

# Belfast City Council Planning Service

## Review of the Application Checklist

February 2021

### Executive Summary

Belfast City Council (BCC) has identified that one of the most significant contributing factors in delaying the planning application process is the poor quality of applications on submission. In particular, applications have often been “incomplete” and not supported by the information required by planning policy and best practice. This means that applications cannot be given a positive determination at the first time of asking and there are inevitably delays as the information is sought and finally submitted. This also places unnecessary burdens on already stretched statutory consultees, wasting their time and resources on reviewing incomplete applications.

In response to this problem, BCC Planning Service has published its *Application Checklist*, which provides guidance to customers on which information they need to submit with their application, depending on its characteristics, scale and spatial constraints. Information requirements are divided into two categories: “Basic Requirements” – necessary to make the application valid in accordance with planning legislation; and “Other supporting information” – required by planning policy and best practice so that the application can be fully considered. Applications are checked on receipt and if information is missing then the applicant is requested to provide it within 14 days otherwise the application is returned along with the planning fee. Applicants are asked to resubmit the application only once all the information is available.

Data shows that 68% of Major applications submitted in 2019/20 were incomplete on submission, demonstrating the severity of this issue of poor quality planning applications. Since publication of its Application Checklist in November 2018, BCC returned its best ever statutory planning application performance of 37 weeks for Major applications and 14.0 weeks for Local applications in 2019/20. Much of this performance improvement is attributed to implementation of the Application Checklist. This saw Major application performance improve from 41.4 weeks in 2018/19 to 37 weeks in 2019/20. There was an even greater improvement in performance for largescale Local applications with a substantial 31.4 week improvement when comparing a sample of 2018/19 and 2019/20 applications.

Feedback from customers has generally been very positive. Agents and architects see significant value in the Council publishing a list of documents required with planning applications. It assists them when pricing work and justifying to their client which information is needed. Agents have said that they are now less likely to submit an incomplete application to BCC because they know the Council will send it back. Constructive feedback includes the need for officers to apply the Application Checklist proportionately and that it must not be used as a simple administrative tick-list – information should only be required where it is fundamentally needed.

Feedback from consultees and staff have similarly been positive. Statutory consultees are very supportive of the Application Checklist as a means to frontload information and improve the quality of applications, thereby making the assessment process much more efficient. They unanimously support legislative change to improve information requirements at the beginning of the process.

Staff have said that the Application Checklist provides a structured approach to information requirements. It requires information to be provided up front which in turn helps validation and processing times. The Application Checklist is particularly helpful when discussing information requirements for Major and large scale Local applications at the PAD stage.

In conclusion, the Application Checklist has been a significant success in improving the quality of planning applications submitted to BCC. It has had a marked positive effect on determination times and performance. It has also begun to shift the culture and attitude of customers towards submitting much better quality planning application at the outset of the process.

The following recommendations are made:

1. This review should be shared with the Department for Infrastructure to support the case for much needed change to planning legislation, aimed at improving information requirements on submission of planning applications;
2. The review should be shared with the Northern Ireland Audit Office (currently undertaking an audit of the NI planning system) as part of BCC's engagement in that process;
3. The review should also be shared with the other 10 councils in Northern Ireland in the context of the above;
4. BCC Planning Service should proceed with implementation of Phase 3 of the Application Checklist to include all applications other than Householder proposals, Advertisement Consent and other minor Local applications; and
5. Further training should be provided to BCC staff to ensure that the Application Checklist is applied in a proportionate and consistent way.

## Introduction

1. This report comprises a review of BCC Planning Service's Application Checklist, first published in November 2018.
2. The objectives of the review are twofold:
  - a) To review the effectiveness of the Application Checklist in enhancing the quality of planning applications on submission and in turn improving application performance against the statutory targets of 15 weeks for Local applications and 30 weeks for Major applications; and
  - b) To support the case for changes to NI planning legislation to improve the quality of information at the beginning of the application process (by empowering individual Planning Authorities to publish a "Local Validation List" which sets out mandatory information requirements). This front-loading of information will improve the quality of applications, in turn speed up decision making, reduce pressure on statutory consultees, and improve the planning application process generally across NI.

## Background

3. BCC has identified that one of the key factors to under performance in processing planning applications in Northern Ireland is the **poor quality of applications** on submission.
4. Development Management best practice is to **front-load** the planning application process. For example, by providing a Pre Application Discussion (PADs) service to improve the quality of submissions, and to make sure that applications are supported by the right level of information at the beginning.
5. Information requirements for planning applications are set out in the Planning (General Development Procedure) Order (Northern Ireland) 2015.
6. Article 3 of the Order sets a **low bar** for the level of information that is required at submission for an application to be legally "valid". This amounts to:
  - a written description of the proposal
  - the address or description of the location of the site
  - name and address of the applicant (and agent where applicable)
  - a plan showing the location of the site and its surrounding context
  - such other plans necessary to describe the proposal
  - a plan identifying other neighbouring land owned by the applicant
  - the appropriate ownership certificate
7. Other select information may also be required depending on the nature and location of the application such as a Pre-application Community Consultation Report or Design and Access Statement.

