



Planning Appeals  
Commission



Water Appeals  
Commission

# The Planning and Water Appeals Commissions

**Annual Review 2022/23**

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## CHIEF COMMISSIONER'S STATEMENT

This is the annual review of the Planning Appeals Commission and the Water Appeals Commission (PACWAC) for the financial year 1 April 2022 to 31 March 2023.

This year was particularly ambitious for the organisation. It involved the implementation of a new IT Case Management System with Customer Portal/Interface and a relocation to new offices. PACWAC who are administratively supported by the Northern Ireland Courts and Tribunal Service (NICTS) would like to thank everyone who have worked alongside the Commissions to deliver on both projects. I would also like to thank the officials in the Department of Justice (DoJ) that have provided related support during the year and the wider liaison team. In addition, I want to pay particular thanks to the Commissioners and the administrative team who gave of their time to engage in both projects.

As outlined later in the report, the Commission is undergoing a period of change and has had to continue in carrying out its business whilst operating without the full complement of Commissioners or administrative staff. Whilst efforts are in hand to increase resources, PACWAC continue to operate with reduced resources both administratively and professionally. Despite the resourcing issues, PACWAC has undertaken significant work over the last year. I wish to express my gratitude to the Commissioners and the administrative support team, without whom we would not have been able to achieve what we have thus far.

In this financial year we have delivered on our commitments to:

- undertake a formal review of procedural options to ensure they meet the needs of customers.
- undertake an initial review of external performance measures to ensure they are reflective of customer needs.
- undertake engagement with stakeholders to improve the understanding of the role of the Commission in the NI planning system.
- ensure that the quality of decision making is maintained.
- invest in the training and development of our workforce to enhance skill sets and to ensure effective contribution to the organisation.
- relocate to an office location which aligns us with the DoJ 'family' while retaining our independent status.
- finalise the implementation of a new case management system and customer portal which will incorporate the electronic exchange of evidence, and
- formulate a future operating model which facilitates remote hearings to effectively deliver our service.

We have delivered on our Key Performance Indicators (KPIs) in relation to the quality of decisions and the delivery of reports within the Hear and Report workstream. Whilst the KPIs for timeliness of decision-making in appeal work fall short, we have delivered on the commitment to increase the number of appeal decisions issued when compared with previous years.

The next 12 months will see the onset of many new challenges including the implementation of electronic working arrangements, the review of operating models, increasing Commissioner numbers to reach full complement and reducing outstanding casework. In order to deliver on the latter objective, difficult decisions will have to be made as to how best resources are utilised given requests to undertake significant levels of Hear and Report casework (referred work from the Department for Infrastructure (DFI) primarily).

As outlined earlier, the Commissions are undergoing transition. In these circumstances, I acknowledge the patience shown by all external stakeholders as we work through the challenges we face. The Commissions will, as always, endeavour to deliver to the best of our ability in line with the resources available.

## SECTION ONE

# Our Work and People

## Our Work and People

### The Commissions

The Planning Appeals Commission is an independent appellate body established under statute to decide a wide range of appeals and to report on various matters under planning and other legislation.

The Water Appeals Commission, while sharing the vision, aims, objectives and core values of the Planning Appeals Commission, is a separate appellate body, exercising a wide range of functions under water, fisheries and drainage legislation.

The Commissions are not part of any Government Department. Financial and administrative support is provided by our sponsoring Department, the Department of Justice, through the Northern Ireland Courts and Tribunals Service.

The Commissions are completely autonomous in our decision-making and operation of the appeals, hearing, inquiry and examination processes. We are not answerable to any government Department or any other agency or public body. Our decisions are subject to the supervision of the Courts, reflecting our independent appellate roles in planning and environmental matters.

