



Business Plan

2019-20

June 2019

Date	Author	Review Date
June 2019	MgtB	Mar 2020

Contents

Foreword	2
1. Background	3
2. Our Business	4
3. Business Planning Context	5
4. Business Priorities	6
Annex A – Performance Standards	8

FOREWORD BY THE CHIEF COMMISSIONER

This Business Plan sets out the priorities for the Planning and Water Appeals Commissions (PACWAC) for 2019-20. This 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 continues to operate with reduced resources. We have been working in partnership with our sponsor, the Department of Justice, through the Northern Ireland Courts and Tribunals Service (NICTS), to remedy the situation and increase Commissioner numbers to ensure the Commissions are equipped to manage business volumes effectively. We have continued to deliver on existing work commitments in the 2018-19 financial year. We have improved our services in terms of delivery. Maintaining this improvement in the coming year is likely to be difficult given changing priorities as outlined later in this report.

Business volumes in respect of our Hear and Decide casework remain fairly constant, although we have seen a slight increase recently. In terms of Hear and Report casework the anticipated referrals of Local Development Plans (LDPs) for Independent Examination in 2018-19 have not occurred. At the time of writing we anticipate three plans could be referred in the 2019-20 financial year. Work on referred major applications is continuing with a number of Hear and Report cases under consideration. We expect our Hear and Report work to increase significantly in the forthcoming year.

In presenting this Business Plan I am increasingly conscious of the budgetary pressures faced by the Northern Ireland public sector as a whole. Securing additional resources within the current environment is proving a challenge and we are now at a critical juncture in terms of impact on organisational business. We are working in close collaboration with NICTS to proactively address the resource requirements to deliver an effective service going forward. As we move into the next financial year it is almost inevitable that tough decisions will have to be made in relation to workstream priorities. As an organisation we remain committed to delivering on our statutory obligations to the best of our ability.

Andrea Kells
Chief Commissioner
June 2019

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 recommendations to public bodies, 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
- Maximising 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
- Developing and supporting our workforce to make the best use of skills and abilities

Dependability

- Approaching 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:

- To deliver a high quality service that meets the needs of our customers;
- To expand and develop our workforce to achieve our objectives;
- To 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 (DfI) 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. We have been working in partnership with our sponsor the Department of Justice (DoJ), through the Northern Ireland Courts and Tribunals (NICTS), to regain Commissioner complement to levels agreed at point of transfer to DoJ. Recruitment exercises have not advanced in line with expectations. However, the Commissions anticipate that recruitment exercises will proceed early in the 2019-20 financial year.
- 2.5 We are also working collaboratively with NICTS to build robust business planning assumptions to the Department for a proportionate increase in resources to address anticipated future workstreams.

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. We have seen a slight increase in appeals intake in this financial year and the situation will be closely monitored to assess if this will have long term implications.
- 3.3 In terms of Hear and Report major casework, as of March 2019 the Commission had seven cases under active consideration. Three other cases referred by DfI are in abeyance, awaiting further environmental information. In discussions 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.
- 3.4 In addition to the Hear and Report major case work, the PAC is anticipating referrals to conduct independent examinations into the Local Development Plans (LDPs) for each of the eleven Councils. It is anticipated that there could 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. At present we anticipate the referral of three development plan documents in the 2019-20 financial year.
- 3.5 In our 2018-19 business plan we stated our intention to commence an engagement exercise with customers to establish their needs. Initial engagement sessions with Councils indicated a desire for information sessions on our published document, Procedures for Independent Examination of Local Development Plans. These have received positive feedback and due to demand we intend to continue with our public engagement sessions on the independent examination process. In addition we intend to commence an engagement exercise on our Hear and Decide work.
- 3.6 In 2018-19, despite challenging circumstances, many factors have combined and enabled us to continue to improve our service as reported in our Annual Report. In

the incoming year we acknowledge that maintaining this high level of achievement will be difficult for the reasons outlined in this business plan.

Corporate governance

- 3.7 The Commissions are not part of any Government Department. They receive financial and administrative support from the 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

- 3.8 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 2019-20

Objective 1

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

- Work to achieve our current performance standards and commence a review into how we can measure performance more effectively
- Continue to deliver a high standard of service during procedures
- Publish our Communication Plan
- Continue with our programme of engagement with the wider public in respect of LDPs
- Commence an engagement exercise with customers to establish their needs in relation to our Hear and Decide workstream

Objective 2:

To expand and develop our workforce to achieve our objectives. To achieve this we will:

- 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

- Where requested allocate work in a manner to ensure that individuals are given an opportunity to gain experience in different areas
- Focus on continued professional development of individuals

Objective 3:

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

- Critically assess our service delivery and seek ways to improve our services
- Commence work on investigating replacement IT systems
- Manage our budget to ensure that public money is used effectively

ANNEX A – PERFORMANCE STANDARDS 2019-20

The Commissions' performance measures 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.