



Northern Ireland
Chamber of Commerce
and Industry

Public Consultation - Planning Application Validation Checklists Response from NI Chamber

January 2023

Planning Application Validation Checklists Response

About NI Chamber

With 1,000 members, representing over 105,000 employees, Northern Ireland Chamber of Commerce and Industry (NI Chamber), has supported the development of the economy for almost 240 years and is 100% funded by the private sector. We work across all of Northern Ireland, helping SMEs to grow and export and larger firms to thrive.

Our membership spans businesses across key sectors including manufacturing, construction, professional services and a broad range of wider services. NI Chamber consults with these members on a regular basis, around all issues/concerns that they face in doing business locally, nationally and internationally.

1. Do you agree with the proposal to provide a statutory basis for planning authorities to introduce a Validation Checklist for planning applications?

YES

- There is a clear evidence basis that validation checklists, where implemented effectively by planning authorities in other jurisdictions, and in Belfast on a pilot basis, can be and should be a means of clarifying the obligations on the applicant and all the actors early in the process. Introducing checklists on a statutory footing is also an important part of the jigsaw in that it will secure a clear, uniform approach across Northern Ireland.

- Concerns/caution: While we very much welcome and support the work undertaken by the Department to progress improvements in the system, in absence of a function Executive (and latterly in absence of Ministers) there is an overriding concern with the pace of change. It is our view that:

- Without meaningful moves towards transformation in 2023, (i) existing statutory targets under the Climate Change Act will be missed; and (ii) investment required to deliver the transition to 2050 will be lost if the NI planning system remains uncompetitive.

- But even if an Executive and legislature are re-established, it is not clear how long it will take to implement the statutory reforms required. We would therefore encourage the Department to work with the Councils to introduce validation checklists, initially on a non-statutory basis to avoid delays associated with the legislative process undermining progress.

- There is also a concern that introducing a further step in the process, particularly in respect of time sensitive major and regionally significant projects – where outline costs are already significant – may in fact lead to further delays and administrative barriers. It is therefore incumbent on the Department to demonstrate how it intends to ensure that such a step will deliver positive change and not render the system more uncompetitive than it currently is. Key Performance indicators around processing times, and periodic monitoring and ongoing engagement will be critical.

2. Do you agree that a 'dispute mechanism' should be available to applicants who disagree with the information/evidence requirements to be submitted with an application?

YES

- NI Chamber supports the introduction of a stand-alone validation dispute mechanism similar to the mechanism in Wales

- It is very much welcome that the need for an appropriate dispute resolution mechanism is needed if a new statutory process is introduced. Leaving legal remedy to the judicial review process would not be acceptable, risking potential additional unnecessary cost and undue delay. The standalone process adopted in Wales is also preferable as it is not linked to the wider application process as the case in England, instead focussing on the specifics of the validation process.

- Caution/concerns: In the context of a challenging fiscal environment, it is not clear what resources will be required to operate an effective and efficient standalone dispute mechanism procedure.

3. Would you prefer a dispute mechanism linked to 'non-determination' of the application as in England or a 'stand-alone' approach as in Wales?

'Stand-Alone' dispute

Please refer to our previous response

4. From the list below, please select the category of respondent most appropriate to you.

Business and development interests

ENDS

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