



June 16th, 2017

Notice Of Meeting

You are invited to attend the Regulatory & Technical Services Committee Meeting to be held on **Wednesday, 21st June 2017 at 6:00 pm** in the **~Boardroom Monaghan Row Newry~**.

The Members of the Regulatory and Technical Services Committee are:-

Chair: Councillor J Trainor

Vice Chair: Councillor V Harte

Members:

Councillor T Andrews	Councillor S Burns
Councillor C Casey	Councillor W Clarke
Councillor G Craig	Councillor D Curran
Councillor G Fitzpatrick	Councillor L Kimmins
Councillor J Macauley	Councillor M Ruane
Councillor G Stokes	Councillor D Taylor
Councillor J Tinnelly	

Agenda

1.0 Apologies and Chairperson's Remarks.

2.0 Declarations of "Conflicts of Interest".

3.0 To agree a start time for R&TS Meetings from June 2017-May 2018. (Suggested timetable attached).

[RTS Meeting dates - 2017-2018.pdf](#)

Page 1

4.0 Action sheet of the Regulatory and Technical Services Committee Meeting held on Wednesday 17 May 2017. (Attached).

[Action Sheet - June Agenda.pdf](#)

Page 2

For Consideration and/or Decision

5.0 Regulatory and Technical Services Business Plan 2017/2018. (Attached).

[R&TS Directorate Business Plan 2017 - 2018.pdf](#)

Page 5

For Consideration and/or Decision - Planning

6.0 Planning Committee Performance Report. (Attached).

[Planning Committee Performance Report.pdf](#)

Page 23

7.0 Record of Meetings between planning officers and public representatives. (Attached)

[Record of Mtgs between Planning Officers and Public Reps.pdf](#)

Page 27

8.0 Report re: Planning Performance Management Framework. (Attached).

[Planning Performance Management Framework Cover Report.pdf](#)

Page 28

For Consideration and/or Decision - Facilities Management and Maintenance

9.0 Report re: Newcastle entry into Britain in Bloom, August 2017.

(Attached).

[Report on Newcastle entry into Britain in Bloom.pdf](#)

Page 87

**10.0 Report re: abandoned boat in Dundrum Bay, Dundrum.
(Attached).**

[Report on abandoned boat in Dundrum Bay.pdf](#)

Page 89

11.0 Report re: Kilbroney Cemetery Capital Project. (Attached).

[Report on Kilbroney Cemetery Capital Project.pdf](#)

Page 90

For Consideration and/or Decision - Waste Management

12.0 Report re: brown bins in urban areas. (Attached).

[Brown bin provision.pdf](#)

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13.0 Report re: options for glass recycling. (To follow)

[R&TS Committee 210617 Blue Bin Glass Report v2.pdf](#)

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For Noting

**14.0 Report re: The Planning (Environmental Impact Assessment)
Regulations (NI) 2017. (Attached).**

[The Planning \(EIA\) Regulations \(NI\) 2017.pdf](#)

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15.0 Historic Action Sheet. (Attached).

[Historic Action Sheet June 2017.pdf](#)

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***Items Restricted in accordance with Part 1 of Schedule 6 of the Local Government Act
(NI) 2014***

16.0 Christmas illuminations/celebrations. (Attached).

This item is deemed to be exempt under paragraph 3 of part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

[Christmas Illuminations and Celebrations Report.pdf](#)

Not included

Regulatory and Technical Services Committee
Meeting dates June 2017/May 2018

Date	Suggested start time (subject to agreement)	Location
21 June 2017	6.00 pm	Boardroom, Monaghan Row, Newry
23 August 2017	5.00 pm	Boardroom, Monaghan Row, Newry
20 September 2017	5.00 pm	Boardroom, Monaghan Row, Newry
18 October 2017	5.00 pm	Boardroom, Monaghan Row, Newry
22 November 2017	5.00 pm	Boardroom, Monaghan Row, Newry
19 December 2017 (Tuesday rather than Wednesday)	5.00 pm	Boardroom, Monaghan Row, Newry
24 January 2018	5.00 pm	Boardroom, Monaghan Row, Newry
21 February 2018	5.00 pm	Boardroom, Monaghan Row, Newry
21 March 2018	5.00 pm	Boardroom, Monaghan Row, Newry
18 April 2018	5.00 pm	Boardroom, Monaghan Row, Newry
23 May 2018	5.00 pm	Boardroom, Monaghan Row, Newry

ACTION SHEET ARISING FROM RTS MEETING HELD ON 21 MAY 2017

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
RTS/46/2017	Issues from action sheet – interruptions in bin service collections	<ul style="list-style-type: none"> Officials to investigate sending an email to DEA Councillors advising if there were any interruptions to service, the routes affected and the estimated alternative pick up arrangements. 	J Parkes	System implemented 15/5/17 with further improvements to be made.	Y
RTS/49/2017	Record of meetings between Planning Officers and Public representatives	Councillor Fitzpatrick said she had held a number of meetings with Planning staff which were not recorded and it was agreed Mr McKay would speak to his staff to ensure all meetings with public representatives were recorded.	Mr McKay		
RTS/51/2017	Maintenance and upkeep of Magheradrool Parish Church and Graveyard	Council continues to maintain the site as part of its Grounds Maintenance Programme which should be extended to periodically cut back the ivy and other vegetation which grows on the	K Scullion		

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>church ruins, in consultation with the Historic Environment Division.</p> <p>Whilst the Council will not seek to discourage any work at the old graveyard the local group wishes to pursue this will be subject to the group receiving both Council approval and that of the Historic Environment Division before such work is undertaken.</p>			
RTS/52/2017	Well Lane Graveyard Newry	<p>Mr Scullion and Mr Parkes consider a proposal for the Council to undertake a one-off clean-up of Well Lane Graveyard, Newry and submit a report for consideration by the Newry DEA Fora.</p> <p>Officer time be allocated to investigate other potential sources of funding and to pass this information to the Riverside Reform Presbyterian Church. Information obtained from any research undertaken to identify other possible funding sources should be shared with other Church maintained cemeteries.</p>	K Scullion		

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N

Regulatory & Technical Services

**Directorate Business Plan
2017-2018**



Comhairle Ceantair
**an Iúir, Mhúrn
agus an Dúin**

**Newry, Mourne
and Down**
District Council

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1.0 Introduction

1.1 The Regulatory and Technical Services Directorate is responsible for the provision of a number of regulated and technical services, both internally to other council departments and externally to rate payers across the district. The Directorate is responsible for the primary waste management functions of Refuse Collection & District Cleansing along with the operational support to enable these services to be delivered. In addition, the Directorate has responsibility for the management and maintenance of the main corporate buildings (civic centres and depots) as well as the maintenance of other buildings and grounds owned by council. The Directorate is also responsible for all the statutory functions in relation to Building Control, including Licensing and Planning, including Development Management, Enforcement and the Local Development Plan.

1.2 The core responsibilities of the Department are:

- **Waste Management**
 - Refuse Collection & Disposal
 - District Cleansing
 - Fleet Management & Maintenance
 - Recycling
- **Building Control & Regulation**
 - Building Control and Property Certification
 - Off Street Car Parking
 - Licensing
 - Animal Welfare/Dog Control
- **Planning**
 - Development Management
 - Enforcement
 - Local Development Plan
- **Facilities Management & Maintenance**
 - Grounds Maintenance
 - Buildings Maintenance
 - Cemeteries & Public Conveniences
 - Civic Centre Domestic Services (Receptions, Canteens, Caretakers/Security)

2.0 Background

2.1 The Corporate Plan sets out in strategic terms what the Council intends to achieve over the lifetime of the Council (2015-19). In doing so, it guides our own activities and how we as a Directorate allocate the resources at our disposal.

2.2 Whilst the Corporate Plan focuses on issues which cut across the organisation and are strategic in nature, the Directorate Business Plan is more focused on the operational delivery of those issues, as well as those services which are provided on an on-going and continual basis.

2.3 This Plan describes how the Regulatory & Technical Services Directorate's proposed actions and targets for the year 2017-18, complement those in the Corporate Plan by explicitly linking Directorate activity with the desired outcomes of the Corporate Plan. It is also the basis upon which the Directorate is managed by the Regulatory & Technical Services Committee and the Directorate's Leadership Team (Lead Team).

3.0 Purpose & Values

3.1 Purpose

- 3.1.1 The Regulatory & Technical Services Directorate's primary purpose is to develop, implement and monitor key corporate (strategic) frameworks to maintain and improve the environmental sustainability of the district through the appropriate management of waste & litter in the physical environment and the management and regulation of the built environment through the application of Planning and Building Control statutory legislation while also ensuring the management and maintenance of the council's estate across the district.
- 3.1.2 As a result, the bulk of Directorate's activity is aligned with two of the Council's strategic objectives, which state that: "By 2019, we will have:
- protected our natural and built environment and
 - transformed and modernised the Council, providing accessible as well as value for money services."
- 3.1.3 There are other important Council strategic objectives where the Department makes a significant contribution. More detailed information is provided in Sections 5.0 (Alignment with the Corporate Plan) and 6.0 (Key Actions) of this Plan.

3.2 Values

- 3.2.1 The Department adheres to the Council's values which state:

We will be:	Which means:
Citizen Focused	We will actively encourage citizen and community engagement, as well as be a listening and responsive Council
Accountable	We will make decisions based on an objective assessment of need and operate in a transparent way as well as openly reporting on our performance
Collaborative	We will actively encourage and pursue working in partnership at all levels to deliver for our District
Sustainable	We will take into account the social, economic and environmental impacts of our decisions on current and future generations
Fair	We will proactively target actions at those which are marginalised in our community

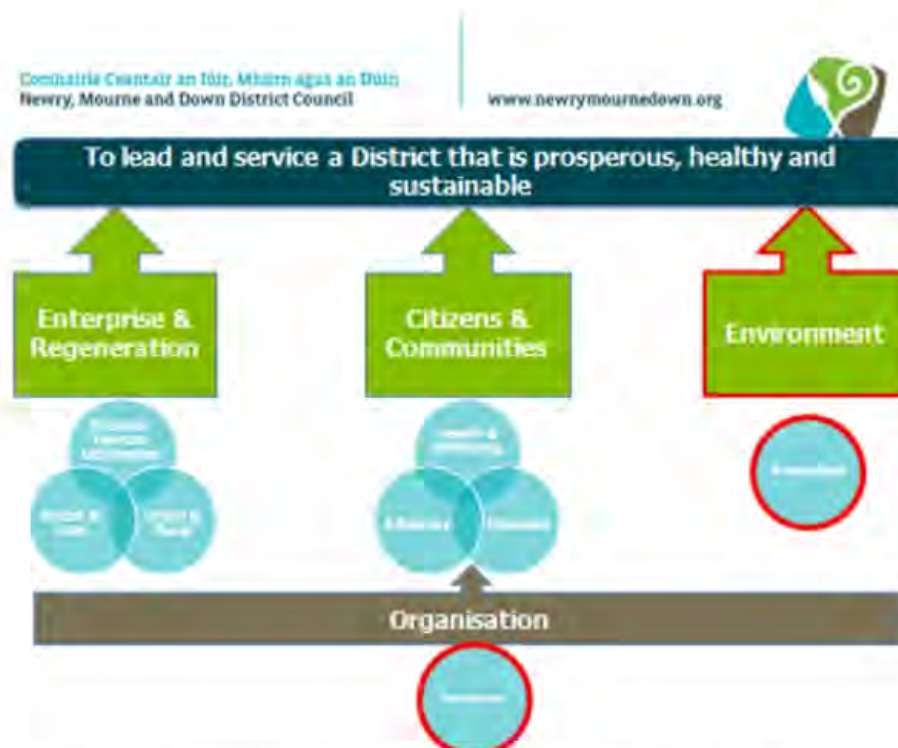
- 3.2.2 We are also committed to delivering on the promotion of equality and diversity in accordance with our statutory requirements as laid out in Section 75 of The Northern Ireland Act (1998).

4.0 Challenges & Opportunities

- 4.1 The Regulatory & Technical Services Directorate was established in December 2014, as part of the organisational design of the new Council, to centralise the management of a number of existing Council functions as well as new powers which were transferred to the Council on the 1 April 2015.
- 4.2 It is still in its developmental stage however over the course of this financial year, the Directorate will continue to develop the necessary corporate frameworks, policies, processes and systems to deliver strategic improvement across the organisation, specifically in the areas of Waste Management, Planning, Building Control and Facilities Management. Changes in the external environment reflect heavily upon the operations of the Directorate.
- 4.3 The various (internal and external) challenges and opportunities for the Directorate are summarised as follows:
- **Management** – successfully establishing the new Directorate in terms of its structure, governance and internal processes. All Tier 3 posts (Assistant Director) and most Tier 4 posts (Head of Service) are now in place and the focus is now on establishing the Tier 5 posts (manager/supervisor level).
 - **Resources** – identifying and securing the financial and non-financial resources needed for the Directorate to successfully develop, as well as implement, the key corporate frameworks that will drive environmental sustainability and management of the built environment. Following budgetary restrictions and consequential budget overrun in 2016-2017, the budget for 2017-2018 has been significantly increased.
 - **Legislation** – ensuring corporate legislative compliance in respect of existing and new statutory obligations in Building Control Planning and Waste, including Health & Safety and Equality (Section 75).
 - **Community Planning** – via the Environmental and Spatial Thematic Delivery Group, developing partnerships and plans that will assist in the creation of local area based plans to deliver on the Council's Community Plan.
 - **Performance Management** – continually monitoring and reviewing departments performance, highlighting areas of high-performance as well as identifying areas for intervention.
 - **Transformation & Improvement** – developing and implementing transformational change in areas such as Optimisation of the Refuse Rounds and Streamlining the Planning and Building Control Certification process, which will drive the efficiencies and improvements that both Members and the public demand.
 - **Strategic Projects** – ensuring the management and delivery of the Directorate's strategic projects within time, cost and quality parameters.
 - **Property & Land Assets** – successfully implementing centralised contracts and frameworks to support the effective and efficient management of the council's estate.
 - **Creating a Cleaner and Greener Environment** – implementing programs that will reduce waste arisings and litter, while increasing recycling and reuse.

5.0 Alignment with the Corporate Plan (2015-19)

- 5.1 The Regulatory & Technical Services Directorate contributes to the achievement of the following Council strategic objectives (as represented in the strategy map below):



- 5.2 This is reflected in how we will manage specific programmes and projects, as well as the way we will deliver "business as usual" services. Specifically the R&TS Directorate is committed to support the Corporate Objectives by:
- Protecting our Natural and Built Environment through our work in managing waste, litter, in building regulations & planning and in maintaining our own estate
 - Transforming & modernising the Council, providing accessible as well as value for money services as the majority of our services are directly delivered to the rate payers of the district. Over the planning period we will seek to streamline and optimise many of those services
 - Supporting improved Health and Wellbeing Outcomes as a number of our services are directly related to the Health and Wellbeing of the ratepayers of the district and
 - Empowering and Improving the Capacity of Our Communities as a number of our services will directly assist in increasing the empowerment of the communities we serve

6.0 Key Actions for 2017-18

6.1 The Regulatory and Technical Services Directorate will effectively contribute to the following key and important Corporate Objectives:

Protect our Natural and Built Environment

through our work in managing waste, litter, in building regulations & planning and in maintaining our own estate

Transform & modernise the Council, providing accessible as well as value for money services

as the majority of our services are directly delivered to the rate payers of the district. Over the planning period we will seek to streamline and optimise many of those services

Support improved Health and Wellbeing Outcomes

as a number of our services are directly related to the Health and Wellbeing of the ratepayers of the district

Empower and Improve the Capacity of Our Communities

as a number of our services will directly assist in increasing the empowerment of the communities we serve

6.2 We will do so by focusing on:

6.2.1 Resource Management:

- Manage Directorate budget within +/- 3% variance for the year 2017/18
- Manage Capital Projects within budget and project timeline
- Build the four new Departmental structures, recruiting against Tier 5 (and below) positions
- Effectively implement sickness absence management procedures
- Recruit against all vacancies in a timely fashion

6.2.2 People Leadership:

- Create an environment that encourages cultural change, bringing together the legacy Down, legacy Newry and Civic Servant cultures into a new NMD culture
- Build a strong Regulatory and Technical Services "Lead Team"
- Create, monitor and deliver against an ambitious performance improvement plan
- Ensure appropriate development opportunities are presented to leadership team
- Create formal and informal member engagement opportunities (e.g. project based 'task & finish' groups and appropriate 'Working Groups')
- Deliver meaningful monthly Directorate updates to the R&TS committee and SMT

6.2.3 Organisation Performance:

- Create and publish a forward looking Directorate Business Plan
- Deliver on the projects included in the Directorate Business Plan
 - Develop a targeted efficiency plan designed to lower costs and improve delivery
 - Identify and deliver against a number of critical projects (see below)
 - Report quarterly Business Plan updates to the R&TS Committee
 - Ensure member engagement via committee working groups, e.g.:
 - o Strategic Waste Working Group
 - o Planning Review Working Group

6.2.4 Advocacy, External Networking and Communications:

- Support customisation of local delivery plans and the key R&TS directorate services via active engagement DEA fora
- Work with critical partners/stakeholders, to deliver priority projects, e.g.:
 - DFI in relation to Planning Policy, EPIC
 - DAERA, (NIEA) in relation to Waste Management (licensing and reporting)
 - BCNI regarding standards in Building Control
 - NI Licensing Forum in relation to Licensing Legislation
- Work with the wider community to change cultural view on littering
- Work with Agents and Developers to cooperatively streamline regulatory processes
- Align the directorates delivery plans with the Community Plan through active engagement with the Environmental and Spatial Thematic Delivery Working Group

6.3 And by delivering on the following key critical projects:

6.3.1 Waste

- Extension of Brown Bin Scheme – Food Waste Collection
- Rationalisation of Glass Collection across the district
- Rationalise T&Cs across legacy work forces & implement standardised work practices
- Rounds Optimisation & Standardisation of practices across new district
- Complete planning to enable move to three weekly residual waste collections
- Create plan and begin rationalisation of HRC sites across the district
- Actively improve the quality and reliability of the council's fleet of vehicles via effective management of the four year capital plan for spend on Fleet Management
- Devise deliverable strategy for the management of Local Authority Collected Municipal Waste (disposal/processing) that ensures we meet our Landfill Diversion (NILAS) and Recycling targets
- Implement the actions arising out of the Anti-Litter Task Force
- Ensure the Strategic Waste Working Group delivers recommendations to committee
- Work with AHC to grow community involvement in litter management
- Progress design, build and opening of HRC for Downpatrick area
- Rationalise district wide street cleansing, optimising staff resources while delivering extended cleansing (up to 8.00pm) for tourist areas

6.3.2 PLANNING

- Significantly reduce the transferred backlog of planning applications
- Significantly improve the Development Management performance by implementing an improvement plan and performance monitoring that delivers planning application turn round targets (15 weeks)
- Rationalise the business support processes between Planning and BC
- Replace NI Direct Call management with internal call management
- Significantly reduce the transferred backlog of Enforcement Cases by implementing an effective monitoring and reporting procedure to demonstrate effective enforcement control
- Publish the LDP timetable
- Plan for introduction of 'fee paid' pre-application discussions
- Develop an EPIC replacement, working in partnership with Dept for Infrastructure and other councils, as appropriate
- Implement an effective procedure to monitor and manage correspondence

6.3.3 BUILDING CONTROL

- Implementing a centralized Licensing unit
- Implement effective administration of off street parking
- Implement Pavement Café legislation and licensing
- Implement Road Closure legislation
- Rationalise the business support processes between BC and Planning
- Introduce information sharing protocols for Building Control & Planning
- Implement bye-law enforcement and dog control services

6.3.4 FACILITIES MANAGEMENT and MAINTENANCE

- Rationalise reception services at Monaghan Row – 3 down to 1
- Enable skills sharing across Building & Grounds maintenance and beyond
- Standardise burial procedures across new district
- Progress a capital programme to resolve graveyard shortages
- Implement an automated 'planned maintenance schedule' (asset management)
- Develop and implement new Christmas Tree & Lights procedures
- Implement economically sustainable contract for metal fabrication work
- Agree & Implement rationalised support for events

7.0 Performance Metrics

7.1 The Directorate has developed the following set of performance metrics for collection, monitoring and reporting of Directorate performance throughout the 2017-18 financial year.

The metrics are a combination of Key Actions and Critical Projects and are aligned with the strategic objectives of the Council, which the Directorate makes a significant contribution to.

During 2017-18 work will continue to baseline performance across the main functional areas. This information will be used to identify other suitable performance metrics as well as performance targets for future years.