All individuals within PACWAC are expected to adhere to the seven principles of public life as they represent the underlying values that the organisation seeks to uphold:

- **Selflessness** – holders of public office should take decisions solely in terms of the public interest.
- **Integrity** – holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- **Objectivity** – holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

- **Accountability** – holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- **Openness** – holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- **Honesty** – holders of public office should be truthful.
- **Leadership** – Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

PACWAC also commit to the following additional values:

### **Making a Difference**

We commit to providing a high level of customer service, working professionally and ensuring that we deliver decisions or recommendations in a timely fashion.

### **Maintaining Quality**

We commit to ensuring that our decisions and recommendations are of the highest standards.

### **Our Work**

The Commissions have two broad areas of work which, for ease of discussion, are categorised as ‘Hear and Decide’, and ‘Hear and Report’. The former is appeal casework. Appellants lodge appeals. The Commission considers the evidence and makes a final decision. In addition to the appeal decision, the Commission may have to consider a separate cost claim.

Hear and Report work is less predictable but resource intensive. It involves undertaking public inquiries and hearings into regionally significant and called in planning applications and carrying out independent examinations into local development plans (LDPs). In these cases, most referrals are made from the Department for Infrastructure (Dfi). The Commission will consider the evidence presented and report back to the DFI or planning authority who make the final decision. The Commission’s role is advisory only.

There are also other Hear and Report functions such as the undertaking of public inquiries into development schemes, vesting orders and road schemes and organising hearings into the need for environmental impact assessments.

## Our People

Our work is carried out by Commissioners supported by an administrative team.

### Commissioners

Chief Commissioner	Miss A Kells BA MSc LLB MRTPI
Deputy Chief Commissioner	Ms P O'Donnell DipTP MRTPI
Principal Commissioners	Mrs H Fitzsimons BSc DipTP MRTPI Ms R Daly BSc MSc MRTPI
Senior Commissioners	Ms J De-Courcey BSc MSc LLB MRTPI (until 22 March 2023) Mr A Speirs BSc MRTPI Mr K Donaghey BSc MRTPI Mrs P Boomer BSc DipTP MRTPI (until 29 July 2022) Dr D O'Neill BSc DipTP PhD MRTPI Ms M Jones BA BArch ARIBA Ms J McParland BSc MRTPI Ms C McDonagh BSc DipTP MRTPI Ms L Roddy BSc (Hons) MSc MRTPI PIEMA Mr G Kerr BSc MSc MRTPI (from 2 January 2023) Mrs T Harbinson BSc DipTP MRTPI (From 27/02/2023)



## Commissioners

Mr D Hannon BA DipTP MRTPI

Ms D McShane BA MTP MEPPA MRTPI

Mr M Watson BSc DipTP MRTPI

Mr G Kerr BSc MSc MRTPI (until 1 January 2023)

Ms B Stevenson BSc MSc MRTPI

Mr K Gillespie BA (Hons) BPI MLegSc MRTPI

Ms M McKearney BSc DipTP MRTPI

Ms C McKeary BSc (Hons) MSc MRTPI

We have had several new individuals join PACWAC in the last year both at Commissioner and administrative level. We welcome our new Commissioner Trudy Harbinson and the administrative staff to the team.

Within the period of the report two Commissioners and two members of the administrative team left the organisation. The Commission extends its thanks to them for their valued contribution to PACWAC.

## Administrative Team

Administrative support is provided by our sponsoring Department, the Department of Justice, through the Northern Ireland Courts and Tribunals Service and consists of the following:

Chief Administrative Officer

Office Manager

Local Development Plan Programme Officer

Casework Manager

Two Team Leaders

Five Casework Officers

Administrative Support Officer

IT Project Business Lead

IT Project Support Officer

## SECTION TWO

# What we have delivered

## What we have delivered

As set out in the Chief Commissioner's Statement, 2022/23 was an ambitious year for the Commission. Our priorities and objectives as set out in our business plan were:

### Priority: Customer First

#### Objective 1:

To deliver a high-quality service that meets the needs of our customers. To achieve this, we will:

- undertake a formal review of procedure options to ensure they meet the needs of customers.
- review our external performance measures to ensure they are reflective of customer needs.
- continue to hold engagement sessions with stakeholders to improve the understanding of the role of the Commission in the NI planning system; and
- continue to ensure that the quality of decision making is maintained.

