

2020

# Northern Ireland Statutory Planning Consultations Annual Report 2019/20



## **PREFACE**

The information in this report is taken directly from the NI Planning Portal and data around the consultation process is complex and continues to be developed to ensure robustness. As a consequence, there may be minor variations in the figures contained in this report and those previously quoted on statutory consultee performance, or those held by the statutory consultee. The percentages used in this report are based upon all statutory consultations issued for the period. This report is for management information and the content should not be considered as official statistics, or quoted as such. It should also be noted that councils are also statutory consultees but have not been included in this report as the numbers of consultations referred to them are minimal.

# **FIRST ANNUAL REPORT ON STATUTORY CONSULTEES IN THE PLANNING PROCESS (2019-20)**

## **Introduction**

1. This is the first annual report highlighting the performance of statutory consultees in the planning process for the year 2019-20.

## **Context**

2. Planning is a key contributor towards the delivery of a range of outcomes at local government and regional level. An efficient and responsive planning system can have a positive impact on driving economic growth. It can shape markets, open up opportunities and provide confidence to investors and developers that Northern Ireland is open for business.
3. It also provides a key contribution towards the delivery of a number of draft Programme for Government outcomes, by supporting the drive for better place-making, supporting an increase in affordable housing supply, responding to climate change, and facilitating sustainable economic development, as well as helping to enable local government community planning objectives and ambitions.
4. Statutory consultees play an essential role in the planning process as planning authorities may not have the necessary expertise in-house to assess the technical and specialist issues of an application's merits. The consultation process is also an important element of an open, transparent and democratic planning system.
5. Section 229(3) of the Planning NI Act 2011 provides the statutory basis on which a consultee must respond, e.g. they are required to give a substantive response within a prescribed time period or in a period as is agreed in writing between the consultee and the council or, as the case may be, the Department. The statutory period for response is 21 days.

6. While the number of planning applications has remained relatively constant since planning reform in 2015, at around 13,000 per annum (pre-Covid), the number of statutory consultations has been increasing, from nearly 20,000 in 2015-16 to approximately 24,000 in 2019-20 (*a single planning application can require multiple responses*). In addition to statutory consultations, consultees may also be asked to participate in and respond to non-statutory consultations (such as pre-application discussions, listed building consents etc.), all of which creates significant additional pressures on consultees who are acting within increasingly constrained resources.
7. The performance of the planning system in Northern Ireland has come in for some criticism regarding its timeframe for responses and decisions; particularly in relation to the processing of major planning applications – the most recent official statistics indicate that, for 2019-20, the indicator for major applications (to process major planning applications within an average of 30 weeks) is not being met – the average processing time for major applications was 52.8 weeks across all councils; however, this represents an improvement of 6.2 weeks over the previous financial year.
8. There has been a perception, in some quarters, that current consultation arrangements contribute significantly to planning delays, reducing investor / developer confidence and frustrating the timely delivery of development. It has to be recognised, however, that the performance of statutory consultees is only one factor in the overall performance of the planning system and that there are many other elements that impact on performance. This report focuses on the statutory consultees performance as it is an important element of the planning system. There is also a programme of work ongoing with statutory consultees and councils to implement a number of recommendations to improve the response times of statutory consultees.

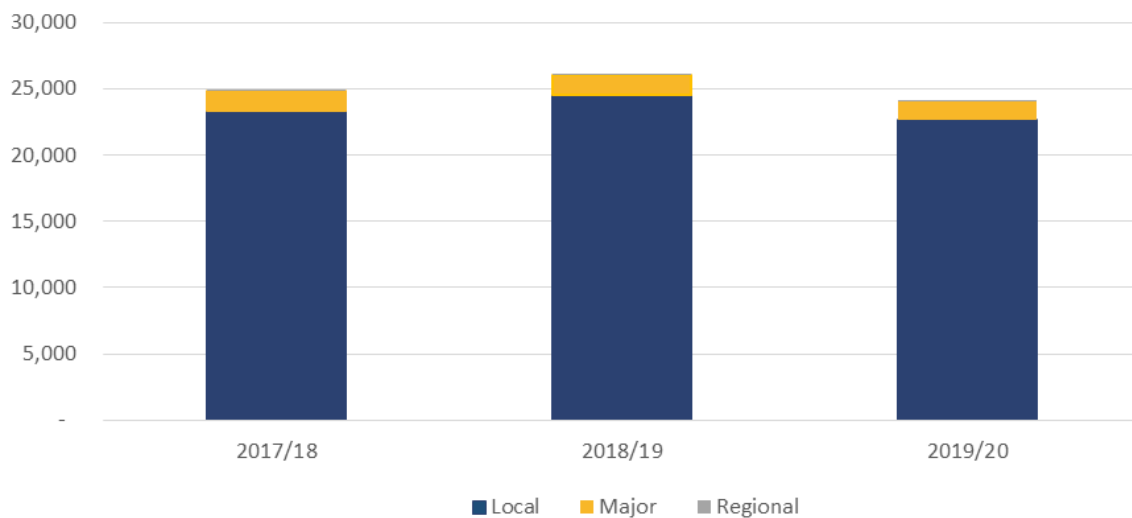
### **Statutory Consultee Performance 2019/20**

