

## NEWRY, MOURNE AND DOWN DISTRICT COUNCIL

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**Minutes of the Special Council Meeting held on Monday 15 February 2016 at 6.00 pm in the Mourne Room, Downshire Civic Centre, Downpatrick.**

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**Chairperson:** Councillor M Ruane

**In Attendance:**

Councillor T Andrews	Councillor P Brown
Councillor R Burgess	Councillor S Burns
Councillor P Byrne	Councillor M Carr
Councillor C Casey	Councillor P Clarke
Councillor W Clarke	Councillor G Craig
Councillor D Curran	Councillor L Devlin
Councillor C Enright	Councillor G Fitzpatrick
Councillor G Hanna	Councillor V Harte
Councillor H Harvey	Councillor T Hearty
Councillor L Kimmins	Councillor M Larkin
Councillor K Loughran	Councillor D McAteer
Councillor C McGrath	Councillor H McKee
Councillor R Mulgrew	Councillor M Murnin
Councillor B Ó Muirí	Councillor B Quinn
Councillor H Reilly	Councillor G Stokes
Councillor D Taylor	Councillor J Tinnelly
Councillor W Walker	

**Also in Attendance:** Mr Jim MacKinnon, Independent Planning Expert

**Officials in Attendance**

- Mr L Hannaway, Chief Executive
- Mr C O'Rourke, Director of Regulatory and Technical Services
- Mr A McKay, Head of Planning
- Mr J McBride, Change Manager
- Mr P Rooney, Principal Planning Officer
- Ms E McParland, Democratic Services Manager
- Ms L Dillon, Democratic Services Manager
- Mrs C McAteer, Democratic Services Officer

### **SC/31/2016: APOLOGIES AND CHAIRPERSON'S REMARKS**

Apologies were received from Councillor Ennis, Councillor Stokes and Councillor Sharvin.

## **SC/32/2016: REVIEW OF DEVELOPMENT MANAGEMENT REPORT OF INDEPENDENT EXPERT JIM MACKINNON CBE**

Mr J MacKinnon gave a presentation to the Members on the outcomes and recommendations arising from his review of the development management function of the Planning Service. **(Presentation attached).**

Following the presentation Members commented as follows:-

- Thanks were extended to Jim MacKinnon for the common sense approach he had taken to the issues identified during the review. Members said that it was very apparent that the status quo of the current planning systems could not remain and the concerns being expressed by Councillors, agents, applicants and the general public had to be addressed. The Council was also receiving adverse press coverage and this had to change. Members also paid tribute to the Chief Executive and Senior Management Team who had identified the need for an urgent review of the development management function of the Planning Service.
- An acknowledgement of the pressure that Planning Staff had been working under and the unfair division of resources when the planning function was transferred to the Council from the Department of Environment.
- A time bound response was required from Consultees.
- The need for a better working relationship with agents but also that agents needed to do their part in improving the planning processes.
- Newry, Mourne and Down District Council needed its own Development Plan which would be fit for purpose to meet the needs of the District. In the absence of this there was a need to create specific policies to deal with planning issues which were particularly relevant to the District.
- Some Members spoke in favour of introducing speaking rights at the Planning Committee Meeting whilst others were unsure, stating that if speaking rights were to be introduced there would need to be strict guidelines in terms of timing etc.
- The Council needed to clearly identify their own priority applications – those mentioned were projects which contributed to the economic regeneration of the District; small housing developments of 10/12 units and disabled adaptations to homes.
- The engagement of consultants by Council to help with processing of applications should be strictly monitored and controls put in place to ensure there was a limit on the cost to the Council.
- Welcome initiatives that would simplify the planning process and the culture change that was recommended by Mr MacKinnon.
- Some Members spoke in favour of retaining the Members Briefing Panel whilst others said it should be disbanded.
- A Member said there were at least 4 previous occasions when issues were raised which had serious budgeting issues and it was important that the Chief Executive and Senior Management Team take action when a Member flagged such issues.

- EPIC was the cause of major problems within the planning system and the Council should think carefully about what they would replace this system with.
- Concern that Members had only been circulated with the presentation just before the start of the meeting and this did not give them enough time to consider the contents.