### Priority: Operating Environment

#### Objective 2:

To deliver an operating environment that will support an expanding workforce. We will:

- Work alongside our Sponsor Body (DoJ) to ensure we are sufficiently resourced to address existing and pending work commitments.
- Invest in the training and development of our workforce to enhance skill sets and to ensure effective contribution to the organisation.
- Relocate to an office location which aligns us with the DoJ 'family' while retaining our independent status; and
- Review structures within the Commission to ensure they provide the most effective and efficient basis for the delivery of business needs.

## **Priority: Adapting Information Technology to facilitate new ways of working**

### **Objective 3:**

To implement effective solutions to ensure our systems are fit for purpose.  
We will:

- finalise implementation of a new case management system and customer portal. This system will incorporate the electronic exchange of evidence and will be user-friendly; and
- formulate a future operating model which facilitates remote hearings where they can be utilised effectively to deliver our service

As outlined in the previous section, the Commissions have had some changes in personnel during the financial year. Ongoing vacancies combined with the intensive training required for new members of the workforce has had an impact on operational capacity. Despite these challenges, the Commission continued to deliver on its stated commitments as outlined below.

### **Delivery of a Case Management System and Customer Portal**

A new case management system and customer portal went live in September 2022. The contract to develop the new system was awarded in October 2021. A series of discovery workshops enabled the new system to be refined and agreed. The work was carried out in conjunction with the Department of Justice's Vision 2030 Service Design team.

The system known as 'iCasework' seeks to improve the experience of customers, as well as modernising and improving processes for PACWAC. It has two main components - a back-end case management system to streamline appeal casework and a portal to improve information accessibility and communications for customers. Extensive user acceptance testing, which was particularly resource intensive, was undertaken to ensure the optimum product was delivered.

The system went live in September 2022. This was the culmination of months of work on behalf of a dedicated team comprising both administrative staff and Commissioners. Much was achieved in a short space of time and all involved are commended for their efforts. We also acknowledge the contributions of several Councils and other parties who worked with us in our pilot projects to test certain aspects of the new system.

The system removes the need for all communications to be carried out in hard copy and will optimise PACWAC resources by reducing the amount of time staff spend printing and posting documents. It should improve the service to the public by making communication quicker and by enhancing data security. Appellants and parties to an appeal will be able to make submissions electronically.

The system introduces e-bundling, which will save printing costs and staff time previously spent on managing hard copies of appeal documentation which can run to hundreds of pages.

The team had to work quickly to get the system developed and tested in readiness for 'go-live' pending the exit from the previous contract. Further system enhancements are to be made in the next financial year.

### **Website Development**

Website improvement was an integral component of the IT project. The team also worked closely with the previous supplier to facilitate data migration from the old system to iCasework. The customer portal is accessed via the PACNI website. It facilitates customers to register an appeal online, upload documentation, and pay costs associated with an appeal.

Additional search functions are incorporated into the website to make it more customer friendly. Further enhancements may be identified in future which we will aim to implement if they can aid customer service.

### **Office Relocation**

Our new premises are at 92 Ann Street, Belfast. We re-located in November 2022 to office accommodation which provides a modern, flexible and digitally enabled environment. The office design offers touch down areas, collaborative working zones, meeting rooms, and consultation spaces.

Whilst the Commission is keen to support the continued provision of remote hearings, the ability to conduct hearings in person was at the forefront of the requirements of the new office. As such, two multi-functional hearing rooms form a key. They are digitally enabled to facilitate remote and hybrid hearings.

