



Northern Ireland
Assembly

Committee for Infrastructure

OFFICIAL REPORT (Hansard)

Planning System Issues:
Department for Infrastructure

15 May 2024

NORTHERN IRELAND ASSEMBLY

Committee for Infrastructure

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Members present for all or part of the proceedings:

Mrs Deborah Erskine (Chairperson)
Mr John Stewart (Deputy Chairperson)
Mr Danny Baker
Mr Cathal Boylan
Mr Keith Buchanan
Mr Stephen Dunne
Mr Mark Durkan
Mr Peter McReynolds

Witnesses:

Mr Alistair Beggs	Department for Infrastructure
Ms Joy Hargie	Department for Infrastructure
Ms Nola Jamieson	Department for Infrastructure
Mrs Kathryn McFerran	Department for Infrastructure

The Chairperson (Mrs Erskine): I welcome from the Department for Infrastructure Alistair Beggs, Chief Planner and director of regional planning policy and casework; Joy Hargie, regional planning policy and casework; Kathryn McFerran, acting director of regional planning, governance and legislation; and Nola Jamieson, regional planning, governance and legislation. We look forward to hearing your evidence today, and I apologise for delaying you. Thank you for your patience. We have received a substantial amount of written information, so I invite you to give us a brief outline and some of the highlights, after which members will ask questions.

Mr Alistair Beggs (Department for Infrastructure): Thank you very much, Chair and members, for the invitation to talk to you about three topical planning matters. I am accompanied by my fellow director, Kathryn McFerran, Nola Jamieson from the legislation side of things and Joy Hargie from the policy side of things.

The first matter is the draft revised regional strategic planning policy on renewable and low-carbon energy, as contained in the strategic planning policy statement (SPPS). Members will be aware of the consultation that occurred last year that sought views on that policy. The aim of having the review was to ensure that the regional policy is fit for purpose and up to date on renewable and low-carbon energy. It will be there to inform and improve decision-making on development proposals through planning applications and to inform local development plans as they come through their development process. It will also take in a wider contemporary picture now, as we have the energy strategy from 2021 and, of course, the Climate Change Act (Northern Ireland) 2022.

You will see from your papers that we had 66 responses to that consultation, from a wide range of interests. There was a broad welcome for the intention to support the achievement of the targets of the energy strategy and the 2022 Act. Among the highlights in the comments was people seeking clarity on the weight to be attributed to the climate emergency when we are considering relevant proposals. For example, the industry is very keen that substantial weight be given to the contribution of such development towards the targets. As opposed to that, there were people who were keen to support the environmental and amenity considerations. There is a dichotomy of views there.

As you can see, for example, it is proposed in the policy that there could be a spatial approach taken to local development plans as they come through the process. You will see that a number of people expressed considerable concern about that. The view is that the merits of such proposals should perhaps be determined on a case-by-case basis. It would also seem that favourable support is coming through in principle for re-powering, expanding and extending the life of existing wind farms and solar farms in areas. You will note from your papers that strong views were expressed on the proposed approach to separation distances, including the view that the requirement for a distance of 10 times the rotor diameter is an unnecessary constraint on wind energy development.

There were a lot of comments provided. Today, however, we welcome the engagement with the Committee, because it is our opportunity to listen to you and hear your views so that we can feed them into matters as we move forward. We are in the final stages of our consideration as officers, and we hope to bring forward the policy as soon as we can for the Minister's attention.

The second matter is the call for evidence on the SPPS as it relates to climate change. The existing planning policy statement was ahead of its time in some ways. At its heart, it focused on sustainability, but there has been quite a contextual change since 2015 in government's wider efforts to address climate change issues. The 2022 Act brought in legislative requirements as well, so it is about how we can look at our policies in that context and whether we need to revise things in order to contribute to carbon emission reductions as we move towards a net zero path by 2050.

In that context, it is important to ask whether the SPPS is fit for purpose and future-proofed to support the climate change agenda appropriately. That was the intent behind the call for evidence that was issued. We had 59 responses, and we are in the process of going through them. At the moment, we have only a high-level view of what the respondents said, but, according to a lot of people, the policy needs to be updated to bring climate change more to the centre and to make it the focus of the sections on the purpose of planning and the core planning principles in the policy document. The pros and cons of renewable and low-carbon energy were mentioned a lot, along with flood risk and development in flood plains, and there were comments on active travel and sustainable forms of transport and their associated infrastructure. There was reference made to an ecosystems-based approach to climate action through mitigation and adaptation, and there were requests that weight be given to the SPPS to support the protection of all landscapes and to safeguard the human health environment. The main task for us is therefore to pull all those together in order to brief the Minister so that he can consider whether to hold a review.

The final matter to bring to your attention today is planning application validation checklists. You will recall that they were recommended in the departmental report on the implementation of the Planning Act (Northern Ireland) 2011. The Northern Ireland Audit Office (NIAO) report and the Public Accounts Committee report also recommended that they be introduced. The public consultation on validation checklists ended last year. There were 39 responses to it, all of which agreed with the proposal that validation checklists be put on a statutory footing. There was also broad support for a review mechanism for checklists. The mechanism has been discussed quite a lot with the Departmental Solicitor's Office (DSO) and the Planning Appeals Commission (PAC), which would look to undertake the review if there were a dispute between councils and an applicant. Those discussions are going on. There has also been quite a bit of discussion with Belfast City Council. It has had a validation checklist in place for a number of years, so we are looking to pick up on any issues from the council. Thereafter, it is our intention to engage further with statutory consultees and the councils on the legislative provisions and guidance before they are finalised.