Regulatory & Technical Services Business Plan

2017 - 2018 Business Plan

Key Result Area 1: Resource Management							
Ref.	Key Activities	Owner	Target	Q1 A-J 2017	Q2 J-S 2017	Q3 O-D 2017	Q4 J-M 2018
Directorate							
A1	Manage Directorate budget within +/- 3% variance for the year 2017/18	All	+/- 3%				
A2	Manage Capital Projects within budget and project timeline	All	+/- 3%				
A3	Build the four new Departmental structures, recruiting against all managerial positions	All	Ongoing				
A4	Effectively implement sickness absence management procedures	All	Ongoing				
A5	Recruit against all vacancies in a timely fashion	All	Ongoing				
Building Control							
A6	Implement a centralised Licensing Unit	CJ	Q3				

A7	Implementation of street café trading / licensing	CJ	Q2				
A8	Implementation of Road Closure legislation	CJ	Q3				
Planning							
A9	Replace NI Direct call management with internal call management	AMK	Q3				
A10	Develop and implement agreed mechanism of charging for pre application discussions.	AMK	Q4				
A11	Develop an EPIC replacement, working in partnership with the Dept for Infrastructure and other councils as appropriate	AMK	Q4				
Facilities							
A12	Progress capital program to increase burial capacity of Loughinch Cemetery.	KS	Q4				
A13	Develop and implement a Christmas Tree/Lights plan for 2017	KS	Q2				
A14	Implement an economically sustainable contract for metal fabrication work	KS	Q2				
A15	Agree and implement rationalised departmental support for events.	KS	Q3				
Waste							
A16	Effectively administer the four year capital plan for the spend on Fleet Management	JP	Ongoing				
A17	Agree a project plan to enable rationalisation of Glass collection across the district	JP	Q2				
A18	Implement an effective separate domestic Food Waste Collection services across the District	JP	Q1				
A19	Progress design, build and opening of HRC for Downpatrick area.	JP	Q3				

A20	Devise strategy for managing local Authority Collected Municipal Waste that ensures we meet NILAS, Recycling and Landfill Diversion targets	JP	Q3				
A21	Implement the actions arising out of the Anti-Litter Task Force	JP	Ongoing				
Key Result Area 2: People Leadership							
Ref.	Key Activities	Owner	Target	Q1 A-J 2017	Q2 J-S 2017	Q3 O-D 2017	Q4 J-M 2018
Directorate							
B1	Create an environment that encourages cultural change, bringing together the legacy Down, Newry & Civil Servant cultures into a new NMD culture	All	Ongoing				
B2	Build a strong Regulatory and Technical Services "Lead Team"	All	Ongoing				
B3	Create, monitor and deliver against an ambitious performance improvement plan	All	Ongoing				
B4	Ensure appropriate development opportunities are presented to Lead Team members	COR	Ongoing				
B5	Create formal and informal member engagement opportunities (e.g. project based 'task & finish' groups and appropriate 'Working Groups')	All	Ongoing				
B6	Deliver meaningful monthly Directorate updates to the R&TS Committee and the SMT	All	Monthly				
Waste							
B7	Ensure the Strategic Waste Working Group delivers recommendations to Committee	JP	Ongoing				
Key Result Area 3: Organisation Performance							
Ref.	Key Activities	Owner	Target	Q1 A-J 2017	Q2 J-S 2017	Q3 O-D 2017	Q4 J-M 2018
Directorate							
C1	Create and publish a forward looking Directorate Business Plan	All	Q1				

C2	Deliver on the projects included in the Directorate Business Plan	All	Ongoing				
C3	Develop a targeted efficiency plan designed to lower costs and improve delivery	All	Q3				
C4	Identify and deliver against a number of critical projects	All	Ongoing				
C5	Report quarterly Business Plan updates to the R&TS Committee	All	Quarterly				
Building Control							
C6	Implement effective administration of off street car parking	CJ	Q2				
C7	Implement an effective monitoring and reporting procedure to demonstrate effective performance in Building Control	CJ	Q1				
C8	Successfully integrate the administration functions of Building Control and Planning	CJ	Q4				
C9	Introduce an information sharing protocol so that following site inspections, BC surveyors can report unauthorised works to Planning	CJ	Q2				
C10	Rationalise the provision of bye-law enforcement and dog control services; to ensure district wide effective enforcement and dog control	CJ	Q4				
Planning							
C11	Significantly improve the planning department performance.	AMK	Ongoing				
C12	Continue to focus on significantly reducing the backlog of historic planning applications.	AMK	< 750 by Sept 18				
C13	Implement improvement plan and performance monitoring that delivers planning application turn round targets (15 weeks).	AMK	Q4				
C14	Successfully integrate the administration functions of Planning and Building Control	AMK	Q4				
C15	Implement an effective monitoring and reporting procedure to demonstrate effective enforcement control.	AMK	Q4				

C16	Implement an effective procedure to monitor and manage correspondence	AMK	Q2				
C17	Introduce an information sharing protocol so that following site inspections, BC surveyors can report unauthorised works to Planning.	AMK	Q3				
Facilities							
C18	Review Monaghan Row Receptions (General, Building Control, Env Health)	KS	Q2				
C19	Progress capital program to increase burial capacity of Loughinch Cemetery.	KS	Q4				
C20	Develop and implement an automated planned maintenance schedule within the context of a broader council wide asset management strategy.	KS	Q4				
C21	Devise and implement staff procedures to allow the "sharing" of skilled and unskilled staff across Building Maintenance & Grounds Maintenance	KS	Q4				
C22	Standardise procedures for burials across the council's five municipal cemeteries.	KS	Q3				
Waste							
C23	Effectively plan for 2018 implementation of rounds optimisation, based on the capability provided by GPS Tracking across entire fleet	JP	Q4				
C24	Complete planning to enable a 2018 move to three weekly residual waste collections	JP	Q4				
C25	Rationalise T&Cs across legacy work forces & implement standardised work practices	JP	Q4				
C26	Rationalise the HRC provision across the district, optimising the number of sites, each delivering the same level of service via the same operational procedures	JP	Q4				
C27	Rationalise district wide street cleansing, optimising staff resources while delivering extended cleansing (up to 8.00pm) for tourist areas	JP	Q4				

Key Result Area 4: Advocacy, external Networking and Communications							
Ref.	Key Activities	Owner	Target	Q1 A-J 2017	Q2 J-S 2017	Q3 O-D 2017	Q4 J-M 2018
Directorate							
D1	Support customisation of local delivery plans and the key R&TS directorate services via active engagement with the DEA fora	All	Ongoing				
D2	Work with critical partners and stakeholders, to deliver priority projects, e.g.: <ul style="list-style-type: none"> DFI in relation to Planning Policy, EPIC DAERA, (NIEA) in relation to Waste Management (licensing and reporting) BCNI regarding standards in Building Control NI Licensing Forum in relation to Licensing Legislation 	All	Ongoing				
D3	Align the directorates delivery plans with the Community Plan through active engagement with the Environmental and Spatial Thematic Delivery Working Group	All	Ongoing				
Planning							
D4	Publish a time line for the production of the Area Plan.	AMK	Q1				
D5	Publish the Preferred Options Paper (POP)	AMK	Q4				
D6	Work with Agents and Developers to cooperatively streamline regulatory processes	All	Ongoing				
Waste							
D7	In partnership AHC, get community involvement in litter management	JP	Ongoing				
D7	Work with the wider community to change cultural view on littering	All	Ongoing				

The above table will be presented to the Regulatory & Technical Services Committee on a quarterly basis, with the final four columns providing progress updates via a traffic lights method (Red, Amber or Green).

Green = progressing as expected

Amber = progressing, but some non-critical issues causing delay

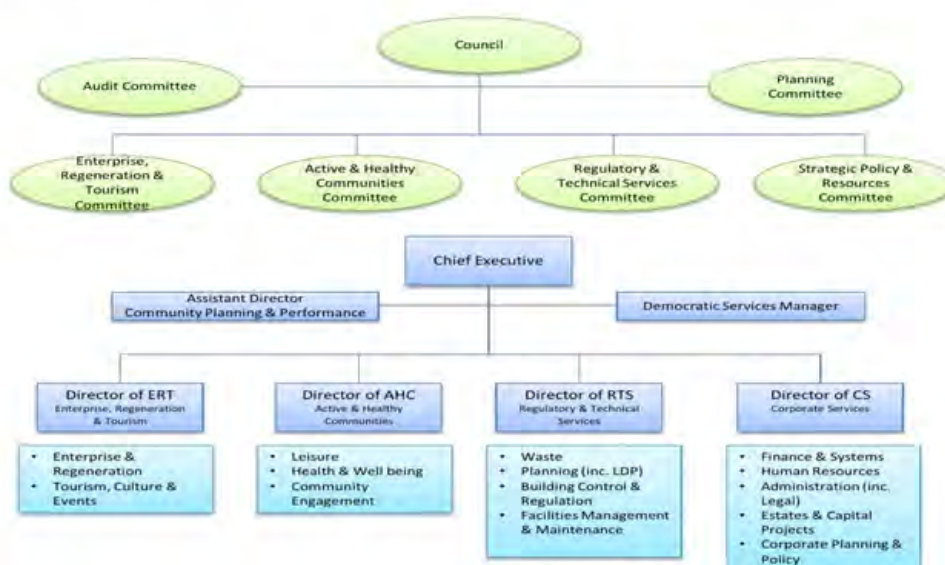
Red = Significant issues causing delays, and potentially compromising the project

8.0 Directorate Structure

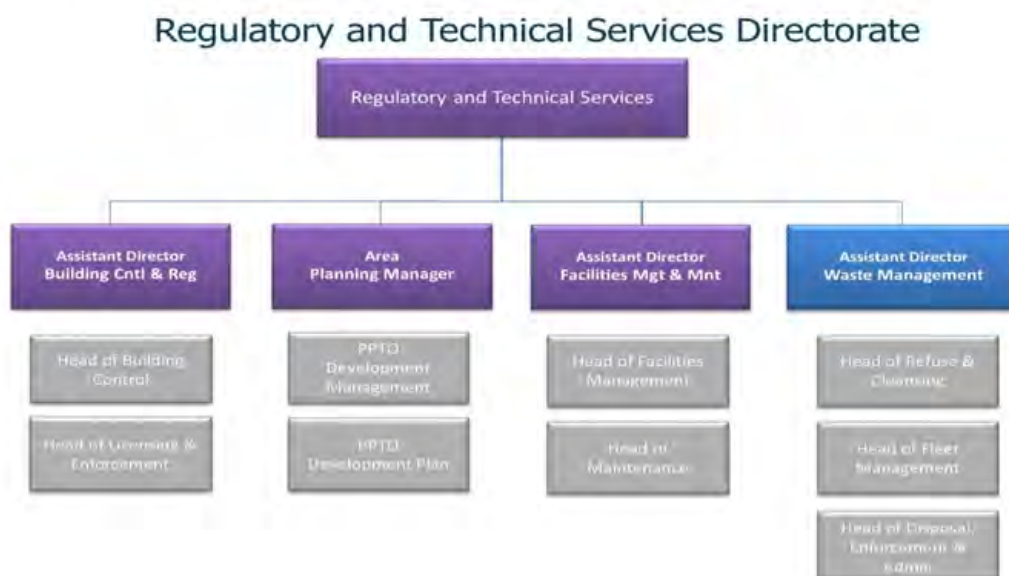
8.1 The Regulatory and Technical Services Directorate is one of four service Departments, which together comprise the management structure of the Council.

The management structure of the Council is set-out in Figure 1 and the Directorate it is set-out in Figure 2.

8.2 Figure 1 – Council Management Structure



8.3 Figure 2 - Directorate Management Structure



9.0 Financial Information

Net Estimated Budget for 2016-2017	
Building Control and Regulation	£290,219
Planning	£615,678
Facilities Management and Maintenance	£5,542,652
Waste Management	£15,907,165
Total	£22,355,714

10.0 Political Governance

Regulatory and Technical Services Committee

Chairman: Councillor John Trainor

Vice-Chairman: Councillor Valerie Harte

Councillors:

- Councillor Terry Andrews
- Councillor Stephen Burns
- Councillor Charlie Casey
- Councillor Garth Craig
- Councillor Dermot Curran
- Councillor Gillian Fitzpatrick
- Councillor Jill Macauley
- Councillor Liz Kimmins
- Councillor Willie Clarke
- Councillor Gary Stokes
- Councillor David Taylor
- Councillor Jarlath Tinnelly
- Councillor Micky Ruane

Newry, Mourne & Down District Council – May 2017

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1. Live Applications

MONTH 2017/18	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	129	1,075	293
May	149	1,058	281

2. Live Applications by length of time in system

Month 2017/18	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	590	192	77	72	144	1,075
May	585	192	76	65	140	1,058

3. Live applications per Case Officer

Month 2017/18	Average number of Applications per Case Officer
April	67
May	62

4. Decisions issued per month

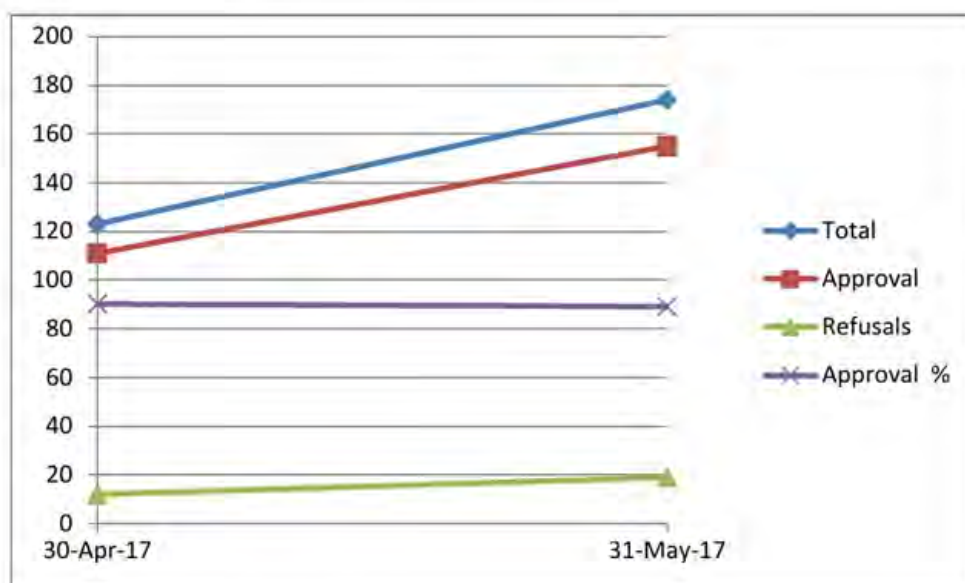
Month 2017/18	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	123	104
May	174	148

Newry, Mourne & Down District Council – May 2017

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5. Decisions Issued YTD

Month 2017/18	Number of Decisions Issued (cumulative)	Breakdown of Decisions	
April	123	Approvals (111)	90%
		Refusals (12)	10%
May	297	Approvals (266)	90%
		Refusals (12)	10%



6. Enforcement Live cases

Month 2017/18	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
April	292	126	95	87	55	83	738
May	286	137	89	91	53	85	741

7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/Deferred for future meeting
26 April 2017	26	19	7
24 May 2017	39	28	11
Totals	65	47	18

Newry, Mourne & Down District Council – May 2017

8. Appeals

Planning Appeal Commission Decisions issued during May 2017

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Other decisions
Newry & Mourne	25	4	1	3	
Down	10	2	1	1	
TOTAL	35	6	2	4	

Statutory targets monthly update - up to April 2017 (unvalidated management information)

Newry, Mourne and Down

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	0	1	91.8	0.0%	126	113	19.0	38.9%	37	20	64.2	60.0%
May	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
June	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
July	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
August	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
September	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
October	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
November	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
Year to date	0	1	91.8	0.0%	126	113	19.0	38.9%	37	20	64.2	60.0%

Source: NI Planning Portal

Note

1. CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

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Report to:	Regulatory and Technical Services Committee
Date of Meeting:	21 June 2017
Subject:	Planning Performance Management Framework
Reporting Officer:	Canice O'Rourke, Director – Regulatory and Technical Services
Contact Officer:	Kate Bingham – Head of Performance and Improvement

Decisions Required:

Members are asked to note the contents of the report, and to give consideration and agreement to:

- The draft response to the consultation on the Planning Performance Management Framework.
- The submission of the draft response to the Department for Infrastructure by 30 June, in order to meet the consultation deadline.

1.0 Purpose & Background

1.1 Over the past 10 months, the Department for Infrastructure has been working with Councils to develop a Planning Performance Management Framework. The purpose of this framework is to measure performance, drive service improvements and provide an efficient and effective planning system across Northern Ireland.

The Planning Performance Management Framework will support central and local government in demonstrating how the Planning Service contributes to the delivery of the draft Programme for Government outcome based indicators. The Planning Performance Management Framework is an ongoing piece of work which is likely to evolve over time.

2.0 Key Issues

2.1 Newry, Mourne and Down District Council welcomes the Planning Performance Management Framework as a mechanism to deliver a more efficient and effective Planning system across Northern Ireland. The following key issues have been highlighted within the consultation response which is outlined in **Appendix 1**:

- The Planning Performance Management Framework does not make reference to the General Duty of Improvement for District Councils which is outlined in Part 12 of the Local Government Act (NI) 2014.
- The effective implementation of the Planning Performance Management Framework will have resource implications for local government.
- The Council welcomes the proposed suite of performance indicators which will

	<p>provide a 'balanced' overview of the performance of the Planning Service.</p> <ul style="list-style-type: none"> • Collating the data for performance indicator 18 around 'outcomes' may prove challenging, as this information is not routinely entered onto the Planning Portal. • There is duplication around the proposed reporting arrangements, with the Planning performance indicators being reported through the Annual Performance Report in October, as well as the Council's Retrospective Assessment of Improvement in September. • The Council welcomes the establishment of a Performance Working Group for Planning across local government, as well as further engagement in the future development and implementation of the Planning Performance Management Framework.
3.0	Recommendations
3.1	<p>To consider and agree:</p> <ul style="list-style-type: none"> • The draft response to the consultation on the Planning Performance Management Framework. • The submission of the draft response to the Department for Infrastructure by 30 June, in order to meet the consultation deadline.
4.0	Resource Implications
4.1	<p>Whilst there are no resource implications within this report, the future implementation of the proposed Planning Performance Management Framework may have resource implications for the Council.</p>
5.0	Equality & Good Relations Implications
5.1	<p>There are no equality and good relations implications within this report. The Planning Performance Management Framework has been developed by the Department for Infrastructure and will have been required to be subject to an equality screening process.</p>
6.0	Appendices
	<ul style="list-style-type: none"> ▪ Appendix 1 – Newry, Mourne and Down District Council's draft response to the Planning Performance Management Framework ▪ Appendix 2 – Correspondence from the Department for Infrastructure - Planning Performance Management Framework ▪ Appendix 3 – Correspondence from the Department for Infrastructure - Planning Performance Management Framework (extension for comments) ▪ Appendix 4 – Planning Performance Management Framework



The draft Planning Performance Management Framework has been issued to Councils by the Chief Planner, Fiona McCandless, requesting feedback by 30 June 2017. This response has been written by Newry, Mourne and Down District Council, and addresses the key elements of the proposed Planning Performance Management Framework, specifically in terms of the relationship with the statutory Duty of Improvement, the proposed performance indicators and the associated governance arrangements.

Introduction

1. Newry, Mourne and Down District Council considers performance management to be an essential component in driving forward improvement across local government. The Planning function is a key priority for the Council and we welcome the proposed Planning Performance Management Framework as a model to identify best practice and drive forward continuous improvement in delivering a more efficient and effective Planning system across Northern Ireland. The proposed Planning Performance Management Framework will assist local authorities in facilitating and embedding a performance improvement culture in the provision of services, and will complement the broader performance management regime introduced through the Local Government Act (NI) 2014.

Key Issues

2. The proposed Planning Performance Management Framework does not make reference to the General Duty of Improvement for District Councils which is outlined in Part 12 of the Local Government Act (NI) 2014. All District Councils are in the process of developing and embedding over-arching corporate performance management frameworks to drive improvement in the exercise of functions. Any proposed performance management framework for the services delivered by local government should therefore be aligned to, and form part of the over-arching statutory requirements of the Local Government (NI) Act 2014.
3. Newry, Mourne and Down District Council seeks further clarification on the regional and corporate infrastructure required to implement the proposed Planning Performance Management Framework, particularly in relation to the collation, monitoring, analysis, reporting and review of performance information. Updated processes and systems will need to be introduced to support the Planning Performance Management Framework and it currently remains unclear whether the Replacement Planning Portal will have the IT infrastructure and capability to facilitate and embed the proposed arrangements.
4. The effective implementation of the proposed Planning Performance Management Framework will need to be adequately resourced, in terms of human and financial resources. Whilst the documentation states that the resource implications for

monitoring the majority of the performance measures are minimal/low, coordinating and embedding the proposed framework will result in an additional workload for local Planning Departments, many of which are already over-stretched.

Performance Indicators

5. Through the Planning Performance Management Framework, it is proposed that the number of planning performance indicators will increase from 3 in 2016-17 to 17 in 2017-18, rising by a further 10, under Performance Indicator 18, by 2018-19. The Council welcomes the proposed suite of performance indicators, or in fact statistical returns, which provide a 'balanced' overview of the performance of Planning Services in terms of plan-making, efficiency, quality, engagement and enforcement. The Council particularly welcomes the exclusion of legacy applications within the guidance for some performance indicators, as well as the development of an additional performance indicator for the time taken to determine legacy applications. This will provide a more accurate appraisal of the performance of Planning Services in the post transfer phase. However, any proposed amendments to the 3 statutory performance indicators for Planning should also be reflected in the legislative requirements of the Local Government Act (NI) 2014 and the Local Government Performance Indicator and Standards Order (2015).
6. Whilst the proposed performance indicators will provide useful information, there is also a risk in prescribing a single indicator set for Planning Services across local government. It should be for each individual Council to determine 'what good looks like' in terms of the Planning Service, and this will be subject to variation across local government. For some Councils, Planning is regarded as an enabler for economic regeneration and for others, it is more of a regulatory function. It may therefore prove challenging to make meaningful comparisons between Councils where there is a fundamental difference in the emphasis of the service. It may be more appropriate to adopt a core set of process and output based performance indicators which focus on the quality of the service, as opposed to outcome based planning performance indicators. In this regard, the relevance and value of 'benchmarking' Planning Services, coupled with the risk of creating regional 'league tables' across local government, should therefore be questioned.
7. Whilst the documentation states that the Department will assume responsibility for collating the majority of the data, District Councils remain responsible for providing the information for and validating the content of the reports, in addition to analysing trends and setting targets for future years. Additional resources will be required to fulfil this responsibility, which will be further accentuated by the future inclusion of performance indicator 18 around 'outcomes'. This indicator will require District Councils to identify resources and put in place systems to collate and analyse information which is not routinely entered into the Planning Portal. The Planning Portal would therefore require additional functionality to identify affordable and market housing, and in view of the cost implications for adaptations to the Planning Portal, these outcomes may not be reported on until the Replacement Planning Portal is in place.
8. It should further be noted that many of the planning outcomes which fall under performance indicator 18 are subject to external influences, such as the local economic situation. It is therefore questionable whether local authorities should be measured on delivering outcomes which are beyond their immediate control.

9. In addition, it should be highlighted that the timescale for measuring the majority of the proposed performance indicators already commenced in April 2017, yet the consultation is ongoing until 30 June 2017.
10. The introduction of a standardised, annual customer satisfaction survey represents a significant opportunity for District Councils to understand the quality of service provided to customers. However, additional resources will be required to carry out the survey, analyse and benchmark the results and report the information through the proposed annual report. This will require a common regional approach which should perhaps have been taken into consideration as part of the transfer of functions in 2015. Understanding and monitoring customer satisfaction levels across local government is part of the broader corporate agenda, and any move to carry out customer satisfaction surveys for the Planning Service should take account of this and be integrated accordingly.

