

Place and Economy Department
Planning and Building Control



Your Ref:

Our Ref:

(Please quote at all times)

Michael Potter
Clerk, Committee for Infrastructure
NI Assembly

By email:
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Date: 20th May 2026

Dear Michael,

Review of Planning: Call for Evidence

Thank you for your letter of 27th April 2026, seeking the Council's views on the impact of the planning process on regionally significant and major infrastructure projects.

We are grateful for the opportunity to comment, as well the invitation to the stakeholder event on 5th May, which both myself and my colleague Dermot O'Kane (Planning Manager, Plans and Policy) attended.

The matter was considered by the Council's Planning Committee at its meeting yesterday evening, which endorsed officers' recommendation around the framing of the Council's response to the call for evidence. Whilst normally, we would wait for completion of processes around call-in and confirmation of the Committee's decision by Full Council on 5th May, I am mindful of the deadline that the Committee for Infrastructure has set for responding to the call for evidence. Therefore, I provide the Council's comments and observations now. If anything changes as a result of these processes, I will let you know.

The Council's response to the call for evidence is set out in the appended report to the 19th May 2026 Planning Committee. In particular, I draw your attention to the Council's ten recommendations at paragraph 3.29. An explanatory narrative around these recommendations is provided from paragraphs 3.4 to 3.28 inclusive.

In addition, I would highlight that the Council supports the recommendations of the NIAO and NI Assembly Public Accounts Committee reviews of the NI planning system, published in 2022. We are also keen to see the publication and recommendations of the Interim Regional Planning Commission's review of planning and the Department for Infrastructure's response to its report.

Should you require any clarification in relation to the Council's response to the call for evidence, or require any further information, do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ed Baker', written in a cursive style.

Ed Baker
Planning Manager (Development Management)



Subject:	NI Assembly Infrastructure Committee call for evidence
Date:	19 th May 2026
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management)

Restricted Reports	
Is this report restricted?	No
If Yes, when will the report become unrestricted?	
After Committee Decision	
After Council Decision	
Some time in the future	
Never	

Call-in	
Is the decision eligible for Call-in?	Yes

1.0	Purpose of Report or Summary of Main Issues
1.1	The NI Assembly Infrastructure Committee has contacted stakeholders, including Belfast City Council, with a call for evidence in respect of the impact of planning on regionally significant and capital infrastructure projects.
1.2	As part of this exercise, officers recently attended an Infrastructure Committee workshop at which the issues were discussed.
1.3	This report sets out the proposed Council response to the call for evidence.
2.0	Recommendation
2.1	That the Committee agrees that officers should frame a response to the call for evidence as per the issues set out in this report.

3.0	Main Report
	<u>Background</u>
3.1	The NI Assembly Committee for Infrastructure wrote to the Council on 27th April 2026, seeking its views on the following (a copy of the letter is provided at Appendix 1): • the effectiveness and timeliness of planning decisions for Regionally Significant Projects • Judicial Reviews of planning decisions on major capital projects • how planning decisions for Regionally Significant projects can be improved
3.2	As part of this call for evidence, officers attended an Infrastructure Committee workshop on 5 th May 2026 where the issues were discussed.
3.3	Whilst a response to the call for evidence was requested by 5th May, NI Assembly officials have indicated that a submission shortly after the Planning Committee of 19th May would be acceptable. <u>Key Issues</u>
3.4	Whilst the Department for Infrastructure (DfI) is responsible for processing Regionally Significant applications, Belfast City Council has significant experience of handling applications for major infrastructure projects in the city. The impact of the planning process is similar for both, with the key issues set out below. Timeliness of planning decisions
3.5	The planning process is only part of overall programmes to deliver regionally significant and major infrastructure projects. Nevertheless, it is a very important element and has the potential to delay or even prevent projects from going ahead.
3.6	One of the core issues is the timeliness of planning decisions. A criticism of the NI planning system is that that decision making can be slow, although this is not applicable in all cases. The average processing times for Major applications over the last four years for the whole of NI is shown below (against a target of 30 weeks): • 2021/22 – 49.8 weeks • 2022/23 – 57.8 weeks • 2023/24 – 46.5 weeks • 2024/25 – 39.6 weeks
3.7	Delays to the planning process can have a very significant impact on delivery, potentially resulting in increased construction costs and missed investment windows, meaning that either the project does not go ahead or it is further delayed, potentially at additional cost (for example, the regionally significant Casement Park redevelopment proposals). <i>Statutory consultation process:</i>
3.8	One of the main causes of delay – outside the control of Planning Authorities – is the statutory consultation process. Statutory consultees are measured against their ability to provide a response within 21 days. The latest statistical information for statutory consultee response times for Major applications (for Q2 2025/26) is shown in Table 1, overleaf.

