



Planning Appeals
Commission



Water Appeals
Commission

The Planning and Water Appeals Commissions

Annual Review 2023/24

CONTENTS

Page 2	Chief Commissioner’s Statement
Page 4	SECTION ONE
	Our Work and People
Page 10	SECTION TWO
	What we have delivered
Page 27	SECTION THREE
	Looking Forward

CHIEF COMMISSIONER'S STATEMENT

This is the annual review of the Planning Appeals Commission and the Water Appeals Commission (PACWAC) for the financial year April 2023 to March 2024.

After a number of years of constant change in the organisation, this reporting year has provided an opportunity to reflect on the benefits of the investments made in our people and technology. Commissioners and administrative staff who have been appointed within the last few years are gaining in experience and this is reflected in the quantum of decisions issued. The new I.T. system is now delivering case management information and is providing useful metrics to assist in addressing performance issues. The Commission has increased the numbers of decisions delivered year on year. We hope that we will continue to see improvements in productivity in the coming years.

There have been many personnel changes within the Commission, and we have continued to operate without the full complement of Commissioners, and indeed administrative staff. Efforts are still in hand to increase resources within the Commission. Despite the resourcing issues, we have witnessed improvements in service delivery, and this is testament to the efforts made by the whole team, especially over the last year. I wish to express my gratitude to the Commissioners and the administrative support team, without whom we would not have been able to make the progress we have.

We have delivered on our commitments to:

- Hold in-person stakeholder engagement sessions.
- Continue to ensure that the quality of decisions is maintained.
- Improve upon the 2022/23 delivery timelines for Hear and Decide cases, with a reduction in the timeframes for cases which have progressed by hearing.
- Continue to work alongside our Sponsor Body (DoJ) to ensure we are sufficiently resourced.
- Continue to invest in the training and development of our workforce to enhance skill sets and capability to ensure effective contributions to the organisation.
- Finalise implementation of a new case management system and customer portal.
- Reinstate Accompanied Site Visits, and
- Undertake a review to determine how hybrid hearings may best be facilitated.

We have delivered on our Key Performance Indicators (KPIs) in relation to the quality of decisions. Whilst we haven't met our KPIs for timeliness, we have delivered on our

commitment to increase the number of appeal decisions issued compared to 2022/23. We have disposed of 213 cases compared with 189 cases last year. We have also seen improvements in timelines of decision making for cases which have progressed via hearing. We acknowledge that challenges remain but enhanced management information from the new I.T. system is assisting in our efforts to improve performance. It is expected that poor timelines will persist until all historical cases have been disposed, the oldest of which should be issued by the end of this calendar year.

We recognise the patience shown by the majority of our external stakeholders as we work through this challenging period. Given current business planning assumptions, we expect to be fully operational in 2026/27. We are also in continued discussions with relevant government Departments in relation to resourcing referred work given current capacity constraints.

Whilst we will be focussing on addressing the historical casework within the incoming financial year, we will also be looking forward to improving the service we offer. We carried out extensive stakeholder engagement in recent times and we aim to use the information gathered to inform our decisions moving forward. Many aspects of this engagement will be reflected in the new Corporate and Business Plan.

Our focus will be on improving the delivery of decisions. However, we do seek the patience of our customers as we do not want to compromise on the quality of the service provided. We will, as always, endeavour to deliver to the best of our ability in line with the resources we have available.

SECTION ONE

Our Work and People

Our Work and People

The Commissions

The Planning Appeals Commission is an independent appellate body established under statute to decide a wide range of appeals and to report on various matters under planning and other legislation.

The Water Appeals Commission, while sharing the vision, aims, objectives and core values of the Planning Appeals Commission, is a separate appellate body, exercising a wide range of functions under water, fisheries and drainage legislation.

The Commissions are not part of any Government Department. Financial and administrative support is provided by the sponsoring Department, the Department of Justice, through the Northern Ireland Courts and Tribunals Service.