That is all that I want to say, because I am conscious of time and know that you will be keen to ask questions. Thank you for your patience and for the opportunity to give the Committee a broad briefing.

The Chairperson (Mrs Erskine): Thank you. I will take each of those three areas. We will start with a round of questions on the review of the regional strategic planning policy on renewable and low-carbon energy. All those areas make it such a big topic. The regional strategic planning policy on renewable and low-carbon energy is intended to inform the local development plan process. The

consultation closed in June 2023. I asked the Minister why the report has not been published yet. The response was that it will be released at the same time as the revised policy in its final form will be published, which will be later this year. We, as a Committee, will not have a chance to look at the consultation report before the Minister makes decisions on the planning policy.

Mr Beggs: Today is important for engaging on that, because we can feed your views into what will go before the Minister. At the time of departmental write-round, we will look to give the Committee a view of that report in confidence. If the Committee feels that it needs further engagement, we could certainly raise that with the Minister.

The Chairperson (Mrs Erskine): I think that we do. I do not know how the rest of the Committee feels about that, but we have talked about local development plans quite a lot in the Committee. I am surprised that the Committee will not have some type of scrutiny role in the consultation report and then in any ministerial final decision-making. We, as a government, have targets to meet, so it is important that we drill down into what the consultation report says on some of these matters. I would appreciate it if you could look at that and take it back. I would not want it to become the process that the Committee would not see other consultation reports.

Do you believe that the revised regional strategic planning policy will achieve the 80% renewable electricity consumption target by 2030? There was a target of 70%, but the Climate Change Act 2022 changed it to 80%. Would 70% have been more attainable? 2030 is coming pretty soon. What is your view on that?

Mr Beggs: They are certainly challenging targets. It is incumbent on all of us to try to get there. The role of planning and planning policy is to see how we can facilitate getting there. It needs to be recognised that the existing planning policy is in favour of renewable energy. It took us to the 40% and over. I know that it depends on how much wind blows in any year, but I think that we have been quite close to 50% generation at some point, although I think that it has dropped back a little bit now to 45%. Even under existing policy, there is scope to do more, but a lot of issues feed into whether we can meet targets. Part of it is for us, as planners, to look hard at how we process things and push them forward through application. Other issues need to be addressed, such as the route to market and a subsidy and so on. One thing that struck us, as planners, was that, when the last subsidy arrangement ceased, there was a fall in the number of planning applications for the renewable energy that came into the system. That was quite a dramatic change. If that subsidy were to kick off again, we, as planners, need to be ready to bring that work forward.

Improving the focus on climate change and having full cognisance of the climate Act and its requirements will help to facilitate the policy, but planning is part of the overall delivery, and there are lots of components in there.

The Chairperson (Mrs Erskine): In any feedback or any discussions that I have had as an MLA, it is fair to say that planning has been a huge barrier and a huge issue for renewable energy. It can involve, for example, getting applications for wind turbines across the line. There seems to be a lack of expertise in some parts of the planning system, which holds things back.

In written evidence to the Committee, RenewableNI indicated that Northern Ireland had the longest planning timelines across these islands, with major renewable projects taking over three years to receive a decision. Will the revised planning policy have a positive impact on the time that it takes such applications to receive a decision? We are sitting in 2024, 2030 is coming down the track and we are looking at three years for projects to get decisions. That will hold us back.

Mr Beggs: That is a fair question, Chair. We are aware of the timelines, and we would like to reduce them as much as we can, but there are a lot of strands to that. Part of it is the number of applications that come into the system: if they do not come into the system, they cannot get out the other end. As planners, we need to fully recognise the impact of the Climate Change Act and build that into our thinking. We do that in the Department, and the policy will help to bring that focus to all the planning authorities that are involved in this area. Again, that will provide an impetus.

However, planning is there to help and facilitate us in reaching that target. There are a number of other elements to look at. In training and engagement, we have been trying to increase our engagement with the renewables industry of late. We have a good working relationship with it that allows us to have frank conversations. It is incredibly important for us to understand each other's issues and aims and what you can and cannot do. I would like to see that engagement continuing.

You mentioned training and so on. We are looking at getting the industry, other groups and councils to look at a particular type of technology for battery systems. Hopefully, we will be able to do that quite shortly. That is the sort of thing that we need to do in order to improve things. I am sure that the number of actions that are in the planning improvement programme, which looks to speed things up in general, will assist in that. We also have engagement with the statutory consultees. We know that they have various issues, sometimes in resources. It is a question of how we can cut down workloads for them in order to allow them to focus on, perhaps, more strategic elements. Lots is going on. I think that the policy will achieve, but it is only part of the equation.

The Chairperson (Mrs Erskine): This is my last question before we come to members' questions.

We know that those consultations are happening and one thing or another. I have talked about the difficulties of getting planning permissions across the line and how long it takes. We have seen that, in other places across the world, authorities are being taken to court because they are not meeting their climate change targets. Planning is an issue in the delay. Do you, as a Department, have a concern that planning may cause an issue and that we will therefore not be able to meet our climate change targets in renewable energy, meaning that we could be in a similar situation, with court action for not meeting targets?

