

Belfast City Council

Annual Statutory Consultee Report 2016 -17

Section 229 of the Planning (Northern Ireland) Act 2011 (Duty to respond to consultation) placed the hitherto administrative consultation arrangements in the development management process for planning applications on a statutory basis. Consultee bodies that have been identified in Schedule 3 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 (“the GDPO”) are **statutory consultees** and therefore subject to the duty to respond to statutory consultation requests from a district council, or the Department, acting as the relevant planning authority.

The key requirement on such a statutory consultee is to provide a substantive response to a statutory consultation request within a specified timeframe. In addition, consultees are also required to provide an annual performance report to the Department specifying their performance in meeting their duty to respond to these statutory requests.

The Reporting year is from 1st April 2016 to 31st March 2017.

1. CONSULTATION REQUESTS RECEIVED

Table 1: Total number of consultation requests

<i>The total number of occasions on which the consultee was consulted (STATUTORY)</i>	21
<i>The total number of occasions on which the consultee was consulted (NON-STATUTORY)</i>	781
<i>Total</i>	802

*A statutory consultation is ONLY generated from a Full, Reserved Matters or Outline application which is covered by Schedule 3 of the Planning (General Development Procedure) Order (NI) 2015 and which generates a Final Substantive Response.

2. CONSULTATION RESPONSES

Table 2: Statutory consultation responses returned

<i>The number of times a final substantive response* was sent.</i>	16
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* A final substantive response is defined in 15(5) of the Planning (General Development Procedure) Order (NI) 2015

3. TIMELY CONSULTATION RESPONSES

Table 3: Statutory consultation responses returned within the original 21 day timeframe

<i>Total number of statutory consultation responses returned within the original 21 day timeframe</i>	6
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Table 4: Breakdown of timely consultation responses

<i>No. of days taken to return statutory consultation responses within the 21 day timeframe</i>	<i>Number of consultation consultations</i>	
<i>0-7 days</i>	2	
<i>8-14 days</i>	2	
<i>15-21 days</i>	2	
	Total	6

4. AGREED EXTENDED TIMEFRAMES

Table 5: Agreed extended timeframes

<i>Total number of statutory consultation responses returned within an agreed extension</i>	1
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5. LATE RESPONSES

Table 6: Late responses

<i>Total number of late* consultation responses</i>	9
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* Late responses are those which are returned outside either the statutory 21 day timeframe or an otherwise agreed extension

Table 8: Breakdown of late responses (optional)

<i>No. of additional days that statutory deadline or agreed extension has been exceeded</i>	<i>Number of consultation consultations</i>	
<i>1- 5 days</i>	6	
<i>6-10 days</i>	2	
<i>11-19 days</i>		
<i>20-49 days</i>		
<i>50-99 days</i>	1	
<i>Over 100 days</i>		
	Total	9

Table 9: Reasons for late responses

<i>Reasons for not meeting the original or agreed extended timeframe</i>	<i>Number of late consultation responses</i>
Reason 1: Consulted in error	8
Reason 2: Outside committee timeline	1
Reason 3:	
Reason 4:	
	Total 9

6. OUTSTANDING CONSULTATION RESPONSES

Table 5: Total number of outstanding consultation responses

<i>Total number of statutory consultation responses outstanding at time of writing report</i>	1
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7. REVIEW

Consultees can use the report to highlight to the Department any initiatives or practices that may improve the consultation process. This may be a consultee committing to providing guidance or standing advice for use by planning officers that will negate the need for a consultation or it may propose an approach to dealing with consultations within its own organisation in a more efficient manner.

Please highlight below any initiatives or best practices you have developed which have improved your consultation process and could be shared with other consultees to make the consultation process more streamlined for all.

Belfast City Council is aware that the department is setting up a Task and Finish Working Group to look at how to improve the statutory consultation process and is content to nominate an officer to participate.

Please highlight any issues that you have had with the consultation process which you feel have hampered your ability to respond to consultation requests

Shortcomings with IT systems and processes

Neither the processes for issuing the consultations by the department nor those by councils for responding are clear or easily understood. There appears to be an issue with the processes for consulting with Belfast City Council (BCC). For example, the majority of late responses to statutory consultations relate to where (BCC) Environment Health has been consulted, however Environmental Health is not a statutory consultee so should not have been consulted.

There seems to be the continuing problem with the system with the inability of it to process requests for an extension to the 21 day target response date.

Additionally the NI Portal is unable to provide an MIS report outlining either the number of statutory consultations issued to council, the date issued or date of responses. Provision of information for this report has involved a manual trawl of council IT systems based on an extract provided by the department setting out the number of consultation requests. It is difficult for Councils to verify the information provided by the department and any manual interrogation of computer systems could increase the risk of errors in reporting.

21 day statutory response period does not allow sufficient time to comply with Council Committee procedures

Before a planning consultation response can be issued on behalf of Belfast City Council a report must be presented and agreed by the Planning Committee. The Planning Committee meets on the 3rd Tuesday of every month and planning consultations received too late for the Planning Committee in a particular month, i.e. 7 days before the meeting date, will automatically have to be presented to the next Planning Committee, at least 4 weeks later and therefore immediately the 21 day response period required in the GDPO cannot be met.

Planning consultations received in the week after Planning Committee also have a minimum of 4 weeks delay before being presented for agreement.