In response to concerns about the costs of employing consultants, Mr Hannaway said this would be done through a tendering process and safeguards would be built into the tender. He said consideration was being given to using consultants for 3 aspects of the planning processes i.e. Planning Appeals; the Area Plan and development of Policy Plan Areas and then individual planning cases. He advised that Officials were seeking agreement in principle to the use of consultants and would then work up a paper with recommendations which would be brought back to the Council for approval.

Read: Report dated 17 February 2016 from Mr C O'Rourke, RTS Director seeking approval of the following key recommendations:-

### **Tackling The Backlog:**

- To enable urgent and sustained effort to be focused on the backlog, work on the Area Plan be temporarily suspended, and the Area Plan resource be diverted to work on straight forward applications in the backlog
- Consideration be given to the appointment of short term 3<sup>rd</sup> party resource (consultants) to specifically focus on the more detailed and complex applications in the backlog, on-going Appeals and the Area Plan.
- To facilitate the potentially increased throughput of applications requiring committee decisions, additional committee meetings are scheduled as required
- The priorities used to determine the order in which applications are addressed, should be reviewed, agreed and thereafter adhered to, until such time as the backlog has been removed
- Applications to be considered and progressed in non-chronological order

### **Simplifying the Processes**

- Implement streamlining to existing activities with respect to validation, statutory consultations, site visits etc.
- All cases to be allocated to a case officer within 24 hours of validation
- Implement a new simplified template for reporting applications to the Planning Committee
- All presentations to the committee to be delivered by the PPTO using this new simplified template, allowing other SPTOs and PTOs to remain at their desks working on cases
- Signing of decisions to be delegated to SPTOs and all decisions to be issued within three days of committee approval/rejection

## **Culture Change**

- Planners to understand their role as facilitators and enablers of development and to be conscious of the impact of delay on economic development
- There should be a presumption in favour of sustainable development which should be permitted where doing so does not demonstrably do harm to interests of acknowledged importance
- Planners to be significantly more accessible and to schedule meetings with Agents and/or Applicants when requested
- The Area Planning Manager to lead a concerted cultural change programme for the Planning Staff
- A document defining what constitutes an acceptable submission must be created and issued by way of guidance to Agents/Developers
- Thereafter, where applications fall short of this expected standard, they should be quickly refused

## **Planning Committee**

- Implement changes to the 'Scheme of Delegation'
  - The list of delegated decisions to be issued monthly, two weeks in advance of the committee meeting
  - All 'refusals' to go onto committee agenda
  - Approvals with six or more objections to go onto committee agenda
  - Briefing Panel to be abandoned
  - Speaking rights for Applicants/Agents and Objectors to be allowed
  - No 'new information' to be presented to committee – i.e. agents/applicants and/or objectors only allowed to present on previously submitted information
  - Agents/Applicants and/or Objectors who intend to speak at committee to serve five days notice of intention, and provide summary of information to be presented
  - The issuing of the weekly list of validated applications will provide an opportunity for councillors to highlight applications they wish to be determined by committee, assuming they have a valid planning reason for doing so

## **Capacity Building**

- Initiate a capacity building programme for councillors, covering both planning matters and the Councillors Code of Conduct
- Provide a time line and agreed publication date for the Council's Local Area Plan
- While awaiting the publication of the Local Area Plan, create specific and dedicated policy updates and guidance of key issues, such as housing in the countryside
- Implement collective and regular (quarterly) briefing sessions for agents

- These briefings to assist with the development and documentation of a Customer Service Charter

### **ICT and Associated Issues**

- Officers given authority to investigate an alternative to the use of EPIC, working with the DoE and other Councils to find a workable and economically viable alternative
- Accelerate the capital programme aimed at upgrading the council's underlying IT Infrastructure
- Provide the necessary tools required to carry out the job, e.g. scanners, photocopiers, cameras, mobile phones

### **Action Plan**

- Planning Management to develop an action plan, identifying ownership and timelines for the recommendations above

### **Resource Implications**

There are likely to be significant financial implications, particularly relating to the appointment of consultants, should this be seen as necessary. The costs associated with upgrading the IT infrastructure are already in the capital plan and the costs associated with peripheral equipment (scanners, cameras, phones etc) should not exceed £10K

Councillor Murnin proposed and Councillor Devlin seconded that the above recommendations be accepted with the exception of the recommendation that the Members Briefing Panel be abandoned, and that the Members Briefing Panel be retained, with this arrangement being reviewed in 6 months' time.