## Reintroduction of Accompanied Site Visits

Given the changes to advice arising in relation to COVID 19, the decision was made in February 2023 to re-introduce Accompanied Site Visits in respect of appeals received by PACWAC from 1st April 2023 onwards.

## Stakeholder Engagement

The engagement took place in December 2022 and entailed issuing a questionnaire to stakeholders. Its purpose was to seek feedback from service users to align our future operating model with the needs of customers. We received 28 responses to the questionnaire in respect of hearings, site visits, the complaints process and overall performance. The responses will be used in combination with those obtained in subsequent customer engagement sessions to improve service delivery going forward.

## Complaints

All complaints made to the Commission are investigated and a response issued to the complainant. Where complaints are found to be justified, an explanation and apology, if necessary, are provided. In 2022/23 we received three complaints of which one was justified.

The Commission's handling of complaints is scrutinised by an Independent Complaints Audit Panel (ICAP). The Panel comprises one member appointed by the Royal Town Planning Institute and one member appointed by the Bar Council of Northern Ireland. The Panel's purpose is to independently review complaints made to PACWAC and advise if the action taken in respect of the complaint was appropriate and that the complaint has been correctly classified as justified/unjustified.

The Panel reported on complaints received in 2021/22 and 2022/23. It found that save for the timing of substantive responses, the Commission had responded to complaints in accordance with its published procedure. Having reviewed the content of each complaint and the response of the Commission, ICAP were satisfied that the substance of the response in each case was appropriate. The outcome of the complaint and the reasons for the Commission's disposal of the complaint were explained in clear terms to the complainant.

We take this opportunity to thank the Panel for their valuable contribution. Their analysis and recommendations, some of which are currently in hand, provide useful feedback. The ICAP report is available on our website.

## Judicial Reviews

Commission decisions can be challenged by an application to the High Court for judicial review, on a point of law only. In circumstances where the decision is clearly flawed the judicial review application is not contested by the Commissions. In the event of a successful challenge, following receipt of the Court Order the appeal is reheard by a different Commissioner from that which made the original decision and a new decision is issued. In 2022/23 we were subject to judicial review proceedings before the court in two cases. One of these decisions was quashed.

## Decision Quality

We seek to ensure that the number of appeal decisions giving rise to a justified complaint or successful judicial review challenge in the previous and current accounting years amounts to no more than 1.5% of the total number of appeal decisions issued in that two-year period.

The proportion of appeal decisions which were associated with a justified or partially justified complaint, or successful judicial review challenge, is two. This means that we met this performance objective.

## Outreach work

During this financial year, the Commission continued to be involved with events to improve the understanding of our role in the NI planning system as set out below.

- Presentation to the Northern Ireland Planning Law Update organised by the Royal Town Planning Institute;
- Presentation to Councillors organised by the Northern Ireland Local Government Association;
- Involvement in various student exercises involving the Queen's University of Belfast and Ulster University; and
- Participation in workshops on renewable energy and Local Development Plans organised by the Department for Infrastructure



## Finance

The income received from planning appeal fees is £40,609.00 . The remainder of the budget for the Commission is provided by the Northern Ireland Courts and Tribunals Service (NICTS). The costs of the iCasework system has been funded entirely through the NICTS Vision 2030 modernisation budget.

	£	%
<b>INCOME</b>		
Appeal fees	<b>£40,609.00</b>	
Photocopying charges	<b>£22.10</b>	
<b>Total income</b>	<b>£40,631.10</b>	
<b>EXPENDITURE</b>		
Commissioners' salaries	£1,730,727	67.03%
Administrative staff salaries	£576,888	22.34%
Travel & subsistence	£8,883	0.34%
Accommodation charges	£99,458	3.85%
Advertising	£22,391	0.87%
External training	£2,946	0.11%
Legal fees	£5,793	0.22%
Postage & telephone charges	£27,152	1.05%
Electricity	£23,649	0.92%
Library	£19,830	0.77%
Stationery & printing	£8,757	0.34%
Contract cleaning	£11,600	0.45%
Office equipment	£1,559	0.06%
Incidental expenses	£9,164	0.35%
Software maintenance contract	£25,382	0.98%
Refund of fees	£7,844	0.30%
<b>TOTAL</b>	<b>£2,582,023</b>	<b>100.00%</b>

## Hear and Report Casework

Hear and Report is an area of work which is resource intensive due to the nature of the issues raised and the level of public interest. As outlined previously, the principal elements are public inquiries and hearings into regionally significant and called in planning applications as well as Independent Examinations.

