

DEVELOPMENT MANAGEMENT – A GOOD PRACTICE GUIDE,

PURPOSE

This Guide explains how the Planning Service, with the co-operation of applicants/agents and consultees can operate an efficient development management system to help deliver quality and sustainable development needed to support economic growth.

INTRODUCTION

The Guide provides advice on facilitating and managing development rather than merely controlling undesirable forms of development. It introduces a project management approach for handling planning applications in ways that are proportionate to the significance of each application. The overall aim is to improve the efficiency of the planning process and provide greater certainty about timescales, particularly for the applicant and third parties, in the context of achieving the Programme for Government (PfG) Public Service Agreement (PSA) targets. It is a critical step in preparing for the overall reform of the planning system which it is intended will lead to a series of other changes to make the development management system fit for purpose post RPA and responsive to different types of development proposal, with improved community involvement at appropriate points in the process.

The development management system can only be efficient and effective if all key stakeholders - Planning Service, applicants/agents and consultees - follow certain basic ground rules. This Guide sets out clearly how best to actively manage the progress of applications through the development management system and identifies the roles/responsibilities of Planning Service staff, applicants/agents and consultees at each stage of the process in order to deliver good quality planning decisions in an efficient manner.

PPS 1 Paragraph 59 states that *“The Department's guiding principle in determining planning applications is that development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In such cases the Department has power to refuse planning permission”*.

ROLES and RESPONSIBILITIES

Planning Service will:-

- respond positively to requests for pre application advice in accordance with the guidance within this document;
- ensure that all stages of the development management process are completed within the stated timescales;
- promote meaningful public consultation and take account of representations received;
- actively manage consultations regarding the need to consult and the assessment of responses;

- request amendments/additional information as early as possible to avoid unnecessary delay;
- provide an initial planning view as early as possible in the application process particularly when a proposal is considered to be fundamentally unacceptable.
- assess applications to form corporate opinion for consultation with District Council at the earliest possible opportunity;
- Issue decisions promptly following completion of Council consultation.

Applicants/agents need to:-

- avail of pre application advice, when necessary, in order to front load applications which will minimise delay in processing;
- submit good quality applications with properly completed application forms, accurate drawings and all other supporting information necessary to assist the determination of an application;
- ensure that proposals reflect the planning policy context;
- anticipate neighbour/community concerns, discuss proposals with the local community and take appropriate action to resolve potential issues before submitting an application;
- respond promptly to requests for amendments/additional information.

Consultees are required to:-

- provide a substantive response within agreed timescales;
- comment only on matters related to material planning considerations;
- not burden the development management process with matters related to the requirements of other legislation;
- will seek amendments/additional information only when necessary to inform a planning decision;
- provide draft conditions/reasons for refusal when appropriate.

TARGETS

Planning Service is committed to meeting the PfG targets in relation to the processing times for major, intermediate and minor applications (PSA 22 targets) which are as follows:

By March 2011:

- 60% of major applications processed in 23 weeks;
- 70% of intermediate applications processed in 31 weeks; and
- 80% of minor applications processed in 18 weeks.

Taking into account the overall reform of the planning system and on-going short-term process improvements, it is clear that there are areas within the development management process where there is potential to save time in order to meet these challenging targets.

There are a number of distinct stages in the processing of planning applications where efficiencies can be achieved by adopting a project management approach. These are described in detail below and summarised in the attached process map which includes associated timescales and targets.

Stage 1 - Validation

At the initial stage of the process the appropriate PSA 22 target for the application is identified on the Planning Service computer system and clearly recorded on the application file cover along with the corresponding Development Management Group (DMG) date.

The validation process is carried out in accordance with the Invalids Manual to meet the Tier 2 2009/10 Planning Service Business Plan targets which are:-

- 85% of applications validated within **6 working days** and
- 95% of applications validated within **10 working days** of receipt of the application.

Stage 2 - Allocation

Normally, applications are allocated on a **daily** basis. The allocating officer, normally SPTO, will offer initial guidance at this stage to case officers, when necessary, on any key issues and ensure that the extent of consultation with statutory bodies is proportional to the type of development proposed. This will avoid omission or unnecessary consultation which could lead to delays and place an unnecessary burden on consultees.

Allocating officers will carefully monitor individual caseloads with regard to the type of application and the timescales for achieving PSA 22 targets. This will ensure that case officers have a balanced workload which, as far as possible, reflects their experience and assists them in meeting PSA 22 targets.

