



Business Plan

2018-19

June 2018

Contents

Foreword	2
1. Background	3
2. Our Business	4
3. Business Planning Context	4
4. Business Priorities	6
Annex A – Performance Standards	7

FOREWORD BY THE CHIEF COMMISSIONER

This Business Plan sets out the priorities for PACWAC for 2018-19. The annual plan is derived from the Corporate Plan 2018-21.

The Commissions as independent appellate bodies are in a unique position within the planning world. We as a decision making body respond to an appellant's perceived need to access justice and also act as an independent arbitrator in respect of hearings, inquiries and independent examinations. All our decisions and recommendations are based on the evidence that is presented to us. We as a body recognise the important role that we play in not only the development management process but also the contribution that we can make to the delivery of local development plans and the economic, social and environmental well-being of Northern Ireland as a whole.

At present PACWAC has been operating with reduced resources. Despite the shortfall, due to the hard work and dedication of the PACWAC team, we have delivered above expectations in the 2017-18 financial year. Moving forward the priority has to be remedying the situation to address existing business needs and anticipated resource requirements in relation to the independent examination of Local Development Plans.

Business volumes in respect of our Hear and Decide casework appear to have reached a constant level post transfer of planning powers to Councils. In terms of Hear and Report casework there remains the possibility of the referral of a Local Development Plan (LDP) for Independent Examination in 2018-19. Work on referred major applications is continuing with a number of Hear and Report cases under consideration.

In presenting this Business Plan I am fully aware of the budgetary pressures faced by other public bodies and across NICS as a whole. Securing additional resources within the current environment will be a key challenge. The Department of Justice is the sponsor for the Commissions through Northern Ireland Courts & Tribunal Service (NICTS). We are working in close collaboration with NICTS to proactively address the resource requirements to deliver an effective service going forward. As an organisation we remain committed to delivering on our statutory obligations which rely on the availability of adequate Commissioner resources and administrative support.

Andrea Kells
Chief Commissioner
June 2018

1. BACKGROUND

The Commissions

- 1.1 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 is a separate appellate body and exercises a wide range of functions under water, fisheries and drainage legislation. It shares the vision, aims, objectives and core values of the Planning Appeals Commission.

Corporate Vision and Values

- 1.2 The Commissions aim to make the best possible appeal decisions and offer the best possible advice to Departments, consistent with the evidential context within which appellate functions are exercised.
- 1.3 The Commissions, as independent appellate bodies, attach great importance to the following values in the exercise of their work:

Delivering our service effectively

- Providing a high quality service to the public
- Maximise the benefit from available resources, providing value for money
- Aspiring to always improve

People Focused

- Being honest, open and transparent
- Treating everyone with respect and understanding different needs
- Develop and supporting our workforce to make the best use of skills and abilities

Dependability

- Approach work with an open mind without pre-disposition to any particular view
- Acting with professionalism and integrity

Strategic Objectives

- 1.4 In pursuance of the aim set out above the Commissions have the following strategic business objectives as set out in the Corporate Plan 2018-21:
- Deliver a high quality service that meets the needs of our customers;

- Expand and develop our workforce to achieve our objectives;
- Implement effective solutions to ensure our systems are fit for purpose.

2. OUR BUSINESS

- 2.1 The Commissions have two broad areas of work which for ease of discussion are categorised as Hear and Decide, and Hear and Report. Hear and Decide is the appeal casework. Appellants lodge appeals and the Commission considers the evidence and makes a final decision. In addition to the appeal decision the Commission may have to consider a costs claim if it is submitted.
- 2.2 Hear and Report is a second area of work which is less predictable and more resource intensive. The principal elements are firstly, public inquiries and hearings into regionally significant and called in planning applications, and secondly independent examinations into local development plans (LDPs). In these cases referrals are made from the Department for Infrastructure to the Commission. The Commission will consider the evidence presented to them and report back to the Department who will make the final decision.
- 2.3 There are also a variety of other hear and report functions, including public inquiries into development schemes, vesting orders and road schemes, and hearings into the need for environmental impact assessments for planning applications.

Staffing and Resources

- 2.4 The Commissions are funded through the sponsor Department. Work is ongoing to regain the full complement of Commissioners in order to ensure our services can continue to be delivered as effectively as possible. Efforts are also underway to address resource requirements to meet future business needs.

