



Corporate Plan

2021-24

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FOREWORD BY THE CHIEF COMMISSIONER

This Corporate Plan sets out the Planning and Water Appeals Commission (PACWAC) strategic direction and priorities for the period 2021-24.

The Corporate Plan is developed against the backdrop of the COVID-19 pandemic. The pandemic has created significant challenges for everyone involved in the work we do and how we deliver our services. In addressing the challenges to date we have been able to achieve timely responses in the delivery of some aspects of our work. This is due to the commitment and dedication of Commissioners and our administration team embracing new and innovative ways of working. We do, however, have to be pragmatic in terms of our aspirations moving forward. This plan, though ambitious, is also realistic given the circumstances.

It is particularly noteworthy that, during the lifetime of this Corporate Plan, the organisation will have been in existence for 50 years. As we approach this milestone we see it both as a time to reflect on past achievements and to look forward into the future. Little has changed in terms of the preservation of our integrity, impartiality and overarching principles. However, as an organisation, much has changed over the years since our inception. In line with planning reform, we have adapted our procedures to streamline the planning process and have continued to try to deliver a quality service.

We aim to continue to move forward in an independent, professional manner in order to deliver access to justice. We intend to continue to deliver excellence in customer service while embracing technology and new ways of working. We will endeavour to be dynamic and to drive change while still staying true to our core principles.

The Commissions as independent appellate bodies are in a unique position within the planning world. As a decision making body, we 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 of our decisions and recommendations are based on the evidence presented before us. We recognise the important role we play in the planning and environmental realm but we also make a contribution to the economic, social and environmental well-being of Northern Ireland as a whole.

At present PACWAC is still operating with reduced resources. Significant work has taken place in conjunction with our Sponsor Body the Department of Justice to increase resources within the Commission. We have now made a number of appointments. Due to training requirements, it will be some time before we see the benefits from the appointments. We also expect to make a number of further appointments in the coming financial year to bring the Commissioner complement to twenty and administrative complement to sixteen.

In terms of Hear and Decide casework, we saw a reduction in business volumes in 2020-2021 as a result of the pandemic. It is expected that in the forthcoming year incoming casework will recover to pre-COVID levels. Hear and Report casework has increased and in light of existing resources will be extremely challenging to deliver over the lifetime of this Corporate

Plan. This is due to the complex nature of referred major planning applications and the impending Local Development Plan (LDP) programme.

The Commission is fully aware of the budgetary pressures faced by other public bodies and across the Northern Ireland Civil Service as a whole. We are working in close collaboration with the Northern Ireland Courts and Tribunal Service to proactively address the resource requirements to deliver an effective service going forward. Our focus for the current year is to address the backlog of physical hearing cases which we are not able to progress during the lockdowns. Once this has been delivered we will take forward further service reviews to identify and focus on changing customer needs. 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
September 2021

What We Do

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.

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 one is submitted.

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 most referrals are made from the Department for Infrastructure (DfI) to the Commission. The Commission will consider the evidence and report back to the Department who will make the final decision.

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.

PACWAC is currently operating below complement in both the Commissioner and administrative aspects. Work is ongoing to move to recruit additional resources in order to ensure our services can continue to be delivered in line with existing business needs. Efforts are also underway to enhance our complement to address future business requirements.

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).

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.

Anticipated Workloads

Whilst we saw a reduction in appeal intake in 2020-21, it is expected that in the forthcoming year incoming casework will recover to pre-COVID levels and will comprise at least 300 appeals per annum together with additional costs claims arising.

Hear and Report work is less predictable and more resource intensive. Due to the nature of this work it has taken more time to find a solution in terms of facilitating hearings during the pandemic. This has now been resolved and we will be able to take this work forward. As of March 2021, the Commission had seventeen 'live' cases under consideration. This includes three cases (also referred by DfI) which remain in abeyance awaiting further environmental information. In discussion with DfI officials, we have been alerted to the possibility of a number of future referrals. Almost half of cases are challenges led by developers around the need for environmental impact assessments.

In addition to the Hear and Report major case work, the PAC are anticipating conducting independent examinations into the Local Development Plans (LDPs) for each Council. 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 anticipate focusing our efforts on ensuring the successful delivery of the LDP programme.

As the time of writing we have been referred five Development Plan Documents for Independent Examination (IE).