The proposal was put to a vote by a show of hands and voting was as follows:-

FOR: 11  
AGAINST: 23  
ABSTENTIONS: 1

The proposal was declared lost.

Councillor Hanna proposed and Councillor Hearty seconded that the report and recommendations as outlined above be adopted.

The proposal was put to a vote and it was unanimously agreed.

**AGREED: It was unanimously agreed that the recommendations contained in the report dated 17 February 2016 from Mr Canice O'Rourke on the Review of Development Management be adopted.**

Councillor Ruane said he would like to place on record his view that the Council had received a poisoned chalice when Planning had been transferred to the Council and the affect this had on planning staff. On behalf of everyone he thanked Mr Jim MacKinnon for his work on the review of planning for the Council.

The meeting ended at 7.10 pm.

For adoption at the Council Meeting to be held on Monday 7 March 2016.

Signed: Liam Hannaway  
Chief Executive

# Review of Development Management

Report of Independent Expert

Jim MacKinnon CBE

Ag freastal ar an Dún agus Ard Mhacha Theas  
Serving Down and South Armagh



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council



## From DoE to Newry, Mourne & Down

- Key Facts
  - 1,183 applications transferred
  - 228 (19%) older than 12 mths
  - 17 Planners in Newry & Mourne, 7 in Down (March 2015)
  - 12 Planners transferred!
  
- Assessment
  - Largest number of live applications of any Council
  - Inequitable staff transfer
  - IT problems, in particular EPIC
  
- From April – June 2014, 425 decisions issued
- From April – June 2015, 155 decisions issued!



