

[REDACTED]

From: [REDACTED]
Sent: 06 September 2018 11:35
To: Wray, Dawson
Subject: A6 Toome Bypass & Randalstown Castledawson Dualling - Lough Neagh & Lough Beg SPA - EIR Request from [REDACTED]: A6RC: Investigation into A6 construction on Toome swanfields [UNSCANNED]

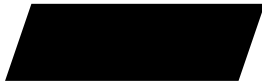
Follow Up Flag: Follow up
Flag Status: Flagged

Dawson,
Apologies for not getting back to you sooner, but I wanted to take time to read your response fully.

Firstly can I thank you for taking the time to compose such a detailed 'rebuttal'. I never could understand why the swan fields were never 'designated' in some way because of their importance to the feature of interest. I am well versed in the argument about the CMS etc. as I used to work in NIEA...


From what you have told me I can see that you do appear to have been correctly applying the provisions of the directives. My response was, in some respects a 'devil's advocate' stance. I am encouraged that there is such a high level of knowledge about the directives and also that it is implemented when considering such schemes.

Best regards for future projects



*Environmental Governance
Regional Planning Directorate*



 Please consider the environment - do you really need to print this email? If you do, print it double sided.

One and one-half acres of rainforest are lost every second with tragic consequences for both developing and industrial countries



From: Wray, Dawson

Sent: 04 September 2018 12:57

To: [REDACTED]

Cc: Gorman, Brian [REDACTED]; Symington, Scott

[REDACTED]; Porter, David (DfI) [REDACTED]

Millar, David (ROADS) [REDACTED]

Subject: A6 Toome Bypass & Randalstown Castledawson Dualling - Lough Neagh & Lough Beg SPA - EIR Request from [REDACTED]: A6RC: Investigation into A6 construction on Toome swanfields

[REDACTED]

Thanks for your e-mail, prompted by an EIR request, and you will have seen the Department's response to that request yesterday. Please see below a response to your own query:

The Toome Bypass was constructed 2002-2004. The Environmental Statement (ES) for the project included the discharge of the obligations of the Habitats Directive 92/43/EEC and The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995, and was published in April 2000.

As part of a wide range of environmental mitigation measures stated in the ES, a proposed mitigation measure for the Whooper Swans was the provision of replacement grassland habitat (silage and potatoes) by the implementation of land management agreements with local landowners – the area was to be 13ha.

Later, the Notice of the Department's decision to Proceed with the scheme, effectively the planning consent, stated "*The Department hopes to create replacement swan-grazing areas*". It is evident that the mitigation measure was described as 'aspirational' in nature. Swan count records for the usable size of the complex indicated that such mitigation was not necessary but, rather, desirable, in view of public consultation.

The Department attempted to commit appropriate landowners into providing additional swan grazing with the assistance of the then Department of Agriculture by trying to get landowners to come on board with the Countryside Management Scheme, but this was not fruitful.

For the Randalstown Castledawson Dualling scheme, the HRA had to consider "in-combination" effects with other plans or projects. This is considered in, for example, Section 6.8 of the [August 2016 SIAA](#), and specific reference is made to the Toome Bypass in Section 6.8.2. The capacity of the complex is noted: "*the A6 Toome bypass construction has not had a direct detrimental effect on the overall numbers of wintering Whooper Swans within the study area, only the distribution (McElwaine & Spouncer, 2006).*"

Consideration of whether the changes to the swan grazing habitat constituted compensation or mitigation was dealt with at length during the A6 judicial review case. Without rehearsing the entirety of the Department's case, and in view of the directions of the Brieis court case, the key point is that a project which is likely to adversely affect the integrity of a site can only have a significant adverse effect if it is likely to undermine its conservation objectives, which in turn involves an examination of whether the conservation status of the relevant protected feature will remain favourable.

