

## **Review of Planning: Call for Evidence- Response Community Places**

### **1.0 The effectiveness and timeliness of planning decisions for regionally significant projects**

1.1 While it is recognised that regionally significant planning applications are inherently more complex and require longer assessment periods, Community Places would stress reform is needed to create a more transparent, well-resourced, and community-focused planning system that can deliver decisions more quickly without compromising meaningful engagement.

1.2 Community engagement requirements have not kept pace with the increased scale and impact of regionally significant applications. At present, pre-application community consultation for regionally significant proposals is aligned with that required for major applications. Community Places considers this insufficient. Given the strategic importance, regional scale, and potential community impacts of regionally significant developments, there should be a stronger and more proportionate requirement for enhanced community consultation as standard.

1.3 This could include earlier engagement, more extensive outreach, and clearer demonstration of how community feedback has influenced proposals. Strengthening these requirements would help to; improve the quality and acceptability of applications before submission; reduce conflict and objections at later stages; support more efficient decision-making overall; and build trust and transparency between developers, communities, and decision-makers.

1.4 Community Places believes that regionally significant applications should be subject to additional, mandatory pre-application community consultation, reflecting their greater complexity and potential impact, rather than being treated at the same level as major applications. This would improve the overall effectiveness of planning decisions at this level.

1.5 Community Places also recommends that site notices be erected at proposed development locations, as this is a mandatory requirement across all other jurisdictions in the UK and ROI. Site notices enhance transparency by publicising proposals directly at the location, giving the public an opportunity to comment on planning applications that might otherwise go unnoticed if advertised only in newspapers and online. This is particularly important given the decline in print newspaper readership and the potential for technological disparities across different demographic groups and geographic areas.

## **2.0 Judicial Reviews of planning decisions on major capital projects**

2.1 Community Places recognises that Judicial Review is an important legal mechanism for challenging the lawfulness of planning decisions, including those relating to major capital projects.

We note that processing times are commonly used to assess the effectiveness of planning decisions on major capital projects, Community Places would argue that this is a limited and overly narrow measure of performance. Speed alone does not reflect whether decisions are robust, inclusive, or command public confidence.

2.2 Instead, greater emphasis should be placed on the quality of planning decisions. One potential indicator of quality is the number of decisions that are subsequently subject to Judicial Review. A high incidence of legal challenge may point to weaknesses in decision-making processes, including inadequate consideration of evidence, poor engagement, or lack of transparency. This is especially evidenced whereby Judicial Reviews lead to a quashing decision.

2.3 We would caveat this point, noting that judicial review is also not an accessible mechanism for most people. The process is often complex, costly, and carries financial risk, meaning that many individuals and community groups are effectively excluded from pursuing legal challenge even where there may be legitimate concerns.

2.4 For this reason, Community Places would advocate for the introduction of a third-party right of appeal in Northern Ireland. This would provide a more accessible and proportionate route for communities to challenge planning decisions, helping to improve accountability and scrutiny of decisions; enhance fairness and inclusivity in the planning system and reduce reliance on costly legal processes such as Judicial Review. This approach is successfully demonstrated in the ROI planning system where third-party rights of appeal are a statutory function of An Coimisiún Pleanála

2.5 Effectiveness of planning decisions should be judged not just by how quickly decisions are made, but by their quality, fairness, and resilience to challenge. Expanding access to review mechanisms such as through a third-party right of appeal would support a more balanced and trustworthy planning system.

### **3.0 How Planning decisions for regionally significant projects can be improved**

3.1 Improving planning decisions for regionally significant projects requires a stronger focus on transparency, accountability, and regional community benefit, alongside procedural efficiency.

3.2 A key priority is improving public awareness and accessibility of information. The introduction of site notices for regionally significant applications would ensure that affected communities are clearly informed when proposals are brought forward. This would support more meaningful and timely engagement, particularly for those who may not routinely access online planning systems, print newspapers or websites.

3.3 Community Places would also emphasise the importance of robust and transparent use of Section 76 planning agreements. These agreements, in the context of regionally significant applications, should not only be consistently applied but must demonstrably deliver tangible benefits that are regionally significant, rather than narrowly localised or developer led. There should be clearer monitoring and enforcement to ensure that agreed obligations are implemented.

3.4 In this context, Community Places would support the creation of a regionally accessible community benefit fund, linked to Section 76 agreements for major and regionally significant developments. Such a fund could ensure that the wider region shares in the benefits of large-scale projects; address inequalities where impacts and benefits are unevenly distributed; provide transparent and accountable allocation of developer contributions; and support community development, infrastructure, and environmental improvements across Northern Ireland.

3.5 Community Places would also note that the quality of supporting information submitted with many planning applications is often inadequate, requiring numerous revisions to satisfy consultees and members of the public. This process can be highly time-consuming and frequently leads to significant delays within the planning system.