9. Between April 2019 and March 2020 there were nearly 41,000 consultations /advice queries raised across all planning consultees; approximately 30,000 (75%) of these were sent to statutory consultees (see list at Annex A). Of the c.30,000 consultations /advice queries sent to statutory consultees during the year, approximately 24,000 (79%) were

in the statutory consultation group<sup>1</sup>, with the remainder considered as non-statutory and advice.

10. The number of statutory consultations raised during 2019/20 was down 8% over the year from 2018/19 (see Chart 1).

Chart 1: *Statutory consultations received by planning application type*

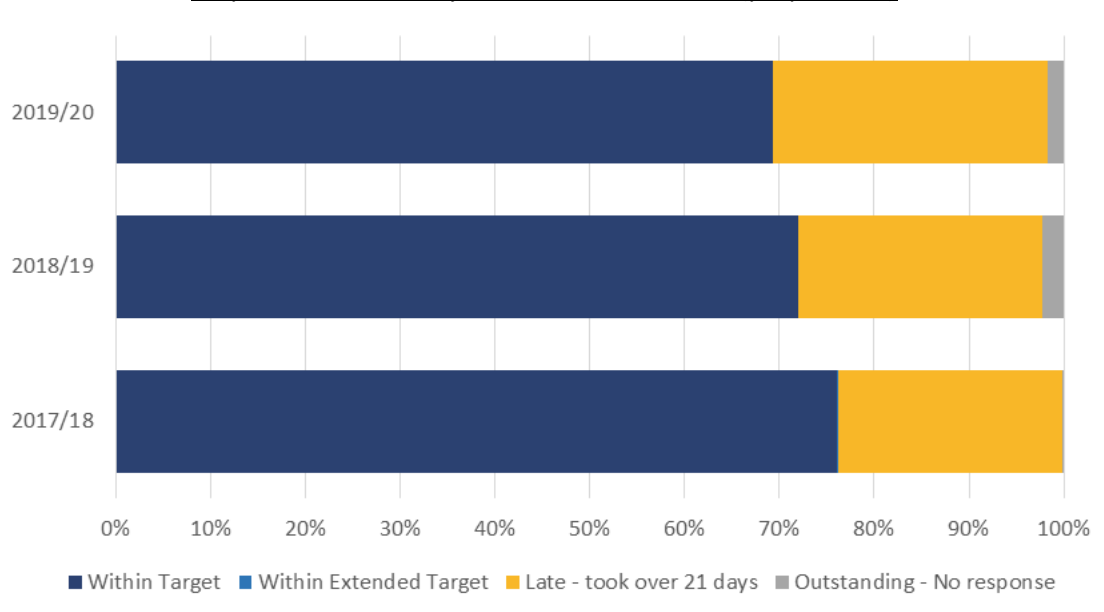


11. Of the c.24,000 statutory consultations raised in 2019/20, consultations on local planning applications accounted for the vast majority (94%), the same as the previous two years.
12. The proportion of all statutory consultations received that were responded to on time has decreased from 76% in 2017/18 to approximately 69% in 2019/20 (see Chart 2).