Governance Arrangements

11. In terms of governance arrangements, it is proposed that each Council publishes and submits an Annual Performance Report to the Department for Infrastructure by 31 October each year. This is in addition to the statutory requirement, outlined in the Local Government Act (NI) 2014, to report progress against the 3 statutory performance indicators for Planning through a retrospective assessment. This retrospective assessment of improvement must be submitted to the Department for Communities and the Northern Ireland Audit Office by 30 September each year. Further information is therefore required outlining how the proposed Annual Report for Planning will take account of the statutory retrospective assessment of improvement, so as to create consistency, avoid unnecessary duplication, make the best use of available resources and ensure a more collaborative approach between the Department for Infrastructure, Department for Communities and local government.
12. The roles and responsibilities of the Department for Infrastructure and local government, in respect of Planning, should also be clearly defined. Further consideration should be given to the governance arrangements concerning the validation and reporting of performance information. Planning Committees within each District Council should have an opportunity to review and scrutinise the quarterly performance information before it is published by the Department for Infrastructure in the public domain.

Next Steps

13. Newry, Mourne and Down District Council welcomes the establishment of a Performance Working Group for Planning as a useful mechanism to drive forward performance improvement across local government. The Council recommends that this group works in close liaison with the Local Government Performance Improvement Working Group, which leads on the statutory Duty of Improvement. To do so would facilitate information sharing, improve two way communication and help develop a consistent, coherent and joined up approach to developing and embedding a performance improvement culture across the statutory sector in Northern Ireland.

14. Moving forward, Newry, Mourne and Down District Council welcomes further engagement around the future development and implementation of the proposed Planning Performance Management Framework, as part of the broader performance improvement agenda for local government. We trust that the Department will take our comments into consideration as this area of work progresses.

**Deputy Secretary
Planning, Water & DVA**



Chief Executives of Councils

71 Ebrington Square
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12 May 2017

Dear Chief Executive

PLANNING PERFORMANCE MANAGEMENT FRAMEWORK

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

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

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

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

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



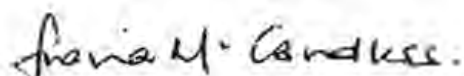
E-mail: planning@infrastructure-ni.gov.uk
Website: www.planningni.gov.uk

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

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

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

Yours sincerely



FIONA MCCANDLESS

Deputy Secretary
Planning, Water & DVA



Chief Executives of Local Councils

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19 May 2017

Dear Chief Executive

PLANNING PERFORMANCE MANAGEMENT FRAMEWORK

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

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

Yours sincerely

FIONA MCCANDLESS

PLANNING PERFORMANCE FRAMEWORK FOR NORTHERN IRELAND

FINAL REPORT MARCH 2017

Abstract

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

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

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

Mark Hand, Arloesi Planning

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Planning Performance Framework for Northern Ireland

Final Report March 2017

Executive Summary:

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

Plan-making:

PI1 Has the Council:

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

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

b) Published its Preferred Options Paper?

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

c) Published its Plan Strategy?

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

d) Published its Local Policies Plan?

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

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

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

Timescale: This PI can be measured from April 2017.

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

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

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

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

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

Efficiency:

PI3 Average time taken to determine major applications

This indicator is the existing PS1 but amended as follows:

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

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

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

Timescale: This PI can be measured from April 2017.

PI4 Percentage of major applications determined within the agreed timescale

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

average target is an appropriate starting point¹. With time, the target can be reviewed in liaison with District Council representatives via a Performance Working Group. Legacy and withdrawn applications should be excluded.

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

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

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

PI5 Average time taken to determine local applications

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

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

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

Timescale: This PI can be measured from April 2017.

PI6 Percentage of local applications determined within the agreed timescale

As per PI4 above. The current 15 week average target is an appropriate starting point based on current performance², with the target being reviewed in liaison with District Council representatives via a Performance Working Group. Legacy and withdrawn applications should be excluded.

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

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

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

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

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

PI7 Average time taken to determine legacy applications

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

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

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

Timescale: This PI can be measured from April 2017.

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

Quality:

PI8 Percentage of applications determined under delegated powers

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

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

Timescale: This PI can be measured from April 2017.

PI9 Percentage of applications approved

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

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

Timescale: This PI can be measured from April 2017.

PI10 Percentage of Committee decisions made against the Officer recommendation

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

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

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

Timescale: This PI can be measured from April 2017.

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

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

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

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

PI12 Number of appeal costs awards

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

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

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

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

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

Timescale: This PI can be measured from April 2017.

Engagement:

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

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

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

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

Timescale: This PI can be measured from April 2017

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

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

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

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

Timescale: This PI can be measured from April 2017.

Enforcement:

PI15 Percentage of enforcement cases resolved within the target deadline:

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

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

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

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

Resource implications: none.

Timescale: This PI can be measured from April 2017.

Outcomes:

PI16 Planning outcomes:

- i. Number of affordable housing units granted consent;
- ii. The proportion of affordable housing units granted consent that are located within defined settlement boundaries³;
- iii. Number of market housing units granted consent;
- iv. The proportion of market housing units granted consent that are located within defined settlement boundaries⁴;
- v. Total number of housing units completed⁵;
- vi. Amount of office floor space granted (net increase in sqm);
- vii. Amount of retail floor space granted (net increase in sqm);
- viii. Amount of industrial floor space granted (net increase in sqm);
- ix. Number of megawatts of renewable energy approved.

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

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

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

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

Other matters:

v. Equalities:

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

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

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

⁵ This would be calculated using Building Control data

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

vi. **Recommendations:**

Recommendation 1 - District Council Annual Performance Reports:

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

It is recommended that the APR should include:

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

Recommendation 2 - Annual Performance Reports:

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

Recommendation 3 – Northern Annual Performance Report:

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

Recommendation 4 – Data analysis:

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

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

Recommendation 5 – IT systems:

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

Recommendation 6 – Performance Working Group:

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

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

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

Recommendation 7 - Clock-stopping:

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

Recommendation 8 – Customer satisfaction survey:

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

Planning Performance Framework for Northern Ireland

Final Report March 2017

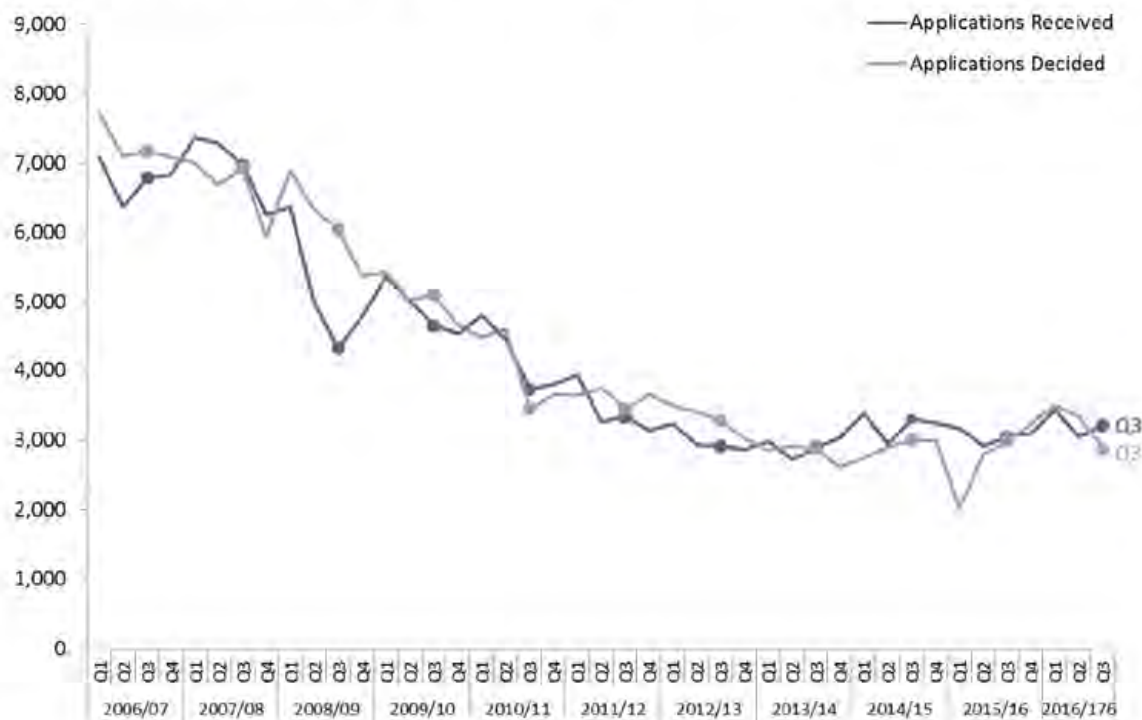
1.0 Introduction:

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

2.0 Background Context:

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

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



economic climate.

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

3.0 The Current Situation:

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

PS1: Average time taken to determine major planning applications.

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

⁶ A 'major' application is defined in the [Planning \(Development Management\) Regulations \(Northern Ireland\) 2015](#) but is essentially:

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

- 3.3 Average determination times for major applications have been getting worse since April 2015. It should be noted that this definition changed significantly in 2014/15 so an analysis of historic trends is not readily achievable.
- 3.4 For the 2015/16 period⁷, the average processing time for major applications was 46.4 weeks, which is well over the 30 week target. Only one District Council achieved this target during 2015/16 (Antrim and Newtownabbey). No Council achieved the 30 week target in the first half of 2016/17⁸, and the average processing time during this period increased significantly to 70.4 weeks. This can be partly attributed to District Councils progressing long-standing inherited legacy applications: if the 65 determined legacy applications are excluded, the average processing time for the first half of 2016/17 reduces to 46.1 weeks (but this is still well above target).
- 3.5 During the 2015/16 period:
- 286 major applications were determined, of which 243 were legacy applications;
 - 87% were approved;
 - 16 applications were withdrawn;
 - 145 new applications were received.

PS2: Average time taken to determine local planning applications.

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

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

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

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

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

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

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

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

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

3.10 During the 2015/16 period:

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

Other Indicators

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

Data Analysis

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

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

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

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

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

4.0 Performance Management:

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

What can performance management achieve?

4.2 It must be recognised that while performance management is a vital tool for improving the planning service, it does not in itself deliver better outcomes. If used improperly, performance management can actually drive perverse outcomes. For example, an unhealthy focus on decision speed can result in either quick refusals¹⁰ (which help no-one), or the approval of mediocre development, which fails to achieve the objective of creating attractive places to live and work in: sustainable places for the well-being of current and future generations. However, it must also be recognised that unduly slow decisions hinder economic development and create uncertainty for all parties. A balance needs to be struck.

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

What does 'good' look like?

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

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

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

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

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

4.6 In terms of enforcement:

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

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

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

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

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

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

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

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

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

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

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

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

4.12 The top 5 characteristics of a good service were:

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

5.0 Previously proposed changes and ideas from elsewhere:

5.1 In February 2015, the DfI consulted on a proposed Performance Management Framework and suite of proposed additional indicators¹¹. Unfortunately the timing of this work coincided with Local Government reorganisation and therefore only three of the new 11 Councils submitted a response. The DfI considers that the time is now right to re-examine this topic, and the District Council planning departments are now able to actively engage in the discussion.

¹¹ See Appendix 1

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

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

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

Strategic objectives for planning in Northern Ireland

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

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

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

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

Wales

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

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

5.8 A Planning Performance Framework¹² has been developed in close partnership with Local Planning Authority representatives via a working group. The framework comprises 19 performance indicators and a further 7 Sustainable Development Indicators. The 19 performance indicators fall into five categories:

5.8.1 Plan-making:

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

5.8.2 Efficiency:

- % major¹³ applications determined within 56 days (8 weeks) or within the agreed timescale¹⁴;
- Average time¹⁵ in days to determine major applications;
- % all applications¹⁶ determined within 56 days or within the agreed timescale;
- Average time in days taken to determine all applications;
- Proportion of applications determined under delegated powers;

5.8.3 Quality:

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

¹² See Appendix 2

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

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

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

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

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

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

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

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

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

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

England

- 5.11 In England, there is a mix of two tier (County and District) Councils and Unitary Authorities. Statistics are reported separately for the two systems, which makes any meaningful understanding of the wider planning system unduly complicated. Local Planning Authorities are not required to produce an Annual Performance Report; however the Department for Communities and Local Government (DCLG) does produce a quarterly statistical report on key performance data.
- 5.12 A significant number of performance indicators are reported upon, and split between County and District decision-making, including:
- Number of applications determined and the approval rate;
 - % major applications determined within 13 weeks (91 days) or within an agreed deadline, both as an inclusive figure and separating out those with an extension of time (EoT) or planning performance agreement (PPA);
 - % non-major¹⁹ applications determined within 8 weeks (56 days) or within an agreed deadline;
 - % householder applications determined within 8 weeks (56 days) or within an agreed timescale;
 - Proportion of applications determined under delegated powers;
 - Appeal success rate;
 - Enforcement activity (number of formal notices issued or injunctions taken out);
 - As contextual information only, the number of applications approved for residential development is recorded. This data is submitted by LPAs. However, a private company (Barbour ABI) is contracted to extract and collate supplementary information for the DCLG on the number of units granted permission;
 - Traveller pitches approved and time taken to determine the applications;
 - Data is also recorded on England's new controversial and complicated system of prior approvals for larger household extensions, and conversions of offices, warehouses, agricultural buildings, casinos etc. to residential units. The submitted information records how many cases were deemed to not require prior approval, and of the remainder, in how many cases prior approval was refused or granted.

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

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

Scotland

- 5.15 Scotland introduced a Planning Performance Framework in 2012 which measures:
- Number of applications determined and the approval rate;
 - % major applications²⁰ determined within an agreed deadline, both as an inclusive figure and separating out those with an extension of time (EoT) or planning performance agreement (PPA);
 - Average time²¹ taken to determine major applications (but this measure excludes any applications subject to separate processing arrangements e.g. EoT or PPA);
 - % local development²² applications determined within 2 months;
 - Average time taken to determine local development applications (excluding legacy cases);
 - % householder applications determined within 2 months;
 - Average time taken to determine householder applications (excluding legacy cases);
 - Proportion of applications determined under delegated powers;
 - Success rate at local review appeals and appeals to the Scottish Ministers;
 - Enforcement activity:
 - Number of formal notices issued or injunctions taken out;
 - Number of breaches taken up (i.e. there is a breach of planning control);
 - Number of cases resolved

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

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

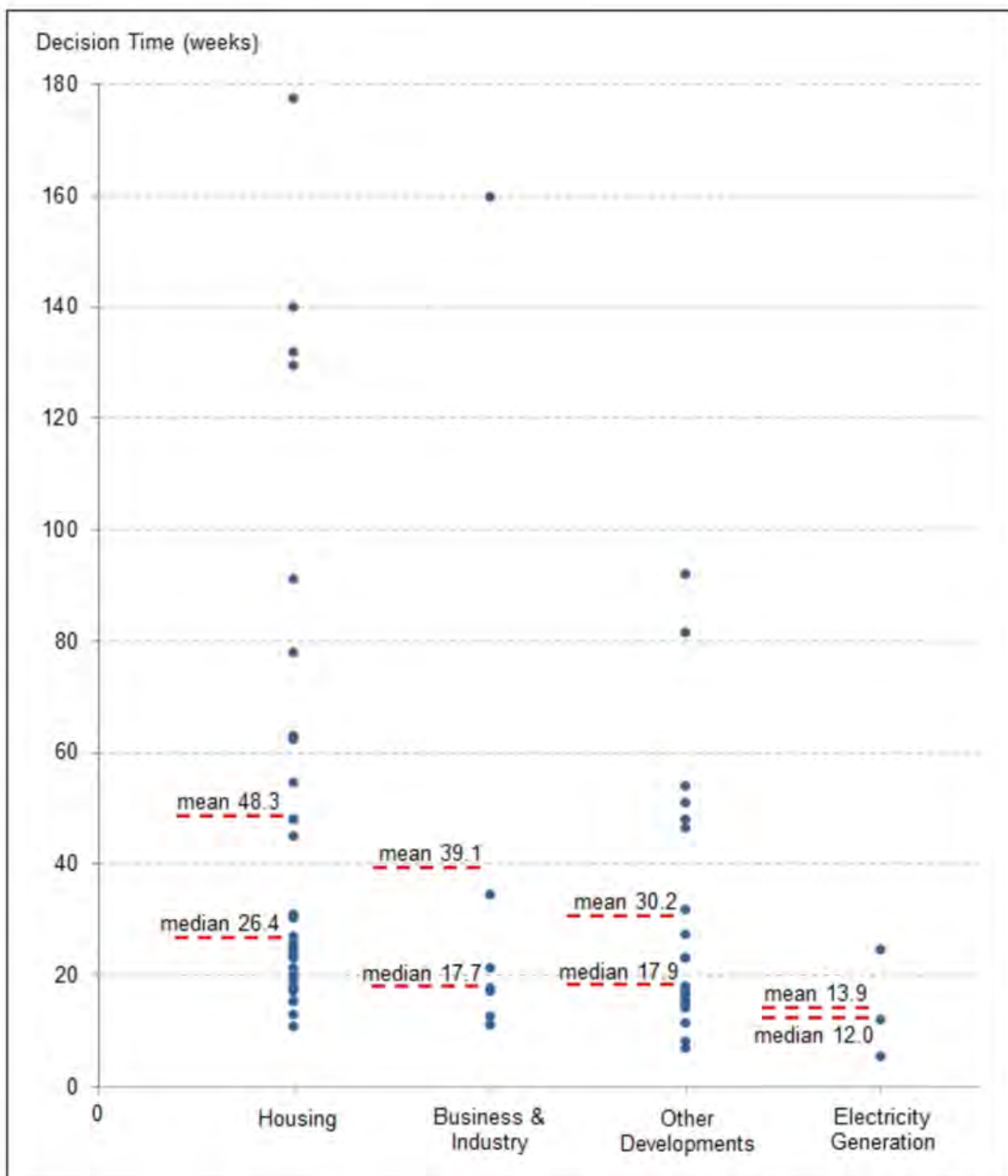
<http://www.gov.scot/Resource/Doc/278390/0083657.pdf>

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

²² The definition of 'local development' appears to be identical to the NI definition.

5.16 Of note:

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



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

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

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

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

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

Strengths and weaknesses of performance management indicators elsewhere²³

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

5.20 General

- The collaborative approach to setting and defining performance indicators and reviewing targets operating in Wales has helped provide generally meaningful, measurable and robust indicators and secure buy-in from both parties.
- The use of Annual Performance Reports in Wales and Scotland encourages LPAs to reflect on performance against previous years. The APR also provides an opportunity for each Authority to tell the story behind their statistics. This might include a conscious decision corporately to prioritise quality rather than speed, or might highlight a particular resource issue, or identify training needs. In Wales, they are used to compare performance against other LPAs and the Welsh average, and the Planning Officers' Society for Wales is seeking to use them to identify and learn from best practice elsewhere. In contrast, Scotland's APRs seem to focus on internal benchmarking only.
- Notwithstanding the benefits of APRs, they tend to be process and performance oriented, rather than outcome focused. However, this is within the gift of the LPAs, as authors, to change. Heads of Planning Scotland suggest that their APRs are more outcome focused rather than procedural/process focused. Glasgow's 2015-16 APR provides a good example containing several case studies of positive outcomes²⁴. This approach would benefit from further research.
- The headings used in Wales provide a logical and comprehensive framework.
- Feedback from the workshop expressed concern regarding the resource implications of having too many, or unduly complex, indicators. The 26 indicators used in Wales was considered by most present to be too many. This is definitely the case when supplemented by over 60 indicators contained in the LDP Annual Monitoring Report. While England has a lower number of performance indicators, they are reported in two groups against County (or Unitary) and District Councils, making it difficult to get an overall picture of performance.
- Feedback from the workshop was that the Welsh Sustainable Development Indicators were a good idea but the difficulties in collating the information made them impractical. It is recommended that a small number of similar measures are introduced in Northern Ireland now to measure three priorities identified in the SPPS: housing delivery (especially affordable housing), economic growth and renewable energy. In

²³ These comments about strengths and weaknesses represent the author's personal opinion.

²⁴ [Glasgow's APR.pdf](#)

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

5.21 Plan-making

- The Scottish Government's annual report²⁵ includes an indicator relating to LDP age, and another reporting on LDPs less than 5 years old (Markers 6 and 7). The merit of such an indicator is debatable: if an LDP is delivering on its objectives, and those objectives are still relevant and appropriate, the Plan's age is arguably of limited importance. In contrast, a young LDP might not be delivering but would score highly against this indicator. It is considered that an LDP Annual Monitoring Report is a better indicator of the quality or effectiveness of an adopted Plan;
- Notwithstanding the above, in a Plan-led system there should be paramount importance placed on each Council having an in-date adopted Development Plan. The Welsh indicator is simple and effective in monitoring this;
- The Welsh Framework includes an indicator to measure progress of emerging LDPs against a timetable formally agreed by the relevant Welsh Minister (the Delivery Agreement (DA)). Authorities are able to request approval of revised Delivery Agreements, however this indicator measures against the original DA, which seems odd given that a new timetable has been approved. There is merit in monitoring how long LDPs take to adopt, but caution must be exercised in assuming that quick equates to good. The benefit of measuring LDP production against a bespoke timetable for each Council is that this acknowledges local complexities and resource challenges;
- Scotland includes two indicators (Markers 9 and 10) to seek to measure Elected Member and other stakeholder engagement in the early stages of the LDP. This appears to rely on very subjective judgements on statements about engagement. This is perhaps better covered via APR commentary in relation to an indicator regarding the Statement of Community Involvement.

5.22 Efficiency

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

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

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

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

5.23 Quality

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

5.24 Engagement

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

5.25 Enforcement

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

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

5.26 Sustainable Development Indicators

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

5.27 LDP Annual Monitoring Report

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

5.28 Other

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

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

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

6.0 Proposed Performance Framework:

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

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

Plan-making:

PI1 Has the Council:

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

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

b) Published its Preferred Options Paper?

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

c) Published its Plan Strategy?

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

d) Published its Local Policies Plan?

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

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

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

Timescale: This PI can be measured from April 2017.

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

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

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

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

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

Efficiency:

PI3 Average time taken to determine major applications

This indicator is the existing PS1 but amended to:

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

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

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

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

Timescale: This PI can be measured from April 2017.

PI4 Percentage of major applications determined within the agreed timescale

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

The 'agreed timescale' would be a set target (currently 30 weeks) or an alternative deadline agreed in writing between the applicant/agent and planning department on a case by case basis. This allows a balance to be struck between making timely decisions, the applicant obtaining planning permission and securing good outcomes. The applicant can decline the requested time extension and retain their right of appeal against non-determination once any agreed time period has passed. Based on current performance, the existing 30 week average target is an appropriate starting point²⁶. With time, the target can be reviewed in liaison with District Council representatives via a Performance Working Group. Legacy and withdrawn applications should be excluded.