8. The time period for determining planning applications (15 weeks for Local applications and 30 weeks for Major applications) starts **on receipt of a valid application** – the “clock starts ticking” at this point.
9. Crucially, there is **no legal requirement** for applicants to submit other supporting documentation required by planning policy or good practice – essential information to address the usual range of land-use planning considerations. For example, there is no requirement for applicants to provide the following on submission:
  - ✗ Archaeological assessments
  - ✗ Biodiversity Checklists
  - ✗ Biodiversity Surveys
  - ✗ Contaminated Land Reports
  - ✗ Daylight, sunlight and overshadowing assessments
  - ✗ Drainage Strategies
  - ✗ Environmental Statements (EIA)
  - ✗ Flood Risk Assessments
  - ✗ Landscape and Visual Impact Assessments
  - ✗ Parking Surveys
  - ✗ Retail Impact Assessments
  - ✗ Sequential tests (retail)
  - ✗ Structural Surveys
  - ✗ Transport Assessments
  - ✗ Transport Assessment Forms
  - ✗ Travel Plans
  - ✗ Tree Surveys
  - ✗ Waste Management Plans
10. Since there is no requirement for applicants to supply this information with an application on submission it is invariably not provided.
11. This has a considerable **adverse impact** on the planning application process including, but not limited to, the following:
  - It allows incomplete, “bad” applications to enter the system
  - Consequently the public and consultees are consulted on poor quality applications that do not adequately address the various issues and this attracts objections, conflict and unnecessary additional work
  - Statutory and non-consultees – who are already overwhelmed – waste precious time and resources commenting on deficient applications
  - Potential to create an antagonistic and frustrating environment for all users of the system including applicants, agents, planners, councillors, interest groups and communities
  - Significant delays in processing applications contributing to under performance and poor customer experience – the “clock” does not stop when the Planning Authority has requested and is awaiting the necessary additional information
  - An unhealthy and undisciplined culture where information deficient applications become the norm, compounding the problems.

## Under performance

12. The NI planning system is **under performing**. In 2019/20, the average processing time for determining Major applications in Northern Ireland was **52.8 weeks**, a modest increase over 59 weeks for 2018/19, and still almost double the statutory target of **30 weeks**. This is a very clear indicator that the planning process in NI is not working effectively.
13. Even the 30 week target is not especially strenuous when compared to the statutory targets in England and Wales. Whilst the categorisation of applications in GB is different to NI, the target in England and Wales for determining Major applications is 13 weeks and performance there is generally significantly better. The fact that the regional target in NI is being missed by such a considerable margin should be a **real concern**.
14. Notwithstanding the fact that it deals with the most Major applications of any Planning Authority in Northern Ireland, BCC's performance returns for Major applications is significantly better than the NI average at 37 weeks compared to 52.8 weeks, but there is **still room for improvement**.
15. It is also considered that there is scope to improve **Local application performance**. In 2019/20, the average processing time for Local applications in Northern Ireland was 14.0 weeks, just inside the 15 week statutory target. BCC's performance was the same as the regional average. Whilst the categorisation of applications in GB is different to NI, the target in England and Wales for determining Minor applications is 8 weeks and performance there is generally significantly better.
16. Under-performance has a range of negative consequences including:
  - Adverse economic impacts including delays to construction and negative impacts on growth
  - Frustration for customers and the public
  - Inefficiency and poor use of public money
  - Reputational damage to the City and Northern Ireland with potential loss of investment and economic harm
17. It is essential that **Northern Ireland** has an efficient, competitive and **fit for purpose** planning system that supports the region rather than hinders it. This is especially important in a post COVID-19, post BREXIT world with investment likely to be more difficult to secure for Northern Ireland in an increasingly competitive environment. High performing and efficient Planning Authorities are much more likely to attract economic activity to their area and this is especially important for **Belfast** being the first city in Northern Ireland and **economic driver** for the region. It is critical that Belfast is able to compete with other major cities, not only locally but internationally.