## Local Development Plan Independent Examinations (IE)

Within the last financial year, the Commission has continued to commit resources to the IE programme.

- Fermanagh & Omagh District Council's Independent Examination into the Plan Strategy is fully completed with the final report submitted to Department for Infrastructure (DfI) in October 2022.
- Lisburn & Castlereagh City Council's Independent Examination into the Plan Strategy is fully completed with hearing sessions having taken place. The final report was submitted to Department for Infrastructure (DfI) in November 2022;
- Mid & East Antrim Borough Council's Independent Examination into the Plan Strategy is fully completed with hearing sessions having taken place. The final report was submitted to Department for Infrastructure (DfI) in February 2023;
- Antrim & Newtownabbey Borough Council's Independent Examination into the Plan Strategy hearing sessions have concluded.
- The Derry City & Strabane District Council's Draft Plan Strategy was referred to the Commission during the reporting year. A Commissioner has commenced work on the initial assessment stage of the process. The Independent Examination hearing sessions commenced in September 2023.

PACWAC continues to encourage the Councils and the Department to keep the Commission updated on any changes to their timetables. Whilst, to date, the IE programme has been successful, there will be a significant impact to future programming arising from the resourcing issues of the Commission as outlined previously. We have actively engaged with Councils and the Department on administrative matters in relation to the submission of Development Plan Documents for IE and we have continued to deliver IEs through remote hearings.

## Hearings

Within the last financial year, the Commission has reported back to the referring authority in relation to eight cases as set out below.

### 2019/C003

Alleged unauthorised Anaerobic Digester Plant consisting of primary and secondary anaerobic digesters, Vielfrab solid feed unit, combined heat and power plant and office building, electricity substation, flare, weigh bridge, feedstock storage clamps, concrete apron, hard standing, effluent storage tanks, pre pit and use of sheds and slurry tanks for the storage of digestate. Lands north of 53 Dunnalong Road, Bready, Tyrone, BT82 0DW.

The Commission presented a report to Derry City and Strabane District Council in relation to the need for an environmental impact assessment.

### 2020/C005 and 2020/C008

Retrospective farm diversification scheme to include fishing lakes and amenity building - 235m southeast of 75 Duncrun Road, Magilligan, Limavady.

The Commission conducted a hearing and presented a report to Derry City and Strabane District Council in relation to the need for an environmental impact assessment.

### 2020/C007

Proposed dairy shed including automated milking facilities, 2 no. feed bins and associated site works (to contain 120 dairy cows). Lands approximately 72m northeast of No.20 Lisbunny Road, Dunamanagh, Strabane, BT82 0PZ.

The Commission conducted a hearing and presented a report to Derry City and Strabane District Council in relation to the need for an environmental impact assessment.

### 2020/C009

Revocation of Outline Planning Approval LA09/2019/1528/O in respect of an Off Grid sustainable house with passive heating and a potential tesla solar roof, with a small garage and garden, with real focus on sustainable build and recycled materials, using sustainable methods on lands 70m NE of 7 Ballymoghlan Lane, Magherafelt.

The Commission conducted a hearing and presented a report to Mid Ulster District Council regarding the revocation of planning permission.

### **2020/C010**

An extension to an existing quarry at Leitrim Hill Quarry, Leitrim Hill, Aghnadoo Road, Killeter.