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

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

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

PI5 Average time taken to determine local applications

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

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

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

Timescale: This PI can be measured from April 2017.

PI6 Percentage of local applications determined within the agreed timescale

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

As per PI4 above. The current 15 week average target is an appropriate starting point based on current performance²⁷, with the target being reviewed in liaison with District Council representatives via a Performance Working Group. Legacy and withdrawn applications should be excluded.

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

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

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

PI7 Average time taken to determine legacy applications

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

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

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

Timescale: This PI can be measured from April 2017.

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

Quality:

PI9 Percentage of applications approved

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

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

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

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

Timescale: This PI can be measured from April 2017.

PI10 Percentage of Committee decisions made against the Officer recommendation

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

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

Timescale: This PI can be measured from April 2017.

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

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

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

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

PI12 Number of appeal costs awards

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

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

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

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

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

Timescale: This PI can be measured from April 2017.

Engagement:

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

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

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

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

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

Timescale: This PI can be measured from April 2017

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

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

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

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

Timescale: This PI can be measured from April 2017.

Enforcement:

PI15 Percentage of enforcement cases resolved within the target deadline:

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

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

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

Resource implications: none.

Timescale: This PI can be measured from April 2017.

Outcomes:

PI16 Planning outcomes:

- i. Number of affordable housing units granted consent;
- ii. The proportion of affordable housing units granted consent that are located within defined settlement boundaries²⁸;
- iii. Number of market housing units granted consent;
- iv. The proportion of market housing units granted consent that are located within defined settlement boundaries²⁹;
- v. Total number of housing units completed³⁰;
- vi. Amount of office floor space granted (net increase in sqm);
- vii. Amount of retail floor space granted (net increase in sqm);
- viii. Amount of industrial floor space granted (net increase in sqm);

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

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

³⁰ This would be calculated using Building Control data

ix. Number of megawatts of renewable energy approved.

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

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

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

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

Other matters:

ix. **Equalities:**

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

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

Recommendations:

Recommendation 1 - District Council Annual Performance Reports:

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

It is recommended that the APR should include:

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

Recommendation 2 - Annual Performance Reports:

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

Recommendation 3 – Northern Annual Performance Report:

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

Recommendation 4 – Data analysis:

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

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

Recommendation 5 – IT systems:

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

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

Recommendation 6 – Performance Working Group:

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

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

Recommendation 7 - Clock-stopping:

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

Recommendation 8 – Customer satisfaction survey:

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

Appendix 1

DOE February 2015 proposed non-statutory planning measures

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

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

Arloes Planning

Appendix 2 – Welsh Planning Performance Framework

MEASURE	GOOD	FAIR	IMPROVE
Plan making			
Is there a current Development Plan in place that is within the plan period?	Yes		No
LDP preparation deviation from the dates specified in the original Delivery Agreement, in months	<12	13-17	18+
Annual Monitoring Reports produced following LDP adoption	Yes		No
The local planning authority's current housing land supply in years	>5	4-4.9	<4
Efficiency			
Percentage of "major" applications determined within time periods required	Not set	Not set	Not set
Average time taken to determine "major" applications in days	Not set	Not set	Not set
Percentage of all applications determined within time periods required	>80	60.1-79.9	<60
Average time taken to determine all applications in days	Not set	Not set	Not set
Quality			
Percentage of decisions made under delegated powers	Not set	Not set	Not set
Percentage of Member made decisions against officer advice	Not set	Not set	Not set
Percentage of appeals dismissed	>66	55.1-65.9	<55
Applications for costs at Section 78 appeal upheld in the reporting period	0	1	2
Engagement			
Does the local planning authority allow members of the public to address the Planning Committee?	Yes		No
Does the local planning authority have an officer on duty to provide advice to members of the public?	Yes		No
Does the local planning authority's web site have an online register of planning applications, which members of the public can access, track their progress (and view their content)?	Yes	Partial	No
Enforcement			
Percentage of enforcement cases investigated (determined whether a breach of planning control has occurred and, if so, resolved whether or not enforcement action is expedient) within 84 days	Not set	Not set	Not set
Average time taken to investigate enforcement cases	Not set	Not set	Not set

WALES AVERAGE (Will be available from WG website)	[Authority name] LAST YEAR	[Authority name] THIS YEAR

Arloesi Planning

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

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

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

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

Plan-making:

PI1 Has the Council:

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

Agreed.

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

Agreed.

PI3 Deviation in months from the agreed Local Development Plan timetable

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

Efficiency:

The separate recording of legacy applications was welcomed;

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

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

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

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

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

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

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

PI4 Average time taken to determine major applications

Agreed subject to the general points raised above.

PI5 Percentage of major applications determined within the agreed timescale

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

PI6 Average time taken to determine local applications

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

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

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

PI7 Percentage of local applications determined within the agreed timescale

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

PI8 Average time taken to determine legacy applications

Agreed. This indicator was welcomed.

Quality

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

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

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

PI9 Percentage of applications determined under delegated powers

Agreed, on the basis set out above.

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

PI10 Percentage of applications approved

Agreed.

PI11 Percentage of Committee decisions made against the Officer recommendation

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

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

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

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

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

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

PI13 Number of appeal costs awards

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

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

Engagement:

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

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

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

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

Enforcement:

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

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

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

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

Outcomes:

PI17 Planning outcomes:

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

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

Notwithstanding the above, the following issues were discussed:

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

Recommendations:

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

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

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	21 st June 2017
Subject:	Newcastle entry into Britain in Bloom
Reporting Officer	Canice O'Rourke
Contact Officer	Kevin Scullion

Decisions required: Members are asked to note the contents of the report, and consider and agree to the recommendations contained in Section 3.

1.0	Purpose and Background:
1.1	<p>Committee members may recall that last year Newcastle was entered into the UK wide RHS horticultural competition, Britain in Bloom, and was successful in attaining the second highest category, Silver Gilt, in its group of Small Coastal Town. Newcastle has been entered into the same completion this year with judging due to take place on Friday 4th August.</p> <p>Judging comprises of three elements:</p> <ul style="list-style-type: none"> • Horticultural Achievement • Environmental Responsibility • Community Participation <p>Last year our entry scored the top mark of "Gold" in Horticultural Achievement and Environmental Responsibility, scoring a "Silver" in Community Participation. It is within the last category of "Community Participation" that we are focussing on improvements. Officers are currently working with a number of groups locally around relevant themes and this report is to bring these works to the Committee's attention and seek their approval for this activity.</p> <p>A local Christian based charity, Ark Community, is working within Newcastle with a range of local groups some of which come from a disadvantaged background. Ark Community has limited resources and relies heavily on volunteer support to provide the service it does provide to its groups. The majority of its work is based around horticulture activities using its site based on the Castlewellan Road, Newcastle. Working with groups who are living with a gambling addiction, Ark Community does not apply to funding sources such as the Lottery fund on the principle that this funding is derived from the sale of lottery tickets which the group would see as a source of gambling. This approach further restricts the source of funding it can apply for.</p> <p>Members may also be aware that there is a very strong and active group within Newcastle who work with people with Autism and indeed Newcastle was recently launched as an Autism Friendly Town. Autism NI which is a charity working with and assists people with Autism has a presence in Newcastle with premises close to both at Donard Park and Island Park. At the rear of their premises beside Island Park there is a large garden which was developed as a vegetable garden but the group have found this difficult to maintain</p>

	<p>and it has become overgrown.</p> <p>There is an existing relationship between Autism NI and the Ark Community in that one day per week Ark Community welcome a group of people with Autism to their garden where they work with the volunteers on a range of horticultural activities including potting plants.</p> <p>Through working with both groups Council Officials have identified a number of activities which the Council are engaged in or could be to the benefit of both groups. The Committee is requested to consider and agree to the activities listed in section 3 below.</p>
2.0	Key issues:
2.1	<ul style="list-style-type: none"> • Newcastle has been entered into Britain in Bloom for August 2017. • Council is working with a number of local groups within Newcastle on horticultural projects relevant to the Council entry to Britain in Bloom. • Agreement to recommendations below will assist local groups with their horticultural projects.
3.0	Recommendations:
3.1	<ul style="list-style-type: none"> • Council agree to supply 10 surplus metal hanging baskets, surplus bedding plants (max value £200), surplus rubber safety mats for use by Ark Community for their activities within their centre at Castlewellan Road, Newcastle. • Council agree to have a four man squad of its Grounds Maintenance Squad assist Autism NI with works to turn their existing garden at Island Park into a sensory garden (maximum one Saturday).
4.0	Resource implications
4.1	<ul style="list-style-type: none"> • Less than £1000.00
5.0	Equality and good relations implications:
5.1	None
6.0	Appendices
	None

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	21 st June 2017
Subject:	Abandoned Boat in Dundrum Bay
Reporting Officer	Canice O'Rourke
Contact Officer	Kevin Scullion

Decisions required: Members are asked to note the contents of the report, and consider and agree to the recommendations contained in Section 3.

1.0	Purpose and Background:
1.1	<p>The Council has ownership rights in relation to Dundrum Bay. For a number of years now there has been an abandoned boat within the bay. The condition of the boat has deteriorated over time and it has not been possible to require the owner to take action to remove the boat from the Bay.</p> <p>There has been concern expressed in relation to the continuing deterioration of the boat and its potential to become an environmental or health and safety risk.</p> <p>Council Officers have had recent discussions with NIEA and the consensus from this meeting was that an inspection of the boat should be undertaken by a competent person (Marine Engineer) to assess the condition of the boat, whether it does or will in the future present an environmental or health and safety risk and to make recommendations for any action required to prevent the boat from becoming an environmental or health and safety risk.</p>
2.0	Key issues:
2.1	<ul style="list-style-type: none"> As detailed above
3.0	Recommendations:
3.1	<ul style="list-style-type: none"> Appoint a Marine Engineer to assess the condition of the boat, whether it does or will in the future present an environmental or health and safety risk and to make recommendations for any action required to prevent the boat from becoming an environmental or health and safety risk.
4.0	Resource implications
4.1	<ul style="list-style-type: none"> Estimated to be less than €1000.
5.0	Equality and good relations implications:
5.1	None
6.0	Appendices
	None

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	21 st June 2017
Subject:	Provision of Capital Budget for works at Kilbroney Cemetery, Rostrevor
Reporting Officer	Canice O'Rourke
Contact Officer	Kevin Scullion

Decisions required: Members are asked to note the contents of the report, and consider and agree to the recommendations contained in Section 3.

1.0	Purpose and Background:
1.1	<p>This Committee in May 2016 considered a report which explored the possibility of developing Council owned land at Kilbroney Cemetery for additional car parking so as to reduce traffic congestion on the main road at times of burials and services at this cemetery and the adjoining parish cemetery. The Committee agreed to a recommendation that a feasibility study be undertaken into whether additional off street parking is required and if so the impact of accommodating this within the Council's approved cemetery development.</p> <p>In addition at this Committee it has been discussed that a number of improvements to the infrastructure of the cemetery is required. These include:</p> <ul style="list-style-type: none"> • Provision of an open compound to store top soil and waste soil • Replacement of uneven concrete pavement footpaths with concrete footpaths • Provision of lighting along roadway • Provision of easting areas <p>The Committee instructed that such works be considered for the capital budget in 2017/18.</p> <p>A request during budget considerations in autumn 2016 for funding such a scheme was made but this appears not to have been considered.</p> <p>Request now is for a budget of £30,000.00 to be provided for these works. The budget is to be obtained from transferring £30,000.00 from other agreed Regulatory and Technical Services Directorate capital budgets in which surplus budget can be identified.</p>
2.0	Key issues:
2.1	<ul style="list-style-type: none"> • There is currently no capital budget for infrastructure works and investigatory works which have been agreed by Council to be carried out at Kilbroney Cemetery, Rostrevor. • It is considered that surplus capital can be identified within existing capital budgets within the Regulatory and Technical Services Directorate and it is proposed to redirect this surplus budget for this project.

3.0	Recommendations:
3.1	<ul style="list-style-type: none">• Agreement to transfer £30,000.00 capital surplus from capital projects within the Regulatory and Technical Services Directorate for works at Kilbroney Cemetery.
4.0	Resource implications
4.1	<ul style="list-style-type: none">• £30,000.00 capital spend transferred from existing Capital Budgets
5.0	Equality and good relations implications:
5.1	None
6.0	Appendices
	None

Report to:	Regulatory and Technical Services Committee
Date of Meeting:	21 June 2017
Subject:	Provision of brown bins for food waste collection
Reporting Officer (Including Job Title):	Canice O'Rourke Director, Regulatory and Technical Services
Contact Officer (Including Job Title):	Joe Parkes Assistant Director, Waste Management

Decisions required:

Consider the provision of brown bins to householders for food waste collection

1.0	Purpose and Background:
1.1	Food Waste Regulations (Northern Ireland) 2015, requires the Council to implement a domestic food waste collection service, effective from 1/4/17. This is a statutory requirement aimed at encouraging the source segregation and separate collection of food waste. Its aim is to increase resource efficiency, recycling and stop food waste going to landfill.
1.2	Approximately 40,000 households, mainly in urban areas, had originally been offered and provided a brown bin service, which allowed for the removal of food from their black bin to their brown.
1.3	To address the 27,400 households that did not have a brown bin, which was mainly rural areas, the brown bin service was rolled out to them, which took place at the start of April 2017.
1.4	The implementation of the additional brown bin scheme and the communications relating to the need to recycle food waste, resulted in a number of householders claiming they had never received a brown bin. As the use of brown bins had never been compulsory, it is only now that the matter has become an issue. To purchase a brown bin would cost £20, plus £5 delivery, if required. Most householders now want to recycle their food waste, but do not want to pay for the bin.
1.5	It is estimated that approximately 3,000 householders may be in the position of not having a brown bin. To provide a 140L brown bin, caddy and one pack of liners would incur a cost of £39,150. While this money is not budgeted for, the moving of the food waste from these households from their black bin to their brown bin would reduce the waste processing charge by half. It is envisaged this saving in disposal costs would cover the cost of the bins and also help meet recycling targets imposed on the Council.
1.6	It would therefore be beneficial to issue such householders with a 140L brown bin, as a set project with a cut off date at the end of December 2017.

2.0	Key issues:
2.1	The Council is legally required to address the Food Waste Regulation (NI) requirements.
2.2	It is estimated that approximately up to 3,000 householders do not have a brown bin and wish to recycle, but do not want to pay for a bin.
2.3	The cost of providing bins, caddies and one pack of liners would cost £39,150, excluding delivery costs, which is not budgeted for. Savings in waste processing should cover the cost of providing the bins.
2.4	The Council needs to meet recycling targets of 50% by 2020, and is at present around 40%.
3.0	Recommendations:
3.1	As a set project to address food waste regulations and recycling targets, grant the issuing of 3,000 140L brown bins, caddies and liners to those households that require a food waste collection service.
4.0	Resource implications
4.1	The 140l brown bins, caddies and liners would incur a non budgeted cost of £39,150. This cost however should be covered by reduced waste processing costs.
4.2	It is envisaged that households who wish to have the bin straight away can collect it, or they can be delivered over a period of weeks, using present resources.
5.0	Equality and good relations implications:
5.1	No implications to equality and good relations.
6.0	Appendices
	N/A

Report to:	Regulatory and Technical Services Committee
Date of Meeting:	21 June 2017
Subject:	Options for glass recycling
Reporting Officer (Including Job Title):	Canice O'Rourke Director, Regulatory and Technical Services
Contact Officer (Including Job Title):	Joe Parkes Assistant Director, Waste Management

Decisions required:

To agree a more standardised approach across the district relating to glass recycling and the blue bin service. To consider which glass collection option is best to ensure recycling targets are met in an efficient manner.

1.0 Purpose and Background:

- 1.1 At the January R&TS committee, a report was presented to members in relation to moving to a single standard of no glass in Blue Recycling Bins. It was agreed that officers would bring back to Committee more options, in relation to blue bins and glass.
- 1.2 The present arc21 blue bin recycling contract will run until the end of March 2018. In relation to Newry, Mounre and Down DC, it is split into two sections. The blue bin material in Down is processed by Bryson House and does not include glass, while the Newry & Mourne blue bin material is processed by ReGen Ltd and includes glass. The tendering process for the new contract for blue bin material will need to start in September to allow a new contract to be in place for April 2018.
- 1.3 The Council's Strategic Waste Management Group (SWWG) has acknowledged the need to remove glass from the rest of the recyclable blue bin materials in the legacy Newry area, as this aligns with European legislation and standardises the blue bin collection practices across the district, potentially improving our ability to achieve the statutory 50% recycling rate by 2020.
- 1.4 Officers have reviewed advice from WRAP, arc21 and DAERA, all of whom support a separate collection of glass and note that DAERA indicate that it is unlikely that proposals seeking grant aid to improve recycling rates, will qualify for assistance unless the proposals meet the requirement for the Program of Governance, which in turn support the WRAP proposals. It is therefore clear that Council must pursue a common standard of 'no glass mixed with other materials in the blue recycling bin'.

1.5	<p>Discussion with DAERA presents opportunities for significant grant-aid to assist Councils to implement a 'comprehensive' project, drawn down over 3-4 years, from fund in the region of £30million.</p> <p>It is unlikely grant aid will be available for projects that continue to collect glass as a co-mingled commodity.</p> <p>Arc 21 Waste Steering Group is also warming to promotion of similar collection strategies across the linked Councils.</p> <p>Three Possible Options Exist:</p>
1.6	<p>Option 1 – Glass Collection Pods on Refuse Collection Vehicles</p> <p>This system allows for the glass to be collected in an insert tray, which is kept in the blue bin. A new type of refuse collection vehicle would be required to collect the glass on blue bin week. The vehicle would have a special pod behind the cab, which would allow the separate collection of glass. The operative on collection day would remove the insert and deposit the glass in the collection pod. They would then empty the rest of the recyclable materials in the rear of the vehicle as normal. This does mean some extra time spent emptying bins, however this time should be adsorbed in the present setup, with the refuse route optimisation project addressing future changes in the service.</p> <p>The new vehicles, covering this service need to be purchased in the next year, which is likely to have an impact on capital and reserves. Due to the Newry and Mourne area having glass mixed with the rest of the blue bin recyclables, it is proposed to introduce the new service into this area first. This will also mean the need to alter some of the black/blue collection weeks, to make the process work.</p> <p>The inset trays for the glass would need to be purchased and distributed at an estimated cost of £377k. To help offset this expenditure the Council will seek grant aid.</p> <p>Removal of the glass from the rest of the waste/recycling process could reduce processing costs by £275k, depending on market conditions.</p> <p>Appendix 1 provides photographs of the type of refuse collection vehicle required and the type of tray insert.</p>
1.7	<p>Option 2 – Dedicated Glass Collection Vehicles</p> <p>This system would require dedicated collection vehicles and staff to collect glass as a totally separate service and due to the additional costs, the service would be on a four weekly basis. The service would also require trays for the storage of the glass at an estimated cost of £377k.</p> <p>Six small refuse collection vehicles would be required, at a total capital cost of £390k and revenue running costs at £30k. Staffing would be additional, with 12</p>

1.8	<p>staff at an approximate cost of £275k.</p> <p>Removal of the glass from the rest of the waste/recycling process could reduce processing costs by £275k, depending on market conditions.</p> <p>Appendix 1 provides photographs of the type of refuse collection vehicle required and the type of tray insert.</p> <p>Option 3 – Use Bottle Banks</p> <p>This system would require the reinstatement of glass recycling points across the district and requires householders to bring glass to the collection points. It would require a capital spend of £150k, but could see the reduction in processing contract costs of £275K. The main drawback is, it does not discourage glass in the black bin.</p>
2.0	Key issues:
2.1	The present arc21 blue bin recycling contract will run until the end of March 2018 and procurement for the new contract needs to start this September, with implementation April 2018.
2.2	The SWWG acknowledge the need to address glass in blue bins. WRAP, arc21 and DAERA all support a separate collection and grant aid is only likely on projects that do not have glass co-mingled in the blue recycling bin.
2.3	Option 1 with glass collection pods on the refuse collection vehicles would mean additional spend on new vehicles, which could have an impact on Capital spend and reserves. An additional capital spend on insert trays at £377k could receive grant aid. Additional revenue costs would be limited, with the refuse route optimisation project addressing future resource requirements.
2.4	Option 2 with dedicated small refuse vehicles will incur an additional capital spend estimated at £390k. The glass storage trays would cost £377k, but this could be grant aided. Additional revenue costs would be incurred at £275k for 12 additional staff plus £30k for vehicle running costs.
2.5	Option 3 is the easiest and cheaper option, however people are unlikely to fully utilise the service, with glass going into the black bin at a higher disposal charge
3.0	Recommendations:
3.1	Council to standardise blue bin and glass collection across the district.
3.2	To consider additional options, such as the introduction of a vehicle glass pod system into the refuse service system, starting April 2018.
4.0	Resource implications
4.1	As per options above & Appendix 2

5.0	Equality and good relations implications:
5.1	N/A
6.0	Appendices
6.1	Appendix 1 - Additional information relating to glass collection services Appendix 2 – Cost information relating to options

APPENDIX 1

Glass collection systems

Refuse Collection Vehicle with Glass Collection Pod

Typical 6x2 Rear steer with glass pod. Used by Fermanagh & Omagh District Council.



Dedicated vehicle for glass collection only

MacPac/Tipper 7.5 GVW with 3 tonne payload used by Ards & North Down Borough Council.