Mr Beggs: We have been keeping an eye on some of those court cases. They are certainly interesting. The important element here is that the planning system is not functioning quite as we want it to. That is why we have had reports from the NIAO and the Public Accounts Committee and why we have that planning improvement programme in place. If we improve the process in the whole system, we will improve it for renewable energy targets. Those targets are tough and will be difficult to meet, but we and everybody else who is involved have to drive forward on them. That means everybody, including those who are involved in the quality of the applications that we receive, and there is also something to be said about how the applications need to be the right ones in the right place. That is because planning is about balance. We have to balance the requirement from the Climate Change Act with the impact on the environment and so on and try to find a way through that, but we are very cognisant of those targets and we want to try to hit them. That is what we will be aiming for, and we will do our best to facilitate that. It is back to the point about engaging with people and having the appropriate resources in the appropriate places. I know that statutory consultees, the councils and everybody who is involved need to have that resource in place. We will do what we can with the resource that we have.

Mr Stewart: Thank you very much for coming today and for your answers so far. First of all, I will pick up on the Chair's last point about the letter from RenewableNI. I am also aware of a number of international players who have just given up on investing in Northern Ireland because of the laborious and, as one person described it to me, painful process of waiting over four years to invest millions of pounds in renewables. They just could not get over the line, and that is deeply concerning. We have hugely optimistic targets, and rightly so, but, as the Chair said, 2030 is round the corner. Unless we quickly address the problems and barriers that affect major players across the world who want to bring their investment to Northern Ireland, we will lose out. We are 10 years in from planning powers being devolved to councils. Are you content with the progress that has been made on the ability to address those optimistic targets?

Mr Beggs: Again, there are several points there. The move to a two-tier system was a big bang. My experience was in two-tier systems before I came into a single-tier system, so it is about seeing that change around. Everybody has done very well to get the planning system to where it is at the moment. There is more to be done, and that is what we have to push on. Again, it is about resourcing. There are all sorts of things there. It is about getting the appropriate resources to the right places from the start of the system to the end. It is about engaging and trying to identify how to stop barriers appearing. Let us try to address those before they become a problem. As I say, there are a lot of things.

As planners, we do not decide what applications come in. We do not choose the sites, the heights or where the turbines will go. We react to that. There is a part for the industry to play in that, and we need to understand where it is coming from and its requirements. There has been a tendency in the past — it is perhaps more noticeable here than in some other places that I have worked — for planning authorities to try to sort out the problems when the application is in so that they can get it over the line. That adds delay. Every time you change a plan and every time new information comes in, the requirements are such that months are added to the timescales. I think that it is about asking this: how do we get the right applications into the system in the first place? There is a lot to be said for pre-

application discussion just to get the right information for the place in. There is a lot to go on. As I say, there are very stringent targets, and it is incumbent on all of us to try to take forward the improvements as best we can.

We have had really good engagement with statutory consultees. A lot of that has focused on getting planners to have the confidence to say, "I do not need to consult on this". How do you take the load off the consultees as much as possible? There are all sorts of little strands that you need to play with. I hope that that answers the question.

Mr Stewart: It does. You talked about the two-tier system that we now have. It strikes me that there is a variety of tiers in that second tier at council in that there are those that are doing particularly well and those that are maybe struggling. That is evidenced by the number of renewables that they are able to deliver in an acceptable time frame. As I said, next year will be 10 years since planning powers were fully devolved to councils and since they were fully operating under the review of public administration (RPA), but the local development plans (LDPs) have, effectively, been moving at a snail's pace, given that some are still at draft stage. I know that SPPS needs to influence part of those. I am less than underwhelmed by some of what I have seen of those draft proposals. Are you happy with what you have seen coming out of the 11 draft local development plans about their ability to deliver a Northern Ireland-wide renewables strategy? It strikes me that there is a lot of parochialism in them. It does not seem to me to be completely joined up yet, unless I am missing something.

Mr Beggs: Again, we would all like to see further progress in the local development plans, but it goes back to the point that it is a completely new system. The councils are doing this for the first time. We are doing it for the first time with DFI in the dual role of consultee with oversight. You have to get used to that. We engage as much as we can with councils. We have good engagement with them. We are trying to advise from the start on that regional context and oversight. Again, the process is very much for councils these days. These are their plans for their areas and are for them to create their policies for their future. They are creating plans with an evidence base. We are looking at that going to independent examination by the Planning Appeals Commission. All those items are being talked about, and we are reacting to the recommendations. That is the two-tier system. Yes, we are having our input into that and reacting to the final direction where we have to. In general, the whole idea is for the plans to be in conformity with the regional development strategy and strategic planning policy statement and to have regard to those documents. That is the starting point. If the councils provide evidence for something to go somewhere else, that is what —.

Mr Stewart: Yes. I appreciate that it is devolved and that those 11 councils have responsibility, ultimately, for their development plans, but an 80% renewables target is highly optimistic. That is a good thing, but, if we have different councils operating with different priorities in how they deliver it, you could end up seeing one council running away with doing particularly good things and another council maybe not playing ball to the same degree, and then we do not manage to hit the target, because no one council can deliver the full 80%. My fear is that we do not see the same optimistic approach being taken across the country.

