



Business Plan

2020/21

July 2020

Date	Author	Review Date
July 2020	CC	March 2021

Contents

Foreword	2
1. Background	4
2. Our Business	5
3. Business Planning Context	6
4. Business Priorities	7
Annex A – Performance Standards	9

FOREWORD BY THE CHIEF COMMISSIONER

This Business Plan sets out the priorities for PACWAC for 2020/21. This annual plan is derived from the Corporate Plan 2018/21. The current COVID-19 situation will have an impact on our plans for the coming year and beyond. The situation reinforces the need identified in our corporate plan to focus on our technology. Lessons learned from this situation will feed into how we work in the future.

I would like to take this opportunity to thank those within the PACWAC workforce and beyond who have been involved in responding to the COVID-19 situation. As always our desire to deliver the best possible service with the resources that we have available has driven the measures that we have taken during lockdown and in business recovery.

PACWAC is very aware of the important public service that we provide and the wider contribution that our work can make. Our primary focus at the outset of lockdown was to secure the safety and well-being of our staff, Commissioners and parties, and to comply with Government and Public Health Agency advice in doing so.

Our office was closed for a period of six weeks where the time was very effectively used to prepare advice, guidance, and action plans on how we take the work of the Commission forward in the current situation. Our office officially reopened on 11 May with social distancing measures in place however a small workforce remained in place throughout (working remotely) to manage the public enquiries by email and to register new online appeals thereby providing an uninterrupted service to appellants. Social distancing means we have been working with reduced capacity from an administrative perspective and this will remain the case in the short term. Commissioners continue to work on cases in hand and we continued at all times to issue decisions.

On reopening the office our initial focus has been on dealing with new appeals and correspondence submitted during the office closure as well as other essential administrative matters. A holistic approach to our recovery plan is necessary as each area of our work is important. Despite our reduced resources as of, 1 June we have been writing to parties to set out revised arrangements for the submission of evidence on cases that are before us.

Inevitably the elements of our casework which are due to progress with an oral hearing are providing the greatest challenge. We have been actively exploring alternatives to hearings in person since the government restrictions came into place and have now carried out a small number of initial hearings via remote technology. Work is in hand to expand this area of our work and we are writing to those who have exercised their right to a hearing to ascertain if they are willing to have their case progressed via remote means.

Setting aside the implications of COVID-19, PACWAC has been operating for some time with reduced resources. We have been working in partnership with our sponsor, the Department of Justice (DoJ), 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. To date we are securing resources which will bring us back to levels which were in place at point of transfer to DoJ. We have completed two recruitment exercises one for a Principal Commissioner and one for Senior Commissioners. A new recruitment exercise for Commissioners should lead to the appointments within this financial year.

In presenting this Business Plan I am conscious of the budgetary pressures faced by the Northern Ireland public sector as a whole. We as a body recognise the important role that we play in the planning process and the economic, social and environmental well-being of Northern Ireland. Securing additional resources in terms of people and IT solutions will be critical to taking the work of the Commission forward and thereby the associated benefits to the wider public interest. As an organisation we remain committed to delivering on our statutory obligations to the best of our ability within the context of resources that we have available.

Andrea Kells
Chief Commissioner
July 2020

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.

1.2 Our Corporate Plan set out three areas of focus namely:

- Our People
- Our Approach
- Our Technology

Our People

1.3 The priority set out in our Corporate Plan is to ensure that the Commissions are sufficiently resourced to address existing and pending work commitments. Investment in training will be focused on ensuring the development of the workforce to enhance their skills set and effective contribution to the organisation.

Our Approach

1.4 The second priority is undertaking a critical review of our service delivery to ensure it meets customer and business needs. Business models will be reviewed to as far as possible future proof the organisation in terms of service delivery. If required solutions will be tested before implementation.

Our Technology

1.5 Closely aligned with the review into our approach it will be necessary to develop our technologies to ensure that we have strong foundations for moving the organisation forward.

1.6 These priority areas ring true in the current circumstances and have accelerated the need to drive forward the efforts that we have been taking over the last two years.

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 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 for a number of reasons not proceeded as quickly as needed to maintain performance levels achieved in 2018/19. We have now completed and made appointments in two recruitment exercises but given training requirements it will take some time before we see the impact of additional Commissioners on our performance.
- 2.5 We have been working collaboratively with NICTS to progress the case for a proportionate increase in resources to address the anticipated LDP workstream. Whilst the business case has been approved in principle we await confirmation that a funding stream can be identified in order that appointments can be made.

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 expect a reduction in intake in the short term but anticipate increases over the longer term in areas of work such as appeals in relation to Lawful Development Certificates.
- 3.3 In terms of Hear and Report major casework, as of March 2020, the Commission had eight cases under active consideration. Three other cases referred by DfI are in abeyance (they are awaiting further environmental information). Information has been requested from DfI officials regarding the possibility of the number of future referrals. There are also likely to be challenges by developers to determinations on the need for environmental impact assessments. Our conservative working assumption had been that we would anticipate four referrals in each financial year. This working assumption continues to be the case but will be subject to pressures as we will have to carry cases while we try to develop solutions on the hearing in person front.
- 3.3 In addition to the Hear and Report major case work, the PAC are 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 22 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 five development plan documents in the 2020/21 financial year. Experience to date indicates slippage in some published timetables which creates clusters of plans at different points in time.
- 3.4 We previously 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.

- 3.5 We have commenced engagement in relation to our Hear and Decide work. This has confirmed that we need to focus on not only on the quality of decisions but also the timeliness. It has also highlighted some important features for us to consider in moves to improve our IT systems.
- 3.6 We are also working with NICTS to ensure legislative provisions in regards to PACWAC are updated.

Corporate governance

- 3.7 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

- 3.8 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 2020/21

Objective 1

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

- Focus on dealing with the backlog of cases arising out of the COVID-19 office closure and put measures in place for processing casework
- Continue to deliver a high standard of service during procedures
- Publish our external communication plan
- When possible we will continue with our programme of engagement with the wider public in respect of LDPs
- Continue engagement with customers to build on their needs identified 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 our engagement with DoJ/NICTS to ensure the provision of appropriate and timely resources for the Commissions for the delivery of business needs
- 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:

- Continue to critically assess our service delivery and seek ways to improve our services
- Continue work on developing new and replacement IT systems
- Manage our budget to ensure that public money is used effectively
- Continue our work with NICTS to ensure legislative provisions as they affect PACWAC are up to date.

ANNEX A – PERFORMANCE STANDARDS 2020/21

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. We know they will not be deliverable given the impact of the COVID-19 situation but will remain as a benchmark for service delivery once we become fully operational again.

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.