The Commissions are completely autonomous in our decision-making and operation of the appeals, hearing, inquiry and examination processes. We are not answerable to any government Department or any other agency or public body. Our decisions are subject to the supervision of the Courts, reflecting our independent appellate roles in planning and environmental matters.

All individuals within the Commission should adhere to the seven principles of public life and they represent the underlying values that the organisation seeks to uphold:

- **Selflessness** – holders of public office should take decisions solely in terms of the public interest.
- **Integrity** – holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- **Objectivity** – holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- **Accountability** – holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

- **Openness** – holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- **Honesty** – holders of public office should be truthful.
- **Leadership** – Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

We have also committed to the following additional values:

Making a Difference

We commit to providing a high level of customer service, working professionally and ensuring that we deliver decisions or recommendations in a timely fashion.

Maintaining Quality

We commit to ensuring that our decisions and recommendations are of the highest standards and Commissioners are exemplars within the planning profession.

Our Work

The Commissions have two broad areas of work which for ease of discussion are categorised as Hear and Decide and Hear and Report. Hear and Decide is the appeal casework. Appellants lodge appeals and the Commission considers the evidence and makes a final decision. In addition to the appeal decision the Commission may have to consider a costs claim if it is submitted.

Hear and Report is a second area of work which is less predictable and more resource intensive. The principal elements are firstly, public inquiries and hearings into regionally significant and called in planning applications, and secondly independent examinations into local development plans (LDPs). In these cases, most referrals are made from the Department for Infrastructure (DfI) to the Commission. The Commission will consider the evidence presented and report back to the referring authority who will make the final decision.

There are also a variety of other Hear and Report functions, including public inquiries into development schemes, vesting orders and road schemes, and hearings into the need for environmental impact assessments for planning applications.

Our People

Our work is carried out by a number of Commissioners supported by an administrative team. We have had several new individuals join the Commission team in the last year:

- Commissioner Kieran O’Connell
- Commissioner Gareth McCallion
- Two members of Administration Team

Six members of the Commissions’ team left within the period of the report:

- Ms Maeve McKearney
- Mr Andy Speirs
- Mrs Helen Fitzsimmons
- Ms Rosemary Daly
- Two members of Administration Team

The Commission acknowledges the contributions that they have made to the organisation.

Commissioners

Chief Commissioner	Miss A Kells BA MSc LLB MRTPI
Deputy Chief Commissioner	Ms P O’Donnell BSc DipTP MRTPI
Principal Commissioners	Mr M Watson BSc DipTP MRTPI (from Sept 23) VACANT (from Aug 23)
Senior Commissioners	Ms M Jones BA BArch ARIBA Mr K Donaghey BSc MRTPI Dr D O’Neill BSc DipTP PhD MRTPI Ms J McParland BSc MRTPI Ms C McDonagh BSc DipTP MRTPI

Ms L Roddy BSc (Hons) MSc MRTPI PIEMA

Mr G Kerr BSc MSc MRTPI

Mrs T Harbinson BSc DipTP MRTPI

Ms C McKeary BSc (Hons) MSc MRTPI (from Mar 2024)

Commissioners

Mr D Hannon BA DipTP MRTPI

Ms D McShane BA MTP MEPPA MRTPI

Mr M Watson BSc DipTP MRTPI (until Sept 23)

Ms B Stevenson BSc MSc MRTPI

Mr K Gillespie BA (Hons) BPI MLegSc MRTPI

Mr K O'Connell BSc MSc MRTPI (from Sept 23)

Mr G McCallion BSc MSc MRTPI (from Jan 24)

Ms C McKeary BSc (Hons) MSc MRTPI (until Mar 2024)

VACANT POST (from Mar 23)

Administrative Team

Administrative support is provided by our sponsoring Department, the Department of Justice, through the Northern Ireland Courts and Tribunals Service and consists of the following:

Chief Administrative Officer (1)

Office Manager (1)