My final point relates to the definition of noise pollution and shadow flicker in applications for wind turbines. That is due to be changed. What impact do you think that will have on applications?

Mr Beggs: Is that with regard to the 10 x rotor blade diameter?

Mr Stewart: Yes; the wording on the assessment of noise and shadow flicker from wind turbines.

Ms Joy Hargie (Department for Infrastructure): For noise, the standard that is used here and in England, Scotland and Wales is ETSU-R-97. That is the responsibility of the Department for Energy Security and Net Zero (DESNZ). That is still the agreed standard and the one that is still being used. That will continue to be the case, as far as we are concerned, until there is any change to it. That is what is proposed. When an application comes in, obviously, the planning authority, depending on who that is, will consult or engage with the environmental health department on the noise assessment that is being submitted to ensure that there are no amenity concerns.

There is such good modelling of shadow flicker. The only area where you will get shadow flicker is within 130 degrees either side of north, and that happens only during a narrow window according to where the sun is at a certain point in the year. Agents and applicants can do assessments to ensure that they can assess the likelihood of shadow flicker occurring, how long during a day that it can happen and how long over a year, for example. That would be a material consideration of how

acceptable that may be where the impact on amenity is concerned. Generally, the chance of shadow flicker impacting on anyone is low.

Mr Boylan: I am just trying to figure this out. There are not too many questions left after all that.

I want to pick up on a couple of points that you made. Speaking from my own experience, this matter has been in the planning system in general for a long time. Clearly, we are trying to make it better. I have two points. I know that we have picked up most of them. If we are serious about the pre-application discussions (PAD) process, we can see that it is a good tool and a good element. We definitely need to use it better. I know that there are no commitments or anything else, but we should be having broader conversations and getting those conversations right. All of us have had experience of different architects and agents down through the years, be they for single applications or substantial ones, but there is an opportunity there.

You mentioned shadow flicker. Where are we with looking at single wind turbines and wind farms? Are you looking at that process? How will we achieve that? For me, it is always going to be about processing times, because there is a three-year period. In all my experience of planning, no matter how many times I have sat in rooms and no matter how many discussions that we have had, I have thought that I would like to see something brought forward where everybody is in the room and has the proper conversations. That is always the start of the process.

As I said, most of the questions have been asked, but can you comment in general about what you feel about that and whether there are any early indications and all that?

Mr Beggs: Thanks for those questions. You are right about the pre-application discussion. That is very important for major applications. That initial contact is very important in trying to identify what you might need to be submitted with an application or, indeed, what you might not need. It may be that you do not need a certain thing or that you do not need to waste your time on it. That helps to focus the thing that will, hopefully, mean that you get through the process quicker. That is important, because planning is a very complex area. It has become much more complex over the years since I started, as my grey hair will attest to.

Our engagement to date with the renewable industry has very much been with RenewableNI. I believe that its representatives are coming to the Committee next month. Bodies from that industry are coming in with the big wind farm proposals. My general experience of individual turbines has been that it is not perhaps the big companies that tend to deal with them or that there might be a more tenuous link to them —.

Mr Boylan: No, I was asking about it in the context of the LDPs and everything else. We know that we have identified areas across the North where best use is made of the wind patterns, such as down in the valleys. We have had all those conversations. Those are the kinds of big conversations that we need to have if we are serious. John Stewart asked about the LDPs and talked about 2030. It is just that in my experience —.

Ms Hargie: For Committee members' interest, I will say that, since powers transferred to councils, 931 renewable applications have been approved, comprising 36 wind farms, 644 single turbines, 110 solar applications, 32 hydro applications and a number of others. That shows that the system is working when the applications are put in in the right way, as you said, and when the engagement has been right. The system is facilitating the approval of appropriate applications. According to the latest statistics, in the first three quarters of this year, 51 out of 54 renewable applications were approved, with a 94.4% approval rate for renewables. OK, the average processing time was 30.8 weeks, but that was down from about 60 weeks in the year before. I feel that things are going in the right direction.

There are the wider issues, which Alistair talked about, with grid constraints and a supporting subsidy. We know the impact that the Northern Ireland renewables obligation (NIRO) had back in the day, so if DFE is working on a scheme and if that were to come in, I am sure that the number of applications would increase.

RenewableNI's 'Accelerating Renewables in Northern Ireland' report, which was published last year, talked about how one of the success stories is the supportive regional strategic planning policy that we have here. I am not saying that that does not mean that that organisation did not have asks when we put out the draft consultation, because, of course, as Alistair said, it has particular concerns about the weight that is given to the climate change agenda. We appreciate that there are opposing views on

that, with a view being that it should not be the determining factor on its own and that there should be concerns about the environment and the amenity as well. Their key concerns are probably with the 10 x rotor diameter and the spatial approach, and we are considering all those in the mix with all the responses. The figures show that 40% was achieved by 2020, and we are on that path. We are sitting at 45.8% renewable consumption in the 12-month period from January 2023 to December 2023, but we know that wind is intermittent. If you look at specific months, you see that, in December 2023, the figure was 59.5% and, in February 2022, it was 76.5%. Again, there are supporting technologies that can maybe help with the grid issues and things like that in order to get what is being produced on to the system. All the work that has been going on with DFE and renewables has been about trying to make sure that it is all going in the same direction. We are trying to bring forward the policy in order to really put it in the context of the Climate Change Act, the targets and the energy strategy work and to bring in factors that we did not mention. Although the SPPS is a good policy and supports the appropriate development — it does that, in my view, anyway — things such as re-powering and co-location were never mentioned in it. So, of course, it needs to be brought up to date.