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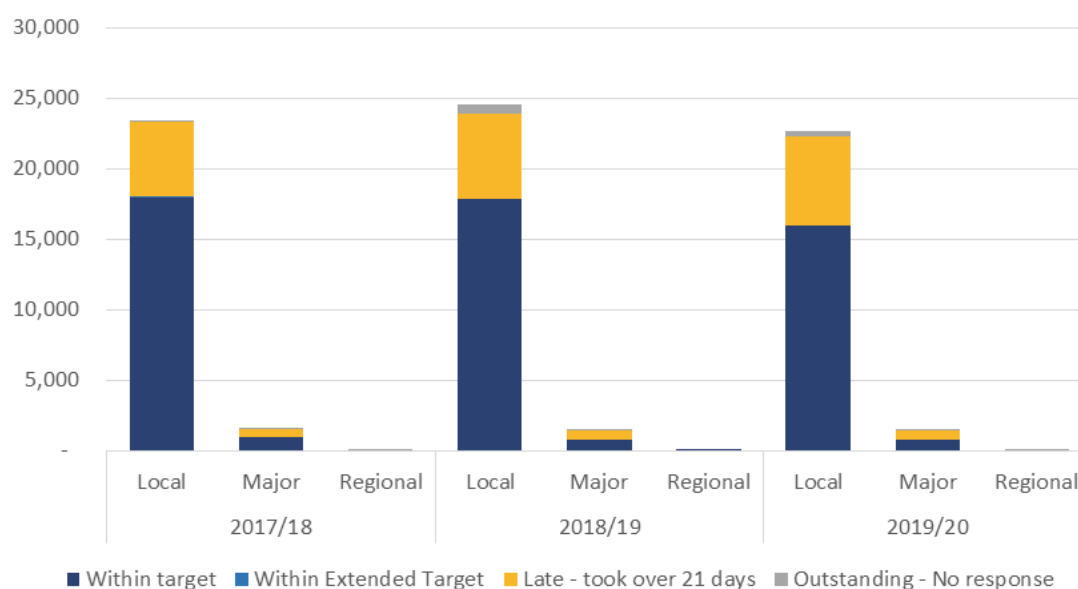
<sup>1</sup> A statutory consultation for this reporting purpose is considered as a 'Standard' or 'EIA Standard' consultation marked as 'Statutory' for application types 'full', 'outline' and 'reserved matters' for the statutory consultees listed in Annexe A.

Chart 2: *Responses to Statutory consultations received (proportions)*



13. During 2019/20 approximately 70% of all statutory consultations received for local planning applications were responded to within the 21 day target or extended target. This was down from the 73% recorded in 2018/19 and 77% in 2017/18. For major applications responses, 51% were on time in 2019/20 and 2018/19, both down on the 65% recorded for 2017/18 (see Chart 3).

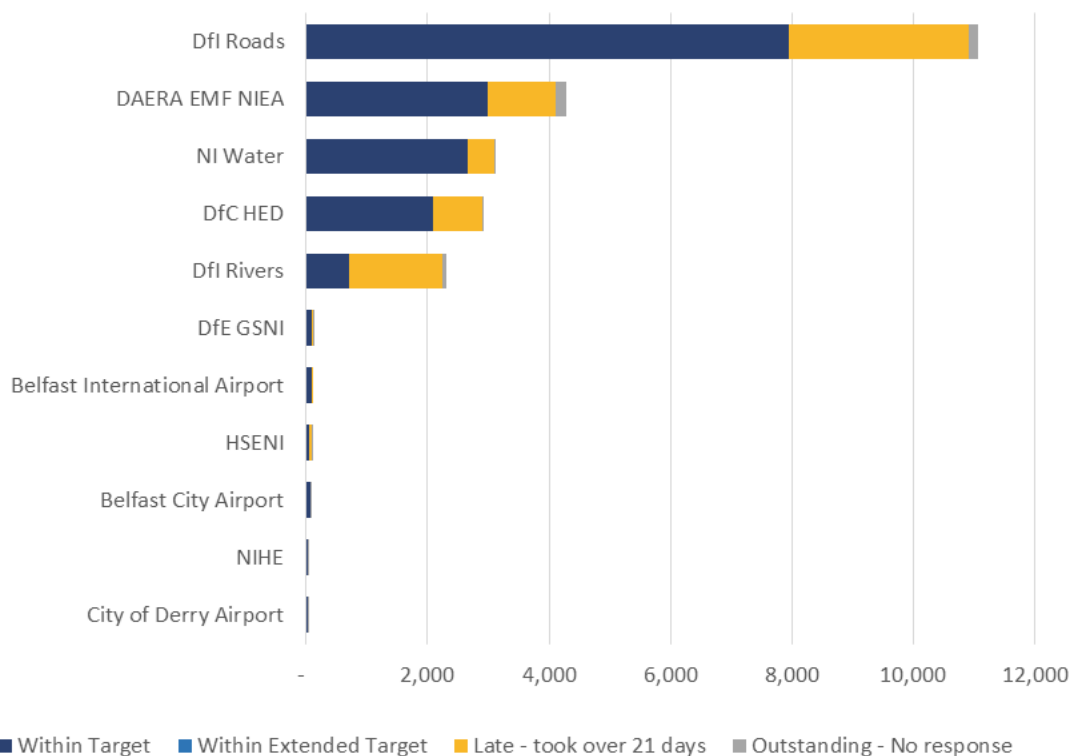
Chart 3: *Responses to Statutory consultations received by planning application type*