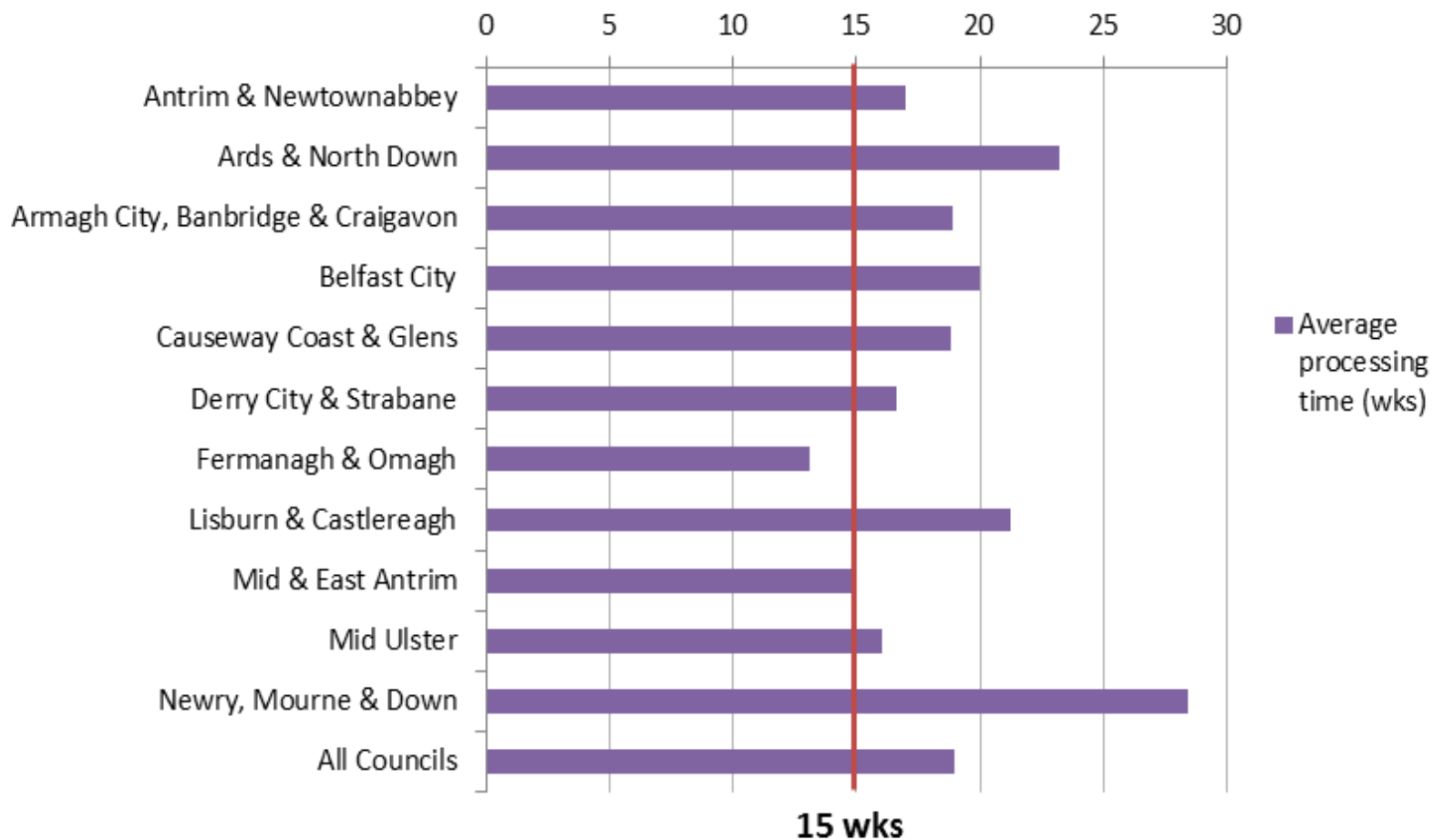


## Since April 2015

- Live Applications
  - 1,183 applications (April 2015)
  - 1,587 applications (January 2016) .....increase of 34%
- Applications older than 12 months
  - 228 (April 2015)
  - 373 (January 2016) ..... increase of 63%
- Briefing Panel
  - 66 applications considered
  - 16 referred to Planning Committee
- Planning Committee
  - 41 applications decided
  - 6% of all applications determined



Fig 3.2 - Local planning applications received and decided - Council breakdown





## Planning Application Backlog: Specific Causes

- Staffing
  - insufficient number of staff transferred
  - recruitment difficulties
  - imbalance in workload between Newry & Downpatrick
  
- IT
  - EPIC
  - Newry, Mourne & Down (NMD)









## A Way Forward: Reducing the Backlog

- Blitz straightforward applications
  - identify applications
  - share workload for a limited period of time
  - shorter reports
  
- Applications requiring further consideration
  - contract out to recommendation stage
  - firm project management
  - appeals to be included
  - schedule additional Planning Committee meetings
  
- Priorities
  - identified, agreed & communicated



## A Way Forward: Simplifying & Streamlining (1)

- Validation
- Allocation
- Consultation
- Site Visits
- Reports





## A Way Forward: Simplifying & Streamlining (2)

- Conditions
- Informatives
- Decision Notices
- Staffing
  - balance of workload
  - scope for specialists
  - productivity

**Changes will require Planning to work around, not with EPIC**



	<p><b>Strategic Planning Policy Statement for Northern Ireland (SPPS)</b></p> <p>Planning for Sustainable Development</p>
	<p><b>SEPTEMBER 2015</b></p>
 <p>Department of the <b>Environment</b> <a href="http://www.doeni.gov.uk">www.doeni.gov.uk</a></p>	



## A Way Forward: Culture Change

- Planning
  - risk averse & afraid of making mistakes
  - slavish application of policy
  - better understand the impact of delays
  - improve accessibility
  - demonstrate sense of awareness & urgency
  - improve working relationships within Planning
  
- Agents
  - improve overall quality & reduce late / amended submissions



## Councillor Involvement

- Delegation
  - clarify statutory / discretionary
  - one bite at the cherry
  
- Briefing Panel
  - discontinue
  
- Planning Committee
  - improve quality of reports
  - better presentation of applications
  - deferral only in exceptional circumstances
  - introduce time-limited speaking rights