Statutory consultee	% responses within 21 days (whole of NI)	% of responses within 21 days (Belfast)
DfI Roads	67%	44%
DfI Rivers	52%	60%
DfC HED	68%	80%
DAERA	39%	45%
NI Water	95%	100%

Table 1: statutory consultee response times for Major applications, regionally and in Belfast

- 3.9 However, these statistics do not capture the fact that statutory consultees can in some instances take several months to respond to particular consultations and re-consultations.
- 3.10 In addition, many consultation responses simply request further information (which inevitably leads to further delays to the process), as well as objections (such as from NI Water where there is insufficient waste-water infrastructure).
- 3.11 A particular issue is response times from DfI Roads (the most prevalent statutory consultee in terms of consultations sent) and DAERA NIEA.
- 3.12 Both DAERA NIEA and Shared Environmental Services (SES) (a non-statutory consultee that provides specialist advice to Planning Authorities regarding their responsibilities as Competent Authorities under the Habitats Directive) have a very significant backlog of consultations, which is delaying many consultation and re-consultation responses by several months. This means that consideration of environmental impacts of proposals is often subject to very significant delays.
- 3.13 A key challenge for consultees is resourcing (staff budgets and staff retention). With resources stretched, many are struggling to provide timely consultation responses. This not only impacts on planning applications but also the Pre-Application Discussion (PADs) process. PADs are an essential part of frontloading the planning application process, particularly for larger scale projects, and generally leads to better quality applications that take less time to deal with. Consequently, it is very important that consultees have the capacity to effectively engage in the PAD process.
- 3.14 To make the most effective use of their limited resources, it is also vital that consultees are only engaged where they really need to be, i.e. only when their advice is essential for the Planning Authority is to make an appropriate decision. Statutory consultees are required to be consulted in certain specific circumstances prescribed by legislation¹. This legislation should be reviewed to ensure that the statutory consultation process is fit for purpose. The legislation should also be amended to give Planning Authorities the flexibility of procuring their own specialist advice as an alternative to engaging with the statutory consultee (where appropriate).
- 3.15 If decision times are to be improved, it is imperative to address the problems and delays relating to the consultee process. The council Heads of Planning group has advocated to DfI the establishment of an appropriately resourced strategic consultations team, comprising key statutory consultees and potentially SES, to prioritise consultations on regionally significant and major applications of strategic importance.

¹ The Planning (General Development Procedure) (Amendment) Order (Northern Ireland) 2016