Local Development Plan Programme Officer (3)

Team Leaders (2)

Casework Officers (5)

IT Project Support Officer (1)

SECTION TWO

What we have delivered

What we have delivered

As set out in the Chief Commissioner's Statement, 2023/24 was an ambitious year for the Commission. We outlined our priorities and objectives in our business plan which were:

Priority: Customer First

Objective 1

To deliver a high-quality service that meets the needs of our customers. To achieve this, we will:

- Hold in-person stakeholder engagement sessions to improve the understanding of the role of the Commission and to align procedures, complaints handling and performance measure with customer preferences.
- Continue to ensure that the quality of decisions is maintained.
- Aim to improve upon the 2022/23 delivery timelines for Hear and Decide cases.

Priority: Operating Environment

Objective 2

To deliver an operating environment that will support an expanding workforce. To achieve this, we will:

- Continue to work alongside our Sponsor Body (DoJ) to ensure we are sufficiently resourced to address existing and pending work commitments.
- Continue to invest in the training and development of our workforce to enhance skill sets and capability and to ensure effective contributions to the organisation.
- Review structures within the Commission to ensure they provide the most effective and efficient basis for the delivery of business needs.

Priority: Adapting Information Technology to facilitate new ways of working

Objective 3:

To implement effective solutions to ensure our systems are fit for purpose. To achieve this, we will:

- Finalise implementation of a new case management system and customer portal, incorporating the electronic exchange of evidence, and undertake an in- year review of the user guidance for the public, updating it if necessary.
- Produce updated guidance on remote hearings and reinstate Accompanied Site Visits.

- Undertake a formal review to determine how hybrid hearings may best be facilitated in the future operating environment of the Commission.

As outlined in the previous section the Commissions have had significant changes in personnel during the financial year. The resourcing position was further complicated by vacancies on both the administrative and Commissioner cohort. Operational capacity is also impacted by the intensive training required for new members of the workforce. Despite the challenges that this presented the Commission continued to deliver services. The following outlines how we delivered on the commitments as outlined above.

Stakeholder Engagement

In November and December 2023, the Commission followed up on the stakeholder engagement exercise conducted in January 2023 by inviting representatives from the local planning authorities, professionals from the legal and planning profession and anyone who has interacted with the Commission to attend in-person engagement sessions. Participants were invited to give their views on a range of issues, including the timeliness of decisions, prioritisation of cases, locations of hearings, the effectiveness of hybrid and remote hearings and the implementation of the Commission's new case management system. These were constructive and positive meetings and the Commission has noted a number of actions which it will take forward which include:

- Bringing forward changes to the complaints system to align with judicial review timelines.
- Amending procedure/protocol documents to take account of changes to hearing options and requirements arising from the introduction of remote hearings.
- Focusing on improvements to the search facility of the website.
- Considering how technology can be further developed in the work of the Commissions.
- Reviewing options for the use of consultation rooms within the Ann Street building.
- Considering the possibility of the introduction of interlocutory hearings.
- Considering the publication of an agenda prior to hearings.
- Raising concerns with DfI regarding proposed validation checklists.
- Improving communication regarding timelines across all workstreams, and
- Reviewing performance measures.

Quality

The Commissions' complaints system allows for the investigation of complaints received in line with our Complaints Procedure made by any party involved in proceedings before the Commissions. All complaints are investigated and a relevant response issued to the complainant. Where complaints are found to be justified, an explanation and apology are provided. In 2023/24 we received eight complaints of which four were justified.

The Commission's handling of complaints is scrutinised by an Independent Complaints Audit Panel (ICAP). The Panel comprises one member appointed by the Royal Town Planning Institute and one member appointed by the Bar Council of Northern Ireland. The Panel's purpose is to independently review complaints made to the Commission and advise if the action taken in respect of the complaint was appropriate and that the complaint has been correctly classified as justified/unjustified.