Mr Boylan: I appreciate all the answers so far. You can look at the regional strategy in the SPPS and then at the local development plans and see that local authorities have autonomy and are ambitious in what they are trying to do. We have to marry those up, and this is a good opportunity to do that, but we need to have all those conversations with every one of those groups. I know that we are talking about renewables today, but, long term, the policy will play a key part. As I said, there is a slight concern about 2030 and the targets and everything else, to be honest.

The Chairperson (Mrs Erskine): Thanks, Cathal. I suppose MLAs agreed it in the Chamber.

Mr Dunne: Thanks, folks, for your time. Picking up on comments that others made, we have the 11 different planning authorities in councils here, and I think that they all have different ways of working albeit that they are implementing the same policies. Certainly, they should be, but as we have seen with the LDPs, they are all at different stages. You mentioned that planning is a balance, ultimately. It is a balance that planning officials and elected members on those committees have to strike. How do you feel about having such a variation in a relatively small country? How does that impact on us getting closer to meeting our renewable targets? Do you feel that about even the small applications that naturally come to the councils?

Mr Beggs: As you said, every council has its own ways of operating, but they are operating to that broad policy that we set and that will then come down into their local development plans and local democracy and accountability. In my experience, there is no reason in principle why we should not be able to get the right applications through to approval. If you boil it down, you see that planning is all about getting the right development in the right places. That is very much the key, and, as was mentioned, some councils have been better at getting applications out the door than others. That is the nature of the beast, depending upon various councils' circumstances. From my perspective, again, the planning system is there and can deliver on getting the right applications. By "deliver", I mean that we can facilitate that target. We cannot deliver it on our own. It goes back to that point.

Mr Dunne: What role do you have in engagement with the councils? Do you actively monitor their renewable applications and so on? Does that happen regularly in your Department?

Mr Beggs: We engage quite a lot and regularly with the heads of planning. That is when we talk about more strategic issues and things like that. If we are talking about renewables, we have had a couple of very good workshops with council planners on that as well. Those are the places where we need to get together and get our heads around what we need to do. Again, that is all about understanding each other and the industry. If we can continue and improve upon that engagement, it will take us a long way. On the overall figures, I turn to Kathryn.

Mrs Kathryn McFerran (Department for Infrastructure): Statistics are published, and there is, as Joy said, information on renewables in the statistics from the last quarter. At present, we do not look at which targets are being met by councils, but we can monitor the situation as they are published in the statistics that Joy mentioned.

Mr Dunne: That is grand. You mentioned how the NIRO scheme has changed since 2016-17. I was on a council planning committee at that time, and certain areas of my constituency were very attractive for turbines. That has changed quite dramatically. It is interesting to hear your comments on the future of that. That is great; thanks, folks.

The Chairperson (Mrs Erskine): Members, I remind you that we have two others areas to look at, so can we keep our questions brief and to the point, and can witnesses, if they do not mind, keep their answers as brief and concise as possible?

Mr Durkan: To be fair, there is a bit of crossover in the first two areas.

The Chairperson (Mrs Erskine): There is. Even so, Mark: work with me.

Mr Durkan: My questions traverse the two areas. First, welcome team and thank you for coming along. I welcome the paper, and I place on record our support for hitting the targets. However, there is a degree of cynicism about whether we will even come close to doing so. I do not know whether we will, and I do not think that that will be particularly attributable to planning policy. The slowdown in our performance to date is not particularly attributable to policy either. It is more down to implementation, practical issues, personnel — or lack thereof — and resources both centrally in the Department and across the councils. Is it your hope or aspiration that the renewed focus on renewables will focus minds on the importance of planning and the role that it has, and that that might be matched by increased investment?

Mr Beggs: If there is one thing that a target does, it is focus you on achieving it and on contributing to it as best as you possibly can. I certainly hope that the Climate Change Act and the policy that is coming out will focus the minds of everybody involved in the planning process so that they can see how they can achieve that. You are right: we need the appropriate resources in the right places in order to achieve things. We may need to look at how we prioritise things. From our point of view, as a Department, how can we force things through? I do not disagree with your statement: we need to look at that. Hopefully, we will get an idea of the resource that we — the Department and everybody involved in the planning system — need to achieve the targets or help facilitate doing so.

Mr Durkan: That is extremely important. Having consistency across councils will be critical.

Others have mentioned the transfer of the planning functions to councils. It is fair to say that that left more than the system in tears. There is a perception, misplaced or otherwise, that some councils are underperforming, but the reality might be that planning in some councils is undervalued and, consequently, underfunded and under massive pressure. That makes recruitment and retention even more difficult, and it prolongs and perpetuates the problems. You have said how you can try to ensure consistency across councils to a degree.

Is there much in the new policy on community benefit, or do you foresee a role for community benefit clauses in renewable applications in a way that might benefit the community more than, for example, a set of shirts for the under-14s, so that local communities can derive low-cost electricity that has been generated in their immediate area?

