares of Commercial development</p> <p>c) Net additional homes provided (NI154)⁵⁹</p> <p>d) The number of affordable homes provided (NI 155)</p>	Identify and record accurately statistics for annual monitoring reports	These indicators should be monitored on an annual basis. When performance system is in place it will enable monitoring between and with other authorities.				Likely to be required.

57 There is "The New Performance Framework for local Authorities and Local Authority Partnerships: Single Set of National Indicators" DCLG October 2007 Northern Ireland indicators should be aligned with this for effective benchmarking with England in future.

58 Regionally significant development are those with more than local implications.

Appendix 8:

National Priorities	National Indicators for Planning Service	National Targets for Planning Service	National Indicators for Benchmarking	Operational Performance Indicators for the Planning Service	Operational Targets for the Planning Service	Indicators for Benchmarking	Indicators for Councils Post 2011
Efficient and effective development control⁶⁰	a) Processing Major Applications (except Article 31 applications) ⁶¹ to recommendation to Council within 13 weeks (NI157)	a) 60% within 13 weeks	Will enable benchmarking with English authorities. Cannot compare directly with the issuing of the decision notice.	a) Validation within 3 days	75% of applications within 3 days	The time taken to validate can be directly compared to English authorities	These indicators can be refined for use following devolution to enable benchmarking elsewhere.
	b) Issue decision after Council meeting within 3 weeks	b) 95% within 3 weeks		b) Validation within 5 days	95% of applications within 5 days		
	c) Processing intermediate applications to recommendation within 8 weeks (NI157)	c) 70% within 8 weeks		c) Number of cases per officer	Average of 120 – 150 across a team but will depend on complexity of cases.		
	d) Issue decision after Council meeting 2 weeks	d) 95% within 2 weeks		d) Number of deferrals per Council	d)k) Unclear if information is currently collected.		
	e) Processing minor applications to recommendation within 8 weeks (NI157)	e) 80% within 8 weeks		e) Number of overruns of officer	Recommend the development of databases to collect this		

60 This is labelled as development control in keeping with Ministerial statement. It is recognised that the move towards development management will take place as the new planning legislation is introduced.

61 As defined in Northern Ireland.

National Priorities	National Indicators for Planning Service	National Targets for Planning Service	National Indicators for Benchmarking	Operational Performance Indicators for the Planning Service	Operational Targets for the Planning Service	Indicators for Benchmarking	Indicators for Councils Post 2011
<p>Efficient and effective development control⁶⁰</p>	<p>f) Issue decision notice after Council meeting within 2 weeks</p> <p>g) Number of appeals dismissed</p> <p>h) Number of appeals allowed</p>	<p>f) 95% within 2 weeks</p>		<p>f) Enforcement file to be opened upon receipt of a complaint</p> <p>g) Enforcement Complaint to be acknowledged within 5 days of receipt</p> <p>h) Initial site investigation within 4 weeks of received complaint</p> <p>i) Length of time taken to lodge appeal</p> <p>j) Length of time taken to determine appeal</p> <p>k) Proportion of appeals that go against Planning service recommendation</p>	<p>information for the future to enable target setting. Interim target -70% of cases to closure/formal action/planning application within 9 months.</p>		

Appendix 8:

National Priorities	National Indicators for Planning Service	National Targets for Planning Service	National Indicators for Benchmarking	Operational Performance Indicators for the Planning Service	Operational Targets for the Planning Service	Indicators for Benchmarking	Indicators for Councils Post 2011
<p>Efficient and effective Local Plans</p>	<p>a) All area offices to have an adopted Local Plan</p> <p>b) A fit for purpose suite of Planning Policy Statements</p>	<p>a) All Councils to have an adopted plan within 2.5 years of commencement</p> <p>b) 95% timetabled Planning Policy Statements to be completed within 3 months of timetabled completion</p>	<p>a) This can be related to the length of time taken to produce Core Strategy</p>	<p>a) supply of ready to develop housing sites (NI159)</p> <p>b) supply of employment land</p>	<p>Minimum of 5 Year land supply</p>	<p>This information should be collected to inform the development of policy plans.</p>	<p>Will evolve post 2011 to take into account new legislation and could lead to performance measures against key milestones.</p>
<p>Full and open community engagement</p>	<p>a) Is guidance provided to applicants on the requirements for submission of applications.</p> <p>b) % of business satisfied with the service (NI182)</p> <p>c) % of people who feel they can influence decisions in their area (NI4)</p>		<p>Develop for Annual Monitoring purposes.</p>				<p>These indicators can be refined for use following devolution to enable benchmarking.</p>

National Priorities	National Indicators for Planning Service	National Targets for Planning Service	National Indicators for Benchmarking	Operational Performance Indicators for the Planning Service	Operational Targets for the Planning Service	Indicators for Benchmarking	Indicators for Councils Post 2011
<p>Quality of service and outcomes</p>	<p>a) Cost of the service per application</p> <p>b) Is there a multidisciplinary team approach to determining major planning applications?</p> <p>c) Is there capability for an electronic planning service.</p>		<p>Develop for Annual Monitoring purposes.</p>	<p>a) No of planning applications requiring developer contributions for community infrastructure</p> <p>b) amount of previously developed brought back into active use</p>		<p>Develop for Annual Monitoring purposes.</p>	<p>These indicators can be refined for use following devolution to enable benchmarking.</p>

NIAO Reports 2009

Title	HC/NIA No.	Date Published
Absenteeism in Northern Ireland Councils 2007-08	–	9 January 2009
Obesity and Type 2 Diabetes in Northern Ireland	NIA 73/08-09	14 January 2009
Public Service Agreements – Measuring Performance	NIA 79/08-09	11 February 2009
Review of Assistance to Valence Technology: A Case Study on Inward Investment	NIA 86/08-09	25 February 2009
The Control of Bovine Tuberculosis in Northern Ireland	NIA 92/08-09	18 March 2009
Review of Financial Management in the Further Education Sector in Northern Ireland from 1998 to 2007/ Governance Examination of Fermanagh College of Further and Higher Education	NIA 98/08-09	25 March 2009
The Investigation of Suspected Contractor Fraud	NIA103/08-09	29 April 2009
The Management of Social Housing Rent Collection and Arrears	NIA 104/08-09	6 May 2009
Review of New Deal 25+	NIA111/08-09	13 May 2009
Financial Auditing and Reporting 2007-08	NIA 115/08-09	20 May 2009
General Report on the Health and Social Care Sector in Northern Ireland 2008	NIA 132/08-09	10 June 2009
The Administration and Management of the Disability Living Allowance Reconsideration and Appeals Process	NIA 116/08-09	17 June 2009
The Pre-School Education Expansion Programme	NIA 133/08-09	19 June 2009
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