Panel Members are not permitted to audit complaint files in which they could be considered to have a conflict of interest. This may arise in a situation where the Panel Member acted in a specific case or are a retained advisor for a complainant. If this situation arises the review of the complaint file will be undertaken by the second Panel Member. This Panel Member should report separately on the complaint in the final report identifying that there is a Conflict of Interest point which has been addressed in line with this document.

The Panel have reported on complaints received in 2023/24 and the report has been published on the Commission's website. It found that save for the timing of substantive responses, the Commission had responded to the substantive complaint in accordance with its published procedures and that the disposal of each complaint was appropriate.

The ICAP have made several suggestions in their report. A number of items are already in hand. The Commission is supportive of the recommended changes to the complaints system.

We take the opportunity to thank the Panel for their valuable contributions. Their analysis and recommendations provide useful feedback for the Commission to review and reflect on.

Quality

The Commissions' decisions can be challenged by an application to the High Court for judicial review, on a point of law only. In circumstances where the decision is clearly flawed the judicial review application is not contested by the Commissions. In the event of a successful challenge, following receipt of the Court Order, the appeal is reheard by a different Commissioner to that which made the original decision and a new decision is issued. In

2023/24 we were subject to judicial review proceedings before the court in five cases. The outcome of these was that three Commission decisions were quashed.

The Commissions' measure of quality is to ensure that the number of appeal decisions giving rise to a justified complaint or successful judicial review challenge in the previous and current accounting years amounts to no more than 1.5% of the total number of appeal decisions issued in that two-year period.

The proportion of appeal decisions which were associated with a justified or partially justified complaint, in respect of the quality of the decision, or successful judicial review challenge, is three. This means that 99% of our decisions are free from challenge demonstrating the Commission's commitment to providing decisions of the highest quality.

Finance

The budget of the Commission is set out below. The income received from planning appeal fees is £155,393. The remainder of the budget for the Commission is provided by the Northern Ireland Courts and Tribunals Service (NICTS). The costs of the iCasework system has been funded entirely through the NICTS Vision 2030 modernisation budget.

	£	%
INCOME		
Appeal fees	£155,393	67.1%
Tribunal Recharges	£76,162	32.89%
Photocopying charges	£24	0.01%
TOTAL	£231,579	100%
EXPENDITURE		
Commissioners' salaries	£1,622,180	62.18%
Administrative staff salaries	£630,826	24.18%
Travel & subsistence	£10,102	0.39%
Accommodation charges	£124,714	4.78%
Advertising	£21,000	0.80%
External training	£3,979	0.15%
Legal fees	£28,236	1.08%
Postage & telephone charges	£7,521	0.29%
Electricity	£666	0.03%
Library	£5,793	0.22%
Stationery & printing	£2,038	0.08%
Contract cleaning	£11,714	0.45%
Office equipment	£0.00	0.00%
Incidental expenses	£49,592	1.90%

Software maintenance contract	£65,356	2.51%
Refund of fees	£25,176	0.97%
TOTAL	£2,583,717	100%

Delivery of a Case Management System and Customer Portal

As set out in last year's report the new case management system and customer portal for the Commission went live in September 2022. The admin team continued to work with the Department of Justice's Vision 2030 Service Design team and their supplier throughout 2023/24 to complete final testing and enhancements.

The system removes the need for all communications to be carried out in hard copy, optimising the Commission's resources by reducing the amount of time staff spend printing and posting documents. It also improves the service to the public by making communication quicker and by enhancing data security. Appellants and parties to an appeal are able to make submissions electronically and feedback received from stakeholders has been positive.

Guidance documents have been reviewed and new versions should be published in the incoming financial year.

Outreach work

During this financial year, the Commission continued to be involved with events to improve the understanding of our role in the NI planning system as set out below.

- Presentation to the Northern Ireland Planning Law Update organised by the Royal Town Planning Institute.
- Presentation to Councillors organised by the Northern Ireland Local Government Association, and
- Involvement in various student exercises involving the Queen's University of Belfast and Ulster University.

