

3 February 2022

HURT, PAIN, FRUSTRATION, HOPELESSNES, DEMORALISATION, SADNESS, MENTAL ANXIETY

For the serious attention of: Northern Ireland Public Accounts Committee

Re the Northern Ireland Audit Office Report on Planning in Northern Ireland

The headings on this page represent how good decent people feel as a result of trying to respectfully engage and deal with the Planners, be they local councils or the upper echelons of Govt. in Northern Ireland. Decent people who care about the well-being of their communities and the environment are often referred to as upstarts and some sort of tree-hugging lesser beings. This is not good enough, if it were not for the patience and diligence of those of us who take the time to monitor and scrutinise what is happening in planning, the bad situation that exists would possibly be a lot worse than it is. Shame on those who are supposed to be successfully running a public service and so blatantly failing in their duties. At long last this report by the NIAO exposes the disaster that is Planning in NI and the long suffering genuine campaigners who only wanted what is right and fair for their communities are vindicated and proven to be justified in raising the serious issues with regard to bad Planning and poor decision making. The question is: Will anything change, will there be a change for the better? The story is: we have had critical report after critical report of the Planning Service, but things only get worse and this is especially noticeable since the local councils including elected members have been given responsibility for Local Development Plan preparation, and ultimate application decision making.

One issue that we have been continually raising for some time now is the problem of elected members overturning the decisions of professional planners. A lot of these reversals of professional decisions are difficult to understand. Firstly, one would think that the council legal Dept. should ensure that all decisions are within the law and properly backed up by properly informed reference to the relevant planning policies and in compliance with the requirements of the Area Plan. Secondly if decisions are in any way contentious then if the higher level planning management were doing their job these decisions should be called in for proper justification. If that does not work then there should be an independent referee to make the judgement.

In the section of the report entitled Variances in Decision Making Processes in page 42 Para 3.19 it is stated that applicants have a right of appeal, but there is no third party right of appeal. This situation is not right and must be put right. This paragraph 3.19 also raises very worrying issues, one comment of special note is the fact that some of the practices being engaged in could result in possible fraudulent activity. This is serious stuff. This situation must not be allowed to continue any longer.

One of the headliners in the publicity about this report refers to the fact that the Planning Service is not financially sustainable. This is not really news to those who have been interested in the running of the planning service. The massively modest fees and fees allowances in no way go any way to cover the amount of work concerned with even the most modest of applications, not to mention the very inappropriate contentious applications that are allowed to unquestionably go through the system. These contentious applications often end up in court costing our councils and the planning service massive amounts of money in external legal fees. These exorbitant fees can run into significant sums, very often costing over half a million pounds in some cases. In the Derry/Strabane Council area we had an example of a QC costing almost thirty thousand pounds being called in to resolve a case where an honest timely response and apology (which they were instructed to do by the QC) would have served the purpose without all the unnecessary expense. Another area of

significant questionable Planning expenditure is that which is spent on Area Plans or what is now known as Local Development Plans.

The report refers to the enormous amount of time and money that is being spent on these cumbersome documents. Well, the time and money spent on these documents cannot really be justified because they have no real strength. A former Environment Minister told us that these documents have no legal standing and a principal Planner told us that they only contain guidelines and they can use their discretion as to whether they take them on board or not. There seems to be a situation that sometimes the Plan matters and sometimes it does not. This is evidenced by the high number of inconsistencies in decision making. These unsound Plans are riddled with loopholes which are exploited by developers "planning" agents who are sometimes members of the respected Royal Town Planning Institute who use their expertise for the benefit of their employers and to the detriment of the environment. Is this practice entirely ethical? When I was a member of the Chartered Institute of Marketing any activity that had the slightest inkling of unethical behaviour was very much frowned upon. Those in charge of spending must ask the question: Is it worth spending an absolute fortune on a document that has no standing and no real teeth? There is talk about a Plan Led system but what is the point if that plan is not really dependable and can be successfully challenged by applicants' agents and legal representatives.