## Illustrative Example

18. As a hypothetical but typical example, let's say a developer has submitted a planning application for 10 houses. It is only accompanied by the bare minimum information required by the Order for it to be legally valid. The "clock has therefore already started ticking" on the application. The council proceeds to consult on the application. Several weeks later one of the statutory consultees responds advising that a Drainage Strategy – required by PPS15 for housing schemes of 10 units or more – is missing.
19. The planning officer communicates this requirement to the planning agent. The planning agent then has a meeting with their client – the applicant – advising them that the documentation needs to be submitted if the application is to have a chance of being approved. There is then a delay as the agent obtains quotes for this additional works and the developer argues with the agent whether the information is absolutely necessary. Eventually the documentation is commissioned but it takes several weeks for it to be prepared. The Drainage Strategy is finally submitted, some months after the application was originally submitted. The council re-consults on the application and a further month later the statutory consultee responds, advising that it is dissatisfied with the technical conclusions in the document.
20. The table at **Appendix 1** illustrates the above scenario using what might reasonably be considered a "best case scenario" compared to the very often much longer delays experienced by Planning Authorities in processing "incomplete" applications with key information missing at the start of the process. In the example at Appendix 1, the Local application is not decided until Week 23 – 8 weeks and 53% above the statutory target of 15 weeks. In many cases, the time taken to complete this process will typically be **much longer**. It should be noted that the example involves **three** rounds of consultation by the Planning Authority, adding considerable burden and wasteful costs to both the Council and statutory consultees.
21. It can clearly be seen how it typically takes many months – and **a lot more time than should be necessary** – for a Planning Authority to determine even a medium scale planning application. Some planning agents have even admitted that they submit incomplete applications for their client just so that they can say it is in the system and being processed.

## Application Checklist

22. In order to address the quality of applications on submission, BCC recognised the **need to publish guidance** for its customers on which information is needed with applications at the outset.
23. Unlike in England Wales, there is **no legislative provision** in Northern Ireland to compel customers to provide this information. Planning Authorities here are unable to publish a *Local Validation List* which identifies which information is mandatory on the submission of applications. This means that BCC's approach could only be a work-around of the legislation.

24. In November 2018, BCC published its *Guide to the Planning Application Process* (see **Appendix 3**). This set out for the very first time how the Council processes planning applications in Belfast. The approach aligns with the Planning Service's "10 Operating Principles". These Operating Principles were informed by Development Management best practice in GB, based on lean-systems thinking, and developed in consultation with planning staff. Their implementation was the central recommendation of an independent review of Belfast City Council's Planning Service<sup>1</sup>, aimed at improving customer service. The objective was to provide a faster, much more responsive planning application process, better delivering for its customers and wider city.

25. Operating Principle 1 directly addresses the quality of information when planning applications are submitted and reads:



**We make sure we have the right information to support an application at the start of the process.**

- We tell our customers what information we need with their application before they submit it. Our **Application Checklist** will set out what information is required and when.
- We check if the required information has been submitted and ask for it if it is missing.
- If the information we need and ask for is not provided we may refuse permission.

26. BCC introduced its Application Checklist in November 2018 in parallel with publication of its *Guide to the Planning Application Process*, enshrining the 10 Operating Principles and Council's new approach.

27. The Application Checklist is a comprehensive guide for customers that sets out which information is required with any given type of planning application, according to its characteristics, scale and spatial constraints. Essentially based on the principle of a *Local Validation List* in England and Wales but without the statutory weight.

## Structure of the Application Checklist

28. The Application Checklist is structured in four parts:

- **Main document** – describes the information requirements for planning applications and categorising them into two areas: "Basic information" that is legally required by the Order to make an application legally valid; and "Other supporting information" required to make an application "complete". The

<sup>1</sup> Review conducted by Jim MacKinnon, former Chief Planner for Scotland, in 2017

main document also describes the process of front-loading this information at the validation stage;

- **Appendix 1 – Information Checklist:** essentially a checklist that both applicants and the Planning Service can use to prompt and verify which Basic and Other supporting information is required with the application. Applicants are encouraged to submit the Information Checklist alongside their application;
- **Appendix 2 – Basic Requirements:** guidance on information requirements for an application to be legally valid in accordance with the Order;
- **Appendix 3 – Other Supporting Information:** detailed guidance on which other information is required to make the application “complete” and to give the Council reasonable chance of making a positive determination at the first time of asking. Typically this information is required by Planning Policy Statements and good practice. Appendix 3 advises which information is needed according to the characteristics of the proposal, its scale and any specific spatial constraints.

## Implementing the Application Checklist

29. Since the Order does not permit BCC to legally compel the applicant to provide “Other supporting information” upfront with an application, the Council has implemented the following improvised work-around.

- 1) On first submission of the application, the Planning Service checks whether it is **a) valid** (i.e. the Basic information has been provided in accordance with Article 3 of the Order); **and b) complete** (i.e. the correct Other supporting information has been provided in accordance with the Application Checklist)
- 2) If information is missing then the Planning Service writes to the applicant requesting the information
- 3) If the missing information is Basic information then the application is invalid and cannot legally be processed. If the missing information is Other supporting information then the applicant is given 14 days to provide the information, otherwise the application is returned to the applicant along with the planning fee and not registered. The applicant is advised to resubmit their application along with planning fee once they are in a position to provide the missing information. This means that the determination period for the application does not start until the new application is made.