Mr Beggs: Many applicants include community benefit in their applications. To a degree, that sits outwith planning. The applications stand or fall on their own merits as opposed to any particular benefit they may have. Our point of view is, "Yes, that's great. People might be able to work with the communities to provide them benefit from these things". In planning terms, however, we have to focus on the hard planning issues rather than that. There have been a few court cases in relation to that as well.

Mr Durkan: Cathal mentioned the PAD process. That certainly has potential to do even more or be even better. At the other end of things, however, is the PAC. Does it have much of a role in helping us to achieve targets, and are there any issues there? You may think that it is ultracrepidarian of you to go beyond your remit but, obviously, there is a planning ecosystem and we have to look at every part of it.

Mr Beggs: I speak as somebody who was a planning appeals commissioner once upon a time, so I do not decry the amount of work that they have to do or the difficulty of their job. They are an important part of the ecosystem. Everybody is an important part of it, but, in terms of getting recommendations on the bigger projects that may [*Inaudible*] a public inquiry, they also have a role in establishing the meaning of policy at its core, so it is important that they are appropriately resourced to be able to do that. At the moment, they have a resource issue. Again, it goes back to this point: planning is an ecosystem. You said the right words. All bits of it need to be working effectively if we are to move forward and help to facilitate those targets.

Mr Durkan: Also, in terms of policy and implementation, strong political leadership is required to ensure that policies are adhered to adequately, but we will come on to that later.

The Chairperson (Mrs Erskine): Paragraph 1.29 of the draft revised policy notes:

"Development proposals in the marine environment are managed under a separate consenting regime within the framework of the UK Marine Policy Statement, as amended."

Does the proposed North Channel Wind project fall into that category, and, if so, what engagement has DFI had with other jurisdictions on that?

Mr Beggs: Our team has been engaging with them since the start of the project. At this stage, we are scoping out what they might need to submit as part of an application. Things that are offshore fall largely within the marine aspect. It is at low tide that the power comes to shore, and how that links up with the grid is where the terrestrial planning will come into play. What is important there is that we are in good communication with our colleagues in DAERA who are taking through the marine planning aspect and the terrestrial planning aspect so that we know what is going on and are looking at the project as a whole.

As with any company coming to us to discuss a project that might be regionally significant, we are there and ready to help them through the system as best we can.

The Chairperson (Mrs Erskine): Are you having those discussions with other jurisdictions, too?

Mr Beggs: We have not needed to discuss the North Channel Wind project with other jurisdictions. At the moment, we are looking at it from our particular —.

The Chairperson (Mrs Erskine): Will those discussions happen?

Mr Beggs: It depends on whether there is an impact on another jurisdiction. To a degree, we need to see what the proposal is like. Where necessary, we will discuss it with other jurisdictions, but the bulk of the project will be marine-based. We will have little involvement until it hits shore with us.

The Chairperson (Mrs Erskine): OK. As Mark helpfully pointed out, there was a bit of overlap with the call for evidence for the strategic planning policy statement, but, going back to my original point, will the Committee be provided with a detailed analysis of the consultation responses and the proposed way forward before any decisions are made by the Minister?

Mr Beggs: We will brief the Minister and, if it is acceptable to you, raise with him the particular point about when to engage with you? There has been no decision to review the policy. This is just to inform the potential for that.

The Chairperson (Mrs Erskine): OK. If members do not have any specific questions on that and are happy to move on to the planning application validation checklist, we will do so.

It is stated that there will be a degree of flexibility for councils to adopt an approach tailored to their local area and particular circumstances. Time and time again, even in the course of this conversation, you hear about different councils doing different things on planning, including on timescales and everything else. Are we in danger of creating through the checklists yet another layer where there will be differences across council areas because of the flexibility? Sorry to be parochial — I know that I am the Chair of the Committee — but the area that I represent contains multiple council areas, and it is frustrating for people if they think that their planning application would have had a different outcome two miles away over the council border. Will you address that concern?

Mrs McFerran: Of course, Chair. I will take that. First, the validation checklist is an action that everybody wants. The consultation response on that was unanimous, with 100% of people wanting it to be put in place. We are making really good progress with it and part of that involved working, as Alistair said, with the Planning Appeals Commission. The purpose of the statutory rule is to put in place the legislative framework. It is then for the councils, as you said, to put in place their own planning validation checklists. That is important because we have 11 autonomous councils, and they differ: some are very rural and some are urban.

We have been working with the office as a critical friend, and the next stage in the discussions will be working with consultees. I know that you had representatives of Rivers in before, and they mentioned floodplains. There will be a commonality in the checklists, with certain types of applications and subject matter. We are encouraging the councils to work together. We are drafting regional guidance, and we will be speaking to the consultees and the councils. The purpose of the validation checklist is not to be onerous; it is only to ask for the information that is required. The guidance will be really important for that commonality.

The Chairperson (Mrs Erskine): When will the legislation likely be amended?

Mrs McFerran: As I said, at the minute, we are working with the Planning Appeals Commission on the dispute mechanism. That is really important because, if we put a new piece of legislation before you, we need to make sure that it is right and fit for purpose. The last thing that we want to do is introduce something into the planning system that causes more delay and uncertainty. We are working really hard. We hope to be in a position, subject to the conversations with the councils and the PAC, to give the Committee something before the summer recess. If not, that will happen when you come back in September.