Stage 3 - Consultation with Statutory Bodies

In view of their impact on timescales it is essential that consultations are carefully managed. As stated above, consultations will be issued on a need to consult basis in accordance with the guidance provided in Chapter 4 of the Development Management (DM) Manual. Consultations will normally be issued within **three working days** of allocation.

Paragraph 51 of Planning Policy Statement 1 – General Principles states that:-
“The Department will base its decisions on planning applications on planning grounds alone. It will not use its planning powers to secure objectives achievable under non-planning legislation, such as the Building Regulations or the Water Act. The grant of planning permission does not remove the need for any other consents, nor does it imply that such consents will necessarily be forthcoming. However, provided a consideration is material in planning terms, it will be taken into account, notwithstanding the fact that other regulatory machinery may exist.”

Therefore, consultation with statutory bodies will be carried out only when necessary to inform a planning decision (See Appendices/Schedules to Service Level Agreements). It is important to ensure that the planning system is not burdened with matters that are capable of being addressed under the provisions of other legislation. For example, the need for a Discharge Consent, the requirements of the Wildlife Order and Environmental Health legislation will be dealt with by the responsible bodies outside the planning application process.

Consultation responses will be critically examined to ensure that any further information requested is essential to inform a planning assessment of development proposals and ultimately the decision making process. Consultees will be informed when their advice is considered to be inappropriate in the context of the development management process. This will be documented in the Professional Planning Report (PPR).

Normally, requests for further information/amended plans will be issued to applicants/agents within **three working days** of receipt of a consultee response. The request letter will specify a timescale for the submission of information and where appropriate will explain why the amendment/information is required to enable the application to be processed. The timescale will reflect the complexity of the information required. For example, a request seeking amended access details for a single dwelling will be given a maximum of **two weeks** whereas the submission of a Traffic Impact Assessment is likely to take a substantial period of time (2-4 months).

The request letter will advise applicants/agents that reminders will not be issued and that information must be submitted within the specified timescale unless there is a justifiable reason to extend the stipulated period for submission. Any extension will be agreed with the case officer. Case officers also will advise applicants/agents of the target DMG meeting for the application and stress the importance of submitting the amendments/information to meet that target.

On receipt of amended plans/information case officers will avoid unnecessary repeat consultations. For example, where the information submitted clearly addresses the issues raised by a consultee further consultation may not be necessary. Also, where a road layout in a residential development has been altered it may be necessary to re-consult Roads Service whereas it is unlikely that further consultation with NIEA Water Management Unit would be required. In these circumstances where a further consultation is not deemed necessary, the case officer will contact the consultee to seek draft planning conditions and/or informatives (if necessary).

Stage 4 - Public Consultation (Advertising and Neighbour Notification)

Advertisement and neighbour notification will be carried out in accordance with Chapter 5 of the DM Manual normally within **three working days** of allocation (at the same time as consultations are issued). Re-advertisement and re-neighbour notification will be carried out in accordance with Chapter 5 (paragraph 5.6.2) of the DM Manual and associated Procedural Guidance (5B). Case officers will check on site that the correct neighbour notification has been carried out and will record this in the PPR.

Stage 5 - Site Inspection and Early Assessment

Prior to going on site case-officers will identify and confirm all relevant planning history. Normally a site inspection will be carried out within **ten working days** of allocation. The case officer will:-

- Make a full assessment of the site and its context;
- Identify key planning issues;
- Confirm that Neighbour Notification has been completed in accordance with established procedure;
- Confirm that no further consultations need to be issued because of site specific factors.

A copy of any photographs taken will be placed on the application file (digital images must not be stored in personal folders on computer drives). The SITE VISIT DETAILS/DESCRIPTIONS elements of the Case Officer Report (COR) will normally be completed within **five working days** of a site inspection. SPTO will ensure that site inspections are carried out within the above timescale.

Stage 6 - Initial Planning View

The SPTO will review applications with case officers normally within **ten working days** of a site inspection to confirm the basis for assessing each proposal in terms of planning policy and to form an initial planning view.

A clear record of issues discussed and actions agreed will be placed on the application file. The need for this level of guidance will vary depending on the nature of the proposal and the experience of the case officer.

This is a crucial stage of the process towards achieving PSA 22 targets and SPTOs will ensure it is completed within the required timescale.

When an initial planning view is formed applications will normally fall into one of three categories:

- (1) Proposal is acceptable** – applications which can be recommended for approval with no or minor amendment (without requiring negotiation);
- (2) Proposal requires substantial amendment and/or additional information needed** – applications where it is judged that negotiation and amendment could lead to approval;
- (3) Proposal is unacceptable and likely to be refused** – applications where negotiation is unlikely to lead to an acceptable proposal.