30. **Phase 1** of the Application Checklist was implemented in January 2019, shortly after publication in November 2018. Initially, the Checklist was applied to the following largescale Local applications (Major applications were deliberately excluded at first in order to give applicants a “bedding in” period):

- 10 residential units and above
- Commercial proposals of 1,000 sqm or more

- Sites of 0.5ha and above

31. **Phase 2** was then implemented in May 2019, extended to include Major applications as follows:

- **Proposals for Major development**
- 10 residential units and above
- Commercial proposals of 1,000 sqm or more
- Sites of 0.5ha and above

32. The Council plans to introduce **Phase 3** of the Application Checklist on 01 April 2021. Implementation will be extended to include all applications for planning permission, save for Householder proposals, Advertisement Consents and some other minor Local application types.

## Pre Application Discussions

33. In accordance with its 10 Operating Principles, BCC places great emphasis on Pre Application Discussions (PADs) as a means to improve the quality and **front-load** the application process. The Council actively encourages PADs for Major schemes and more complex Local proposals.

34. The PAD process provides opportunity for the Planning Authority to advise the applicant on the **level of information** required to support their planning application when submitted. The Application Checklist is an **incredibly useful tool** which planning officers are able to refer to at the PAD stage, strongly encouraging the applicant to follow it when putting together their application.

## Pre-implementation Engagement with Customers

35. Before the Application Checklist was introduced, BCC was very careful to **engage with customers** around the systemic problems within the planning application process in Northern Ireland. Particular reference was made to information requirements on submission of an application. Engagement took place with applicants, agents and developers across a series of Development Industry Workshops in 2018. The feedback from customers was that they **understood the problems** and the reasons why the Council needed to publish an Application Checklist.

36. Feedback from customers following implementation of the Application Checklist is provided later on in this report.

## Impact of the Application Checklist

37. Since its introduction, the Application Checklist has had a **significant positive impact** on the Council's delivery of its Development Management service. In most cases it has allowed the Council to secure the Other supporting information upfront, resulting in less delays to the application process and less pressure on statutory and non-statutory consultees.

## Major applications

38. Although the Application Checklist was not directly applied to Major applications until 01 May 2019, it was implemented for most of the 2019/20 performance year.
39. In 2019/20, BCC returned its **best ever performance** against the statutory target with an average processing time of **37 weeks**. This compares to 41.4 weeks in 2018/19 and 51.5 weeks in 2017/18, demonstrating marked improvement.
40. A key factor was the implementation of the Application Checklist which meant that the Council could secure the Other supporting information upfront, necessary to fully consider the applications as submitted.
41. As an indicator of the extent to which incomplete Major applications has been a problem, of the 34 new applications received in 2019/20, **only 11 (32%) were both valid and complete** on receipt. Or to put it the other way, 68% of all Major applications received by the Council did not have sufficient information to fully assess them. Had the Council continued to determine those applications without requiring the additional information then either it would have led to delays in the processing of the applications as the information was sought at a later stage; or refusal of the application due to lack of information.
42. In requesting the additional information in line with the Application Checklist, the following pattern emerged:
  - 22 (64%) applications became both valid and complete within 14 days of the receipt date (up from 32% on receipt);
  - 25 (74%) applications within 21 days;
  - 29 (85%) applications within 30 days.
  - 34 (100%) applications within 86 days.
43. This demonstrates that in the majority of cases incomplete Major applications were **made complete within a relatively short space of time**, thereby speeding up the application process and placing less pressure on statutory and non-statutory consultees who would have otherwise been asked to comment on incomplete applications.

## Local applications

44. Phase 1 of the Application Checklist was introduced in January 2019 and applied to large scale Local applications as set out above. The Application Checklist was therefore applied to all those Local applications for the whole of the 2019/20 performance year.
45. In 2019/20, BCC returned its **best ever performance** against the statutory target of an average processing time of **14 weeks** (the first time BCC had achieved the Local statutory target since transfer of planning powers in 2015).

This compares to 15.2 weeks in 2018/19 and 15.2 weeks in 2017/18, demonstrating marked improvement.

46. Once again, an **important factor** was the implementation of the Application Checklist which meant that the Council could secure the Other supporting information upfront, necessary to fully consider those larger scale Local applications, rather than asking for it later resulting in delays.
47. In 2019/20, BCC received 1,545 Local applications. Taking a sample of 21 larger scale Local applications to which the Application Checklist was applied, the average processing time for those applications was 43.8 weeks. Significantly, taking a similar sample of 21 large scale Local applications in 2018/19, the average processing time was 75.4 weeks – representing a **31.6 week improvement** (42%) improvement since the Application Checklist was implemented.
48. Data for 2020/21 is considered unrepresentative of performance because of the significant impacts of COVID-19 and has not been used.