Tray for the collection of glass

240L Wheeled Bin with insert tray for glass



Tray for the collection of glass



Appendix 2 - Options for Glass Collection

	Option 1 - Pods on front of RCVs	Option 2 - dedicated vehicles	Option 3 - use bottle banks
Capital cost of vehicles*	<p>Vehicles with Pods cost £185K That's £25K more than regular vehicles</p> <p>We would need 14 such vehicles</p> <p>Capital cost would be £2,590,000 This is £990K over the agreed four year capital plan</p> <p>Given replacement rates of 4 vehicles per year this would also take three years to implement</p> <p>Alternative would be a one-off hit of £2.59M</p> <p>Capital needed to purchase and distribute inset trays would cost £377K</p> <p>Total capital to enable a 'year 1' service = £2.967M This is £990K above agreed 4 year capital plan</p>	<p>Vehicles for dedicated glass collection cost £65K To deliver a separate dedicated glass collection we'd need 6 such vehicles = £390K</p> <p>This would be an additional £390K on top of the agreed capital plan, but would allow the service to be introduced in on go</p> <p>Capital needed to purchase and distribute inset trays would cost £377K</p> <p>Total capital to enable a 'year 1' service = £767K This is £767K above agreed 4 year capital plan</p>	<p>Capital investment in crates and distribution = £150K</p>
Revenue costs	No extra staff, therefore no extra revenue costs	<p>12 additional staff @ approx £275K per annum Plus £30,000 additional running costs There total annual additional revenue costs = £305K</p>	No additional revenue costs
Potential revenue savings	Reduced processing contract costs = £275K	Reduced processing contract costs = £275K	Reduced processing contract costs = £275K
Potential revenue income	Estimating £7 per tone and 13,000 tonnes income is likely to be £91K	Estimating £7 per tone and 13,000 tonnes income is likely to be £91K	
Total costs	£2.96M capital and a saving of £366K revenue	£767k capital and a saving of £61K revenue	£150K capital and a saving of £275K
* departmental grants: we are likely to be able to get £850K in capital grants			

Options 1 and 2 will significantly increase the volume of glass collected and therefore increase our chances of meeting the 2020 target of 50% recycling

Option 3 is less likely to raise our recycling rate, and without significant 'enforcement' is likely to increase contamination and costs

STATUTORY RULES OF NORTHERN IRELAND

2017 No. 83

PLANNING

**The Planning (Environmental Impact Assessment) Regulations
(Northern Ireland) 2017**

Made - - - -

11th May 2017

Coming into operation -

16th May 2017

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The Department for Infrastructure is a Northern Ireland department designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the environment.

The Department for Infrastructure makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and section 51 of the Planning Act (Northern Ireland) 2011^(c).

(a) S.I. 2008/301

(b) 1972 c.68 The enabling powers of section 2(2) were extended by virtue of the amendment of section 1(2) by section 1 of the European Economic Area Act 1993 (c.51)

(c) 2011 c.25 (N.I.)

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 and come into operation on the 16th May 2017.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(a) applies to these Regulations as it applies to an Act of the Assembly.

(2) In these Regulations—

“the 2011 Act” means the Planning Act (Northern Ireland) 2011 and references to sections are references to sections in the Act;

“any other information” means any other substantive information relating to the environmental statement and provided by the applicant or the appellant as the case may be;

“any particular person” includes any non-governmental organisation promoting environmental protection;

“applicant” means an applicant (or prospective applicant) for the grant of a planning permission or subsequent consent;

“the Commission” means the Planning Appeals Commission;

“council” means a district council;

“the Department” means the Department for Infrastructure;

“the Directive” means Directive 2011/92/EU(b) of the European Parliament and of the Council of the 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 2014/52/EU(c) of the European Parliament and of the Council of 16 April 2014;

“documents” includes photographs, drawings, maps and plans;

“EEA agreement” means the agreement on the European Economic Area signed at Oporto on 2 May 1992, together with the Protocol adjusting that agreement signed at Brussels on 17 March 1993, as modified or supplemented at the date of these Regulations;

“EEA State” means—

(a) a state that is a member state; or

(b) any other state which is a party to the EEA agreement;

“EIA application” means—

(a) an application for planning permission for EIA development; or

(b) a subsequent application in respect of EIA development;

“EIA development” means development which is—

(a) Schedule 1 development;

(b) Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location; or

(c) directed as such under regulation 3(1)(a);

(a) 1954 c.33 (N.I.)

(b) O.J. No. L26, 28.1.2012, p.1-21

(c) O.J. No. L124, 25.4.2014, p.1-18

“electronic communication” has the meaning assigned to it by section 4 of the Electronic Communications Act (Northern Ireland) 2001(a);

“environmental impact assessment” means the process described in regulation 5;

“environmental information” means the environmental statement, including any further information and any other information, any representations made by any body required by these Regulations to be consulted and any representations duly made by any other person about the likely environmental effects of the proposed development;

“environmental statement” has the meaning given to it by regulation 11;

“exempt development” means development in respect of which the Department has made a direction under regulation 3(1)(b) or 3(1)(c) or the Secretary of State has made a direction under regulation 62 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017(b);

“further information” has the meaning given to it in regulation 21(1);

“the General Development Procedure Order” means the Planning (General Development Procedure) Order (Northern Ireland) 2015(c);

“the General Regulations” means the Planning General Regulations (Northern Ireland) 2015(d);

“the land” means the land on which the development would be carried out or, in relation to development already carried out, has been carried out;

“local advertisement”, in relation to a notice, means—

- (a) by publication of the notice in at least one newspaper circulating in the locality in which the land to which the application or appeal relates is situated; and
- (b) by publication of the notice on a website maintained by or on behalf of the Department, council or the Commission;

“monitoring measure” means a condition requiring the monitoring of any significant adverse effects on the environment of the proposed development;

“Schedule 1 application” and “Schedule 2 application” mean an application for planning permission for Schedule 1 development and Schedule 2 development respectively;

“Schedule 1 development” means development, other than exempt development, of a description mentioned in Schedule 1;

“Schedule 2 development” means development, other than exempt development, of a description mentioned in column 1 of the table in Schedule 2 where—

- (a) any part of that development is to be carried out in a sensitive area; or
- (b) any applicable threshold or criterion in the corresponding part of column 2 of that table is respectively exceeded or met in relation to that development;

“scoping opinion” has the meaning given to it by regulation 8(1)(b);

“screening determination” has the meaning given to it by regulation 8(1)(a);

“selection criteria” means the criteria set out in Schedule 3;

“sensitive area” means any of the following—

- (a) an area of special scientific interest, that is to say, land so declared under Article 28 of the Environment (Northern Ireland) Order 2002(e);
- (b) an area of outstanding natural beauty, that is to say, an area so designated under Article 14(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985(f);

(a) 2001 c.9 (N.I.) (as amended by 2003 c.21)

(b) S.I. 2017 No. 571

(c) S.R. 2015 No. 72

(d) S.R. 2015 No. 39

(e) S.I. 2002/3153 (N.I. 7)

(f) S.I. 1985/170 (N.I. 1)

- (c) a National Park, that is to say, an area so designated under Article 12(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;
- (d) a property appearing on the World Heritage List kept under Article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage^(a)
- (e) a scheduled monument within the meaning of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995^(b);
- (f) a European Site within the meaning of regulation 9 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995^(c).

“subsequent application” means an application for approval of a matter where the approval—

- (g) is required by or under a condition to which a planning permission is subject; and
- (h) must be obtained before all or part of the development permitted by the planning permission may be begun;

“subsequent consent” means consent granted pursuant to a subsequent application;

“Union legislation” means any enactment in the domestic legislation of Northern Ireland giving effect to an EU obligation.

(3) Subject to paragraph (4), expressions used both in these Regulations and in the 2011 Act have the same meaning for the purposes of these Regulations as they have for the purposes of the 2011 Act.

(4) Expressions used both in these Regulations and in the Directive (whether or not also used in the 2011 Act) have the same meaning for the purposes of these Regulations as they have for the purposes of the Directive.

(5) In these Regulations, and in relation to the use of electronic communications or electronic storage for any purpose of these Regulations which is capable of being effected electronically—

- (a) the expression “address” includes any number or address used for the purpose of such communications except that where these Regulations impose any obligation on any person to provide a name and address to any other person, the obligation shall not be fulfilled unless the person on whom it is imposed provides a postal address;
- (b) references to plans, notices or other documents or to copies of such things include references to such documents or copies of them in electronic form.

(6) Paragraphs (7) to (10) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Regulations to give or send any statement, notice or other document to any other person (“recipient”).

(7) The requirement shall (except on the case of service of a notice under regulation 34(2)) be taken to be fulfilled where the notice or other document transmitted by means of electronic communication is—

- (a) capable of being accessed by the recipient;
- (b) legible in all material respects; and
- (c) sufficiently permanent to be used for subsequent reference.

(8) In paragraph (7), “legible in all material respects” means that the information contained in the notice or document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(9) Where the electronic communication is received by the recipient outside the recipient’s business hours, it shall be taken to have been received on the next working day; and for this purpose “working day” means a day which is not a Saturday, Sunday or a public holiday.

(10) A requirement in these Regulations that any application, notice or other document should be in writing is fulfilled where the document meets the criteria in paragraph (7).

(a) See Command Paper 9424

(b) S.I. 1995/1625 (N.I. 9)

(c) S.R. 1995 No. 380

Directions

3.—(1) The Department may direct that—

- (a) a particular development of a description described in column 1 of the table in Schedule 2 and which does not meet the conditions in sub-paragraphs (a) and (b) of the definition of “Schedule 2 development” is EIA development;
- (b) in accordance with Article 2.4 of the Directive (but without prejudice to Article 7 of the Directive), a particular proposed development specified in the direction is exempted from these Regulations where the application of the Regulations would result in adversely affecting the purpose of the development, provided the objectives of these Regulations are met; or
- (c) these Regulations do not apply in relation to a particular proposed development specified in the direction if the development comprises or forms part of a project having the response to civil emergencies as its sole purpose and the application of the Regulations would have an adverse effect on that purpose.

(2) Where a direction is made under paragraph (1), the Department shall send a copy of the direction to the council or councils in whose district the proposed development is to be situated.

(3) Where a direction is made under paragraph (1)(b), the Department shall—

- (a) make available to the public the information considered in making the direction and the reasons for making the direction;
- (b) consider whether another form of assessment would be appropriate; and
- (c) take such steps as are considered appropriate to bring the information obtained under the other form of assessment to the attention of the public.

Prohibition on granting planning permission or subsequent consent without an environmental impact assessment

4. A council, the Department or the Commission shall not grant planning permission or subsequent consent for EIA development unless an environmental impact assessment has been carried out in respect of that development.

Environmental impact assessment

5.—(1) An environmental impact assessment is a process consisting of—

- (a) the preparation of an environmental statement by the applicant;
- (b) any consultation, publication and notification required by, or by virtue of, these Regulations or any other enactment in respect of EIA development; and
- (c) the steps required under regulations 24 and 25.

(2) The environmental impact assessment shall identify, describe and assess in an appropriate manner, in the light of each individual case, the direct and indirect significant effects of the proposed development on the following factors—

- (a) population and human health;
- (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC^(a) and Directive 2009/147/EC^(b);
- (c) land, soil, water, air and climate;
- (d) material assets, cultural heritage and the landscape ; and
- (e) the interaction between the factors referred to in sub-paragraphs (a) to (d).

(a) O.J. No. L206, 22.7.92, p.7

(b) O.J. No. L20, 26.1.2010, p.7

(3) The effects referred to in paragraph (2) on the factors set out in that paragraph shall include—

- (a) the operational effects of the proposed development, where the proposed development will have operational effects; and
- (b) the expected effects deriving from the vulnerability of the proposed development to risks of major accidents or disasters that are relevant to the proposed development.

(4) The council, the Department or the Commission, as the case may be, shall ensure that it has, or has access as necessary to, sufficient expertise to examine the environmental statement.

Confirmation that development is EIA development

6.—(1) Subject to any direction made by the Department under regulation 3(1) or by the Secretary of State under regulation 62 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the occurrence of an event mentioned in paragraph (2) shall determine for the purpose of these Regulations that a particular development is EIA development.

(2) The events are—

- (a) the submission by the applicant or appellant, in relation to that development, of a statement referred to by the applicant or appellant as an environmental statement for the purposes of these Regulations; or
- (b) the determination by the council or by the Department or, following a hearing by the Commission, confirmation by the council or by the Department, that the development is EIA development.

Appeals under Section 58 or Section 60 of the 2011 Act

7.—(1) Where an appeal is made to the Commission under section 58 or 60, the functions conferred on the council or on the Department by Part 3 to Part 8 of these Regulations shall be exercisable by the Commission in respect of that appeal.

(2) For the purpose of paragraph (1), regulation 15(4) shall have effect as if substituted by the following provision—

“(4) An appellant receiving a notification pursuant to paragraph (1) shall, within 4 weeks from the date of the determination, inform the Commission, in writing, that the appellant—

- (a) accepts the Commission’s determination and proposes to provide an environmental statement; or
- (b) does not accept the Commission’s determination.”

(3) For the purposes of paragraph (1), regulation 15(6) does not apply.

(4) For the purposes of paragraph (1), the words “and a deemed refusal by the council shall not give rise to an appeal to the Commission by virtue of section 58 or 60” contained in regulations 15(5), (8) and 21(3) shall not have effect.

PART 2

Pre-Application Procedures

Pre-application determination as to need for environmental impact assessment and opinion as to content of environmental statement

8.—(1) Subject to paragraphs (2) to (6), before applying for planning permission or subsequent consent, an applicant may request in writing the council or, as the case may be, the Department to—

- (a) make a determination as to whether a proposed development is or is not EIA development (a “screening determination”);

- (b) give an opinion as to the scope and level of detail of the information to be provided in the environmental statement to be submitted with an EIA application (a “scoping opinion”).

(2) A request for a scoping opinion may be made at the same time as a request for a screening determination.

(3) When making a request for a screening determination, an applicant shall, taking into account so far as relevant the selection criteria and the available results of other environmental assessments required under Union legislation (other than legislation implementing the requirements of the Directive), provide the following information—

- (a) a plan sufficient to identify the land;
- (b) a description of the development, including in particular—
 - (i) a description of the physical characteristics of the whole development and, where relevant, of demolition works;
 - (ii) a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;
- (c) a description of the aspects of the environment likely to be significantly affected by the development;
- (d) to the extent the information is available, a description of any likely significant effects of the development on the environment resulting from—
 - (i) the expected residues and emissions and the production of waste, where relevant; and
 - (ii) the use of natural resources, in particular soil, land, water and biodiversity.

(4) The applicant, when making a request for a screening determination, may also provide a description of any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

(5) A request for a scoping opinion in respect of an application for planning permission shall be accompanied by—

- (a) a plan sufficient to identify the land;
- (b) a description of the nature and purpose of the proposed development, including its location and technical capacity; and
- (c) an explanation of the likely significant effects of the development on the environment.

(6) A request for a screening determination or scoping opinion in respect of a subsequent application shall be accompanied by—

- (a) a plan sufficient to identify the land;
- (b) sufficient information to enable the council or, as the case may be, the Department to identify any planning permission granted for the development in respect of which a subsequent application has been made; and
- (c) the information referred to in paragraph (3)(c) and (d), but only to the extent that this relates to the likely significant effects on the environment which were not identified at the time that the planning permission was granted.

(7) Where the council or, as the case may be, the Department has to make a screening determination, it shall take into account—

- (a) any information provided by the applicant;
- (b) where relevant, the results of other environmental assessments carried out pursuant to Union legislation other than legislation implementing the requirements of the Directive; and
- (c) such of the selection criteria as are relevant to the proposed development.

(8) Subject to paragraph (11), the council or, as the case may be, the Department shall inform the applicant, in writing, of its screening determination within 4 weeks from the date of receipt of the request, or within such longer period, not exceeding 90 days beginning with the date of receipt

of the request, as may be agreed in writing between the council or, as the case may be, the Department and the applicant.

(9) The Department shall send a copy of its screening determination to the council in whose district the proposed development is to be situated.

(10) Where the council or, as the case may be, the Department consider that due to exceptional circumstances relating to the nature, complexity, location or size of the proposed development it is not practicable for the council or, as the case may be, the Department to make a screening determination within the period specified in paragraph (8), the council or Department may extend that period by notice in writing to the applicant giving reasons for that conclusion and the date when the screening determination may be expected.

(11) Where the council or, as the case may be, the Department considers that it has not been provided with sufficient information to enable it to respond to a request for a screening determination or a scoping opinion, it shall notify the applicant in writing of the particular points on which additional information is required, and the period for making the screening determination or for giving a scoping opinion shall not commence until receipt of that additional information.

(12) Subject to paragraph (16), the council or, as the case may be, the Department shall not give a scoping opinion until it has consulted such other authorities likely to be concerned by the proposed development by reason of their specific environmental responsibilities or local or regional competences, but shall respond to such a request within 6 weeks of receipt of that request or such longer period as may be agreed in writing with the applicant.

(13) The Department shall send a copy of its scoping opinion to the council in whose district the proposed development is to be situated.

(14) If, in response to a request for a screening determination, the council or, as the case may be, the Department determines that the proposed development is EIA development, it shall provide with the screening determination a written statement giving the main reasons for that conclusion with reference to the relevant selection criteria.

(15) If, in response to a request for a screening determination, the council or, as the case may be, the Department, determines that the proposed development is not EIA development, it shall provide with the screening determination a written statement giving the reasons for that conclusion with reference to the relevant selection criteria and, where proposed by the applicant, state any features of the development and measures envisaged to avoid or prevent, what might otherwise have been, significant adverse effects on the environment.

(16) Where the council or, as the case may be, the Department makes a screening determination and the applicant has also requested a scoping opinion, the council or, as the case may be, the Department shall respond to the request for the scoping opinion within 6 weeks of the date of issue of its screening determination under paragraph (14) or such longer period as may be agreed in writing with the applicant.

(17) In giving a scoping opinion, the council or, as the case may be, the Department shall take into account —

- (a) any information provided by the applicant about the proposed development;
- (b) the characteristics of the development;
- (c) the likely significant effects of the development on the environment; and
- (d) representations from the authorities consulted under paragraph (12).

(18) Where, following receipt of a scoping opinion under paragraph (16), an applicant wishes to proceed with the submission of an environmental statement, the applicant shall by notice in writing inform the council or, as the case may be, the Department to such effect within 4 weeks of the date of the scoping opinion.

(19) Where, following receipt of a screening determination under paragraph (14), the applicant wishes to proceed with the proposed development, the applicant shall by notice in writing inform the council or, as the case may be, the Department that the applicant either—

- (a) accepts the council's or, as the case may be, the Department's screening determination and proposes to provide an environmental statement; or
- (b) does not accept the council's or, as the case may be, the Department's screening determination and proposes to seek a hearing before the Commission.

(20) The notice referred to in paragraph (19) shall be served on the council or, as the case may be, the Department within 4 weeks of the date of the screening determination.

(21) Where the council or, as the case may be, the Department has given a scoping opinion or where it has received a statement under regulation 6(2)(a) it shall not be precluded from requiring further information in connection with any environmental statement that may be submitted.

PART 3

Preparation of Environmental Statements

Procedure to facilitate preparation of environmental statements

9.—(1) An applicant who intends to submit an environmental statement to a council or, as the case may be, the Department may give notice in writing of that intention to the council or the Department.

(2) A notice under paragraph (1) shall include, or be accompanied by, the information necessary to identify the land and the nature and purpose of the development, and shall indicate the main environmental consequences to which the person giving notice proposes to refer in the environmental statement.

(3) Where the council—

- (a) receives a notice under paragraph (1) or pursuant to regulation 8(18), (19)(a) or 15(4)(a); or
- (b) confirms a determination pursuant to regulation 15(7),

it shall notify—

- (i) any other council in the area in which the land to which the proposal relates is situated of the details of the proposed development; and
- (ii) such other authorities likely to be concerned by the proposed development by reason of their specific environmental responsibilities or local or regional competences,

of the name and address of the applicant and of the duty imposed on them by regulation 10(1) to make information available to the applicant; and

- (iii) inform the applicant in writing of the names and addresses of the bodies so notified.

(4) Where the Department—

- (a) receives a notice under paragraph (1) or pursuant to regulation 8(18), (19)(a), 15(4)(a) or 16(5); or
- (b) confirms a determination pursuant to regulation 15(7) or 16(8),

it shall notify—

- (i) the council or councils in whose district the proposed development is to be situated of the details of the proposed development; and
- (ii) such other authorities likely to be concerned by the proposed development by reason of their specific environmental responsibilities or local or regional competences,

of the name and address of the applicant and of the duty imposed on them by regulation 10(1) to make information available to the applicant; and

- (iii) inform the applicant in writing of the names and addresses of the bodies so notified.

Provision of information

10.—(1) Subject to paragraph (2), any body notified by the council or, as the case may be, the Department pursuant to regulation 9(3) or (4) shall, if requested by the person who intends to submit the environmental statement, or may without such request, enter into consultation with that person with a view to ascertaining whether the body has information in its possession which that person or they consider relevant to the preparation of the environmental statement, and shall make that information available to that person.

(2) Any body which receives a request for information under paragraph (1) shall treat it as a request for information under regulation 5(1) of the Environmental Information Regulations 2004(a).

Environmental statements

11.—(1) An EIA application shall be accompanied by an environmental statement for the purposes of these Regulations.

(2) An environmental statement is a statement which includes at least—

- (a) a description of the proposed development comprising information on the site, design, size and other relevant features of the development;
- (b) a description of the likely significant effects of the proposed development on the environment;
- (c) a description of any features of the proposed development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;
- (d) a description of the reasonable alternatives studied by the applicant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the significant effects of the development on the environment;
- (e) a non-technical summary of the information referred to in sub-paragraphs (a) to (d); and
- (f) any information specified in Schedule 4 relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected.

(3) To ensure the completeness and quality of the statement, the environmental statement shall—

- (a) be prepared by competent experts;
- (b) contain a statement by or on the behalf of the applicant setting out how the requirements of paragraph (3)(a) have been complied with;
- (c) where a scoping opinion has been issued in accordance with regulation 8, be based on the most recent scoping opinion issued (so far as the proposed development remains materially the same as the proposed development which was subject to that scoping opinion);
- (d) include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment; and
- (e) be prepared, taking into account other relevant environmental assessments required under Union legislation or some other provision of domestic legislation, with a view to avoiding duplication of assessment.

(a) S.I. 2004/3391

PART 4

Procedures on Receipt of Application

Application which appears to require determination as to need for environmental impact assessment

12.—(1) Where it appears to the council or, as the case may be, the Department that an application for planning permission—

- (a) is a Schedule 1 application or a Schedule 2 application;
- (b) the development in question has not been the subject of a screening determination as to whether the development is or is not EIA development; and
- (c) the application is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

the council or, as the case may be, the Department shall make a screening determination as to whether the development is EIA development, and paragraphs (7), (8), (9), (10), (11), (14) and (15) of regulation 8 shall apply as if receipt of the application were a request made under paragraph (1)(a) of regulation 8.

(2) Where regulation 8(11) applies by virtue of this regulation, the council or, as the case may be, the Department shall, where necessary to ensure that the applicant has provided the information referred to in regulation 8(3), make a request for additional information before making a screening determination.