The Commission conducted a hearing and presented a report to Derry City and Strabane District Council in relation to the need for an environmental impact assessment.

### **2020/C011**

Proposed extension and part retrospective application for extraction of sandstone within existing quarry incorporating full site restoration at Ardstraw Quarry, 21 Urbalreagh Road, Victoria Bridge, Strabane, BT82 9JL.

The Commission conducted a hearing and presented a report to Derry City and Strabane District Council in relation to the need for an environmental impact assessment.

### **2021/C001**

Alleged unauthorised erection of two buildings and associated underground slurry tanks which are used for the keeping and rearing of pigs and the laying of a hardcore area at lands north east of 16 Dry Arch Road, Omagh.

The Commission conducted a hearing and presented a report to Fermanagh and Omagh District Council in relation to the need for an environmental impact assessment.

In all cases the Commission delivered on its commitment to deliver 100% of reports on all hear-and-report cases to by the indicative date announced at the end of the public proceedings by the presiding Commissioner.

## **Hear and Decide Casework**

The following tables set out detailed information on the volume of casework processed by the Commission, the means of processing, delivery times achieved and success rates for each procedure.

**Table 1: Key Statistics, by appeal type**

Appeal type	Received	Decided	Successful	Success Rate %
Refusal or conditional grant of planning permission	186	141	58	41%
Non determination of planning application	5	1	0	0%
Enforcement related	47	23	5	22%
Other *advertisements, roads, listed buildings consent	30	24	10	42%
<b>TOTAL</b>	<b>268</b>	<b>189</b>	<b>73</b>	<b>39%</b>

The Commission has delivered on our commitment to increase the number of appeal decisions issued compared to 2021/22 (142 decisions). In addition to the appeals outlined above, 30 appeals received in 22/23 were subsequently withdrawn and a further 8 appeals were deemed to be invalid.

It is acknowledged that the delivery of appeal decisions has not been to a level to address business volume. This is due to a combination of factors, namely the continued impact of the suspension of the submission of evidence at the start of the pandemic, proceedings being delayed due to preference for physical hearings (which re-commenced in June 2021), impact of the implementation of the IT project, workforce vacancies and Commissioner training.

Success rates at appeal vary from year to year and between different appeal procedures; as each appeal is decided on its own specific facts and individual circumstances. The Commission considers that success rate variations hold no particular significance and that there is no connection between an appeal outcome and the means of processing employed.

**Table 2: Key statistics, by procedure**

Procedure	Number	Allowed	Success Rate %	Median Time
Hearing	72	29	40%	65 weeks
Written Representation with Accompanied Site Visit	0	0	0%	N/A
Written Representation with Commissioner site visit	117	44	38%	55 weeks
<b>TOTAL</b>	<b>189</b>	<b>73</b>	<b>39%</b>	<b>59 weeks</b>

The arrangements for Accompanied Site Visits (ASV) which were put on hold at the start of lockdown remained suspended until 31<sup>st</sup> March 2023. Measures for the introduction of remote hearings became operational in May 2020 with physical and hybrid hearings commencing June 2021.

The Commission has failed to meet its commitment to decide 80% of appeals within specified timeframes (excluding cases where delays are caused by the appellant, and developments involving an Environmental Impact Assessment) as set out below:

- Informal hearings within 30 weeks;
- Written representations with an accompanied site visit within 28 weeks;
- Written representations with a Commissioner site visit within 26 weeks; and
- Enforcement-related appeals within 34 weeks.

As set out in the 22/23 Business Plan, we knew the KPIs would not be deliverable given the impact of COVID-19 but they would remain as a benchmark for service delivery once we were fully operational. Our focus in 22/23 has been on addressing the ‘older’ appeals. Therefore, failure to meet timeliness targets, while disappointing, was not unexpected.

