



Department for

Infrastructure

An Roinn

Bonneagair

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**From the Permanent Secretary
Katrina Godfrey**

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Chairperson
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Your
reference:
Our reference: PSDFI 136/20
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Dear William

PUBLIC ACCOUNTS COMMITTEE EVIDENCE SESSION – REQUEST FOR FOLLOW-UP INFORMATION

Thank you for your letter of 29 July seeking some further information for the Committee following the evidence session that took place on 8 July.

The Committee has asked for: ***A list of the 40 planning projects currently with the Department including details on what stage they are at; which ones are on hold and for how long; and the reasons for the associated delays.***

I have attached a table listing the just over 40 applications of various types currently before the Department indicating the reasons why not all are being processed as quickly as we would wish.

Turning to the reasons why delays in processing may occur, I know the Committee appreciates that planning often involves highly controversial complex and technical work, requiring the consideration of matters such as European Directives, national and regional legislation, policies, guidance, supplementary statements and an ever growing body of case law. Supporting information can often be voluminous as a result and the legislative, policy and case law context can change during an application's processing. As the regional planning authority, the Department's workload is often particularly controversial and complex and frequently requires technical expertise and legal input. Our experience suggests that it is difficult to achieve processing targets for regionally significant applications unless the application submitted is of a high quality and does not require additional information during processing.

From looking at the table you will also see that a number of applications are altered during their processing. These can either be voluntary changes by the applicant, or changes required to address issues raised by consultees and ourselves. A number of applications also require the submission of further supporting or environmental information. This can happen on multiple occasions during an application's processing and every iteration or new submission to meet an applicant's changed plans, or to address other matters, triggers delays with potential neighbour re-notifications, re-advertisement, re-consultations and new representations. It can also take a considerable time for applicants to collate and submit changed plans or information. Environmental information, for example, not only has to be comprehensive and up to date, but it often can only be gathered during certain times of the year where flora and fauna are involved.

Where applications go to a hearing or public inquiry before the Planning Appeals Commission this can add significantly to the timescale for determining applications.

These of course are not factors that are unique to Northern Ireland and we know from discussions within our professional planning networks across these islands that they are factors that other administrations also wrestle with. Like others, our challenge is in managing a difficult balance between the volume and complexity of the work within available and affordable staffing budgets, with a clear emphasis on processing things properly in order to make sound recommendations to ministers. That said, I am convinced there is more that can be done to make improvements to our process and the Planning Forum that I have established and that we discussed at the evidence session is working hard to find new solutions to address the complexities outlined above.

Your second request asked for: ***An explanation of how the different procurement centres of expertise in the Department, Translink and NI Water interact within the current planning system.***

A response covering each centre is provided below.

Department:

In general, the interaction between the Department's Roads & Rivers Centre of Procurement Expertise interaction and the planning system is conducted on a project basis, the nature of which very much depends on the size and scope of the construction involved. Under the Planning General Permitted Development Order (NI) 2015, major works roads schemes are considered "permitted development". This is because they require Environmental Impact Assessment Reports (EIARs) to be produced and that process is considered a duplication of the planning application process. Development of an EIAR includes full public consultation, followed, if necessary, by public inquiry through an independent Inspector, before any Decision to Proceed with the scheme would be taken by the Minister. Minor road improvement

schemes such as road widening, shaping or realignment are also considered to be “permitted development”, however, the Department will normally seek an early indication of the views on planning approval through the relevant planning authority.

NI Water:

Seeking Planning Permission for NI Water capital works is an integral element in the delivery process. In terms of interaction with the current Planning System NI Water liaises directly with other departments and agencies during the application phase prior to full consideration of the planning application by the respective council. In NI Water, the Asset Delivery Team takes the lead in engagement in the planning process. NI Water is an accredited CoPE and the NIW Procurement team performs a critical role in the delivery and implementation of capital works programmes by ensuring the procurement of all goods, services and capital works to deliver clean drinking water and to treat waste water across Northern Ireland.