(1) Proposal is acceptable.

When it is established that a proposal is acceptable in planning terms, the case officer will complete the COR as far as possible taking account of representations and consultation responses. Requests for minor amendments/additional information arising from consultation responses and/or representations will be assessed as described at Stage 3 above. Where appropriate, the case officer will consider the use of planning conditions including negative conditions, as an alternative to amended plans/additional information e.g. in relation to access details, archaeological surveys or materials/finishes.

(2) Proposal requires substantial amendment and/or additional information.

Where proposals are deemed to be acceptable in principle on the basis of an initial planning assessment, subject to the submission of amended plans/additional information, case officers will contact the agent/applicant normally within **five working days** to request the information required. It is the responsibility of the case officer to state clearly the amendments/information required with supporting planning reasons as necessary. This will be communicated to the agent/applicant by letter, e-mail, telephone or meeting, whichever is appropriate, depending on the complexity of the issues to be resolved. The guidance outlined at Stage 3 will be followed in relation to timescales for submission of information and the approach to be adopted regarding repeat consultations. Deadlines for submission of amendments/information will take into account whether any further consultation is likely to be required.

- Minor amendment resulting from the applicant responding positively to comments from consultees and/or third party representations will proceed to decision without further consultation, where possible;
- Re-consultation will be carried out where there is likely to be a greater or significantly different impact resulting from the amended proposal; and
- Where an amendment proposes a significant increase in the scale of development full re-consultation will be carried out.

When information is not received within the specified timescale the case officer will complete the Professional Planning Report (PPR) (see Stage 7 below) and include reference to the information requested and the applicant/agent's failure to provide it within the timescale. Where the case officer is recommending refusal on the basis of insufficient information the reason/s for refusal will state clearly why a proposal is unacceptable and why the Department is unable to grant planning permission in the absence of the information requested.

PPS 1 Para 59 states that "*Grounds for refusal will be clear, precise and give a full explanation of why the proposal is unacceptable to the Department.*"

A decision refusing planning permission on the basis of insufficient information will clearly identify the information required and the "interests of acknowledged importance" that would be harmed if planning permission was granted in the absence of additional information. The following are examples of appropriate reasons:-

- The Department considers that insufficient information has been provided to establish the acceptability of the proposed development and in particular to demonstrate that the local infrastructure can facilitate the scale of development proposed including provision of sewerage facilities, accommodation of storm run off and identification of the specifics and practicality of alterations to the local roads network.
- The applicant has failed to demonstrate that the proposed road improvements associated with the development can be provided, in accordance with the Design Manual for Roads and Bridges, without prejudicing road safety and the convenience of other road users.

(3) Proposal is unacceptable

A proposal that is fundamentally unacceptable in planning terms, taking account of the Development Plan and all other material considerations will be progressed to an opinion to refuse planning permission. Consultee responses will be critically assessed to ensure that requests are not issued for amendments/additional information that will not alter a planning view to refuse planning permission. Applications in this category will be considered at DMG at the earliest opportunity.

Applicants/agents and consultees will be advised of the Department's opinion to refuse planning permission at the earliest appropriate opportunity. This will normally be when the application is included on a Council schedule. This early indication of the Department's opinion is welcomed by applicants/agents as unnecessary work preparing amendments/additional information is avoided when there is no prospect of planning permission being granted. This is helpful to consultees in formulating responses, including requests for amendments/additional information, in relation to proposals considered fundamentally unacceptable and where a refusal is likely to issue, subject to consultation with Council.

In addition to the right to have an application progressed to a decision applicants/agents will be advised of the option to withdraw an application and re-submit an alternative proposal with a reduced fee under the provisions of the The Planning (Fees) Regulations (Northern Ireland) 2005 (Regulation 8).

Pre application advice will be offered to inform the submission of amended proposals. This will reduce the need to negotiate amendments to any subsequent application, thereby minimising delay in the process.

Stage 7 - Professional Planning Report (PPR)

The case officer will complete the assessment of the application and the PPR in accordance with the advice given in the DM Manual Chapter 5 (Paragraph 5.12.1) and Chapter 7: Use of Conditions.

This must include a case officer recommendation for consideration at the DMG meeting.