3. BUSINESS PLANNING CONTEXT

Context

- 3.1 Due to the nature of the work that comes before the Commissions there is a high level of interest in what we do. This arises not only from within the planning community but also the wider public. This is understandable given the social, environmental and economic impact of decisions and reports issued by the Commissions.
- 3.2 The Hear and Decide casework of the Commission appears to have reached a consistent level post transfer of planning powers to Councils. In addition to the appeal decision the Commission may have to consider a costs claim if it is submitted. It is

expected that in the forthcoming years Hear and Decide casework will comprise at least 300 appeals together with costs claims arising.

- 3.3 Historically, when the Area Plan process gained momentum there was an increase in appeal numbers as developers tried to secure permissions in accordance with existing policies. This situation will be closely monitored to assess whether the LDP process will have a similar impact.
- 3.4 In terms of Hear and Report major casework, as of March 2018, the Commission had three cases under active consideration. Three other cases referred by DfI are in abeyance awaiting further environmental information. In discussion with DfI officials, we have been alerted to the possibility of a number of future referrals. There are also likely to be challenges by developers to determinations as to the need for environmental impact assessments. Our conservative working assumption is that we can anticipate four referrals in each financial year.
- 3.5 In addition to the Hear and Report major case work, the PAC are anticipating conducting independent examinations into the local development plans for each of the eleven Councils. Each of the Councils will prepare a Plan Strategy which will be subject to independent examination. Once adopted the Local Policies Plan for the Council area will be prepared and it too will be subject to an independent examination. It is anticipated that there will be twenty two independent examinations before the Commission in the coming years. This has significant resource implications for the Commission but given the importance of the delivery of the LDPs to Northern Ireland as a whole we will have to focus our efforts on ensuring the successful delivery of the LDP programme.

Corporate governance

- 3.6 The Commissions are not part of any Government Department. They receive financial and administrative support from their sponsoring department, the Department of Justice through the Northern Ireland Courts and Tribunals Service (NICTS). The Commissions operate under a Memorandum of Understanding with the Sponsor Department. The Memorandum sets out the relationship between the parties and the framework within which the Commissions operate.

Delivering the plan

- 3.7 The Management Board will review progress against the Business Plan throughout the year. We will publish an Annual Report setting out our performance.

4. BUSINESS PRIORITIES 2018-19

Objective 1

Deliver a high quality service that meets the needs of our customers;

- Work to achieve our current performance standards
- Finalise and implement a Quality Assurance Strategy
- Finalise our communication plan
- Commence an engagement exercise with customers to establish their needs

Objective 2:

Expand and develop our workforce to achieve our objectives;

- Continue engagement with DoJ/NICTS to ensure the Commissions are returned to full complement for the delivery of existing business needs
- Engage with DoJ/NICTS on the provision of appropriate and timely resources to meet our commitment to the LDP programme
- Allocate work in a manner to ensure that Commissioners are given an opportunity to gain appropriate experience
- Implement revised Performance Management arrangements for Commissioners
- Complete review of Commissioner and Administration Training and Practice Manuals

Objective 3:

Implement effective solutions to ensure our systems are fit for purpose

- Critically assess our service delivery
- Continue work on business improvement
- Update information on our website to ensure accuracy and relevance
- Manage our budget to ensure that public money is used effectively

ANNEX A – PERFORMANCE STANDARDS 2018-19

The Commissions' performance measures and targets have been set to ensure that they remain challenging, measurable and focused on the priorities of the users of the Commissions' services. Achievement of these standards will be reported on in the Annual Report.

HEAR AND DECIDE

- To decide 80% of appeals* within specified periods as follows:
 - informal hearings within 30 weeks;
 - written representations with an accompanied site visit within 28 weeks;
 - written representations within 26 weeks; and
 - enforcement related appeals within 34 weeks.

*excluding delays caused by the appellant and developments involving Environmental Impact Assessment.

HEAR AND REPORT

Major Casework

- To deliver 100% of all reports on hear-and-report cases to the Department by the indicative date announced at the end of the public proceedings.

Local Development Plans

- To deliver 100% of all reports to the Department by the indicative date announced at the end of the Independent Examination public proceedings.

QUALITY

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