

Mr Michael Potter
Infrastructure Committee Office
Northern Ireland Assembly
Parliament Buildings
Stormont
Belfast
BT4 3XX

Email: committee.infrastructure@niassembly.gov.uk

22/05/2026

Dear Mr Potter,

Re: Review of Planning: Call for Evidence

Thank you for your letter of 27 April 2026 regarding the Committee for Infrastructure's review of planning decisions for Regionally Significant Projects. We welcome this review and the opportunity to respond from a small business perspective.

The Federation of Small Businesses (FSB) is the UK's largest business organisation, representing around 140,000 small business and self-employed members across the UK, including around 6,000 in Northern Ireland. We work for their interests through research and engagement with our members and by effective, evidence-led campaigning, helping to shape policy decisions that have a direct impact on the day-to-day running of smaller businesses.

The Northern Ireland Affairs Committee report, "Economic Growth in Northern Ireland: new and emerging sectors", published in March 2026 recognised NI's planning problems as long-standing and well known, citing that they have received no evidence to date that the Executive has a thought-through, deliverable plan to address the historical deficits in planning policy and processes here.¹

Effective and timely planning decisions are essential to enable small businesses to expand, invest and respond to market opportunities, supporting productivity and local job creation. Conversely, delays in decision-making can deter investment and constrain growth. Therefore, a responsive and efficient planning system plays a key role in fostering business confidence, entrepreneurship and economic development in Northern Ireland.

¹ NIAC, 2026. <https://committees.parliament.uk/publications/52264/documents/290328/default/>

Effectiveness and timeliness of planning decisions for Regionally Significant Projects

In recent years, Northern Ireland's performance on effective and timely planning decisions for Regionally Significant Projects has been widely regarded as deeply unsatisfactory, owing to persistent delays in application processing and poor decision-making that has left the outcomes open to challenge and further delay.

Evidence from the Northern Ireland Audit Office shows that the planning system in Northern Ireland has historically struggled to meet statutory timelines, particularly for more complex applications. Data shows that almost three quarters of regionally significant and major planning applications processed between 2017-18 and 2019-20 were not completed within the statutory target of 30 weeks. Furthermore, over half (56%) took more than one year to process, and almost a fifth (19%) took more than three years.² More recent data suggests that the issues causing delays in processing are continuing; in 2022-23, the average processing time for a regionally significant planning application was 362 weeks.³

Countless local businesses are directly and indirectly affected by inadequate infrastructure as a result of a poor planning system. One example is the still incomplete A5 project. This project was originally proposed back in 2006, and, despite recognised need and strong political and public support, it has faced repeated delays for two decades. The A5 forms a key part of a strategic transport corridor linking Northern Ireland with the Republic of Ireland. Delays to this project are contributing to reduced road safety and weaker connectivity between regions, hampering opportunities for investment and economic development. Additionally, delays are resulting in increasing costs of project delivery; originally estimated at £560 million in 2007, this has now risen to £2.1 billion as of October 2024.⁴ Reasons for delays to this project include repeated legal challenges due to flawed decision-making and poor alignment with statutory climate obligations as set out in the Climate Change (Northern Ireland) Act 2022. Recent legal proceedings ruled that although the Act doesn't prohibit high-emissions projects, it does prohibit their approval without careful planning, coordination between departments and evidence showing how the project aligns with statutory climate change targets and carbon budgets. This may be difficult to do in practice, and the stalled A5 project exemplifies this systemic issue which can lead to legal challenges, rework and long-term delays to significant infrastructure projects.⁵

The importance of effective infrastructure cannot be overstated in terms of its impact on Northern Ireland's productivity. If people and goods cannot move smoothly and swiftly, capacity is lost and productivity reduced. Effective infrastructure is central to overcoming this, and the ramifications extend beyond productivity into NI's carbon footprint – traffic jams caused by poor infrastructure simply add pollution. A key example of this is the York Street

² NI Audit Office, 2022. <https://www.niauditoffice.gov.uk/files/niauditoffice/media-files/NIAO%20Media%20Release%20-%20Planning%20in%20NI.pdf>

³ NI Chamber, 2024. <https://www.northernirelandchamber.com/wp-content/uploads/2024/01/240110-Planning-Report-FINAL.pdf>

⁴ Agenda NI, 2025. <https://www.agendani.com/a5-further-delayed-by-legal-challenge/>

⁵ The Planner, 2025. <https://www.theplanner.co.uk/2025/06/27/turning-point-infrastructure-a5-judgment-and-future-climate-aligned-planning-northern>

Interchange Project which was originally commissioned in 2007 and aims to transform traffic flow at NI's busiest road junction, the intersection of the Westlink, M2 and M3 in Belfast. However, questions have been raised just this week regarding around £400m of funding which was secured by the Department for Infrastructure to deliver the York Street Interchange and other priorities under an agreement back in 2017; the Infrastructure Minister has confirmed that this funding has been fully spent, yet no construction on the Interchange has even begun.⁶ These are but two of a host of major infrastructure projects that Northern Ireland needs and has acknowledged, but failed to deliver.