## Feedback from Customers

### *Development Industry Workshop – October 2019*

49. In October 2019, BCC held a **Development Industry Workshop** and sought feedback from customers on the Application Checklist, first implemented in January of that year.
50. Over 200 customers were invited and attendees included: NIFHA, Radius Housing, Turley, Cherton, SustransNI, Newington Housing, Titanic Quarter Ltd, Clanmil Housing, TSA Planning, Lacuna Developments and the Royal Society of Ulster Architects.
51. Feedback was generally **very positive**. Agents found the Application Checklist to be a useful tool in advising their clients on the information required to be provided with their applications – this was particularly helpful when dealing with inexperienced clients. Agents noted that this can sometimes be a difficult conversation with their client because of the costs associated with providing additional information. Therefore, it was extremely helpful to agents to have the information requirements published in written form so that they could clearly evidence to their clients which information was needed. The Application Checklist reinforced agents' advice and helped them when quoting their professional fees.
52. Agents said that they were **less likely to submit an incomplete application** following implementation of the Application Checklist as they knew that the Council would send the application back to them. The requirement for reports is now factored into the project timeline and costed for. If a developer is serious about developing a site then following the Application Checklist de-

risks their scheme. One developer stressed the importance of collaboration with the Council and that it is better to provide more information than less.

53. In terms of **constructive criticism**, customers pointed out that whilst the Application Checklist theoretically speeded up the process, consultees are often still slow to respond to applications, sometimes requesting information at the application stage that they should have identified at the PAD. Further frustration was expressed about **consultee response times** and that consultees are not always fully engaged with the PAD process (officers advise that this issue falls outside the scope of this review but will be necessary to pick up with the Department and statutory consultees).
54. Particularly useful was customer feedback that the Application Checklist should be **flexible and not overly prescriptive** as two sites are never the same. It is important that information requirements are not over-zealous and do not result in unnecessary costs for the applicant. It was recognised that the Application Checklist needs a bedding in period and it was queried whether information sought is always necessary. BCC recognises this and the Application Checklist itself advises customers that the Planning Service '*...will take a proportionate approach to requests for other supporting information. [It] will only ask for it where it is reasonable and necessary to enable us to assess your application.*' Other comments were that the Council should always double-check that the requested information has not already been provided in a different document or form.

55. A copy of the feedback from the event is provided at **Appendix 2**.

#### *Telephone Interviews with Agents – 2021*

56. Several **telephone interviews** were conducted with agents in February 2021 in order to provide updated customer feedback on the Application Checklist.
57. Agents remained of the view that the Application Checklist provides a **helpful list of documents** required with planning applications.
58. One agent said that their practice already prided itself in providing comprehensive applications, even before the Application Checklist was introduced. In this regard the Application Checklist should really be aimed at "bad agents" who do not routinely provide the right information with applications. The Application Checklist is also particularly helpful to younger, less experienced members of a planning consultant's team in helping them better understand application information requirements.
59. Agents recognised the **importance of the PAD process** and that the Application Checklist provides a very valuable reference point for discussing information requirements at the PAD stage. However, agents are surprised when consultees sometimes request additional information after the application has been submitted even though it was not specifically requested by the consultee during the PAD – agents said that this calls into question how much consultees are engaging in the PAD process.

60. One agent said that 14 days is generally too short to provide additional information at the validation stage – in some cases agents have to secure three quotations for the work. The work then has to be programmed into the winning consultant's schedule and completed. However, officers advise that this point actually **affirms the need** for the Council's tougher approach to information requirements – it proves that missing information can sometimes take a considerable amount of time to submit, unnecessarily and unreasonably prolonging the application process with the “clock continuing to tick” on the determination period.
61. The agents remain of the opinion that a **flexible approach** should be taken by the Council in applying the Application Checklist. This would allow applications to be validated and up and running with the understanding that the additional information will follow in due course. They said that it's important that the Council uses “**human discretion and judgement**” when applying the Application Checklist and that it's not just seen as an administrative tick-box exercise by officers with no proper thought on whether the information is fundamentally necessary to the assessment of the application. There should not be a “one size fits all” approach, recognising that no two sites will be the same and that information requirements will vary from one application to the next, even if ostensibly they seem similar.
62. In this regard it's important that the Council sees the “bigger picture” when requesting information. Some information – such as a Construction Environmental Management Plan – can be secured by condition and does not always need to be provided up front when the application is submitted.
63. It is also important that there is **consistency** between officers and teams when applying the Application Checklist.

## Feedback from Staff

64. Feedback from staff about the Application Checklist has also been very positive. Comments include the following:

Principal Planning Officer (Local applications): '*The Application Checklist provides the basis under which all applications should be submitted and in our experience to date, in applying it, it has been unchallenged by the industry. The list of requirements has provided an invaluable guide to developers, their agents and architects and has assisted planning officers in front loading the system. This has helped prevent delays as incomplete applications are not getting into the system and duplication of consultation has been kept to a minimum; ultimately this has resulted to some extent in a more effective and efficient system.*

*The Application checklist has also started to imbed a culture change in Belfast and brings the process more in line with our counterparts in GB. That culture change has resulted in better quality submissions, with the development industry taking greater responsibility for their part in the planning*

*process. The proposed legislative change to validation requirements is now critical to maintain the momentum of the Checklist and bring the benefits forward for the process across Northern Ireland.'*