Translink:

Translink makes planning applications and discharge planning conditions via the relevant Planning Authority, normally the relevant council, except where an application relates to a regionally significant project (as is the case for the Belfast Transport Hub). The Planning Authority then consults with each of the statutory consultees and ensures that they are content with the proposals. For major applications, Translink carries out public consultations in advance and includes evidence of this in each application. Any changes to proposals occurring throughout the lifecycle of the project are dealt with via applications for material or non-material changes to the Planning Authority. In Translink the Infrastructure & Projects Division takes the lead in engagement in the planning process. Translink is an accredited CoPE and the Translink Procurement team performs a critical role in the delivery and implementation of capital works programmes by ensuring the procurement of all goods, services and capital works.

I hope this response is helpful and am happy to provide any further clarity or assistance to the Committee that may be required.

Yours sincerely



KATRINA GODFREY

SPD Casework – As at 31 July 2020

KEY

	Former Article 31 'Major' Applications (pre March 2015 applications now legally treated as Regionally Significant Applications)
	Regionally Significant Applications
	Former Article 31 'Major' Applications - conditions requiring further consent agreement or approval
	Former Article 31 'Major' Applications – applications seeking non-compliance with conditions previously attached
	Called-in applications.
	Applications for Demolition Consent

Glossary

DMR Development Management Report
EIA Environmental Impact Assessment
FEI Further Environmental Information
ES Environmental Statement
NOP Notice of Opinion
PAC Planning Appeals Commission

SPD Casework – As at 31 July 2020

	Proposal / Location	Stage of the Application	Issues contributing to length of processing timescales									
			Validation / Fee Issues	ES Submitted	FEI Required	Amended Plans or Information	Consultation Delays	Significant / Complex Issues Arising from Consultations	PAC hearing or Public Inquiry	Legal Issues	Original decision quashed by Courts	Associated / Related Enforcement case
1	Heritage-led regeneration Former William Clark & Sons Ltd, Upperlands, Maghera, Co Derry H/2009/0264/O	NOP to approve issued 16 Aug 2019. Council requested Hearing before PAC. Hearing was scheduled for May 2020 but postponed due to COVID-19.		✓	✓	✓	✓	✓	✓	✓		
2	Office development for science and IT based businesses NW Regional Science Park Fort George Derry LA11/2017/0586/RM	Ongoing				✓	✓	✓				
3	Residential development Lands to the SE of Copelands Link Roundabout, Comber LA06/2017/0778/RM	Ongoing				✓	✓					
4	Underground gold mine Curraghinalt, Gortin, Omagh	Ongoing		✓	✓	✓	✓	✓		✓		

SPD Casework – As at 31 July 2020

	LA10/2017/1249/F											
5	Variation of conditions at a formerly approved site at Corgy Road/Rashee Road, Ballyclare LA03/2018/0605/O	Ongoing				✓	✓			✓		
6	Waste treatment facility and Energy from Waste plant at Hightown Quarry, Boghill Road, Mallusk T/2014/0114/F	Original Approval quashed by Courts (Buick judgment). Draft Development Management Report now being prepared. (Officials first prepared a recommendation for the Minister within 15 months.)		✓	✓	✓	✓	✓	✓	✓	✓	
7	Residential development Lands to the SE of Copelands Link Roundabout, Comber LA06/2018/0997/RM	Ongoing				✓	✓					
8	Change of use of former military building, including alterations and extension to provide a bar/restaurant, landscaping and associated works to Building 40, Ebrington LA11/2018/0926/RM	DMR drafted February 2020, but agent advised of intent to submit a revised scheme, subsequently received 1 July 2020.				✓	✓					