14. Of the c. 24,000 statutory consultations issued to statutory consultees in 2019/20, DfI Roads received 46%, DAERA (Environment Marine and Fisheries Group and NIEA) 18%,

NI Water 13%, DfC (Historic Environment Division) 12% and DfI Rivers 10%; these five consultees accounting for 98% of the statutory consultations raised. This is very similar to the position recorded for the previous two years.

Chart 4: *Responses to Statutory consultations received by Statutory Consultees 2019/20*



15. During 2019/20, responses on-time to statutory consultations ranged from 30% - 99% across statutory consultees. The overall response rate on-time for all statutory consultees during 2019/20 was c. 69%. This was down from 71% the previous year, with both years down when compared to 2017/18 (76%).
16. Table 1 below reports the percentage of statutory consultations received that were responded to on-time by statutory consultees over the last three years.

*Table 1: Percentages of responses on-time 2017/18 to 2019/20<sup>2</sup>*

<b>Statutory Consultee</b>	<b>2017/18 % on-time</b>	<b>2018/19 % on-time</b>	<b>2019/20 % on-time</b>
Belfast City Airport	96%	100%	99%
Belfast International Airport	83%	60%	77%
City of Derry Airport	86%	73%	93%
DfE/GSNI	73%	79%	81%
HED	78%	74%	72%
HSENI	68%	69%	60%
NI Water	87%	79%	85%
DAERA EMFG NIEA	87%	72%	70%
NIHE	93%	63%	59%
DfI Rivers	65%	30%	30%
DfI Roads	70%	76%	72%
<b>Grand Total</b>	<b>76%</b>	<b>71%</b>	<b>69%</b>

## Conclusion

17. In accordance with Article 16 (1) of the General Development Planning Order each consultee must provide the Department with a report as to that consultee's compliance with Section 229(3) of the 2011 Act. The report has to be submitted to the Department by 1 July each year and amongst other details provide a substantive reason why they have failed to comply with the duty to respond (21 days) within these periods.<sup>3</sup>
18. Statutory consultees have over the years supplied a number of very legitimate reasons for failure to meet the statutory target, such as poor quality consultations, volumes of queries for advice and guidance, limited resources etc.
19. An independent review towards the end of last year into the role of statutory consultees in the planning process recognised the key role played by consultees and made a number of recommendations for addressing delays in statutory consultees responding on a timely basis.

<sup>2</sup> The percentages used in this report are based upon all statutory consultations issued for the period and not, substantive responses returned and the percentage of those returned within time, which has been the measurement used to date.

<sup>3</sup> Development Management Practice Note 18: The Consultation Process and Duty to Respond  
[https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/dmpn-18-consultation-process-v2-may-2016\\_0.pdf](https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/dmpn-18-consultation-process-v2-may-2016_0.pdf)



20. In order to progress the recommendations in the report two groups have been set up: a Planning Forum, attended by representatives from the statutory consultees across central government, and a sub-group dealing with the recommendations falling to local government. These groups are taking forward the recommendations through an agreed action plan and regular monitoring of statutory consultee responses to live major planning applications.
  
21. Performance of statutory consultees will continue to be monitored and reported upon on a quarterly basis. It is expected that progress on these recommendations will improve the timeliness of statutory consultee responses.

**List of statutory consultees**

City of Derry Airport  
Belfast City Airport  
Belfast International Airport  
DfE GSNI  
DfC /Historic Environment Division  
HSENI  
NI Water  
DAERA / Environment Marine and Fisheries Group & NIEA  
NI Housing Executive  
DfI Rivers  
DfI Roads  
Councils