Mr Stewart: The Chair covered two key points that I was going to make. The other one was about the dispute mechanism that is due to be factored in for applicants on, potentially, the pre-validation checks. How will that work in practice? Will they be able to question the inclusion of some pre-validation checks or how they are applied? I am curious about how it will work out and whether it could be laborious.

Mrs McFerran: We have looked to Wales, which has that mechanism in place. It has a stand-alone mechanism, and, actually, fewer than 10 a year are appealed. From looking at that other jurisdiction, we have found that an awful lot of the work goes into having formal discussions between the applicants, the agents and the councils to sort that out. There is a back-and-forth discussion to see whether or not it is needed. Again, that is where the guidance will be very important in saying that it is not a shopping list and that the things that are asked for have to be material. If the applicant can demonstrate and question that, that is where the discussion with the local councils will be really important.

Mr Stewart: Effectively, it is about eradicating the hurdles before the applicants have to jump over them.

Mrs McFerran: Yes.

Mr Stewart: OK. That is all I need to know.

Mr Boylan: Thank you very much for your answers so far. I welcome this; it will be key in moving the process. The early questions were about renewable energy, but this will impact across the planning system if we get it right.

I was going to ask about the dispute mechanism. Obviously, there needs to be a challenge as part of the system; I do not dispute that. The earlier we have those conversations and iron out disputes, the better. We know what is out there — we have a lot of experience — we just need to get it right. Like yourself, I would not take autonomy away from the 11 councils, which are a mixture of urban and rural areas. We cannot talk about encouraging renewable energy, having targets, looking at climate change action and everything else if we do not look towards the part that local authorities have to play.

Following today's conversations, I believe that the PADs and the checklists will be two key elements. I welcome that. I would like this Committee to be kept up to date about that, because the PADs and checklists will play a major role, as long as we get them.

What engagement has there been with Belfast City Council on this? What feedback has there been? It piloted this: is that right?

Mrs McFerran: No, Belfast City Council has had administrative validation checks in place for a number of years. I should also say that many other councils have them to some degree, and the councils that we have spoken to are really pleased with them, administratively; they see that they really work. That is why there is excitement within the planning community about those checks going

into statute. We fundamentally agree with you that, if we can get quality applications front-loaded from the very start, it will stop some of the delays in the system. That means that a quality application will get to a consultee and that, even right down to when it potentially goes before the Planning Appeals Commission, that information will be present.

We have been working with Belfast City Council as a critical friend to talk about the practical outworkings of the legislation. We will then take it to the other councils. Again, it is really important to engage with the consultees as well, because they will tell us the specifics of what they would like to see.

Mr Boylan: OK. Obviously, if they are looking at that in a statute, they will have to comply.

In your engagement with Belfast City Council, have any negativities cropped up from agents, applicants or anyone else that we need to tease out as part of the process?

Ms Nola Jamieson (Department for Infrastructure): Belfast City Council did a review of its planning validation checklists and found that working and negotiating with the agents often resolves issues. It does not foresee there being much dispute. That has definitely helped with front-loading its planning applications. It welcomes the discussions that we are having and the fact that we are going out to the other councils to get consensus on how the regional guidance will be drafted and ensure that there is some consistency. Each council may have specific requirements, but, on the whole, the way in which the process operates will be taken through the regional guidance.

Mr Boylan: Fine. I have one final question, which, I suppose, goes across the board. Resource is and will be an issue for us. I believe in this: like I said, PADs and checklists will definitely ease the burden. However, I could not resist that question about resource. We need to have that conversation. That was just a final comment.

Mr Durkan: I will come in on the back of the question that Cathal put out there on resources. I am sorry; I had technological trouble during the week and was not able to fully read your paper. What way does the fee work? Is there an application fee once the validation checklist has been done? There is, obviously, a resource implication if planning officers are going back and forth with applicants and agents but no money is coming in to cover that.

Ms Jamieson: The intention is that the planning application will be submitted and the council will then go through the validation process. If there is something missing, the council will work with the agent to try to get that information submitted within a period of time. If they cannot agree — if the agent either does not submit it or says, "I do not agree with what you are asking for" — the council will issue a notice of invalidity and everything will be returned to the applicant, with the fee. At that point, the application is out of the system in the council. The applicant then has 14 days to appeal to the Planning Appeals Commission, and they will notify the council if they have done that. If the outcome of the appeal is that the application is valid, the applicant can send it back in to the council with a notice from the PAC saying that it is valid and the council will start processing the application.

Mr Durkan: If the person is not able to get all that information within that time through no fault of their own but rather that of another statutory consultee —.

Ms Jamieson: That is the negotiation at the outset. They can speak to the council and say, "We appreciate that: we need this time". It is a matter of negotiation between the council and the applicant. It is a discussion for them to have. The legislation will not dictate how long that period of negotiation is. A time frame will only come in when the notice of invalidity is issued, from which the applicant will have 14 days to ask for an appeal.

Mr Durkan: Will the legislation reach its tentacles into those other statutory consultees, so that the importance of this process and the role that they have to play is flagged with them. I spoke of the under-resourcing of planning, but a lot of the problems that we see in planning are down to the other bodies being under-resourced as well.