Senior Planning Officer (Major applications): '*I have found the Application Checklist (AC) to be helpful – it provides a structured approach to the validation of planning applications and importantly from a process point of view ensures the application of a consistent approach which is of benefit to validating officers and customers. In my experience, it has resulted in information being sent back and resubmitted, which has aided our processing times. In other instances I have waited a number of weeks for information to be submitted which has delayed the start of the processing of the valid application but I suppose that is the balance that has to be struck to ensure that we have all the relevant information at the outset of the process. We would require changes in legislation to assist us in this regard.*

*Ultimately we want to front load the system with all the necessary information and I consider that the PAD process has a significant role to play in highlighting the information required to determine the application. However, the PAD process does not apply to all applications and therefore applications will be received requiring officer judgement/experience to decide whether the necessary information has been submitted such as for example Contamination report, Air Quality Impact Assessment etc.*

*There still remains issues with the quality of information provided and whilst the application checklist may be used by some as a tick-list to get the application up and running I have a number of applications whereby information submitted has been insufficient and has required further information (Air Quality, Contaminated Land, Noise Impact Assessments), which has then resulted in delays in processing. This is something I think we need to keep an eye on to ensure that reports are not prepared in haste just to satisfy the Application Checklist.*

*Again the PAD process could be of benefit in this regard if the necessary info is submitted at this stage for consideration but will not apply to all applications. On the flip side this would result in protracted PAD process and possible duplication of work for consultees. It's all about striking the right balance!.*

Senior Planning Officer (Major applications): '*I personally think it is an assistance in simply encouraging case officers to think about the main issues of an application at an early stage in the process. Similarly it seems to have stimulated the same thought process for agents with most Major applications submitted with a comprehensive suite of reports and supporting information, and giving us something of a foundation and support to seek the relevant information at the outset. In fairness this was something which has improved over the last few years but certainly the Application Checklist has helped inform and expedite the process.*'

Planning Officer (Local applications): '*Overall it's a positive tool which was long overdue. It's proved to be very useful for both officers and our customers. If customers are confused on any aspect of validation we can refer them to it. Previously we had no real point of reference other than legislation which at times can be difficult to understand. I think it has helped to speed up validation processing times and resulted in the front loading of applications. It's also helped officers to understand the link between policy and supporting information. Going forward I think it would be useful if we had similar user friendly guides for Permitted development, Development Plan searches, how to calculate your fee, idiots guide to Use class order and how to do a comprehensive history search etc.*'

Planning Officer (Local applications): '*I have found the Application Checklist useful for pre-application submission of information that is clearly laid out in policy, such as drainage assessment, TAF etc. On occasion, I've encountered problems where much of this information is front loaded with the application, however when we go to a different consultee, e.g. EHO / NIEA, additional information is requested, thus resulting in delay. Obviously, the applications that have been subject to PAD will have all this information, generally making things easier.*'

Business Support (administrative team): '*The majority of agents are aware of the Application Checklist and use it, albeit at times they seek clarification on why something is needed. However whilst they are aware of it, it would not, as a general rule always be submitted with an application.*

*Both agents and general public are co-operative in providing additional information on request. There may need to be more work done around 'awareness and use of the checklist' to ensure a quality application at the start of the process as opposed to continually request additional information, taking up officer time, by both Planning Officers and Business Support staff.'*

## Feedback from Consultees

65. Several statutory consultees were asked to provide their feedback on the Application Checklist. Responses were received from the following.

66. **DfI Roads** provided the following positive feedback.

*'Unfortunately there are too many poor quality planning applications submitted that seek to use the planning service like an MOT check – put it in and see what's wrong. The current planning system supports this approach, rather than encouraging applicants to submit good quality planning applications. This would provide a much better, more efficient and quicker planning service for all. DfI Roads, as a statutory consultee, fully supports the*

*efforts made by BCC Planning Service to improve the quality of planning applications through the Application Checklist. However, at this stage it is difficult to accurately determine if the Application Checklist has had a noticeable difference to the quality of planning applications since its launch. This is partly due to it still being relatively new and the Application Checklist having no legislative support.*

*The Department, as Roads authority and as a Statutory Consultee, would be generally supportive of any initiative that improves the quality of planning applications, including setting legal minimum requirements for information to be submitted with a planning application.'*

67. **DfI Rivers** responded as follows.

*'DfI Rivers have not proactively monitored the impact the introduction of the Application Checklist has had on the consultation process, however, generally speaking we are very much in support of this checklist approach, as it focuses applicants on front-loading their applications with the relevant information. This ultimately gives rise to less re-consultations being received by the Statutory Consultee (SC) and overall improves the efficiency and effectiveness of the SC process.*

*DfI Rivers would support legislative changes [to make the Application Checklist mandatory] as a statutory obligation would embody a stronger approach in dealing with poor applications – this statutory requirement would now be placed on the applicant/agent to provide the required information before the “planning target clock” starts.'*

68. **DAERA** also welcomed the Application Checklist.