Judicial Reviews of planning decisions on major capital projects

While Judicial Reviews (JRs) of planning decisions on major capital projects play an important role in ensuring that decisions are lawful and fair, they can have significant negative impacts on the delivery of such projects.

The most immediate impact of a JR is a delay to project delivery. As mentioned above, the A5 project has faced multiple legal challenges which have halted progress, contributing to long-term delays in the delivery of a key transport project.

JRs also increase the costs associated with project delivery in the form of inflation and extended timelines, legal fees and rework. Again, the A5 is a perfect example of this. Furthermore, higher costs associated with individual projects may reduce the overall number of projects that can be delivered within set budgets.

Another major impact stemming from JRs of planning decisions is the effect on the local economy; ongoing legal challenges create unpredictable timelines and uncertainty, leading to reduced confidence and an increase in perceived risk that may discourage foreign or local investment.⁷ Similarly, infrastructure projects support regional growth through job creation and supply chains, but these economic benefits may be deferred or lost when projects are delayed through JR processes.

The impact of even a small number of JRs of planning decisions on major capital projects can be significant, delaying key projects and creating uncertainty for investment and growth. As mentioned above, previous legal challenges have highlighted systemic weaknesses in the planning system due to poor coordination, insufficient evidence and a lack of policy alignment. Therefore, improving the quality of early-stage planning and decision-making is key to reducing the occurrence of JRs and developing a more effective and robust planning system.

Furthermore, mechanisms for triaging and filtering JRs should be strengthened to ensure that only legitimate cases are taken forward. An initial permission stage already exists which acts as a legal filter, however this may not always

⁶ Belfast Telegraph, 2026. <https://www.belfasttelegraph.co.uk/area/belfast/news/questions-over-where-millions-in-confidence-and-supply-funding-to-deliver-york-street-interchange-have-gone/a/152313004.html>

⁷ Ministry of Housing, Communities and Local Government, 2024. <https://www.gov.uk/government/publications/independent-review-into-legal-challenges-against-nationally-significant-infrastructure-projects/independent-review-into-legal-challenges-against-nationally-significant-infrastructure-projects>

filter out purely delay-driven challenges effectively. Given the current pressures on the planning system, the permission test for JRs in relation to planning applications could be strengthened, for example by requiring more detailed evidence up front and/or by requiring challengers to demonstrate a serious issue in line with specific thresholds. Dedicated planning fast-track courts with strict case-management timelines could also be introduced to allow more rapid decision-making. Finally, repeat litigants and clearly weak or unsubstantiated claims should be monitored and appropriate penalties issued where necessary to deter illegitimate challenges.

Improvements to planning decisions for Regionally Significant Projects

Key asks from FSB NI's report in 2015: "The NI Planning System: The Small Business View"

- Timely, efficient & predictable decision-making to speed up planning decisions and give businesses certainty
- Greater understanding of business, particularly SME, needs within planning authorities
- Implement streamlined and consistent processes across councils to address the issue of inconsistent performance between different areas
- Increase monitoring and accountability of planning performance
- Better coordination between planning decisions and infrastructure capacity to ensure projects are deliverable (e.g. wastewater system)⁸

Even though these recommendations stem from a report that was published over a decade ago, they remain relevant and important asks as, to date, they have still not been addressed adequately.

Conclusion

FSB NI members have expressed frustration over missed opportunities as a direct result of delays in planning decision-making and delivery restricting their ability to grow. Small businesses account for 99% of Northern Ireland's economy. If we want those businesses to grasp new opportunities, innovate, remain competitive and continue creating local employment, then government bodies, particularly in areas such as planning, need to respond more quickly and efficiently. Delays in decision-making do not only restrict individual businesses, they also stall wider economic growth across Northern Ireland.

I hope you find the above inputs useful and that they will be given due consideration. Please do not hesitate to contact me should you have any questions or require any further input.

Yours sincerely,

Roger Pollen
Head of FSB NI

⁸ FSB NI, 2015. https://issuu.com/federationofsmallbusinesses/docs/the-ni-planning-system-the-small-business-view?fr=xKAE9_15JNQ