Subsequent application where environmental information previously provided

13.—(1) This regulation applies where it appears to the council or, as the case may be, the Department that—

- (a) an application which is before it for determination—
 - (i) is a subsequent application in relation to Schedule 1 development or Schedule 2 development;
 - (ii) has not itself been the subject of a screening determination as to whether the development is or is not EIA development; and
 - (iii) is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations; and
- (b) the original application was accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations.

(2) Where it appears to the council or, as the case may be, the Department that the environmental information previously submitted in relation to the original application is adequate to assess the significant effects of the development on the environment, it shall take that information into consideration in its decision for subsequent consent.

(3) Where it appears to the council or, as the case may be, the Department that the environmental information already before it is not adequate to assess the significant effects of the development on the environment, it shall serve a notice seeking further information in accordance with regulation 21(1).

Subsequent application where environmental information not previously provided

14.—(1) Where it appears to the council or, as the case may be, the Department that—

- (a) an application—
 - (i) is a subsequent application in relation to Schedule 1 development or Schedule 2 development;

- (ii) has not itself been the subject of a screening determination as to whether the development is or is not EIA development; and
 - (iii) is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations; and
- (b) the original application was not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

the council or, as the case may be, the Department shall make a screening determination as to whether the development to which the application relates is EIA development, and paragraphs (7), (8), (9), (10), (11), (14) and (15) of regulation 8 shall apply as if receipt of the application were a request made under paragraph (1)(a) of regulation 8.

(2) Where regulation 8(11) applies by virtue of this regulation, the council or, as the case may be, the Department shall, where necessary to ensure that the application has provided the information referred to in regulation 8(6), make a request for additional information before issuing a screening determination.

Application without an environmental statement

15.—(1) Where an EIA application, including an application in respect of development which it has been determined is EIA development under regulation 12 or 14, is not accompanied by an environmental statement or a statement referred to by the applicant as an environmental statement for the purpose of these Regulations, the council or, as the case may be, the Department shall notify the applicant in writing that the submission of such a statement is required.

(2) Where notification is given by the Department under paragraph (1), it shall send a copy of the notification to the council or councils in whose district the proposed development is to be situated.

(3) The council or, as the case may be, the Department shall notify the applicant in accordance with paragraph (1) within 4 weeks from the date of receipt of the application or such longer period as may be agreed in writing with the applicant.

(4) An applicant receiving a notification pursuant to paragraph (1) shall, within 4 weeks from the date of the determination, inform the council or, as the case may be, the Department, in writing, that the applicant—

- (a) accepts the determination and proposes to provide an environmental statement; or
- (b) does not accept the determination and proposes to seek a hearing before the Commission.

(5) If the applicant does not inform the council or, as the case may be, the Department in writing in accordance with paragraph (4), the permission or subsequent consent sought shall be deemed to be refused at the end of the relevant 4 week period and a deemed refusal by the council shall not give rise to an appeal to the Commission by virtue of section 58 or 60.

(6) Where, following receipt of a notification pursuant to paragraph (1), an applicant proposes to seek a hearing before the Commission, the applicant shall by notice in writing inform the Commission to such effect within 4 weeks from the date of the notification.

(7) Where the council or, as the case may be, the Department determines or, following a hearing by the Commission, confirms that an environmental statement is required, the statement shall be submitted within 6 months from the date of determination or such extended period as may be agreed in writing between the applicant and the council or Department.

(8) If the applicant does not submit an environmental statement in accordance with paragraph (7), the application for planning permission or subsequent application shall be deemed to be refused and a deemed refusal by the council shall not give rise to an appeal to the Commission by virtue of section 58 or 60.

(9) Where, following a hearing by the Commission, the council or, as the case may be, the Department withdraws its determination that an environmental statement is required, the period within which the application for planning permission or subsequent application is to be determined shall be calculated from the date of notice to the applicant of the council's or Department's withdrawal.

Application referred to the Department under Section 29 without an environmental statement

16.—(1) Where an application has been referred to the Department under section 29 for determination, and it appears to the Department that—

- (a) it is a Schedule 1 application or a Schedule 2 application;
- (b) the development in question—
 - (i) has not been the subject of a determination as to whether the development is or is not EIA development; or
 - (ii) in the case of a subsequent application, was the subject of a determination before planning permission was granted to the effect that it is not EIA development; and
- (c) the application is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

the Department shall make a screening determination as to whether the development is EIA development, and paragraphs (7), (8), (9), (10), (11), (14) and (15) of regulation 8 shall apply as if the referral of the application were a request made under paragraph (1)(a) of regulation 8.

(2) Where regulation 8(11) applies by virtue of paragraph (1) the Department shall, where necessary to ensure that the applicant has provided—

- (a) in the case of applications for planning permission, the information referred to in regulation 8(3); and
- (b) in the case of subsequent applications, the information referred to in regulation 8(6),

make a request for additional information before making a screening determination.

(3) Where the Department has determined that an application referred to it under section 29 for determination is an EIA application, but it is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations, the Department shall notify the applicant in writing that the submission of an environmental statement is required, and shall send a copy of the notification to the council in whose district the proposed development is to be situated.

(4) The Department shall notify the applicant in accordance with paragraph (3) within 4 weeks from the date of referral of the application or such longer period as may be reasonably required.

(5) An application receiving a notification pursuant to paragraph (3) shall, within 4 weeks from the date of the determination, inform the Department, in writing, that the applicant—

- (a) accepts the determination and proposes to provide an environmental statement; or
- (b) does not accept the determination and proposes to seek a hearing before the Commission.

(6) If the applicant does not inform the Department in writing in accordance with paragraph (5), the permission or subsequent consent sought shall be deemed to be refused at the end of the relevant 4 week period.

(7) Where, following receipt of a notification pursuant to paragraph (3), an applicant proposes to seek a hearing before the Commission, the applicant shall by notice in writing inform the Commission to such effect within 4 weeks from the date of the notification.

(8) Where the Department determines or, following a hearing by the Commission, confirms that an environmental statement is required, the statement shall be submitted within 6 months from the date of determination or such extended period as may be agreed in writing between the applicant and the Department, and if not so submitted, the application for planning permission or subsequent application shall be deemed to be refused.

(9) Where, following a hearing by the Commission, the Department withdraws its determination that an environmental statement is required, the period within which the application for planning permission or subsequent application is to be determined shall be calculated from the date of notice to the applicant of the Department's withdrawal.

Extension of the period for council's or Department's decision on an application for planning permission or subsequent application

17. Where an application for planning permission or subsequent application is an EIA application, Articles 12 and 20 of the General Development Procedure Order shall have effect as if—

- (a) in Article 12 for the reference to a period of 8 weeks from the date the application was received; and
- (b) in paragraph (2)(b) of Article 20 for the reference to a period of 8 weeks from the date the application was received,

there were substituted a reference to a period of 16 weeks; and

- (c) after paragraph (3)(b) of Article 20 there were inserted—
 - “(ba) the environmental statement required to be submitted in respect of the application has been submitted, together with the documents required to accompany that statement; and
 - (bb) in the case of an application falling within regulation 12(1) or 14(1) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 where the council or, as the case may be, the Department has requested further information in order to make a determination under regulation 12(3) or 14(3) of those Regulations, when that information was received; and
 - (bc) where evidence verifying information in the environmental statement has been requested, when that evidence was received; and”;
- (d) the date when an application is received for the purposes of Article 12 were the date when each of the events referred to in Article 20(3) (ba) to (bc) has occurred in relation to that application.

PART 5

Publicity and Consultation

Publicity where an environmental statement is submitted

18.—(1) Where an environmental statement is submitted the council or, as the case may be, the Department shall, when it receives the environmental statement publish a notice, by local advertisement, stating —

- (a) that an application for planning permission or a subsequent application has been made to the council or, as the case may be, the Department and is accompanied by an environmental statement;
- (b) the address or location and nature of the proposed development;
- (c) in the case of an application for planning permission, that the environmental statement is available for inspection free of charge and the times and places at which, and the means by which, it is available for inspection;
- (d) in the case of a subsequent application, that a copy of the planning permission and supporting documents for the development in respect of which the application has been made, may be inspected by members of the public at all reasonable hours at the relevant office of the council or, as the case may be, the Department;
- (e) details of a website maintained by or on behalf of the council or, as the case may be, the Department on which the environmental statement and other documents have been made available in accordance with paragraph (3);
- (f) a postal address (within the locality in which the land proposed to be developed is situated) at which copies of the environmental statement may be obtained from the

applicant in accordance with regulation 19(a), so long as stocks last, and if a charge is to be made for a copy, the amount of the charge; and

- (g) that any person wishing to make representations about the application should make them in writing to the council or, as the case may be, the Department, and the latest date by which representations should be made (being a date not less than 30 days from the date on which the notice is first published).

(2) Where the council or, as the case may be, the Department is aware of any particular person who is or is likely to be affected by, or has an interest in, the application for planning permission or subsequent application, and who is unlikely to become aware of it by means of a local advertisement, it shall send a notice in writing to such person containing the details set out in the notice under paragraph (1) and the address of the relevant office of the council or, as the case may be, the Department.

(3) The council or, as the case may be, the Department shall make the environmental statement available for inspection on a website maintained by it or on its behalf.

Availability of copies of environmental statement

19. An applicant who submits an environmental statement shall—

- (a) ensure that a reasonable number of copies of the statement are made available at the address given in the notice pursuant to regulation 18(1)(f); and
- (b) provide the council or, as the case may be, the Department with sufficient copies of it, or parts of it, to enable the council or, as the case may be, the Department to comply with regulation 20 and 3 additional copies.

Consultation where environmental statement submitted

20.—(1) Where the council receives an environmental statement in relation to a proposed development, it shall consult any other council and bodies mentioned in regulation 9(3) and inform them that they may make representations.

(2) Where the Department receives an environmental statement in relation to a proposed development, it shall consult the council in whose district the proposed development is to be situated and bodies mentioned in regulation 9(4) and inform them that they may make representations.

(3) The council or, as the case may be, the Department shall give not less than 30 days notice to any council and bodies consulted under paragraph (1) or (2) that environmental information is to be taken into account in determining the application for planning permission or subsequent application.

Further information and evidence relating to environmental statement

21.—(1) Where the applicant has submitted a statement which the applicant refers to as an environmental statement and the council or, as the case may be, the Department is of the opinion that, in order to satisfy the requirements of regulation 11(2), the statement should contain supplementary information which is directly relevant to reaching a reasoned conclusion on the significant effects of the development described in the application on the environment in order to be an environmental statement, it shall require the applicant, by notice in writing, to submit that supplementary information, and such information provided by the applicant is referred to in these Regulations as “further information”.

(2) The council or, as the case may be, the Department may, by notice in writing, require an applicant to produce such evidence as it may reasonably call for to verify any information in the environmental statement.

(3) On receipt of a notice under paragraphs (1) and (2) the applicant shall submit the further information or evidence within three months from the date of the notice or such extended period as may be agreed in writing between the applicant and the council or, as the case may be, the

Department and, if not so submitted, the application shall be deemed to be refused, and a deemed refusal by the council shall not give rise to an appeal to the Commission by virtue of section 58 or 60.

(4) Subject to paragraph (6), regulations 18 to 20 shall apply where such further information and any other information is received by the council or, as the case may be, the Department, as if references to “environmental statement” were references to “further information and any other information”.

(5) Subject to paragraph (6), where information is requested under paragraph (1) or any other information is received by the council or, as the case may be, the Department, it shall suspend determination of the application and shall not determine it before the expiry of the period of 30 days after the date on which notice of that information was published under regulation 18, or the expiry of the period of notice given to bodies consulted about that information under regulation 20, whichever is the latest.

(6) Paragraphs (4) and (5) shall not apply to further information and any other information provided for the purposes of a public local inquiry or hearing held under section 26(10) or (11) or section 29(6) or (7).

(7) Where a public local inquiry or hearing is to be held under section 26(10) or (11) or section 29(6) or (7) in relation to an EIA application, the Department shall, not less than 30 days before the inquiry or hearing is to be held, publish notice of it by local advertisement.

(8) Every notice published pursuant to paragraph (7) shall contain:

- (a) a clear statement of the date, time and place of the inquiry or hearing;
- (b) details of where and when copies of any information provided for the purposes of the inquiry or hearing may be inspected and, where practicable, copied by the public.

(9) Where a public local inquiry or hearing is to be held under section 26(10) or (11) or section 29(6) or (7) in relation to an EIA application, the Commission or, as the case may be, the person appointed by the Department shall, not less than 30 days before the inquiry or hearing is to be held, afford to any person who so requests a reasonable opportunity to inspect and, where practicable, take copies of any information provided for the purposes of the inquiry or hearing.

(10) For the purpose of paragraph (9), an opportunity is to be taken as having been afforded to a person where the person is notified of—

- (a) publication on the Commission’s website, or publication on a website accessible by the person appointed by the Department, of any information provided for the purposes of the inquiry or hearing;
- (b) the address of that website; and
- (c) the place on the website where that information may be accessed and how it may be accessed.

Charges

22.—(1) A reasonable charge reflecting the cost of printing and distribution of an environmental statement, part of it, or further information or any other information may be made by the applicant in respect of copies made available under regulation 19(a).

(2) A body entering into consultation pursuant to regulation 10 may make a reasonable charge for the costs of making available to the applicant information in its possession.

PART 6

Coordination, Decision-making, Monitoring and Notification of Decisions

Coordination of assessments

23.—(1) Where, in relation to EIA development, there is, in addition to the requirement for an environmental impact assessment to be carried out in accordance with these Regulations, also a requirement to carry out a Habitats Regulations Assessment, the council or, as the case may be, the Department shall, where appropriate, ensure that the Habitats Regulations Assessment and the environmental impact assessment are coordinated.

(2) In this regulation a “Habitats Regulations Assessment” means an assessment under regulation 43 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995.

Consideration of whether planning permission or subsequent consent should be granted

24.—(1) When determining an EIA application the council or, as the case may be, the Department shall—

- (a) examine the environmental information;
- (b) reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account the examination referred to in sub-paragraph (a) and, where appropriate, its own supplementary examination;
- (c) integrate that reasoned conclusion into the decision as to whether planning permission or subsequent consent is to be granted; and
- (d) if planning permission or subsequent consent is to be granted, consider whether it is appropriate to attach conditions or impose monitoring measures.

(2) The reasoned conclusion referred to in paragraph (1) shall be up to date at the time that the decision as to whether planning permission or subsequent consent is to be granted; but that conclusion shall be taken to be up to date if, in the opinion of the council or, as the case may be, the Department, it addresses the significant effects that are likely to arise as a result of the development described in the EIA application.

(3) In cases where no statutory timescale is in place, the decision of the council or, as the case may be, the Department as to whether planning permission or subsequent consent is to be granted shall be taken within a reasonable period of time, taking into account the nature and complexity of the proposed development, from the date on which the council or, as the case may be, the Department has been provided with the environmental information.

Monitoring

25.—(1) When considering whether to impose a monitoring measure under regulation 24(1)(d), and the nature of any such monitoring measure, the council or, as the case may be, the Department shall consider—

- (a) whether monitoring measures are proportionate to the nature, location and size of the proposed development and the significance of its effects on the environment having regard in particular to the type of parameters to be monitored and the duration of the monitoring;
- (b) in order to avoid duplication of monitoring, whether monitoring arrangements required under Union legislation (other than legislation implementing the requirements of the Directive) or other legislation applicable in Northern Ireland are more appropriate than imposing a monitoring measure; and
- (c) if monitoring measures are considered appropriate, whether provision should be made to require appropriate remedial action.

(2) Where monitoring measures or measures envisaged to avoid, prevent or reduce and, if possible, offset significant adverse effects on the environment are required, the council or, as the case may be, the Department shall take steps to ensure that those measures are undertaken.

Information to accompany decisions

26.—(1) Where an EIA application is determined by a council or, as the case may be, the Department, it shall provide the applicant with the information specified in paragraph (2).

(2) The information is—

- (a) information regarding the right to challenge the validity of the decision and the procedures for doing so; and
- (b) if the decision is to grant planning permission or subsequent consent—
 - (i) the reasoned conclusion of the council or, as the case may be, the Department on the significant effects of the development on the environment, taking into account the results of the examination referred to in regulation 24(1)(a) and (b);
 - (ii) any conditions to which the decision is subject;
 - (iii) a description of any features of the development and any measures envisaged in order to avoid, prevent, reduce and, if possible, offset likely significant adverse effects on the environment; and
 - (iv) any monitoring measures considered appropriate by the council or, as the case may be, the Department; or
- (c) if the decision is to refuse planning permission or subsequent consent, the main reasons for the refusal.

Duty to inform the public of decisions

27.—(1) Where an EIA application is determined by a council or, as the case may be, the Department, it shall promptly—

- (a) inform the bodies mentioned in regulation 9(3)(b)(ii) or (4)(b)(ii), as appropriate, of the decision in writing;
- (b) inform the public of the decision by local advertisement or by such other means as are reasonable in the circumstances.

(2) Where an EIA is determined by the Department it shall also—

- (a) notify the council in whose district the proposed development is to be situated of its decision;
- (b) provide the council with a statement containing—
 - (i) the main reasons and considerations on which the decision was based including information about the arrangements taken to ensure the public had the opportunity to participate in the decision making procedures;
 - (ii) a summary of the results on the consultations undertaken and information gathered in respect of the application and how those results, in particular comments received from an EEA State pursuant to consultation under regulation 29, have been incorporated or otherwise addressed; and
 - (iii) details of the matters referred to in regulation 26(2).

(3) Where, after environmental information has been taken into consideration, an EIA application is determined by the Commission, the Commission shall promptly—

- (a) notify the council in whose district the proposed development is to be situated of its decision; and
- (b) provide the council with a copy of a statement containing—

- (i) the main reasons and considerations on which the decision was based including information about the arrangements taken to ensure the public had the opportunity to participate in the decision making procedures;
- (ii) a summary of the results of the consultations undertaken and information gathered in respect of application and how those results, in particular comments received from an EEA State pursuant to consultation under regulation 29, have been incorporated or otherwise addressed; and
- (iii) details of the matters referred to in regulation 26(2).

(4) The council shall, as soon as reasonably practicable after receipt of a notification from the Commission under paragraph (3), comply with paragraph (1) as if the decision so notified were a decision of the council.

PART 7

Development by a Council

Modifications where application is by a council

28. Where the council is also (or would be) the applicant (whether alone or jointly with any other person), these Regulations shall apply to an EIA application (or proposed application) subject to the following modifications—

- (a) regulations 8 and 9(1) to 9(3) shall not apply;
- (b) regulation 10(1) shall apply to any body from whom the council requests assistance as it applies to any body notified in accordance with regulation 9(3);
- (c) regulation 12 shall apply as if—
 - (i) the words “or, as the case may be, the Department” were omitted; and
 - (ii) the references to paragraph (8), (9), (10) and (11) of regulation 8 were omitted.
- (d) regulation 13 shall apply as if the words “or, as the case may be, the Department” were omitted;
- (e) regulation 14 shall apply as if—
 - (i) the words “or, as the case may be, the Department” were omitted; and
 - (ii) the reference to paragraphs (8), (9), (10) and (11) of regulation 8 were omitted;
- (f) regulation 15 shall not apply;
- (g) regulation 18 shall apply as if—
 - (i) for “Where an environmental statement is submitted the council or, as the case may be, the Department shall, when it receives the environmental statement”, there were substituted, “Where a council submits an environmental statement it shall”;
 - (ii) in paragraph (1)(a), (1)(c), (1)(d), (1)(f), (2) and (3) the words “or, as the case may be, the Department” were omitted;
 - (iii) in paragraph (1)(e) the words “from the applicant” were omitted.
- (h) paragraph (b) of regulation 19 shall not apply;
- (i) regulation 20 shall apply if—
 - (i) in paragraph (1) for the word “receives” there were substituted “submits”;
 - (ii) paragraph (2) were omitted;
 - (iii) in paragraph (3) the words “or, as the case may be, the Department” were omitted.

PART 8

Development with Significant Transboundary Effects

Development in Northern Ireland likely to have significant effects on the environment in another EEA State

29.—(1) Where a council becomes aware that an EIA application made to it is in respect of proposed development which is likely to have significant effects on the environment in another EEA State, the council shall immediately send to the Department a copy of the application and environmental statement and any documents submitted with the application.

(2) Where—

- (a) it comes to the attention of the Department that proposed development in Northern Ireland is the subject of an EIA application and is likely to have significant effects on the environment in another EEA State; or
- (b) another EEA State likely to be significantly affected by such development so requests, the Department shall—
 - (i) publish a notice in the Belfast Gazette giving the address of the proposed development, stating that it is accompanied by an environmental statement and that it is likely to have significant effects on the environment of another EEA State and giving an address at which additional information may be obtained;
 - (ii) send to the EEA State as soon as possible and no later than the date of publication of the notice referred to in sub-paragraph (b)(i), the particulars mentioned in paragraph (3) and, if relevant, the information referred to in paragraph (4); and
 - (iii) give the EEA State a reasonable time in which to indicate whether it wishes to participate in the procedure for which these Regulations provide.

(3) The particulars referred to in paragraph (2)(b)(ii) are—

- (a) a description of the development, together with any available information on its possible significant effect on the environment in another EEA State; and
- (b) information on the nature of the decision which may be taken.

(4) Where an EEA State indicates, in accordance with paragraph (2)(b)(iii), that it wishes to participate in the procedure for which these Regulations provide, the Department shall send to that EEA State—

- (a) a copy of the application concerned;
- (b) a copy of any planning permission relating to the development;
- (c) a copy of any environmental statement in respect of the development to which that application relates;
- (d) details of the authority responsible for deciding the application; and
- (e) relevant information regarding the procedure under these Regulations,

unless that information has already been provided to the EEA State earlier in accordance with paragraph (2)(b)(ii).

(5) The Department shall also ensure that the EEA State concerned is given an opportunity, before planning permission or subsequent consent for the development is granted, to forward to the Department, within a reasonable time, the opinions of its public and of the authorities referred to in Article 6.1 of the Directive on the information supplied.

(6) The Department shall—

- (a) enter into consultation with the EEA State concerned regarding, amongst other things, the potential significant effects of the development on the environment of that EEA State and the measures envisaged to reduce or eliminate such effects; and
- (b) determine, in agreement with the other EEA State, a reasonable period of time for the duration of the consultation period.

(7) Where an EEA State has been consulted in accordance with paragraph (6), on the determination of the application concerned, the Department shall inform the EEA State of the decision and shall forward to it the information referred to in regulation 26(2).