	<i>Quality of applications:</i>
3.16	Another impediment to timely decision making can be the quality of planning applications, which can cause delays if amendments or additional information are required during the application process. This can be mitigated by several means. Firstly, the provision of an effective and properly resourced Planning Authority PAD service so that issues can be identified early and proposals can be improved before the application is made. Secondly, to ensure that the right information is submitted with applications at the outset. In this regard, the 2024 legislative change that permits Planning Authorities to publish a <i>Planning Application Validation Checklist</i> is very welcome as it enables them to specify minimum information requirements on submission of the application. This is consistent with good practice of frontloading as much of the application process as possible, resulting in better quality applications and faster decision times. It also places less pressure on consultees who are otherwise having to assess applications with insufficient information.
3.17	Thirdly, that issues are identified as early in the application process as possible to give opportunity, time and space for them to be addressed if required. This requires appropriately resourced Planning Authorities to enable them to effectively manage the application process, as well as commitment to fully review applications on submission. This is assisted of course by an effective PAD service which should reduce the likelihood of further issues having to be addressed once the planning application is made. Planning Authority resources should be benchmarked against each other and the Planning Advisory Service (PAS) resourcing guidelines. Best practice should be shared amongst Planning Authorities, particularly by those highest performing councils. <i>Planning Performance Agreements</i>
3.18	The application process for regionally significant and major infrastructure projects can be further enhanced through use of Planning Performance Agreements (PPAs). PPAs are essentially a project management tool and agreement between the Planning Authority and applicant as to the key issues for the application and how they will be addressed. Importantly, the PPA includes a timeline for the processing and determination of the application, with actions on both sides to facilitate the intended target date for the decision. The PPA can be used to identify the resources that the Planning Authority requires to facilitate the project timeline. Where necessary, the PPA can attract a fee from the applicant (separate from the planning application fee) to cover the cost of the resources that the Planning Authority needs to support the PPA, potentially including any additional staff that may be required. Belfast City Council has used PPAs for a range of strategically important Major applications and major infrastructure projects, to support timely decision making. Impact of Judicial Reviews
3.19	The NI planning system has a litigious reputation, with a seemingly higher propensity for third party Judicial Reviews of application decisions compared with other jurisdictions. This has contributed to a sometimes risk-averse planning environment in NI with fear of the potential for judicial review. This sometimes results in a “belt and braces” approach to decision making, for example, leading to a tendency to over-consult and over re-consult consultees and the public. Or requiring additional information or amendments to applications “just to be on the safe side”. It is arguable that the spectre of judicial review has a significant impact on the planning system in NI.
3.20	The council Heads of Planning group has raised this issue with the NI Audit Office as part of its review of the Planning Appeals Commission. It is recommended that the impact of judicial reviews on the planning process is examined in detail and appropriate changes made.

	Planning Appeals Commission
3.21	It is essential that there is an efficient, effective and appropriately resourced appeals body to support the planning application process in NI. This is to ensure the timely facilitation of hearings for regionally significant applications, planning appeals and Local Development Plan inquiries. It is understood that the NI Audit Office is to report on its review of the Planning Appeals Commission (PAC) soon. The Department for Infrastructure has received £3 million of funding to improve capacity through the appointment of independent inspectors. Other issues
3.22	The potential for delays to the planning application process increases risk to applicants, developers and investors and can impact on investment decisions. The NI planning system has the propensity for too much jeopardy, which should be eliminated so that the system encourages and supports new projects, rather than deterring them.
3.23	Another area which gives rise to potential delay and risk is the wide scope for DfI to intervene in local decision-making process by councils. This includes the ability for the Department to call-in a planning application or issue a holding direction to the council preventing it from making a decision until further notice, at any point in the process. Furthermore, councils are required to notify DfI before they can make a decision on certain applications. Such interventions by the Department can result in substantially delays, as well as uncertainty for councils and applicants. DfI is currently reviewing its oversight role in these regards, and it is essential that the system is modified so that the potential for Department intervention is limited, proportionate, transparent and timely when it does occur.
3.24	Recent improvements to the system have should be acknowledged. For example, the change to planning legislation that removes the requirement for councils to hold a mandatory Pre-Determination Hearing (PDH) is very welcome. Whereas previously, councils were required under certain circumstances to hold a PDH then further Planning Committee following its original decision; a process which often caused considerable delay and uncertainty for councils and applicants.
3.25	DfI's review of the Planning (Development Management) Regulations (Northern Ireland) 2015 is also welcomed. This includes the potential to reduce the number of applications considered to be of regional significance and processed by the Department. This would result in more strategic applications determined by councils, which is beneficial from a local democratic point of view and has the potential to result in more timely and efficient decision-making.
3.26	The governmental structures in NI are different to GB and the south of Ireland. Belfast City Council is disadvantaged by not having the same remit and powers as equivalent regional city in other jurisdictions. Consideration should be given to further devolving powers from central to local government and for Belfast, this should include the transfer of formal regeneration and transport powers. This should result in a more joined up approach to meeting city objectives, clearer prioritisation as well as greater accountability.
3.27	An increasing challenge for the NI planning system is deficient waste-water infrastructure in many parts of the region. This had led to NI Water routinely objecting to many planning applications, and potential objections from SES on grounds of adverse impacts on protected environmental sites (such as Belfast Lough) under the Habitats Directive. NI Water requires developers to submit a Waste Water Impact Assessment to them to ascertain potential solutions to the lack of waste-water infrastructure. Sometimes the mitigation works can be cost prohibitive and render development proposals unviable. In other instances, a solution is not available and development cannot go ahead. This has the potential to be a significant