*'The approach being adopted by Belfast City Council very much aligns with the Department's position to improve the quality of planning consultations being submitted to the Department as a Statutory Consultee.'*

69. **DfC HED** responded as below.

*'With regard to what is required for HED to make a substantive response, the Application Checklist has made some positive impact on the quality of applications/consultation process. However, our proposed changes to the LB1 form - and related changes to the Application Checklist - should deliver more ‘fit for purpose’ applications. HED still receives consultations that do not have all of the required information and has to request further information to facilitate a full assessment before we can make a substantive response. This often requires re-consultations, which impacts on our performance/ability to meet targets effectively. (HED has provided details of the information required (as in my email 18/02/2021 12:00).'*

*HED would support such legislative changes, as we consider it could add significant efficiencies in our role as a statutory consultee. Applications are more likely to contain the required information for a full assessment /substantive response, and this would reduce significantly the quantity of re-consultations.'*

## Case for Legislative Change

70. As has been previously stated, BCC's Application Checklist is essentially a **work-around** of the legislation and, unlike in England and Wales, it does not have the "legislative teeth" to make additional information requirements at validation stage mandatory. This means the Council remains **susceptible** to applicants/agents insisting that their applications are determined on the basis of valid but incomplete applications. There is **no legislative provision** which prevents that information being submitted later and a Planning Authority is duty bound to consider it before deciding the application. This inevitably drags out the planning application process, often by a significant amount of time, heavily contributing to under performance, not only by BCC but also in a wider regional context. This can only realistically be overcome through changes to the planning legislation.
71. Whilst progress is being made, there remains a fundamental need to **change and improve** the culture of planning application submissions in Northern Ireland so that quality is improved. The NI planning system is drastically **underperforming**, particularly in relation to Major and large scale Local applications, and intervention is absolutely necessary if planning is to be effective in supporting the regional economy and its communities. Planning Authorities are on the back foot from the off because information that is required by planning policy – and necessary if a positive determination is to be made at the first time of asking – is more often than not missing at the outset. This means that **Northern Ireland cannot compete** with other jurisdictions such as in GB and Republic of Ireland, putting the region at serious disadvantage, particularly in a post-BREXIT, post COVID-19 world when competition for investment is expected to increase substantially.
72. There continues to be significant need for **much greater discipline** in the planning application process in Northern Ireland and realistically this can only be achieved through legislative change to make additional information requirements mandatory. Legislative change to validation requirements is now critical to maintain the momentum of BCC's Application Checklist and share the benefits with other Planning Authorities across Northern Ireland.
73. There is no one size fits all solution to information requirements and each Planning Authority may wish to take a **different approach** to best suit their particular needs and circumstances. If the Department adopts the "England and Wales" model, individual councils will be able to publish their own "**Local Validation Lists**" (following a period of public consultation) and tailor the guidance accordingly. Or they have the option of not bring forward a Local Validation List at all and maintaining the status quo.

74. It is very noteworthy that the “**John Irvine**” report (2019 review of the effectiveness of the planning system in Northern Ireland, commissioned by the Department) also supports the raising of the bar in relation to information requirements at validation through changes to the legislation.

75. “Key Conclusion 3” of the John Irvine report reads:

***'To improve the quality of planning applications and the efficiency of the process, DfI, taking account of the views of the Planning Appeals Commission and the other planning authorities, should consider and advise returning ministers on, the case for proportionate change to legislation (or other means to improve quality) to make the validation test more stringent and to potentially introduce a cut-off date for submission of information.'***

76. The need for legislative change in this area has formed a key part of BCC's feedback to the Northern Ireland Audit Office, currently undertaking an audit of the NI planning system. It will also be a central point in BCC's upcoming response to the Department's “call for evidence” in relation to its review of the implementation of the Planning Act (Northern Ireland) 2011.

## Conclusions and Recommendations

77. BCC's Application Checklist has been an **undoubted success**. It has contributed significantly to improved application performance in 2019/20 with the Council achieving the statutory Local target for the first time since transfer at **14.0 weeks** average processing time. It also directly assisted BCC achieve its best ever average processing time for Major applications of **37.0 weeks** – a respectable return given the very high volume of Major applications processed by the Council compared to other Planning Authorities.

78. The Application Checklist is helping shift the culture of poor application submissions in Belfast. Feedback from customers, staff and statutory consultees has generally been **very positive**. However, to keep up the momentum and achieve the next level, it is of fundamental importance that there is legislative change to raise the bar for information requirements on submission of planning applications. This will improve quality, greatly enhance performance and reduce pressure on overstretched consultees.

79. It remains important that the Council takes a **measured and proportionate** approach when applying the Application Checklist and that its implementation does not result in unwarranted additional “red tape”.