Projects in another EEA State likely to have significant transboundary effects

30.—(1) Where the Department receives from another EEA State pursuant to Article 7.1 or 7.2 of the Directive, information which the EEA State has gathered from the applicant of a proposed project in that EEA State which is likely to have significant effects on the environment in Northern Ireland, the Department shall in accordance with Article 7.4 of the Directive—

- (a) enter into consultations with that EEA State regarding, amongst other things, the potential significant effects of the proposed project on the environment in Northern Ireland and the measures envisaged to reduce or eliminate such effects and whether it wishes to participate in that EEA State's procedure; and
- (b) determine in agreement with that EEA State a reasonable period, before development consent for the project is granted, during which members of the public in Northern Ireland may submit to the competent authority in that EEA State representations pursuant to Article 7.3(b) of the Directive.

(2) The Department shall also—

- (a) arrange for the information referred to in paragraph (1) to be made available, within a reasonable time, both to the authorities in Northern Ireland which it considers are likely to be concerned by the project by reason of the specific environmental responsibilities or local or regional competences, and to the public concerned in Northern Ireland;
- (b) ensure that those authorities and the public concerned in Northern Ireland are given an opportunity before development consent for the project is granted, to forward to the competent authority in the relevant EEA State, within a reasonable time, their opinion on the information supplied; and
- (c) make available to the public concerned, in an appropriate manner, any information received from the competent authority of the relevant EEA State in order to comply with Article 9.2 of the Directive.

PART 9

Unauthorised EIA Development

Interpretation of Part 9

31. In this Part—

“deemed application” shall be construed in accordance with section 145(5);

“enforcement functions” means—

- (a) the issue of an enforcement notice under section 138 or section 139;
- (b) the issue of a planning contravention notice under section 133;
- (c) the issue of a temporary stop notice under section 135;
- (d) the issue of a stop notice under section 150 or section 151;
- (e) the service of a breach of conditions notice under section 152; and
- (f) an application to the court for an injunction under section 156.

“enforcement notice” means a notice issued under section 138 or section 139;

“ground (a) appeal” means an appeal under section 143, so far as brought on the ground mentioned in subsection (3)(a) of that section;

“regulation 34 notice” means a notice issued under regulation 34(2);

“unauthorised EIA development” means EIA development for which planning permission or subsequent consent has not been granted.

Duty to ensure objectives of the Directive are met

32. The council or, as the case may be, the Department shall consider the exercise of their enforcement functions in such a way as to secure compliance with the objectives and requirements of the Directive.

Prohibition on the grant of planning permission or subsequent consent for unauthorised EIA development

33. The Commission shall not grant planning permission or subsequent consent under section 145(1) in respect of unauthorised EIA development unless an environmental impact assessment has been carried out in respect of that development.

Determination as to need for environmental statement, etc.

34.—(1) Where it appears to the council or, as the case may be, the Department that the matters constituting the breach of planning control comprise Schedule 1 development or Schedule 2 development, the council or, as the case may be, the Department shall, before an enforcement notice is issued—

- (a) take steps to obtain information about the development, having regard to the requirements of regulation 8(3) and the obligations under regulation 32, in order to inform a screening determination; and
- (b) make a screening determination and paragraphs (7), (14) and (15) of regulation 8 shall apply.

(2) Where it appears to the council or, as the case may be, the Department that the matters constituting the breach of planning control comprise or include EIA development, the council or, as the case may be, the Department shall serve with a copy of the enforcement notice a notice (“regulation 34 notice”) which shall—

- (a) include a copy of the screening determination required by paragraph (1)(b); and
- (b) require a person who gives notice of an appeal under section 143 to submit to the Commission with the notice sufficient copies of an environmental statement relating to that development to enable the Commission to comply with regulation 37.

(3) Where the council issues a regulation 34 notice it shall send a copy of the notice to—

- (a) the Commission;
- (b) any other council for the area in which the land to which the unauthorised EIA development relates is situated;
- (c) any other authorities likely to be concerned by the unauthorised EIA development by reason of their specific environmental responsibilities or local or regional competences; and
- (d) any particular person of whom it is aware, who is likely to be affected by, or has an interest in, the regulation 34 notice.

(4) Where the Department issues a regulation 34 notice it shall send a copy of the notice to—

- (a) the Commission,
- (b) the council or councils in the area in which the land to which the unauthorised EIA development relates is situated;
- (c) any other authorities likely to be concerned by the unauthorised EIA development by reason of their specific environmental responsibilities or local or regional competences; and

(d) any particular person of whom it is aware, who is likely to be affected by, or has an interest in, the regulation 34 notice.

(5) Where the council or, as the case may be, the Department serves the Commission with a copy of a regulation 34 notice it shall also provide it with a list of the other persons to whom, in accordance with paragraph (3) or (4), a copy of the notice has been or is to be sent.

(6) Where a person gives notice of appeal under section 143 and the council or, as the case may be, the Department has served on that person a regulation 34 notice with which they do not agree, that person may by notice in writing, within 4 weeks of the date of service of the enforcement notice, inform the council or, as the case may be, the Department that they propose to seek a hearing before the Commission.

(7) Where, in relation to paragraph (6), a person proposes to seek a hearing before the Commission, that person shall, by notice in writing, inform the Commission to such effect within 4 weeks of the service of the enforcement notice.

Time period for submission of environmental statement

35. Where the council or, as the case may be, the Department determines or, following a hearing by the Commission, confirms that an environmental statement is required, it shall be submitted to the Commission within 6 months from the date of the determination or such extended period as may be agreed in writing between the appellant and the Commission and if not so submitted the deemed application and the ground (a) appeal (if any) shall elapse at the end of that period.

Provision of information

36.—(1) Subject to paragraph (2), any person on whom a copy of regulation 34 notice is served pursuant to regulation 34(3)(b) to (d) or regulation 34(4)(b) to (d) (“the consultee”) shall, if requested by the person on whom the regulation 34 notice was served, or may without such request, enter into consultation with that person to determine whether the consultee has in their possession any information which that person or the consultee consider relevant to the preparation of an environmental statement and, if they have, the consultee shall make any such information available to that person.

(2) Regulations 10(2) and 22(2) shall apply to information under paragraph (1) as they apply to information under regulation 10(1).

Procedure where the Commission receives an environmental statement

37.—(1) Where the Commission receives an environmental statement, or a statement referred to by the appellant as an environmental statement, in connection with an enforcement appeal, it shall send a copy of the statement to the council or, as the case may be, the Department and to the bodies on whom a copy of the regulation 34 notice was served.

(2) The Commission shall give not less than 30 days notice to the council or, as the case may be, the Department and the bodies referred to in paragraph (1) that environmental information will be taken into consideration in determining the ground (a) appeal (if any) and inform them that they may make representations within this period.

Further information and evidence respecting environmental statements

38.—(1) Regulation 21(1) and (2) shall apply to statements provided in accordance with this Part with the following modifications—

- (a) where the Commission notifies the appellant under regulation 21(1), the appellant shall provide the further information within such period as the Commission may specify in the notice or such longer period as the Commission may allow;
- (b) if an appellant to whom a notice has been given under sub-paragraph (a) fails to provide the further information within the period specified or allows (as the case may be), the deemed application and the ground (a) appeal (if any) shall lapse at the end of that period.

(2) Regulations 37 and 39 shall apply in relation to further information received by the Commission in accordance with paragraph (1) as if references in those regulations to an environmental statement were references to the further information.

(3) The Commission shall send the council or, as the case may be, the Department a copy of any notice sent to the appellant under paragraph (1).

(4) Where the Department receives a notice under paragraph (3), it shall copy the notice to the council.

Publicity for environmental statements and decision making

39.—(1) Where the Commission receives a copy of an environmental statement or a statement submitted by the appellant referred to as an environmental statement, either of which is accompanied by further information and any other information, in connection with an enforcement appeal it shall publish by local advertisement a notice stating—

- (a) the name of the appellant and that the appellant has appealed to the Commission against the enforcement notice;
- (b) the address or location of the land to which the notice related and the nature of the development;
- (c) sufficient information to enable any planning permission for the development to be identified;
- (d) that a copy of the environmental statement and further information and any other information may be inspected by members of the public at all reasonable hours;
- (e) an address in the locality at which the statement and further information and any other information may be inspected and the latest date it will be made available for inspection (being a date not less than 30 days from the date on which the notice is first published);
- (f) that any person wishing to make representations about any matter dealt with in the statement and further information and any other information should make them in writing and the latest date by which representations should be made (being a date not less than 30 days from the date on which the notice is first published); and
- (g) the address to which such representations are to be sent.

(2) Where an appeal is made to the Commission under section 143 in relation to an unauthorised EIA development, the functions conferred to on the council or on the Department by Part 6 shall be exercisable by the Commission in respect of that appeal.

Significant transboundary effects

40. Regulation 29 shall apply to unauthorised EIA development as if—

- (a) for regulation 29(1) there were substituted—
 - “(1) Where, on the consideration of an appeal under section 143, the Commission is of the opinion that matters which are alleged to constitute the breach of planning control comprise or include EIA development and the development has or is likely to have significant effects on another EEA state, it shall notify the Department.”;
- (b) in regulation 29(2)(a) and (b)(i) the word “proposed” was omitted;
- (c) in regulation 29(4)(a) the words “ a copy of the application concerned” were replaced by the words “a description of the development concerned”; and
- (d) in regulation 29(4)(c) the words “that application” were replaced by the words “the deemed application under section 145(5)”.

PART 10

Permission in Enterprise and Simplified Planning Zones and Permission Granted by Development Orders

Restrictions on the grant of permission by simplified planning zone schemes and enterprise zone schemes

41. After the commencement of these Regulations—

- (a) the adoption of a simplified planning zone scheme under section 34 (or the alteration of such a scheme under section 37);
- (b) an order designating an enterprise zone under the Enterprise Zones (Northern Ireland) Order 1981(a) and the modification in relation to an approved enterprise zone under that Order,

shall not grant planning permission for—

- (i) Schedule 1 development; or
- (ii) Schedule 2 development unless the council or, as the case may be, the Department has made a determination that the development is not EIA development.

Development Orders

42. Subject to paragraph (2), a development order under section 32 made after the commencement of these Regulations shall not grant planning permission for—

- (a) Schedule 1 development; or
- (b) Schedule 2 development unless the council or, as the case may be, the Department has made a determination that the development is not EIA development.

PART 11

Miscellaneous

Objectivity and bias

43.—(1) The council or, as the case may be, the Department shall perform their duties under these Regulations in an objective manner and so as not to find themselves in a situation giving rise to a conflict of interest.

(2) Where the council or, as the case may be, the Department is (or would be) an applicant and it will also be responsible for determining its own application, the council or, as the case may be, the Department shall make appropriate administrative arrangements to ensure that there is a functional separation, when performing any duty under these Regulations, between the persons making the application and the persons responsible for determining that application.

Availability of information in relation to determinations, opinions, decisions, etc.

44.—(1) The council shall make available for public inspection at all reasonable hours at the place where a register pursuant to Article 24 of the General Development Procedure Order is kept, a copy of—

- (a) any determination or opinion given pursuant to regulation 8(1), 12(1), 14(1) or 16(1), notification under regulation 15(1) or 16(2), or determination confirmed or amended

(a) S.I. 1981/607 (N.I. 15)

under regulation 45(2) together with the accompanying statement of reasons, the relevant request and the documents which accompanied it;

- (b) any environmental statement and further information and any other information received under these Regulations; and
- (c) where environmental information has been taken into consideration in determining an application for planning permission or subsequent application or appeal, a statement containing—
 - (i) the main reasons and considerations on which the decision was based including information about the arrangements taken to ensure the public had the opportunity to participate in the decision making procedures;
 - (ii) a summary of the results of the consultations undertaken and information gathered in respect of applications and how those results, in particular comments received from an EEA State pursuant to consultation under regulation 29, have been incorporated or otherwise addressed; and
 - (iii) details of the matters referred to in regulation 26(2).

(2) The council shall make available for public inspection at all reasonable hours at the place where a register pursuant to Article 26 of the General Development Procedure Order is kept, a copy of—

- (a) every regulation 34 notice served by the council or, as the case may be, the Department;
- (b) every determination made by the council or, as the case may be, the Department in accordance with regulation 34(2) or notice confirmed or amended under regulation 45(2) in respect of a deemed application under Part 8;
- (c) every environmental statement or additional information received by the council or, as the case may be, the Department by virtue of regulation 37(1); and
- (d) every notice received by the council or, as the case may be, the Department under regulation 38(3) or (4).

(3) A register kept pursuant to Article 27 of the General Development Procedure Order is kept, a copy of any direction given by the Department pursuant to regulation 3(1)(a) to (c), and any information obtained under regulation 3(2).

(4) Where the registers kept under this regulation are kept using electronic storage, the council may make the registers available for inspection by the public on a website maintained by the council for that purpose.

Hearing by the Commission in relation to the council's or Department's determination

45.—(1) Where a person seeks a hearing before the Commission under regulations 8(19), 15(4), 16(5) or 34(6) it shall afford that person the opportunity of appearing before and being heard by the Commission.

(2) Where a hearing is held, the council or, as the case may be, the Department shall consider the report of the Commission and may confirm, amend or withdraw its determination.

Use of electronic communications

46.—(1) Paragraph (2) applies where a person uses electronic communications to make an application under regulation 8, and except where a contrary intention appears, the applicant shall be taken to have agreed—

- (a) to the use of electronic communications for all purposes relating to the application which is capable of being effected using such communications;
- (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the application;
- (c) that the person's deemed agreement under this paragraph shall subsist until the person gives notice in writing that the person wishes to revoke the agreement and such

withdrawal or revocation shall be final and shall take effect on a date specified by the person in the notice but not less than seven days after the date on which the notice is given.

(2) In paragraphs (3)(a), 5(a) and 6(a) of regulation 8 the requirement for the application to be accompanied by a plan sufficient to identify the land to which the application relates is satisfied where the applicant identifies the land on an electronic map provided by the council or, as the case may be, the Department and for this purpose a map is taken to be provided where the council or, as the case may be, the Department has published it on its website.

Application to the Crown

47. These Regulations shall apply to the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

Revocation, saving and transitional provisions

48.—(1) Subject to paragraphs (2) to (4) the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015(a) (“the 2015 Regulations”) are revoked except for regulations 45(3) and (4).

(2) The 2015 Regulations continue to have effect as they did immediately before 16th May 2017 where before that date—

- (a) the applicant or, as the case may be, the appellant has submitted an environmental statement (within the meaning of the 2015 Regulations); or
- (b) the applicant has made a request under regulation 7(1)(b) of the 2015 Regulations for an opinion as to the information to be provided in the environmental statement.

(3) Parts 1 and 2 of the 2015 Regulations continue to have effect as they did immediately before 16th May 2017 in respect of—

- (a) a request for a determination under regulation 7(1)(a) of the 2015 Regulations made to the council or, as the case may be, the Department, before that date.
- (b) a determination by the council or, as the case may be, the Department where the process to make the determination was initiated before that date.

(4) Regulations 45(3) and (4) of the 2015 Regulations continue to have effect in respect of the matters specified in paragraph 2(a) to (c) of regulation 40 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012.

Sealed with the Official Seal of the Department for Infrastructure on 11th May 2017



Angus Kerr
A senior officer of the
Department for Infrastructure

(a) S.R. 2015 No. 74

SCHEDULE 1

Regulation 2(2)

Descriptions of development and applicable thresholds and criteria for the purpose of the definition of “Schedule 2 development”

Interpretation

In this Schedule—

“airport” means an airport which complies with the definition in the 1944 Chicago Convention setting up the International Civil Aviation Organisation (Annex 14)(a);

“express road” means a road which complies with the definition in the European Agreement on Main International Traffic Arteries of 15 November 1975(b);

“nuclear power station” and “other nuclear reactor” do not include an installation from the site of which all nuclear fuel and other radioactive contaminated materials have been permanently removed; and development for the purpose of dismantling or decommissioning a nuclear power station or other nuclear reactor shall not be treated as development of the description mentioned in paragraph 2(b) of this Schedule.

Descriptions of development

The carrying out of development to provide any of the following—

1. Crude-oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day;

2.

(a) Thermal power stations and other combustion installations with a heat output of 300 megawatts or more; and

(b) Nuclear power stations and other nuclear reactors (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).

3.

(a) Installations for the reprocessing of irradiated nuclear fuel.

(b) Installations designed—

(i) for the production or enrichment of nuclear fuel.

(ii) for the processing of irradiated nuclear fuel or high-level radioactive waste,

(iii) for the final disposal of irradiated nuclear fuel,

(iv) solely for the final disposal of radioactive waste,

(v) solely for the storage (planned for more than 10 years) of irradiated nuclear fuels or radioactive waste in a different site than the production site.

4.

(a) Integrated works for the initial smelting of cast-iron and steel;

(b) Installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes.

5. Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos—

(a) See Command Paper 6614

(b) See Command Paper 6993

- (a) for asbestos–cement products, with an annual production of more than 20,000 tonnes of finished products;
- (b) for friction material, with an annual production of more than 50 tonnes of finished products; and
- (c) for other uses of asbestos, utilisation of more than 200 tonnes per year.

6. Integrated chemical installations, that is to say, installations for the manufacture on an industrial scale of substances using chemical conversion processes, in which several units are juxtaposed and are functionally linked to one another and which are—

- (a) for the production of base organic chemicals;
- (b) for the production of basic inorganic chemicals;
- (c) for the production of phosphorous–, nitrogen– or potassium–based fertilisers (simple or compound fertilisers);
- (d) for the production of basic plant health products and of biocides;
- (e) for the production of basic pharmaceutical products using a chemical or biological process;
- (f) for the production of explosives.

7.

- (a) Construction of lines for long–distance railway traffic and of airports with a basic runway length of 2,100 metres or more;
- (b) Construction of motorways and express roads;
- (c) Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road would be 10 kilometres or more in a continuous length.

8.

- (a) Inland waterways and ports for inland–waterway traffic which permit the passage of vessels of over 1,350 tonnes;
- (b) Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes.

9. Waste disposal installations for the incineration, chemical treatment (as defined in Annex I to Directive 2008/98/EC), of the European Parliament and of the Council on waste and repealing certain directives(a), under heading D9) or landfill of hazardous waste (as defined in regulation 6 of the Hazardous Waste Regulations (Northern Ireland) 2005)(b).

10. Waste disposal installations for the incineration or chemical treatment (as defined in Annex I to Directive 2008/98/EC under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day.

11. Groundwater abstraction or artificial groundwater recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds 10 million cubic metres.

12.

- (a) Works for the transfer of water resources, other than piped drinking water, between river basins where the transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic metres per year;
- (b) In all other cases, works for the transfer of water resources, other than piped drinking water, between river basins where the multi-annual average flow of the basin of

(a) O.J. No. L312, 22.11.08, p.3.

(b) S.R. 2005 No. 300

abstraction exceeds 2,000 million cubic metres per year and where the amount of water transferred exceeds 5% of this flow.

13. Waste water treatment plants with a capacity exceeding 150,000 population equivalent as defined in Article 2 point (6) of Directive 91/271/EEC^(a).

14. Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes per day in the case of petroleum and 500,000 cubic metres per day in the case of gas.

15. Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres.

16. Pipelines with a diameter of more than 800 millimetres and a length of more than 40 kilometres:

–for the transport of gas, oil or chemicals, or

–for the transport of carbon dioxide streams for the purposes of geological storage, including associated booster stations.

17. Installations for the intensive rearing of poultry or pigs with more than—

(a) 85,000 places for broilers or 60,000 places for hens;

(b) 3,000 places for production pigs (over 30 kg); or

(c) 900 places for sows.

18. Industrial plants for—

(a) the production of pulp from timber or similar fibrous materials;

(b) the production of paper and board with a production capacity exceeding 200 tonnes per day.

19. Quarries and open-cast mining where the surface of the site exceeds 25 hectares, or peat extraction where the surface of the site exceeds 150 hectares.

20. Construction of overhead electrical power lines with a voltage of 220 kV or more and a length of more than 15 kilometres.

21. Installations for storage of petroleum, petrochemical or chemical products with a capacity of 200,000 tonnes or more.

22. Storage sites pursuant to Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide^(b).

23. Installations for the capture of carbon dioxide streams for the purposes of geological storage pursuant to Directive 2009/31/EC from installations covered by this Schedule, or where the total yearly capture of carbon dioxide is 1.5 megatonnes or more.

24. Any change to or extension of development listed in this Schedule where such a change or extension itself meets the thresholds, if any, or description of development set out in this Schedule.

(a) O.J. No. L135, 30.5.91, p.40

(b) O.J. No. L140, 5.6.2009, p.114

SCHEDULE 2

Regulation 2(2)

Descriptions of development and applicable thresholds and criteria for the purposes of the definition of “Schedule 2 development”

1. In the Table below—

“area of the works”, includes any area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps or other facilities or stores required for construction or installation;

“floorspace”, means floorspace in a building or buildings;

“waterway” and “underground strata” have the meanings assigned to them by Article 2(2) of the Water (Northern Ireland) Order 1999(a).

2. The Table below sets out the descriptions of development and applicable thresholds and criteria for the purposes of classifying development as Schedule 2 development.