Hear and Report Casework

Hear and Report is an area of work which is resource intensive due to the nature of the issues raised and the level of public interest. The principal elements are public inquiries and hearings into regionally significant and called in planning applications as well as Independent Examinations. In these cases, referrals are made by the Department for Infrastructure to the

Commission. The Commissioner will consider the evidence provided to them and report back to the Department, which will make the final decision.

There are also a variety of other Hear and Report functions, including public inquiries into development schemes, vesting orders and road schemes, and hearings on the need for Environmental Impact Assessments for planning applications.

Local Development Plan Independent Examinations

Within the financial year, the Commission has continued to commit resources to the IE programme with two long serving Commissioners undertaking Independent Examinations.

- Antrim & Newtownabbey Borough Council's Independent Examination into the Plan Strategy is fully completed with hearing sessions having taken place and the final report was submitted to Department for Infrastructure (DfI) in October 2023.
- The Derry City & Strabane District Council's Draft Plan Strategy hearing sessions have concluded and the report will be forwarded to DfI in 2024/25 reporting year.

The Commission continues to encourage the Councils and the Department to keep the Commission updated on any changes to their timetables and have actively engaged with both on administrative matters in relation to the submission of Development Plan Documents for IE. Given the resourcing pressures as outlined combined with the sheer number of referrals, the Commission has taken the step of advising the Department for Infrastructure that it may wish to consider other options for the progression of this work consistent with the legislation and paragraph 5.64 of the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development (SPPS). As it is only once we are fully operational and the Commission has reported on a conjoined Public Inquiry that we will be able to make any significant headway through the other cases that have been referred to us.

Inquiries

[2019/D001 – A5 Western Transport Corridor Road Scheme](#)

A report was delivered to the Department for Infrastructure on 31st October 2023

[2021/C005 – Underground mining, Curraghinalt Project \(Dalradian\)](#)

[2021/C006 - Powerline, Curraghinalt Project \(Dalradian\)](#)

[2021/C007 – Powerline, Curraghinalt Project \(Dalradian\)](#)

WHR01 – Water Discharge, Curraghinalt Project (Dalradian)

WHR02 – Water Discharge Curraghinalt Project (Dalradian)

WHR03 – Water Abstraction and Impoundment, Curraghinalt Project (Dalradian)

WHR04 – Water Abstraction and Impoundment Curraghinalt Project (Dalradian)

2021/DR001 – Road Abandonment, Curraghinalt Project (Dalradian)

Requests for public inquiries by the Department for Infrastructure and the Department for Agriculture, Environment and Rural Affairs have been received in respect of the 8 applications listed above. It has been requested that the public inquiries be undertaken in a conjoined manner. This has been particularly resource intensive given the large number of representations that the Commission is charged with considering. A pre-inquiry meeting was held in Omagh on 20th March 2024.

2021/C010 – Wind farm, Newry

A public inquiry has been requested by the Department for Infrastructure; programming will take place at a later date.

2022/C003 – Wind Farm, Carnalbanagh

A public inquiry has been requested by the Department for Infrastructure; programming will take place at a later date.

2022/C004 – Wind Farm, Ballygilbert

A public inquiry has been requested by the Department for Infrastructure; programming will take place at a later date.

Hearings

2021/C003 – Anaerobic Digester2, Milford, Armagh

A hearing has been scheduled to take place in the new financial year on the need for an environmental impact assessment for an anaerobic digester at Milford, Armagh.

