<u>Written evidence to the Committee for Infrastructure's Review of Planning, May 2026</u>

The Construction Employers Federation is the sole certified representative body for the second largest industry in Northern Ireland, the construction industry. We represent approx. 70% of construction in NI and around eight hundred businesses of all sizes employing over 30,000 staff directly and 65,000 in the wider supply chain.

While the challenges relating to the progression of Regionally Significant Projects are sizeable in number and have been reviewed in detail through a number of reports from the NI Audit Office, the Strategic Investment Board and the Public Accounts Committee, it is nonetheless helpful that the Committee is bringing renewed focus to the planning and judicial review element of this.

Our comments below are submitted in advance of the stakeholder event and we would be happy to follow-up with further detail thereafter.

Regionally Significant Planning Applications & Judicial Reviews

- Post-2015 planning reform expectations of a proportionate response (ie one which is both efficient and reliable) to the processing of this most important class of planning applications have not been met
- The planning process for RSA must be viewed in its totality, ie including the involvement of the Planning Appeals Commission (PAC) who are typically involved in conducting hearings into DfI notices of opinion or Public Local Inquiries
- In recent years the PAC has been a bottleneck for many RSA, such that these applications have waited so long to be heard that the baseline information in their Environmental Impact Assessments (EIA) has become so out of date that when the PAC did eventually provide a programme, the applicants did not accept it because they were concerned about the adequacy of their environmental information. These applications are now effectively back with the applicant to update before they can be processed further
- Recognising the bottleneck of the PAC in the decision-making process, DfI successfully bid for £3 million of NI Executive Transformation funds to create an alternative independent forum to scrutinise these RSA. As a workaround this is welcome, albeit it may not be sustainable in the longer term

- While the latest Annual Review from the PAC confirms it is now fully resourced and able to accept, once again, hear and report work from DfI, confidence has been eroded
- Other well-established issues in relation to RSA are the performance of statutory consultees, the extent to which resources are allocated to the casework team in DfI and their vulnerability to judicial review given the complexity of the planning process, its interaction with EIA Regulations, Habitat Regulations and now Climate Change
- We are aware of applicants who take care to ensure that their projects fall within the major category of development – processed by Councils – rather than RSA, which would be processed by DfI, given the end-to-end issues identified above
- Ultimately all of this goes to the attractiveness of NI plc for investment, particularly but not exclusively for renewable energy infrastructure
- Benchmarking against other equivalent processes in the UK and Ireland highlights how other jurisdictions often have a quicker process and one which has been the subject of reform in recent years to improve it, again recognising the importance of these types of projects which are at the top of the planning hierarchy
- Looking ahead, potential opportunities for reform could be considered, including:
    - Reduce the time limit for lodging a judicial review from three months to, in line with the recent IoD report, six weeks as well as reviewing the cost for lodging a review application
    - Consider how projects of regional importance can be advanced more speedily through the system – using Ireland's Critical Infrastructure Bill as a template