Column 1 Description of development	Column 2 Applicable thresholds and criteria
The carrying out of development to provide any of the following—	
1. Agriculture and aquaculture	
(a) Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes;	The area of the development exceeds 0.5 hectare.
(b) Water management projects for agriculture, including irrigation and land drainage projects;	The area of the works exceeds 1 hectare.
(c) Intensive livestock installations (unless included in Schedule 1);	The area of floorspace exceeds 500 square metres.
(d) Intensive fish farming;	The installation resulting from the development is designed to produce more than 10 tonnes of dead weight fish per year.
(e) Reclamation of land from the sea.	All development.
2. Extractive industry	
(a) Quarries, open-cast mining and peat extraction (unless included in Schedule 1);	All development (except the construction of buildings or other ancillary structures where the floorspace does not exceed 1,000 square metres).
(b) Underground mining;	
(c) Extraction of minerals by fluvial or marine dredging;	All development.
(d) Deep drillings, in particular—	(i) In relation to any type of drilling the area of the works exceeds 1 hectare; or (ii) in relation to geothermal drilling and drilling for the storage of nuclear waste material only, drilling is to be undertaken within 100 metres of any waterway or water in underground strata.
(i) geothermal drilling;	
(ii) drilling for the storage of nuclear waste material;	
(iii) drilling for water supplies; with the exception of drillings for investigating the stability of the soil;	

(a) S.I. 1999 No. 662 (N.I. 6) as amended by S.I. 2006 No. 3336 (N.I. 21)

Column 1 Description of development	Column 2 Applicable thresholds and criteria
(e) Surface industrial installations for the extraction of coal, petroleum, natural gas and ores, as well as bituminous shale.	The area of the development exceeds 0.5 hectare.
3. Energy industry	
(a) Industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1);	The area of the development exceeds 0.5 hectare.
(b) Industrial installations for carrying gas, steam and hot water;	The area of the works exceeds 1 hectare.
(c) Transmission of electrical energy by overhead cables (unless included in Schedule 1);	<ul style="list-style-type: none"> (i) The nominal voltage of the electric line exceeds 33kV; and (ii) the purpose of the line is the provision of a supply to more than one consumer; (iii) where the modification of an existing line is proposed, it is outside the tolerances specified in the Overhead Lines (Exemption) Regulations (Northern Ireland) 1992 (S.R. 1992 No. 118).
<ul style="list-style-type: none"> (d) Surface storage of natural gas; (e) Underground storage of combustible gases; (f) Surface storage of fossil fuels; 	<ul style="list-style-type: none"> (i) the area of any building, deposit or structure exceeds 500 square metres; or (ii) a building, deposit or structure is to be sited within 100 metres of any waterway or water in underground strata.
(g) Industrial briquetting of coal and lignite;	The area of floorspace exceeds 1,000 square metres.
(h) Installations for the processing and storage of radioactive waste (unless included in Schedule 1);	<ul style="list-style-type: none"> (i) The area of floorspace exceeds 1,000 square metres; or (ii) the installation resulting from the development will require an authorisation or the variation of an authorisation under the Radioactive Substances Act 1993.
(i) Installations for hydroelectric energy production;	The installation is designed to produce more than 0.5 megawatts.
(j) Installations for the harnessing of wind power for energy production (wind farms).	<ul style="list-style-type: none"> (i) the development involves the installation of more than 2 turbines; or (ii) the hub height of any turbine or height of any other structure exceeds 15 metres.

Column 1 Description of development	Column 2 Applicable thresholds and criteria
(k) Installations for the capture of carbon dioxide streams for the purposes of geological storage pursuant to Directive 2009/31/EC from installations not included in Schedule 1.	All development
4. Production and processing of metals	
<ul style="list-style-type: none"> (a) Installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting; (b) Installations for the processing of ferrous metals— <ul style="list-style-type: none"> (i) hot-rolling mills; (ii) smitheries with hammers; (iii) application of protective fused metal coats. (c) Ferrous metal foundries; (d) Installations for the smelting, including the alloyage, of non-ferrous metals, excluding precious metals, including recovered products (refining, foundry casting, etc.); (e) Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process; (f) Manufacture and assembly of motor vehicles and manufacture of motor-vehicle engines; (g) Shipyards; (h) Installations for the construction and repair of aircraft; (i) Manufacture of railway equipment; (j) Swaging by explosives; (k) Installations for the roasting and sintering of metallic ores. 	The area of floorspace exceeds 1,000 square metres.
5. Mineral industry	
<ul style="list-style-type: none"> (a) Coke ovens (dry coal distillation); (b) Installations for the manufacture of cement; (c) Installations for the production of asbestos and the manufacture of asbestos-based products (unless included in Schedule 1); (d) Installations for the manufacture of glass including glass fibre; 	The area of floorspace exceeds 1,000 square metres.

Column 1 Description of development	Column 2 Applicable thresholds and criteria
<ul style="list-style-type: none"> (e) Installations for smelting mineral substances including the production of mineral fibres; (f) Manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain. 	
6. Chemical industry (unless included in Schedule 1)	
<ul style="list-style-type: none"> (a) Treatment of intermediate products and production of chemicals; (b) Production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides; 	The area of floorspace exceeds 1,000 square metres.
<ul style="list-style-type: none"> (c) Storage facilities for petroleum, petrochemical and chemical products. 	<ul style="list-style-type: none"> (i) The area of any building or structure exceeds 0.05 hectare; or (ii) more than 200 tonnes of petroleum, petrochemical or chemical products is to be stored at any one time.
7. Food industry	
<ul style="list-style-type: none"> (a) Manufacture of vegetable and animal oils and fats; (b) Packing and canning of animal and vegetable products; (c) Manufacture of dairy products; (d) Brewing and malting; (e) Confectionery and syrup manufacture; (f) Installations for the slaughter of animals; (g) Industrial starch manufacturing installations; (h) Fish-meal and fish-oil factories; (i) Sugar factories. 	The area of floorspace exceeds 1,000 square metres.
8. Textile, leather, wood and paper industries	
<ul style="list-style-type: none"> (a) Industrial plants for the production of paper and board (unless included in Schedule 1); (b) Plants for the pre-treatment (operations such as washing, bleaching, mercerisation) or dyeing of fibres or textiles; (c) Plants for the tanning of hides and skins; (d) Cellulose-processing and production installations. 	The area of floorspace exceeds 1,000 square metres.

Column 1 Description of development	Column 2 Applicable thresholds and criteria
9. Rubber industry	
Manufacture and treatment of elastomer-based products.	The area of floorspace exceeds 1,000 square metres.
10. Infrastructure projects	
(a) Industrial estate development projects; (b) Urban development projects, including the construction of shopping centres and car parks; (c) Construction of intermodal transshipment facilities and of intermodal terminals (unless included in Schedule 1);	The area of the development exceeds 0.5 hectare.
(d) Construction of railways (unless included in Schedule 1);	The area of the works exceeds 1 hectare.
(e) Construction of airfields (unless included in Schedule 1);	(i) The development involves an extension to a runway; or (ii) the area of the works exceeds 1 hectare.
(f) Construction of roads (unless included in Schedule 1);	The area of the works exceeds 1 hectare.
(g) Construction of harbours and port installations, including fishing harbours (unless included in Schedule 1);	The area of the works exceeds 1 hectare.
(h) Inland-waterway construction (unless included in Schedule 1), canalisation and flood-relief works; (i) Dams and other installations designed to hold water or store it on a long-term basis (unless included in Schedule 1); (j) Tramways, elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport;	The area of the works exceeds 1 hectare.
(k) Oil and gas pipeline installations and pipelines for the transport of carbon dioxide streams for the purposes of geological storage (unless included in Schedule 1); (l) Installations of long-distance aqueducts;	(i) The area of the works exceeds 1 hectare; or, (ii) in the case of a gas pipeline, the installation has a design operating pressure exceeding 7 bar gauge.
(m) Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for	All development.

Column 1 Description of development	Column 2 Applicable thresholds and criteria
example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works;	
(n) Ground water abstraction and artificial ground water recharge schemes (unless included in Schedule 1); (o) Works for the transfer of water resources between river basins (unless included in Schedule 1).	The area of the works exceeds 1 hectare.
11. Other projects	
(a) Permanent racing and test tracks for motorised vehicles;	The area of the development exceeds 1 hectare.
(b) Installations for the disposal of waste (unless included in Schedule 1):	(i) The disposal is by incineration; or (ii) the area of the development exceeds 0.5 hectare; or (iii) the installation is to be sited within 100 metres of any waterway or water in underground strata or, marine waters.
(c) Waste-water treatment plants (unless included in Schedule 1);	The area of the development exceeds 1,000 square metres.
(d) Sludge-deposition sites; (e) Storage of scrap iron, including scrap vehicles;	(i) The area of the deposit or storage exceeds 0.5 hectare; or (ii) a deposit is to be made or scrap stored within 100 metres of any waterway or water in underground strata or, marine waters.
(f) Test benches for engines, turbines or reactors; (g) Installations for the manufacture of artificial mineral fibres; (h) Installations for the recovery or destruction of explosive substances; (i) Knackers' yards.	The area of floorspace exceeds 1,000 square metres.
12. Tourism and leisure	
(a) Ski-runs, ski-lifts and cable-cars and associated developments;	(i) The area of the works exceeds 1 hectare; or (ii) the height of any building or other structure exceeds 15 metres.
(b) Marinas;	The area of the enclosed water surface exceeds 1,000 square metres.
(c) Holiday villages and hotel complexes outside urban areas and associated developments; (d) Theme parks;	The area of the development exceeds 0.5 hectare.
(e) Permanent camp sites and caravan	The area of the development exceeds 1 hectare.

Column 1 Description of development sites.	Column 2 Applicable thresholds and criteria																																																						
<p>13.</p> <p>(a) Any change to or extension of development of a description listed in paragraphs 1 to 12 of column 1 of this table, where that development is already authorised, executed or in the process of being executed.</p> <p>(b) Any change to or extension of development of a description listed in Schedule 1 (other than a change or extension falling within paragraph 22 of that Schedule) where that development is already authorised, executed or in the process of being executed.</p>	<p>The thresholds and criteria in the corresponding part of column 2 of this table applied to the development as changed or extended are met or exceeded and in such a case the change or extension may have significant adverse effects on the environment;</p> <p>The thresholds and criteria in column 2 of the paragraph of this table indicated below applied to the development as changed or extended are met or exceeded and in such a case the change or extension may have significant adverse effects on the environment.</p>																																																						
<p>(c) Development of a description mentioned in Schedule 1, undertaken exclusively or mainly for the development and testing of new methods or products and not used for</p>	<table border="1"> <thead> <tr> <th data-bbox="807 831 1086 898">Paragraph in Schedule 1</th> <th data-bbox="1091 831 1359 898">Paragraph of this table</th> </tr> </thead> <tbody> <tr><td>1</td><td>6 (a)</td></tr> <tr><td>2(a)</td><td>3 (a)</td></tr> <tr><td>2(b)</td><td>3 (h)</td></tr> <tr><td>3</td><td>3 (h)</td></tr> <tr><td>4</td><td>4</td></tr> <tr><td>5</td><td>5</td></tr> <tr><td>6</td><td>6 (a)</td></tr> <tr><td>7(a)</td><td>10 (d) (in relation to railways) or 10 (e) (in relation to airports)</td></tr> <tr><td>7(b) and (c)</td><td>10 (f)</td></tr> <tr><td>8(a)</td><td>10 (h)</td></tr> <tr><td>8(b)</td><td>10 (g)</td></tr> <tr><td>9</td><td>11 (b)</td></tr> <tr><td>10</td><td>11 (b)</td></tr> <tr><td>11</td><td>10 (n)</td></tr> <tr><td>12</td><td>10 (o)</td></tr> <tr><td>13</td><td>11 (c)</td></tr> <tr><td>14</td><td>2 (e)</td></tr> <tr><td>15</td><td>10 (i)</td></tr> <tr><td>16</td><td>10 (k)</td></tr> <tr><td>17</td><td>1 (c)</td></tr> <tr><td>18</td><td>8 (a)</td></tr> <tr><td>19</td><td>2 (a)</td></tr> <tr><td>20</td><td>3 (c)</td></tr> <tr><td>21</td><td>6 (c)</td></tr> <tr><td>23</td><td>3 (k)</td></tr> <tr><td>24</td><td>3 (k)</td></tr> </tbody> </table> <p>All development</p>	Paragraph in Schedule 1	Paragraph of this table	1	6 (a)	2(a)	3 (a)	2(b)	3 (h)	3	3 (h)	4	4	5	5	6	6 (a)	7(a)	10 (d) (in relation to railways) or 10 (e) (in relation to airports)	7(b) and (c)	10 (f)	8(a)	10 (h)	8(b)	10 (g)	9	11 (b)	10	11 (b)	11	10 (n)	12	10 (o)	13	11 (c)	14	2 (e)	15	10 (i)	16	10 (k)	17	1 (c)	18	8 (a)	19	2 (a)	20	3 (c)	21	6 (c)	23	3 (k)	24	3 (k)
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Column 1	Column 2
Description of development more than two years.	Applicable thresholds and criteria

SCHEDULE 3

Regulation 2(2) definition of
“selection criteria”

Selection criteria referred to in Article 4.3 of the Directive

1. Characteristics of development

The characteristics of development shall be considered having regard, in particular, to—

- (a) the size and design of the whole development;
- (b) the cumulation with other existing development and/or approved development;
- (c) the use of natural resources, in particular land, soil, water and biodiversity;
- (d) the production of waste;
- (e) pollution and nuisances;
- (f) the risk of major accidents and/or disasters which are relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge;
- (g) the risks to human health (for example due to water contamination or air pollution).

2. Location of development

The environmental sensitivity of geographical areas likely to be affected by development shall be considered, with particular regard to—

- (a) the existing and approved land use;
- (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
- (c) the absorption capacity of the natural environment, paying particular attention to the following areas—
 - (i) wetlands, riparian areas, river mouths;
 - (ii) coastal zones and the marine environment;
 - (iii) mountain and forest areas;
 - (iv) nature reserves and parks;
 - (v) areas classified or protected under national legislation and areas designated pursuant to Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora^(a) and Council Directive 2009/147/EC on the conservation of wild birds^(b);
 - (vi) areas in which there has already been a failure to meet the environmental quality standards laid down in Union legislation and relevant to the development, or in which it is considered that there is such a failure;
 - (vii) densely populated areas;
 - (viii) landscapes and sites of historical, cultural or archaeological significance.

(a) O.J. No. L20, 26.1.2010, p7

(b) O.J. No. L206, 22.7.92, p7

3. Characteristics of the potential impact

The likely significant effects of development on the environment shall be considered in relation to criteria set out under paragraphs 1 and 2 of this Schedule, with regard to the impact of the development on the factors specified in regulation 5(2), taking into account—

- (a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- (b) the nature of the impact;
- (c) the transboundary nature of the impact
- (d) the intensity and complexity of the impact;
- (e) the probability of the impact;
- (f) the expected onset, duration, frequency and reversibility of the impact;
- (g) the cumulation of the impact with the impact of other existing and/or approved development;
- (h) the possibility of effectively reducing the impact.

SCHEDULE 4

Regulation 11(2)

Matters for Inclusion in Environmental Statement

1. Description of the development, including in particular—

- (a) a description of the location of the development;
- (b) a description of the physical characteristics of the whole development, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases;
- (c) a description of the main characteristics of the operational phase of the development (in particular any production processes), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used;
- (d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation) and quantities and types of waste produced during the construction and operation phases.

2. A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the applicant or appellant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

3. A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of availability of environmental information and scientific knowledge.

4. A description of the factors specified in regulation 5(2) likely to be significantly affected by the development: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.

5. A description of the likely significant effects of the development resulting from, inter alia:

- (a) the construction and existence of the development, including, where relevant, demolition works;

- (b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
- (c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;
- (d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);
- (e) the cumulation of effects with other existing and/or approved development, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;
- (f) the impact of the development on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the development to climate change;
- (g) the technologies and the substances used.

The description of the likely significant effects on the factors specified in regulation 5(2) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development. This description should take into account the environmental protection objectives established at Union or Member State level which are relevant to the development including in particular those established under Council Directive 92/43/EEC and Directive 2009/147/EC.

6. A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of the difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.

7. A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-development analysis). That description should explain the extent to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.

8. A description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks to major accidents and/or disasters which are relevant to the development concerned. Relevant information available and obtained through risk assessments pursuant to Union legislation such as Directive 2012/18/EU of the European Parliament and of the Council or Council Directive 2009/71/Euratom or relevant assessments carried out pursuant to national legislation may be used for this purpose provided that the requirements of the Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

9. A non-technical summary of the information provided under paragraphs 1 to 8.

10. A reference list detailing the sources used for the descriptions and assessments included in the Environmental Statement.

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations revoke and replace the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015.

These Regulations implement, in respect of the planning system in Northern Ireland, Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment (O.J. No. L26, 28.1.2012, p.1), as amended by Council Directive 2014/52/EU (O.J. No. L124, 25.04.2014, p.1) which came into operation on 15 May 2014.

Part 1 defines terms used in the Regulations, sets out the Department's power of direction, ensures that EIA development cannot be permitted without the consideration of environmental information, describes the environmental impact assessment process, sets out the matters that confirm that development is EIA development and provides that the Planning Appeals Commission (the Commission) can carry out council or Departmental functions in respect of appeals under section 58 or 60 of the 2011 Act.

Part 2 sets out pre-application procedures under which a developer can ask the council or Department to give a determination as to whether proposed development is EIA development or an opinion as to the information to be provided in an environmental statement.

Part 3 contains procedures to facilitate the preparation of environmental statements and the provision of information relevant to their preparation and sets out the minimum content and requirements when preparing an environmental statement.

Part 4 sets out procedures for dealing with applications on receipt by a council or the Department. These include those for determining whether or not the application is an EIA application, consideration of any environmental information previously provided, requiring an environmental statement to be provided and provisions for the Department to process EIA applications referred to it under section 29 of the 2011 Act without an environmental statement. The period for making a decision on planning applications or subsequent applications is extended for EIA applications.

Part 5 contains the publicity arrangements for environmental statements including the availability of copies, consultation requirements, the need for further information and evidence, and charges for the cost of printing and distributing the environmental statement.

Part 6 is new and ensures that, where the proposed development also requires a Habitats Regulations Assessment, the environmental impact assessment is coordinated with that assessment, sets out the procedures when considering whether planning permission or subsequent consent should be granted, specifies the factors to bear in mind when considering whether to impose monitoring measures, describes the information to accompany a decision and details the arrangements for informing the public of decisions.

Part 7 deals with development by a council, modifying the Regulations as appropriate.

Part 8 sets out transboundary procedures where development in Northern Ireland is likely either to affect other EEA states, or the reverse.

Part 9 contains the procedures for unauthorised development which is or appears to be EIA development.

Part 10 restricts the grant of planning permission under simplified planning zone and enterprise zone schemes and any development order made after the commencement of these Regulations.

Part 11 requires the council and the Department to perform their duties in an objective manner and avoid conflicts of interest, sets out the requirements to make information available for inspection, specifies the circumstances in which the Commission will allow people to appear before it and be heard, and the effect of the Commission's report on determinations. It also details how electronic communications will apply to applications, applies the Regulations to the Crown and revokes the 2015 Regulations with saving and transitional provisions.

Schedule 1 lists the developments for which environmental assessment is mandatory. Schedule 2 lists, with thresholds/criteria, development for which environmental assessment is required if it has significant environmental effects. Schedule 3 lists the selection criteria to be taken into account to determine whether a development listed in Schedule 2 should be subject to an environmental impact assessment. Schedule 4 lists matters for inclusion in an environmental statement. Schedule 5 lists the extent of the revocations imposed by these Regulations.

A Regulatory Impact Assessment has been prepared in relation to these Regulations. A copy may be obtained from the Department for Infrastructure, Planning Policy Division, Clarence Court, 10-18 Adelaide Street, Town Parks, Belfast BT2 8GB (Tel: 028 9054 0572) or accessed at <http://www.planningni.gov.uk>.

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HISTORIC**ACTION SHEET – REGULATORY AND TECHNICAL SERVICES COMMITTEE MEETING****17 May 2017**

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		RTS MEETING – 18 MAY 2016			
RTS/77/2016	Additional Off-road car parking at Kilbroney Municipal Cemetery, Rostrevor	Officers undertake a feasibility study into request to provide additional off street car parking at Kilbroney Municipal Cemetery, Rostrevor, and as part of the study to consider best use of the piece of ground identified for possible parking as opposed to using the greenfield site.	K Scullion	No progress to report as yet.	N
RTS/78/2016	Council Public Amenity Space near the Council public toilets at Castlewellan		K Scullion	It was further agreed that the suggestion of providing dancing fountains in	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				Castlewellan Square would be investigated.	N
RTS/87/2016	Tender for final capping at Drumanakelly Landfill Site	Agreed to tender for the final capping at Drumanakelly Landfill Site	J Parkes	Part 4 capping to start during March 2017. Part 5 to start beginning of May and finish in June 2017.	N
		RTS MEETING – 20 APRIL 2016			
RTS/60/2016	Opening and closing of toilets in Newcastle	An audit/review of all Council owned toilets be carried out looking at issues such as usage; consultation with users; possibility of charging a minimal fee for usage with any money raised to be put back into upgrading toilet facilities; details of cleaning schedules; opening/closing times; extended opening hours during busy periods. A report	J Parkes	Ongoing. Collating data in relation to public toilet provision.	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		be brought back to a subsequent R&TS Meeting on these issues.			
		RTS MEETING – 9 DECEMBER 2015			
RTS/142/2015	Old Furniture at Council Recycling Sites	Council adopt a policy that people leaving old furniture at Council amenity sites be given the opportunity to donate it to charity and that expressions of interest be sought from charitable organisations to collect this furniture for upgrading and re-use.	J Parkes	Ongoing. Putting together expressions of interest document. To go out during May.	N
		RTS MEETING – 18 NOVEMBER 2015			
RTS/123/2015	Lease agreement – Hilltown Handball Court	Council enter into a lease agreement in respect of Hilltown Handball Court.	K Scullion	In progress - issue with right of way.	N
RTS/124/2015	Bus Shelter requests	Councillor Casey referred to the bus shelter on the Old Warrenpoint Road and said it	K Scullion		N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>was being used for anti-social behaviour purposes - officials investigate if this could be moved and report back to the Committee.</p> <p>Councillor Casey asked if officials could investigate if a bus shelter could be provided on the Drummond Road, off the Armagh Road if this area was in the Newry, Mourne and Down Council area.</p>		Being considered under current policy requirements.	N
RTS MEETING 17 JUNE 2015					
RTS/73/2015	Japanese Knotweed and Giant Hogweed, Rossmara Park, Warrenpoint	<p>Appoint external contractors to carry out works to rebuild the wall in line with Building Control and engineer reports.</p> <p>Clarification from the Council's Solicitor with regards to the expenditure of accrued money from the</p>	C Jackson	Engineering Company carried out bore hole testes on site October 2016. Results of tests used as a design solution. Remedial work costs received	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>legacy Newry and Mourne District Council for the maintenance of the wall.</p> <p>To convene a meeting with the Housing Executive at the highest level to ascertain maintenance of this area after Japanese knotweed and giant hogweed has been eradicated and works to the wall completed.</p>		<p>are excessive. Revised design solution Feb 2017 to go back to tender March 2017.</p> <p>Tender process carried out in March 2017 and a contractor to be appointed in due course. Work to commence by the end of April.</p>	
RTS/46/2015	Summary Review Report – Reservoir Bill (NI) Future	To include the costs of this survey work in the 2016/17 Rate Estimates with a view to carrying out the Reservoir Surveys in the Spring of 2016.		Estimates costs will be added for consideration to next year's budget estimates.	N