	barrier to the delivery of regionally significant and major infrastructure projects in NI. There needs to be clear commitment to identifying actions to resolve the Waste Water infrastructure capacity issues across NI.
3.28	Underpinning many of the issue identified in this report is the need for councils to have up-to-date Local Development Plans. The NI planning system is plan-led with decisions required to be made in accordance with the Local Development Plan (LDP) for their area, unless material considerations indicate otherwise. An up-to-date LDP provides certainty for stakeholders and that the right planning decisions are being made based on an up-to-date evidence base. Following devolution of planning powers to councils in 2015, DfI predicted that councils would have their LDPs in place within 3 years. Over 11 years later, no council has their whole LDP fully adopted with only some having completed their first part Plan Strategy. The LDP process requires reform to support the timely adoption of LDPs across the whole of NI. <u>Recommendations</u>
3.29	The following recommendations are made to the NI Assembly Infrastructure Committee. 1. Consideration to be given to further devolving powers to councils including regeneration and transport powers for Belfast City Council. 2. Review the legislative requirements around when statutory consultees must be engaged to ensure that consultation is proportionate and fit for purpose. Introduce flexibility to permit Planning Authorities (if they so wish) to procure specialist advice in lieu of consultation with the statutory consultee. 3. Legislative change to permit statutory consultees to charge for PAD advice to improve their capacity to support this vital part of the planning process. 4. Establishment of an appropriately resourced central consultations team to prioritise consultations on regionally significant and major applications of strategic importance. 5. Planning Authority resources should be benchmarked against each other and the Planning Advisory Service (PAS) resourcing guidelines to ensure that they are appropriately resourced. Best practice should be shared, particularly by those highest performing councils. 6. Advocate the use of Planning Performance Agreements (PPAs) for regionally significant and major infrastructure projects. 7. That the impact of judicial reviews on the planning process is examined in detail and appropriate changes made. 8. Review of DfI's oversight role to ensure that any Departmental interventions in council decision-making is limited, proportionate, transparent and timely when it does occur. Greater Departmental accountability around its performance in dealing with holding directions and notifications. 9. Commitment to identify actions to resolve the Waste Water infrastructure capacity issues across NI. 10. Reform of the LDP process to support the timely adoption of LDPs across the whole of NI.

6.0	Financial & Resource Implications
6.1	There is significant scope to improve the efficiency and effectiveness of the planning application process for regionally significant and major infrastructure projects. This would in turn save costs and support more effective use of resources by the Council's Planning Service.
7.0	Equality or Good Relations Implications / Rural Needs Assessment
7.1	There are no equality or good relations / rural needs implications associated with this report.
8.0	Appendices – Documents Attached
	Appendix 1 – NI Assembly Infrastructure letter of 27 th April 2026 (call for evidence)