SPD Casework – As at 31 July 2020

9	Erection of business units & associated works south of Copelands Link roundabout, Comber LA06/2018/1295/RM	Ongoing				✓	✓					
10	Northern section of Ballyclare Relief Road to the West of Ballyclare Rugby Club LA03/2018/1116/RM	Ongoing. Awaiting information from agent		✓	✓	✓	✓					
11	Proposed N/S electricity interconnector O/2009/0792/F	Submission and recommendation to Minister July 2020.		✓	✓	✓	✓		✓	✓	✓	
12	N/S Interconnector associated works O/2013/0214/F	As above		✓	✓	✓	✓		✓	✓	✓	
13	Application to Vary Condition 16 (Drainage layout) and Condition 20 (Landscaping details) of Planning Application LA04/2015/0301/F LA04/2019/0871/F	SUB & associated Annexes with recommendation issued to Minister 22/06/2020				✓	✓			✓		
14	80 residential housing units + open space & access south of Copelands Link roundabout, Comber LA06/2019/0568/RM	Ongoing				✓	✓					
15	Application to Vary Condition 7 (annual waste	Ongoing. Awaiting submission from agent				✓	✓			✓		

SPD Casework – As at 31 July 2020

	tonnage throughput) at Hightown Quarry (Old Cell) LA03/2019/0751/F											
16	362 housing units, open space, access road and other associated works, South of Copelands link LA06/2019/1252/RM	Ongoing				✓	✓					
17	Play area and attenuation basin, South of Copelands link LA06/2019/1265/RM	Ongoing				✓	✓	✓				
18	Village Centre, residential units, business park units, open space & pumping station, South of Copelands link LA06/2020/0129/RM	Ongoing				✓	✓					
19	14 turbine wind farm Ballygilbert, Carncastle, Larne LA02/2020/0458/F	Invalid application - Awaiting further information from applicant to validate	✓			✓						

Call-in retained

	Proposal/Location	Stage of the application	Validation / Fee Issues	ES Submitted	FEI Required	Amended Plans or Information	Consultation Delays	Significant / Complex Issues Arising from Consultations	PAC hearing or Public Inquiry	Legal Issues	Original decision quashed by Courts	Associated / Related Enforcement
1	<p>Construction of a waste transfer & recycling facility for construction and demolition wastes</p> <p>Parkgate Quarry, Connor Road, Parkgate, Co. Antrim</p> <p>T/2005/0977/F</p>	<p>Ongoing, but recommended for approval by the former DoE in 2012 and DfI in May 2016. On both occasions the recommendation was opposed by the council and.</p> <p>2016 Hearing before the PAC.</p> <p>The Department is working with the applicant and local Council to seek a way forward following a related enforcement case.</p>		✓	✓	✓	✓		✓			✓
2	<p>Landfill facility for inert construction and demolition wastes</p>	<p>As above</p>		✓	✓	✓	✓		✓			✓

SPD Casework – As at 31 July 2020

	Parkgate Quarry, Connor Road, Parkgate, Co. Antrim T/2005/1054/F										
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Called-in applications

	Proposal/Location	Stage of the application	Issues contributing to length of processing timescales										
			Validation / Fee Issues	ES Submitted	FEI Required	Amended Plans or Information	Consultation Delays	Significant / Complex Issues Arising from Consultations	PAC hearing or Public Inquiry	Legal Issues	Original decision quashed by Courts	Associated / Related Enforcement case	
1	Works to listed buildings to extend and convert former Art Deco Building into a new factory: 18 apartments; alterations of 2 existing dwellings; change of use for museum/exhibition space. Former Wm Clark & Sons Ltd, Upperlands, Maghera H/2009/0270/F	See H/2009/0264/O Council has requested a Hearing before PAC. Hearing was scheduled for 21/05/2020 but was postponed due to the emergency situation with COVID-19.		✓	✓	✓	✓			✓	✓		
2	As above (Listed Building Consent) H/2009/0271/LBC	As above		✓	✓	✓	✓			✓	✓		
3	Redevelopment of Casement Park GAA grounds Andersonstown Road, Belfast LA04/2017/0474/F	Original decision quashed. New amended application submitted 2017. DMR being prepared for recommendation to Minister.	✓	✓	✓	✓	✓				✓	✓	