The section of the report which deals with leadership is really concerning in that it begs the question: Is there a leader? We have a Chief Planner but not a Chief Executive. Could this be part of the problem? Without casting any aspersions on the present incumbent of the Chief Planner Post, it is normally recognised that a Chief Executive with business experience could be more suited to the management requirements of the Planning Service. I notice that in the report it states that the present staffing of the Planning service have the capabilities to effect the necessary change and transformation that is required to improve and become a best practice organisation. Considering the lack of good management and general skills shortage that has been identified in the report, it would be difficult to agree with this conclusion.

The statutory consultee section is interesting in that they seem to be sharing blame for delays in decision making, whilst we do have our reservations about the consultees we do think that it is not totally fair to put too much blame on them. They do have their faults in that they sometimes provide desk top advice instead of carrying out detailed site visits. It should be a mandatory requirement for consultees to do site visits especially to environmentally sensitive sites. Well qualified consultees can sometimes feel undervalued in that they may feel that they are part of a procedure that does not count for very much. It is known that in the past a certain senior consultee passed the remark that there was no point in him falling out with the Planners because they would do what they wanted to do anyway. In another incident recently a half-hearted consultee indicated that irrespective of his involvement the applicant would end up getting retrospective permission.

The Environment, our Precious Environment.

Unfortunately it is not precious to our Planning decision makers especially our elected members who regularly approve application proposals that are very unsympathetic to our natural environment. What drives people in roles of responsibility to behave in a way that could be described as uncaring and potentially damaging to the good earth particularly in this time of Climate crisis? We all need to play our part in ensuring the future of our Planet. Every time we switch on our TVs and other media we hear highly respected environmental/conservation experts highlighting the importance and the benefits of our natural world to society, but our planning decision makers do not seem to be getting

the message, otherwise they would not be approving high risk applications. Surely there is a need for the precautionary principle to be invoked in these sensitive situations.

It is quite obvious from the findings in this very welcome report that we most certainly need an Independent Environmental Agency in NI not to mention the absolute need for fairness and recognition for those who campaign for better decision making and better respect for the Environment in the form of a Third Party Right of Appeal

In this analysis of the NIAO report we give a lot of mention to the problems with council elected members, but even though there is some evidence of our local professionals being a little bit more environmentally aware, there are still problems which extend right through the system and this is where the lack of management comes in. In the report we are told that there is supposed to be monitoring and scrutiny at the top but we are told by those at the top that councils have so much independence that those at the top have no role in checking expenditure or scrutinising council actions and decisions. Some confusion here! This lack of responsibility even includes Environment Ministers one of whom at one stage in a contentious case, quietly changed the Planning orders to enable him to shift responsibility to another section of Planning.

This very welcome NIAO report on NI Planning has very rightly highlighted many issues and problems that have been continuing in Planning for a very long time. It is time for change. Change for the better. How can this change be achieved? It is quite obvious that the Planning service needs a best practice champion and real change led by an individual or a team of individuals who are real masters of change. Only then will we possibly see and have a planning service that is totally fit for purpose where transparency fairness and respect are practiced for the benefit of our community and our special environment.

Once again thanks to NIAO for the production for this report, we can only hope that if the contents of the report and the concerns of the very genuine campaigners for justice for our communities and the environment, are earnestly taken on board we will not be seeing headlines such as "The Planning Service is not fit for purpose" and that the Planning Service is not "Serving the Economy, the Community and the Environment.

As you, the members of the Public Accounts Committee can see from the headings of this document, many decent campaigners have suffered a lot of difficulties with the Planning authorities and our hurt is compounded by the fact that we are not having speaking rights at your meetings. Perhaps this situation could be given sympathetic consideration and we could be facilitated in some way in the near future.

Yours sincerely

George Mc Laughlin

Nature's Keepers International