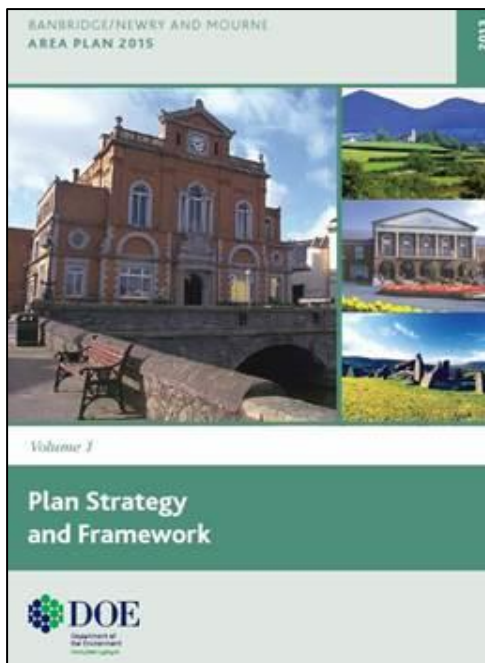
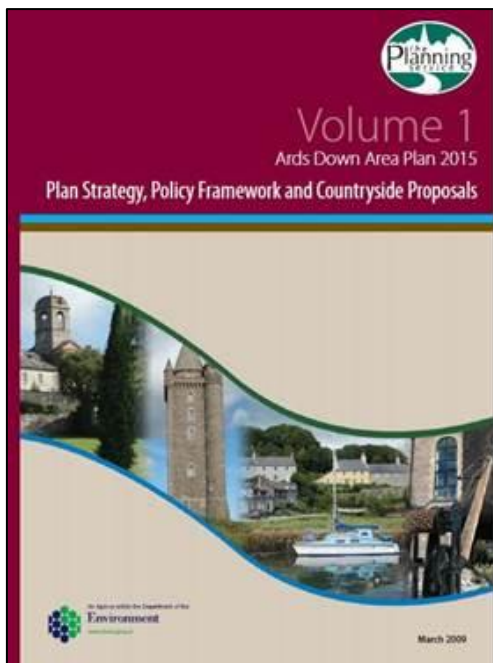