## Costs Awards

The Commission is empowered to make Orders as to the costs of the parties involved in planning and other appeals. Costs awards are intended to provide redress where unreasonable behaviour by one party to an appeal has put another party to unnecessary expense. It is on this basis that the Commission assesses claims for costs.

Over the last year the following decisions have been made in relation to cost claims:

**Table 3: Costs awards**

Type of decision	2022/23
No award	20
Partial award	1
Full award	6
<b>TOTAL</b>	<b>27</b>

Further detail in relation to costs awards at Council level is provided under the statistics at Council level section below.

### Statistics at Council level

Please note the figures below exclude appeals against non-determination, enforcement notices and those categorised as 'other' by PAC. We expect these figures will be replicated in the Planning Monitoring Framework which will be published by the Department for Infrastructure.

**Table 4: Percentage of appeals against refusal of planning permission that are dismissed.**

Council	Number of appeals against refusals determined**	Number dismissed (i.e., the council's decision was upheld)**	Percentage of decisions upheld
Antrim & Newtownabbey	17	13	76%
Ards & North Down	8	6	75%
Armagh City, Banbridge & Craigavon	11	5	45%
Belfast City	14	2	14%
Causeway Coast & Glens	11	8	73%
Derry City & Strabane	5	1	20%
Fermanagh & Omagh	3	1	33%
Lisburn & Castlereagh	18	12	66%
Mid & East Antrim	17	12	71%
Mid Ulster	2	1	50%
Newry, Mourne & Down	35	22	63%
<b>Northern Ireland</b>	<b>141</b>	<b>83</b>	<b>59%</b>

**Table 5: Number of claims for costs received during the period (this may differ from the number of claims awarded during the same period)**

<b>Number of claims for costs received by the PAC</b>		<b>27</b>	
<b>Number of claims for costs received by the PAC (involving planning authority)</b>		<b>26</b>	
	<b>Breakdown of claims for costs received by the PAC (involving planning authority)</b>		
	<b>Costs claims made by the planning authority</b>	<b>Costs claims received against the planning authority</b>	<b>Total number of cost claims received involving planning authority</b>
Antrim & Newtownabbey	0	1	1
Ards & North Down	1	0	1
Armagh City, Banbridge & Craigavon	0	3	3
Belfast City	0	2	2
Causeway Coast & Glens	2	2	4
Derry City & Strabane	0	5	5
Fermanagh & Omagh	0	1	1
Lisburn & Castlereagh	1	0	1
Mid & East Antrim	0	2	2
Mid Ulster	0	2	2
Newry, Mourne & Down	2	2	4
Department for Infrastructure	0	0	0
<b>Northern Ireland</b>	<b>6</b>	<b>20</b>	<b>26</b>



**Table 6: Number of instances where costs were either awarded fully or partially in the planning authority's favour. The indicator measures the number of instances, not the amount of money.**

Claims for costs made by planning authority – awards				
	No award	Partial award	Full award	Total
Antrim & Newtownabbey	0	0	0	0
Ards & North Down	1	0	0	1
Armagh City, Banbridge & Craigavon	0	0	0	0
Belfast City	0	0	0	0
Causeway Coast & Glens	0	0	2	2
Derry City & Strabane	0	0	0	0
Fermanagh & Omagh	0	0	0	0
Lisburn & Castlereagh	0	0	1	1
Mid & East Antrim	0	0	0	0
Mid Ulster	0	0	0	0
Newry, Mourne & Down	2	0	0	2
Department for Infrastructure	0	0	0	0
<b>Northern Ireland</b>	<b>3</b>	<b>0</b>	<b>3</b>	<b>6</b>

**Table 7: Number of instances where costs were either awarded wholly or partially against the planning authority. The indicator measures the number of instances, not the amount of money.**