[2021/C008 – Mixed tourist accommodation, Dungiven](#)

A hearing has been requested in relation to the need for an environmental impact assessment

[2021/C009 – Car Park, Bushmills](#)

A hearing has been requested in relation to the need for an environmental impact assessment

[2022/C001 – Quarry, Kilrea](#)

A hearing has been requested in relation to the need for an environmental impact assessment

[2022/C005 -Wind Turbine, Dungannon](#)

A hearing has been requested in relation to the need for an environmental impact assessment

[2023/C001 – Development at Glenshane Road, Derry](#)

A hearing has been requested in relation to the need for an environmental impact assessment

[2023/C002 – Quarry, Derry](#)

A hearing has been requested in relation to the need for an environmental impact assessment

[2023/C003 – Extraction, transportation and working of sand and gravel, Lough Neagh](#)

A hearing has been requested in relation to an application for the extraction, transportation and working of sand and gravel from Lough Neagh

[2023/C004 – Mixed use development at Blaris, Lisburn](#)

A hearing has been requested in relation to proposed mixed use development at lands at Blaris, Lisburn

[2023/C005 – Multi-sport indoor/outdoor facility, Strabane](#)

A hearing has been requested in relation to a proposed multi-sport indoor/outdoor facility in Strabane

2023/C006 – Windfarm, Carnlough

A hearing has been requested in relation to a proposed windfarm at lands approximately 5 kilometres south-west of Carnlough and 5 kilometres west of Glenarm

It is anticipated that the hearing requests in relation to the EIA determinations may be able to progress prior to some of the more complex major case work. This is due to the continued progression of the training of Commissioners. The position, in terms of allocation of a Commissioner resource to the Hear and Report work, will be kept under continued review.

Hear and Decide Casework

The following tables set out detailed information on the volume of casework processed, the means of processing appeals, delivery times achieved and appellants' success rates for each procedure.

Table 1: Key Statistics, by appeal type

Appeal type	Received	Decided	Successful	Success Rate %
Refusal or conditional grant of planning permission	107	154	56	36
Non determination of planning application	6	5	4	80
Enforcement related	41	27	3	11
Other *advertisements, roads, listed buildings consent	22	27	11	41
TOTAL	176	213	74	35

The Commission has delivered on our commitment to increase the number of appeal decisions issued compared to 2021/22 (142 decisions) and 2022/23 (189 decisions). In addition to the appeals outlined above, 55 appeals received in 23/24 were subsequently withdrawn and a further 6 appeals were deemed to be invalid.

Steady progress is being made in terms of addressing the backlog of cases within the Commission which has arisen for a variety of reasons, including the impact of cases still in the

system because of the Covid pandemic, the diversion of resources to assist on the IT project, timing of appointments to the Commission, vacancies, and a significant amount of the Commissioner cohort remaining in training.

The new system is now delivering case management information and as the table below illustrates the Commission has delivered year on year increases in the numbers of decisions issued while the overall caseload has reduced to its lowest in the last three years. We are aiming to have determined the oldest cases by the end of this calendar year, unless there is a technical reason for the delay, such as a requirement for submission of an environmental impact statement, for example.

	2021/22	2022/23	2022/24
Number of appeal decisions issued	142	189	213
Number of appeals on hand at year end	338	379	281

Success rates vary from year to year and between different appeal procedures as each appeal is decided on its own specific facts and individual circumstances. The Commission considers that success rate variations hold no particular significance and that there is no connection between an appeal outcome and the means of processing employed.

The Commission has delivered on our commitment to improve upon the 2022/23 delivery timelines for Hear and Decide cases, with a reduction in the timeframes for cases which have progressed by hearing. The median time for hearings has been reduced from 65 weeks in 2022-23 to 61 weeks in 2023-24

Table 2: Key statistics, by procedure

Procedure	Number	Allowed	Success Rate %	Median Time
Hearing	75	35	47 %	61
Written Representation with Accompanied Site Visit	3	0	0 %	34.8
Written Representation with Commissioner site visit	135	39	29 %	73.8

TOTAL	213	74	35 %	71
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The median time to clear appeals has increased from 59 weeks in the previous year however this is the result of the continuing work to clear the backlog of the oldest appeals.