Stage 8 - Development Management Group (DMG)

The SPTO and case officers will use the fortnightly live case management monitoring reports to ensure that applications are brought to DMG in time to meet PSA 22 targets. Careful management of the progress of an application by both SPTOs and case officers will ensure that the majority of applications are brought to the DMG at the first available opportunity.

The final DMG to meet the PSA 22 target will be a minimum of **three weeks** prior to the target date to accommodate the time lag prior to a Council meeting and the issue of a decision post Council. The final DMG target date is recorded on the application file cover at Stage 1.

All targeted applications will be considered by the DMG, including those where a case officer assessment may be incomplete. The reason for the delay will be identified and action agreed will be recorded on the file.

The progress of applications that fail to meet the final target date for DMG will be monitored on a fortnightly basis to ensure that subsequent delay is reduced to an absolute minimum.

Stage 9 - District Council Consultation

All applications for consideration by Council will be completed by the case officer and passed to AA/AO a minimum of **two working days** prior to a Council meeting. Files will be passed to the officer attending Council at least one day prior to the meeting to allow for preparation.

Requests for Deferral will be handled in accordance with the guidance in Circular PC 16/06 – GUIDANCE ON CONSULTING COUNCILS ABOUT PLANNING

APPLICATIONS. While it is important that Councils provide planning reasons for seeking a deferral, Planning Service will apply a flexible interpretation of the agreed criteria, where appropriate, to ensure that Councils continue to have a full and meaningful role in the development management process. It is also important that Planning Service and Councils are able to demonstrate, in the event of a challenge, that a request for deferral is soundly based on defensible planning grounds.

The officer attending Council will prepare an Action Sheet giving details of Deferrals, Management Board Referrals and other matters requiring subsequent action. The pro-forma (Annex A) attached to Circular PC 16/06 will be completed for all deferred applications.

Files will be returned to AA/AO on the day following a Council meeting for decisions to be issued. Applications deferred/referred will be recorded on 2020/ePIC.

Stage 10 - Issuing Decisions

Tier 2 2009/10 targets for issuing decisions are:-

- 85% of decisions issued within **2 weeks** of Council meeting and
- 95% of decisions issued within **4 weeks** of Council meeting.

AA/AO will print Decision Notice, stamp drawings and assemble for issue.

The issue of decisions will be prioritised to ensure that the PSA 22 target for each application is met. Subject to local arrangements, the SAO/SPTO/case officer will monitor progress to ensure that the above targets are met.

Process Map

Key Stages	Activity	Actions	Target Timescale
1	Validation	Record PSA 22 Target on 2020 and file cover along with DMG target date. Refer to Invalids Manual	Tier 2 Targets 2009/10:- 85% in 6 days; 95% in 10 days.
2	Allocation/Initial Guidance	By SPTO/PPTO as appropriate.	Daily
3	Consultation with Statutory Bodies	In accordance with Chapter 4 of DC Manual and Paragraph 51 of PPS 1 – General Principles. Critically examine responses. Issue requests for amendments/information	Within three working days of allocation Within three working days of receipt
4	Advertisement and Neighbour Notification	In accordance with Chapter 5 of DC Manual. Repeat in accordance with Chapter 5 of DC Manual (par. 5.6.2) and Procedural Guidance (5B) To be checked on site and recorded on PPR	Within three working days of allocation.
5	Site inspection And Early Assessment	Site inspection to assess site and context; identify key planning issues; check neighbour notification and confirm consultations. Check planning history. Complete Site Visit Details section of Case Officer Report.	Within ten working days of allocation. Within five working days of site inspection.
6	Initial Planning View	SPTO review with case officer. Proposal acceptable – complete PPR for DMG (refer to Stage 7). Proposal requires amendment – contact applicant/agent. Proposal unacceptable – advise applicant/agent of view and options (refusal/withdrawal/resubmission)	Within ten working days of site inspection. Within five working days of review Within five working days of review.
7	Professional Planning Report	Complete PPR in accordance with DC Manual Ch.5 (paragraph 5.12.1) and Ch.7: Use of conditions. Include case officer recommendation.	Prior to DMG
8	DMG	Applications to first available DMG. Target DMG at latest. All targeted applications considered.	Minimum of three weeks prior to PSA 22 target.
9	District Council Consultation	Completed files to AA/AO Files to SPTO/PPTO.	Two working days prior to Council. One day prior to Council.
10	Issuing Decisions	AA/AO - Print Decision Notice, stamp drawings and assemble for issue.	Tier 2 Targets 2009/10:- 85% in two weeks; 95% in four weeks.