Claims for costs made against planning authority – awards				
	No award	Partial award	Full award	Total
Antrim & Newtownabbey	1	0	0	1
Ards & North Down	0	0	0	0
Armagh City, Banbridge & Craigavon	2	0	1	3
Belfast City	1	0	1	2
Causeway Coast & Glens	2	0	0	2
Derry City & Strabane	5	0	0	5
Fermanagh & Omagh	0	1	0	1
Lisburn & Castlereagh	0	0	0	0
Mid & East Antrim	2	0	0	2
Mid Ulster	1	0	1	2
Newry, Mourne & Down	2	0	0	2
Department for Infrastructure	0	0	0	0
<b>Northern Ireland</b>	<b>16</b>	<b>1</b>	<b>3</b>	<b>20</b>

## Water Appeals Commission

### Appeals caseload

Table 8: Water appeals

	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Water appeals received	1	3	2	1	2	4
Water appeals withdrawn	2	2	0	1	1	0
Water appeals decided	1	0	2	0	0	1
Water appeals in hand	0	1	1	0	1	4

Activity in this area remains at a low level.

## SECTION THREE

# Looking Forward

## Looking Forward

Whilst we continue to work through the challenges presented by reduced resourcing, we have set out a number of objectives in the 2023/24 business plan. These are:

### Priority: Customer First

#### Objective 1

To deliver a high-quality service that meets the needs of our customers. To achieve this, we will:

- Hold in-person stakeholder engagement sessions to improve the understanding of the role of the Commission and to align procedures, complaints handling and performance measure with customer preferences.
- Continue to ensure that the quality of decisions is maintained, and
- Aim to improve upon the 2022/23 delivery timelines for Hear and Decide cases.

### Priority: Operating Environment

#### Objective 2

To deliver an operating environment that will support an expanding workforce. To achieve this, we will:

- Continue to work alongside our Sponsor Body (DoJ) to ensure we are sufficiently resourced to address existing and pending work commitments.
- Continue to invest in the training and development of our workforce to enhance skill sets and capability and to ensure effective contributions to the organisation, and
- Review structures within the Commission to ensure they provide the most effective and efficient basis for the delivery of business needs.

### Priority: Adapting Information Technology to facilitate new ways of working

#### Objective 3:

To implement effective solutions to ensure our systems are fit for purpose. To achieve this, we will:

- Finalise implementation of a new case management system and customer portal, incorporating the electronic exchange of evidence, and undertake an in-year review of the user guidance for the public, updating it if necessary.
- Produce updated guidance on remote hearings and reinstate Accompanied Site Visits, and

- Undertake a formal review to determine how hybrid hearings may best be facilitated in the future operating environment.

We currently carry 19 Hear and Report cases, 10 of which are referrals to conduct public inquiries. These provide a particular challenge for the organisation given the time and effort involved in organising and conducting a public inquiry.

For the next reporting year 2023/24 we intend to:

- Provide the final report to DfI Roads on the A5 Public Inquiry (insert reference)
- Provide the final IE report on the Antrim and Newtownabbey Borough Council Draft Plan Strategy to DfI (insert reference)
- Complete Commissioner appointments to the Dalradian con-joined inquiry cases. It is hoped that we will be able progress the inquiry within this financial year.

Unfortunately, due to the resourcing pressures currently faced by the Commission all new requests for public inquiries/independent examinations will be held in abeyance until resources become available. The Department for Infrastructure have been notified of this.

In respect of Hear and Report cases requiring a hearing, we intend to progress such cases due to access to justice issues arising, but these will be subject Commissioner availability.

At the end of 2022/23 there were 379 appeal cases in hand. This number has been increasing over recent years and is not unexpected given the reasons outlined earlier. We will continue to allocate appeal cases normally in date order to available Commissioners subject to administrative processes being completed. We are hopeful that the increase in appeal decisions that we have seen over the last year will be repeated and hopefully improved upon as Commissioners in training gain more experience in the role.

We are in continued discussions with our Sponsor Body (DoJ) to identify solutions to the resourcing issue to assist in delivering outcomes as quickly as possible for our customers.