The Commission has failed to meet its commitment to decide 80% of appeals within specified timeframes (excluding cases where delays are caused by the appellant, and developments involving an Environmental Impact Assessment) as set out below:

- Informal hearings within 30 weeks.
- Written representations with an accompanied site visit within 28 weeks.
- Written representations with a Commissioner site visit within 26 weeks; and
- Enforcement-related appeals within 34 weeks.

We set out in our 22/23 Business Plan that we knew the KPIs would not be deliverable but that they would remain as a benchmark for service delivery once we become fully operational again.

Costs Awards

The Commission is empowered to make Orders as to the costs of the parties involved in planning and other appeals. Costs awards are intended to provide redress where unreasonable behaviour by one party to an appeal has put another party to unnecessary expense. It is on this basis that the Commission assesses claims for costs.

The Commission will normally award costs only where all four of the conditions below have been met:

- A party has made a timely appeal, and
- The claim relates to an appeal of the type specified in the Planning Act, and
- The party against whom the award is sought has acted unreasonably, and
- The unreasonable behaviour has caused the party claiming costs to incur unnecessary or wasted expense.

Over the last year the following decisions have been made in relation to cost claims:

Table 3: Costs awards

Type of decision	2023/24
No award	14
Partial award	3
Full award	0
TOTAL	17

Further detail in relation to costs awards at Council level is provided under the statistics at Council level section.

Statistics at Council level

Please note the figures below exclude appeals against non-determination, enforcement notices and those categorised as 'other' by PAC. We expect these figures will be replicated in the Planning Monitoring Framework which will be published by the Department for Infrastructure.

Table 4: Percentage of appeals against refusal of planning permission that are dismissed

Council	Number of appeals against refusals determined**	Number dismissed (i.e., the council's decision was upheld)**	Percentage of decisions upheld
Antrim & Newtownabbey	22	14	64 %
Ards & North Down	9	5	56 %
Armagh City, Banbridge & Craigavon	14	9	64 %
Belfast City	24	14	58 %
Causeway Coast & Glens	13	7	54 %
Derry City & Strabane	4	1	25 %
Fermanagh & Omagh	7	6	86 %
Lisburn & Castlereagh	14	9	64 %
Mid & East Antrim	13	9	69 %
Mid Ulster	3	2	66 %
Newry, Mourne & Down	31	22	71 %
Northern Ireland	154	98	64 %

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Table 5: Number of claims for costs received during the period (this may differ from the number of claims awarded during the same period)

Number of claims for costs received by the PAC		17	
Number of claims for costs received by the PAC (involving planning authority)		17	
	Breakdown of claims for costs received by the PAC (involving planning authority)		
	Costs claims made by the planning authority	Costs claims received against the planning authority	Total number of cost claims received involving planning authority
Antrim & Newtownabbey	0	2	2
Ards & North Down	0	2	2
Armagh City, Banbridge & Craigavon	0	1	1
Belfast City	0	1	1
Causeway Coast & Glens	2	0	2
Derry City & Strabane	1	1	2
Fermanagh & Omagh	0	0	0
Lisburn & Castlereagh	0	0	0
Mid & East Antrim	0	4	4
Mid Ulster	0	0	0
Newry, Mourne & Down	1	2	3
Northern Ireland	4	13	17

Table 6: Number of instances where costs were either awarded fully or partially in the planning authority's favour. The indicator measures the number of instances, not the amount of money.

Claims for costs made by planning authority – awards				
	No award	Partial award	Full award	Total
Antrim & Newtownabbey	0	0	0	0
Ards & North Down	0	0	0	0
Armagh City, Banbridge & Craigavon	0	0	0	0
Belfast City	0	0	0	0

Causeway Coast & Glens	1	1	0	2
Derry City & Strabane	1	0	0	1
Fermanagh & Omagh	0	0	0	0
Lisburn & Castlereagh	0	0	0	0
Mid & East Antrim	0	0	0	0
Mid Ulster	0	0	0	0
Newry, Mourne & Down	1	0	0	1
Northern Ireland	3	1	0	4

Table 7: Number of instances where costs were either awarded wholly or partially against the planning authority. The indicator measures the number of instances, not the amount of money.