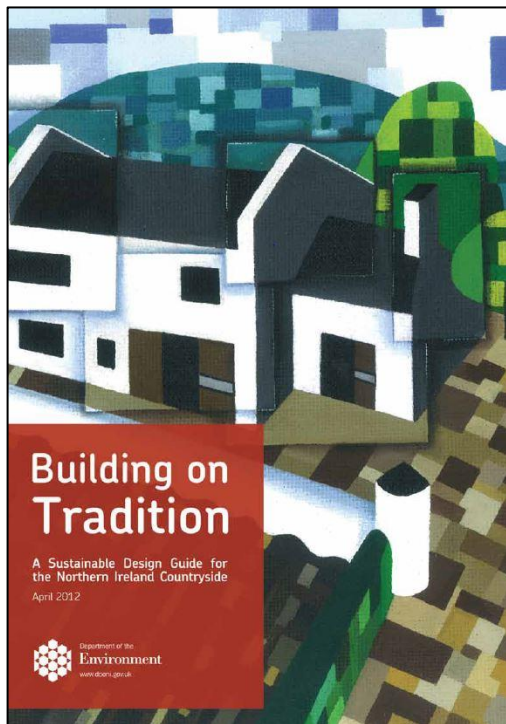
## Capacity Building

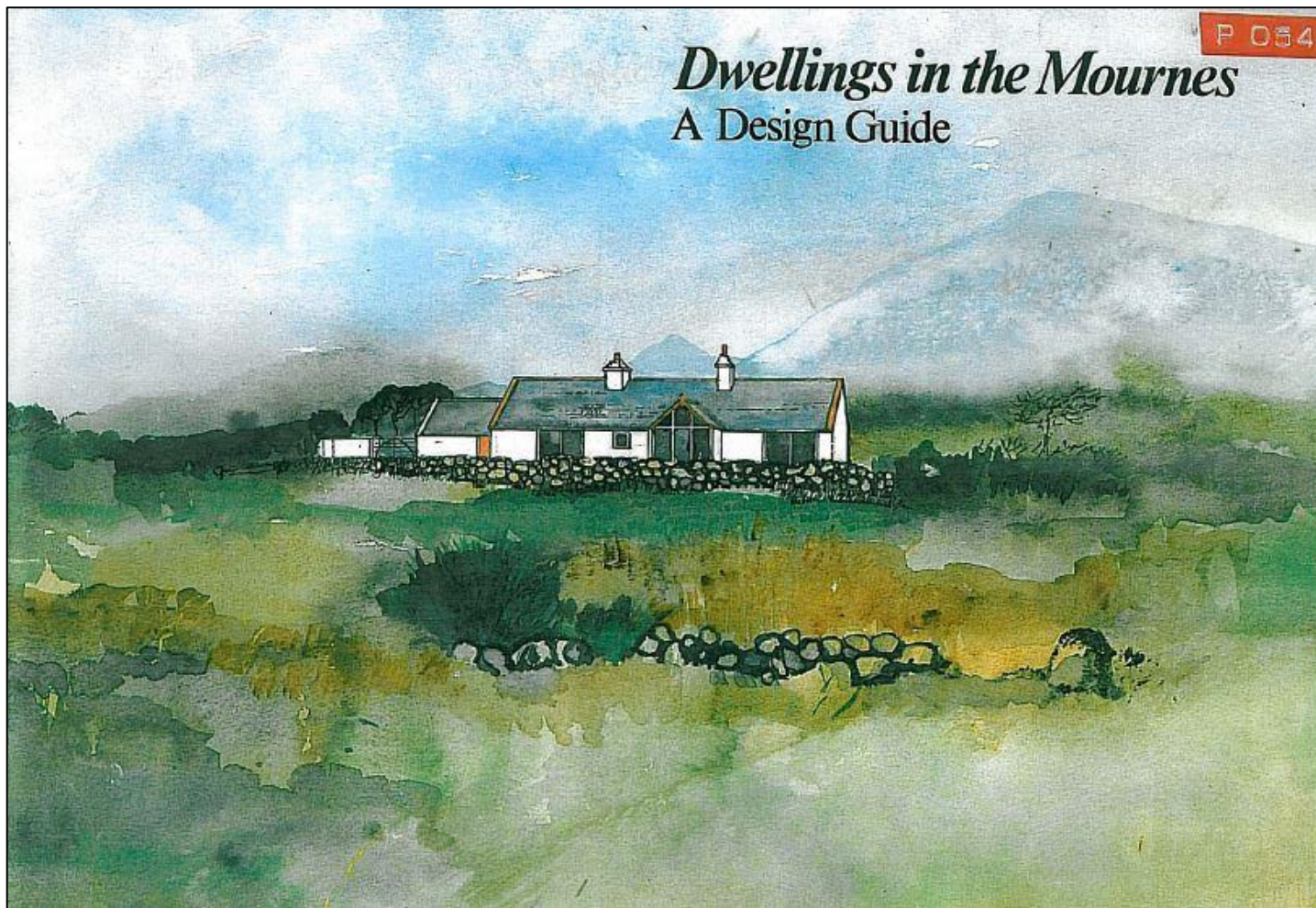
- Renewed effort on Councillor training
- Opportunities presented in preparation of Local Development Plan
- Scope for non-statutory policy initiatives
- Briefings for Agents
  - current & emerging issues
  - DoE / PAC involvement
  - two-way feedback

Comhairle Ceantair an Iúir, Mhúrn agus an Dúin  
Newry, Mourne and Down District Council

[www.newrymournedown.org](http://www.newrymournedown.org)











## IT & Other Matters

- EPIC
  - not conducive to efficient handling of applications
  - long-term solution to support business improvements required
  
- NMD IT
  - demonstrably deficient
  
- Other
  - accommodation
  - scanners & printers
  - cameras
  - mobile phones



## Conclusions

- NMD has aspirations to be a high performing Planning authority
- Scale of challenges widely recognised & shared
- Urgent measures required to remove backlog
- Major improvements to streamline / simplify processes
- Culture change – a shared responsibility with clear timescales for implementation

**Action plan required to achieve the radical changes required**