Mrs McFerran: There has been a planning forum for a number of years, which has now changed its name to the Planning Statutory Consultee Forum. That has been really helpful, with a couple of representatives of local government and the Department sitting on it. That is where we have those conversations. They are aware of the validation checklist and say that it is a very positive tool.

Mr Durkan: Thank you.

Mr K Buchanan: That has answered a few of my questions. Thanks for coming along. Explain the process to me. I never went through council, ever; I was in a different world. I am not saying that there is anything wrong with anybody who went through council. *[Laughter.]*

The Chairperson (Mrs Erskine): Thanks.

Mr K Buchanan: If I fill out and put an application form into council today — let us say that it is for a wind turbine — how do I know what I have to provide?

Mrs McFerran: At the minute, usually for an application —.

Mr K Buchanan: Or a house, whatever it is.

Mrs McFerran: I can start. Normally, people will appoint an agent, and that agent will guide them through.

Mr K Buchanan: A good or bad agent?

Mr Boylan: Do not answer that.

Mrs McFerran: Normally, people do their homework. When they are spending that amount of money, they will appoint somebody with a record, who will be able to assist them through that process. If you look at planning applications that are in, there is a set amount of information. There is a very low bar for validation, I should say, but there is a set amount of information for each type of application. Again, that is where it comes back to the importance, if it is a major application, of entering into discussions with the council at the earliest opportunity.

Mr K Buchanan: We talked about tennis before you came in. Do you not find that this is a game of tennis between the agent and the council? The council will say, "I need this now. Go away and do that". Then, if I provide that, in another three months the council will say, "Oh, you need this". That goes on for months.

Ms Jamieson: That is where the validation list —.

Mr K Buchanan: The validation checklist for this application will say, "You need A, B and C". Maybe John touched on this, but who decides that the list does not go too far? You could just supply everything to keep yourself right, but there is a cost to doing so. Who is going to have that debate, and at what point in time? Maybe that was touched on earlier. Is that going to be an early stage in the debate?

Ms Jamieson: The regional guidance will set out that the checklist should be proportionate and precise and only ask for the information that is required. A list may be extensive, but that is not to say that every application will need to meet everything on it. That is where the dispute mechanism is important, because the council may say, "We consider that item to be required", and the applicant might say, "I do not think that is the case". If they cannot agree on that, that is where the PAC comes in, and it is important to have that mechanism in place.

Mr K Buchanan: In how many applications would that have solved the problem with additional information being required? Are we talking 50% to 60%? If that validation checklist had been in place five years ago, it would have saved a lot of bother. How many applications in the current process have issues due to their not containing enough information, with a game of tennis going on?

Ms Jamieson: That is very hard to say, because you would have to look at each application.

Mr K Buchanan: If you look at Mid Ulster District Council or any other council, all you see beside applications is, "Need more information", and the time just goes on and on. Let us say, for argument's sake, that the figure is 50%. When did you review the Planning Act 2011? I am looking at your paper, which states that you wanted to implement the findings of that review. When was that done?

Mrs McFerran: That report was published in 2022.

Mr K Buchanan: OK. Only two years ago; fair enough.

Mr Durkan: I have one wee question, and it follows on from what Keith said about the MOT approach that some applicants take, where they put in an application and wait until they hear from planners on what is wrong with it or what needs to be done. I know that each application will be looked at on its own merits, but would something like a bat survey, for example, be identified in this process? If that is done too early, and it takes a while to process the application, it might be out of date or need to be renewed by the time the application comes to be decided upon.

Ms Jamieson: Having spoken to Belfast City Council, I know that if they identify that ecological surveys are required on receipt of an application, and they are outside of the season to get those surveys, they return the application and say, "You will have to come back to us at the appropriate time with the appropriate surveys done". That is how they operate at the moment. That means that the application is not just sitting in the system.

Mr Durkan: There is considerable outlay for some of those things, so people will want to wait to see if they have cleared other hurdles first.

Mr Boylan: I have a final point. Thanks for raising that point, Mark. I know that there is nothing that we can do about this, but, say a single applicant wants to fill in their own application, we cannot put a duty on an architect or an agent or whomever submits the application. Keith put it well there that agents can be good or bad, but I will say that, in my experience, there are experienced and inexperienced people out there. Some can handle applications and fill them in properly, and there are others out there who cannot. Have we looked at that? Obviously, you had that conversation with Belfast City Council when it did the review. It outlined a number of issues that had come up and said how it needed to go about addressing them. My point is that when we have finished this process, whose responsibility will it be to ensure that those people who make the application know the evidence that is required? Is that going to be in statute? Mark mentioned the bat surveys. They are only carried out at certain times of the year, so there is no point in putting in an application during the month of December.

Mrs McFerran: You can correct me if I am wrong, but, as the legislation sits, it is envisaged that each council will have its own validation checklist and that there will be an annex to that. For each application type, there will be bullet points for what is expected, drawing from consultees or past practice in the council. So, they will have a guide. There are usually planning clinics in councils or planners who are happy to have those conversations.

Mr Boylan: Fair enough. Thank you.

The Chairperson (Mrs Erskine): Thank you very much for coming to the Committee today. We really appreciate it. We look forward to seeing some of that as we go forward. That will be really useful. Thank you for your time.

Mr Beggs: Thank you very much, Chair and members.