Claims for costs made against planning authority – awards				
	No award	Partial award	Full award	Total
Antrim & Newtownabbey	2	0	0	2
Ards & North Down	2	0	0	2
Armagh City, Banbridge & Craigavon	1	0	0	1
Belfast City	0	1	0	1
Causeway Coast & Glens	0	0	0	0
Derry City & Strabane	0	1	0	1
Fermanagh & Omagh	0	0	0	0
Lisburn & Castlereagh	0	0	0	0
Mid & East Antrim	4	0	0	4
Mid Ulster	0	0	0	0
Newry, Mourne & Down	2	0	0	2
Northern Ireland	11	2	0	13

Water Appeals Commission

Appeals Caseload

Table 8: Water appeals

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Water appeals received	3	2	1	2	4	1
Water appeals withdrawn	2	0	1	1	0	1
Water appeals decided	0	2	0	0	1	1
Water appeals in hand	1	1	0	1	4	3

Activity in this area remains at a low level.

SECTION THREE

Looking Forward

Looking Forward

Whilst we continue to work through the challenges presented by our limited capacity, we have set out a number of objectives in the 2024/25 business plan. These are:

Priority 1 Focus on Performance

- Develop and implement an action plan to identify and respond to cases which have lingered in the system.
- Continue to focus on increasing the quantum of cases disposed of with the aim of addressing timeliness issues in future years.
- Reallocate cases when a resource becomes available and address individual performance issues arising, and
- Continue to ensure that the quality of decisions is maintained.

Priority 2 Looking Forward

- Continue with customer engagement exercises.
- Aim to be at full complement within the financial year.
- Continue to invest in the training and development of our workforce to enhance skill sets to ensure effective contributions to the organisation.
- Update the Remote Hearings Protocol to take account of the move to hybrid hearings.
- Implement changes to our complaints process to align with customer needs.
- Continue discussions with our sponsor body regarding funding and structures.
- Identify opportunities to ensure that other organisations gain a full understanding of our role; and
- Ensure our keyword search facility is enhanced, particularly to take account of new plan strategies.

In addition to these objectives, we have a number of cases in hand which we will deal with in line with the resources that we have available. These include:

A total of 20 Hear and Report cases. Seven of these are referrals from the DfI to conduct public inquiries and four of these are included in the Curraghinalt Project (Dalradian) (consisting of eight applications). These provide a particular challenge for the organisation given the time and effort involved in organising and conducting a Public Inquiry. In addition,

there are four other cases referred for Hearing from DfI. The remaining five cases are requests for hearings challenging the need for Environmental Statements.

For 2024/25 we intend to:

- Provide the final IE report on the Derry and Strabane District Council Draft Plan Strategy to DfI (LDP2022/DS/PS)
- Open the hearing sessions in relation to the Dalradian conjoined public inquiry (2021/C005, 2021/C006, 2021/C007, 2021/DR001, 2021/WHR01, 2021/WHR02, 2021/WHR03, 2021/WHR04)
- Undertake at least three hearings against EIA Determinations
- Prioritise the disposal of longstanding cases with all 2022 cases being issued before the end of the calendar year

Unfortunately, due to the resourcing implications of the Dalradian Conjoined Inquiry all other requests referred by DfI will be put on hold pending completion of the Dalradian Report or until additional resources become available. The Commission has kept DfI fully informed of the position.

We intend to continue to progress cases where a hearing has been requested due to the access to justice issues arising, but these will be subject to the availability of a Commissioner resource. At the end of 2023/24 there were 281 appeal cases in hand, a 25% reduction on the previous year. This is testament to the investment in the training and the new IT system starting to show benefits. We will continue to allocate cases to Commissioners generally in date order subject to administrative resources being completed. We are hopeful that the increase in decisions that we have seen will be repeated as Commissioners gain greater experience in the role.