80. Having regard the findings of this review, the following recommendations are made:

- 1) The review should be shared with the Department for Infrastructure to support the case for much needed change to planning legislation, aimed at improving information requirements on submission of planning applications;

- 2) The review should be shared with the Northern Ireland Audit Office (currently undertaking an audit of the NI planning system) as part of BCC's engagement in that process;
- 3) The review should also be shared with the other 10 councils in Northern Ireland in the context of the above;
- 4) BCC Planning Service should proceed with implementation of Phase 3 of the Application Checklist to include all applications other than Householder proposals, Advertisement Consent and other minor Local applications; and
- 5) Further training should be provided to BCC staff to ensure that the Application Checklist is applied in a proportionate and consistent way.

## Appendix 1 – Example Illustration of the impact of incomplete information on application processing times

<b>Event</b>	<b>Time taken</b>	<b>Total Weeks</b>
Submission of application	N/A	0
Validation Check	1 week	1
Registration	0.5 weeks	1.5
Consultations issued	0.5 weeks	2
Statutory consultee responds identifying need for further information	5 weeks	7
Case officer requests additional information	1 week	8
Agents relays requirement to applicant	0.5 weeks	8.5
Agent commissions third party consultant to provide additional information	0.5 weeks	9
Additional information compiled by consultant and submitted to agent	4 weeks	13
Additional information reviewed by the agent and submitted to Planning Authority	1 week	14
Additional information uploaded by admin team	0.5 weeks	14.5
Re-consultation issued	0.5 weeks	15*
Statutory consultee responds identifying additional information is inadequate	4 weeks	19
Case officer requests revised information	1 week	20
Agents relays requirement to applicant	0.5 weeks	20.5
Agent commissions third party consultant to revised information	0.5 weeks	21
Revised information compiled by consultant and submitted to agent	2 weeks	23
Revised information reviewed by the agent and submitted to Planning Authority	1 week	24
Additional information uploaded by admin team	0.5 weeks	24.5
Re-consultation issued	0.5 weeks	25.0
Statutory consultee responds confirming that the information is adequate	3 weeks	19
Case officer prepares report and application reported to Planning Committee	3 weeks	22
Decision notice prepared and decision issued	1 week	23
<b>Total – 23 weeks to determine (8 weeks beyond the statutory target)</b>		<b>23</b>

\* Rounds of consultation

\*\* 15 week Local application target missed

## Appendix 2 – Feedback from Development Industry Workshop held in October 2019

### **Positives to note:**

- The checklist has proven very useful to agents and developers.
- Useful tool to advise clients, especially if working with less experienced clients.
- Its use is standard practice and helps when quoting professional fees as agents and clients have an understanding of what reports are required.
- The checklist reinforces the agent's advice.
- The client can see that it is a BCC requirement therefore less push-back.
- Now professional developers understand the shopping list of reports and why they are necessary
- Less likely to ask agents to submit without them as they know BCC will send it back
- Reports are now factored into the project timeline and costed for
- If a developer is serious about developing a site then adhering to the checklist de-risks the scheme
- Links it to the PAD process to confirm which information required. Getting balance of certainty and judgement.
- Clanmil – it is better to provide more information than less. Importance of working collaboratively.

### **Concerns:**

- Main concern is that using the checklist should theoretically speed things up and front load the assessment but consultees are slow to respond and even ask for more information at the application stage than requested at the PAD stage.  
There was a concern that some consultees were not fully engaging at the PAD stage – DfI Roads and Rivers agency were identified as asking for more information or inconsistent in what information was required
- Attendees expressed frustration with response times from statutory consultees feeding into the planning process.
- Concern that more needs to be flexible and not overtly prescriptive, no two sites or proposals are the same. Important that doesn't lead to unnecessary costs.
- There will be a bedding down time for the checklist.
- Is it a tick box exercise – is the information sought always necessary?  
Sometimes the information is provided in another form/document
- Problem of saying info is missing – when they had actually submitted it in a different format within the application that validator/planner did not pick up on Impact/1 year review and get data for customers.

### **Suggestions:**

- It was suggested that a fire safety strategy should be added to the checklist so that schemes do not need to be amended following receipt of planning permission. It was recognised that fire safety is a Building Control matter, but wanted this integrated in the design stage.

- PADs can scope out the detail of information that is needed – there is an overlap with the PAD process.
- Need statistical evidence that the new checklist is working and actually improving application performance.
- Need to share views and expressions of what will be a good scheme – not just exchange reports – and value of some of the reports being writtensubmitted – tick the box but are they worthwhile? Examples of good/bad submissions for next session with stats on how it's doing
- Too early to say if this is successful in terms of improving turn-around time/Performance
- Flexibility is important so don't have to incur nugatory costs for reports not really needed – that won't affect decision making process - just because on tick list.
- Need availability for dialogue, added value of PAD is that get active engagement of what is really required – lets you know specifics to consider, the tick box won't do this and providing everything doesn't make an easy planning application process.
- Building Control could do something similar – raised submission – for next session

**Appendix 3 – BCC Guide to the Planning Application Process (including the Planning Service’s 10 Operating Principles)**

[Provided in separate attachment]