SPD Casework – As at 31 July 2020

4	On-site gas/oil storage tanks (as back up to major gas fired power station) Airport Road West, Belfast LA04/2017/0541/HSC	Ongoing. Associated Power Station application was approved in 2019 Amended information awaited from applicant				✓	✓					
5	Demolition/replacement of Church hall 1st Presbyterian Church, Broughshane, Ballymena LA02/2016/0968/F	Ongoing Final amended scheme now received & final assessment underway.				✓	✓					
6	As above – listed building consent Main Street, Broughshane LA02/2017/0453/LBC	As above				✓	✓					
7	Regularisation of existing works Adelphi Hotel, Main Street, Portrush LA01/2017/1287/F	SUB & associated Annexes with recommendation issued to Minister 04/05/2020	✓			✓	✓					
8	As above LA01/2017/1289/LBC	As above				✓	✓					
9	Demolition/extension of hotel for additional guest rooms Adelphi Hotel, Main Street, Portrush	SUB & associated Annexes with recommendation issued to Minister 04/05/2020	✓			✓	✓					

Public Inquiry/Hearing before the PAC

	Proposal / Location	Stage of the application	Issues contributing to length of processing timescales									
			Validation / Fee Issues	ES Submitted	FEI Required	Amended Plans or Information	Consultation Delays	Significant / Complex Issues Arising from Consultations	PAC hearing or Public Inquiry	Legal Issues	Original decision quashed by Courts	Associated / Related Enforcement case
1	Gruggandoo wind farm South west of 40 Mullaghgariff Road, Newry P/2015/0218/F	The application has been ready to determine on a number of occasions but the applicant has submitted more information or further reduced the scheme each time. Further amendment and consolidated ES received March 2020 under consideration.		✓	✓	✓	✓			✓		
2	Solar Farm Whappstown Road, Kells, Co Antrim LA03/2015/0234/F	Councils requested Hearing before the PAC. Hearing (May 2020) postponed due to Covid-19. New hearing dates awaited		✓	✓	✓	✓			✓		
3	Extraction/working of sand and gravel LA03/2017/0310/F	Application stemmed from a long running enforcement case. Sub & recommendation to Minister 19/05/2020		✓	✓	✓	✓		✓	✓	✓	✓

SPD Casework – As at 31 July 2020

		If approved completion of legal agreement may take some time given the complexity of the case.										
4	11 turbine wind farm 3 KM west of Swatragh, accessed off the Corlacky Road LA09/2016/0232/F	Hearing concluded 24/10/2019. PAC report received 22/01/2020 and under consideration		✓	✓	✓	✓			✓		
5	33 turbine wind farm with sub-station & grid connection Doraville, west of Draperstown, Co Tyrone LA10/2015/0292/F	Public Inquiry concluded 11/09/2019. PAC report received 20/02/2020. Sub & recommendation to Minister 04/05/2020.		✓	✓	✓	✓			✓		

Applications for demolition consent (Conservation Area Consent)

	Proposal / Location	Stage of the application	Issues contributing to length of processing timescales									
			Validation / Fee Issues	ES Submitted	FEI Required	Amended Plans or Information	Consultation Delays	Significant / Complex Issues Arising from Consultations	PAC hearing or Public Inquiry	Legal Issues	Original decision quashed by Courts	Associated / Related Enforcement case
1	Demolition/replacement of 2 foot-bridges Dromore town park, Banbridge Road, Dromore, Co Down LA08/2016/0676/DCA	Ongoing				✓	✓					
2	Extensive demolition/rebuilding 16 The Square, Rostrevor LA07/2020/0510/DCA	Ongoing				✓	✓					