	Date referred to Commission	Date documents received	Date Commissioner/s Allocated	Current Status
Belfast	05/12/2019	02/01/2020	06/02/2020	Writing Up
Fermanagh and Omagh	12/03/2021	18/03/2021	26/04/2021	Initial Assessment
Antrim and Newtownabbey	01/06/2021	27/07/2021	16/09/2021	Initial Assessment
Mid and East Antrim	30/06/2021	02/08/2021		Awaiting allocation
Lisburn and Castlereagh	06/07/2021	06/08/2021		Awaiting allocation

We are continuing to encourage Councils and the Department to keep us informed regarding changes to their timetable and have actively engaged with Councils on administrative matters in relation to the submission of DPDs for independent examination. We are learning lessons from this new area of work and we will be actively reviewing procedures and practices in

dealing with independent examinations to ensure that we are delivering the service that we provide in the most effective way. Evidence of this was the delivery of the remote hearing sessions which were live streamed for the Belfast IE. This has proved a very effective method to facilitate participation and has now been successfully rolled out to other Hear and Report work.

Corporate Aims and Values

Our Mission

The Commissions aim to make the best possible appeal decisions and offer the best possible recommendations in a timely fashion, consistent with the evidential context within which appellate functions are exercised.

Our Values

All individuals within PACWAC should adhere to the seven principles of public life and 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.

During the lifetime of this corporate plan we will commit to the following 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 and Commissioners are exemplars within the planning profession

Priorities

There will be a number of business priorities over the lifetime of this Corporate Plan:

- To be customer focused;
- Providing an operating environment which reflects the high standard of service that we aspire to deliver; and
- Adopting technology in new ways of working.

Customer First

We recognise that as an appellant tribunal, meeting the needs of customers is not a straightforward exercise. We appreciate that we have relationships with a number of different stakeholders who have different needs. Our customer engagement has confirmed that customers want quality decisions in a timely fashion. We are also conscious that engagement and training sessions have been to be found extremely beneficial to stakeholders and we aim to continue this work. We will:

- Strive to put the customer first in everything that we do;
- Review our performance measures to ensure they are reflective of customer needs and expectations;
- Continue with engagement sessions with stakeholders to improve the understanding of the role of PACWAC in the NI planning system with a specific review of our complaints process; and
- Continue to ensure that the quality of decisions is maintained.

Operating Environment

We need to address existing challenges in terms of resourcing pressures as well as respond to the impact of COVID 19 on delivery. We will also review accommodation needs to ensure that they meet our increasing needs and expectations. We will:

- Work alongside our Sponsor Body 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 contributions to the organisation;
- Seek to secure an office location which aligns us with the DoJ family while retaining our independent status; and
- Build on the expertise of our workforce and the professional reputation of the Commission.

Adapting Information Technology to facilitate new ways of working

We have been undertaking a review of systems within the office in line with commitments in our previous Corporate Plan. In our response to the pandemic we have been able to introduce responses which we had not envisaged delivering in such a short timeframe, such as remote hearings. We aim to take forward the work that has been started, incorporate lessons learned and to build on the positive feedback received. We want to do so while not losing the personal contact that we have with our customers. We will:

- Take forward plans to implement a new case management system and customer portal. This system will incorporate the electronic exchange of evidence and it is intended that customers will be able to be more informed in relation to casework; and
- Undertake a formal review of the role remote hearings will play in the future operating environment of PACWAC.

Annex A - Business Plan 2021-22

Priority: Customer First

Objective 1

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

- Focus on business recovery and aim to deliver decisions for those cases submitted during the COVID-19 pandemic;
- Aim to deliver physical hearings (subject to government restrictions) to address the backlog of these cases within the system;
- Undertake a customer engagement exercise to establish the long terms needs of customers in terms of procedures;
- Review our performance measures to ensure they are reflective of customer needs and expectations;
- Continue with engagement sessions with stakeholders to improve the understanding of the role of PACWAC in the NI planning system; and
- Continue to ensure that the quality of decisions 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 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 contributions to the organisation; and
- Seek to secure an office location which aligns us with the DoJ family while retaining our independent status.

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:

- Take forward plans to implement a new case management system and customer portal. This system will incorporate the electronic exchange of evidence and it is intended that customers will be able to be more informed in relation to casework; and
- Undertake a formal review of the role remote hearings will play in the future operating environment of PACWAC.

ANNEX B – PERFORMANCE STANDARDS 2021/22

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.