In the case of the A6 and the Lough Neagh & Lough Beg SPA, the relevant feature which is protected is the habitat within the boundary of the SPA site and the relevant conservation objective is to ensure that the swan population is maintained at favourable conservation status and that fledgling success is sufficient to maintain or enhance the population. The important point is that, beyond the designated boundaries of the site, foraging land is not a protected habitat. A project which results in the loss of some of that land will only give rise to "adverse effects upon the site" if the loss is liable to undermine the favourable conservation status of the swan population. In determining whether proposals for field

amalgamations and improvement of foraging land are a mitigation measure or compensatory measure, the relevant question is whether they will prevent deterioration in the conservation status of the swan population from arising in the first place or whether they will compensate for such an impact. The relevant focus is upon the swans, not upon the land, in the context of the A6.

The proposed field amalgamations were therefore successfully argued in court as mitigation measures. They are measures designed to ensure that the swan population will have available to it the same amount, if not more, foraging land than before. It is also known from the annual swan surveys that the swans do naturally move around from field to field. It is also known that swans are not disturbed by proximity to routine road traffic. All of these known characteristics of the swan population help to inform a judgement about the types of measures which will ensure adverse effects do not arise in the first place.

Although not expressly argued in the court, it is worth noting that the Article 6(3) assessment for the proposed scheme could have concluded that the project was not likely to adversely affect the integrity of a site even without the measures, due to a number of factors including the scale of grazing habitat available, but in view of positive engagement with both statutory and non-statutory consultees, the measures were included as means of enhancing the existing habitat.

Get back if you have any further queries or concerns.

Thanks.

Dawson.

From: [REDACTED]
Sent: 22 August 2018 09:58
To: Wray, Dawson [REDACTED]
Cc: Gorman, Brian [REDACTED]; Symington, Scott
Subject: RE: EIR Request from [REDACTED] A6RC: Investigation into A6 construction on Toome swanfields

Dawson,

Thanks for copying me into the correspondence. Good comprehensive answer.

For what it's worth, one thing alarmed me which I wasn't aware of before; the failure to implement mitigation measures at the Toome by-pass because this was linked to the whooper swans and therefore the integrity of the site. It also involved the loss of bird feeding habitat and was never replaced. This new scheme also has a loss of identical bird habitat and mitigation is to replace this (as I understand it). Suppose we consider this in the light of the Briels, People over Wind and the most recent Edel_Sweetman case C-164_17. Are these actually compensation measures, and if so the failure to implement them is a failure to give effect to the aim of the directive in my opinion.

I'm not sure that it is open to Mr Murphy to challenge on this point but it is definitely something the Department **must** take on board, certainly from now on, in any decision.

Hope this helps.

Regards


[REDACTED]

Environmental Governance

Room 1:18
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

Regional Planning Directorate



 **Please consider the environment - do you really need to print this email? If you do, print it double sided.**

One and one-half acres of rainforest are lost every second with tragic consequences for both developing and industrial countries



STRATEGIC PLANNING GROUP

MINUTES OF MEETING THURSDAY 26 JANUARY 2017 @ 1PM

**Mid Ulster Council Offices,
Ballyronan Road, Magherafelt**

ATTENDEES:	
Fiona McCandless	Chief Planner, Department for Infrastructure (Chair)
Angus Kerr	Director, DfI Planning Policy Division
Carol Ramsey	Director, DfI Strategic Planning Division
██████████	Senior Administrative Officer, Antrim and Newtownabbey Council
██████████	Planning Manager, Mid Ulster Council
██████████	Chief Executive, Causeway Coast & Glens Council
██████████	Planning Manager, Mid & East Antrim Council
██████████	Head of Planning, Causeway Coast & Glens Council
██████████	Head of Planning, Fermanagh and Omagh Council
██████████	Head of Planning, Lisburn and Castlereagh City Council
██████████	Planning Manager, Ards and North Down Council
██████████	Director of Regulatory and Technical Services, Newry, Mourne and Down Council
██████████	Head of Planning and Building Control, Lisburn & Castlereagh City Council
██████████	Planning Manager, Derry & Strabane Council
██████████	Planning Manager, Armagh City, Banbridge & Craigavon Borough Council
██████████	Planning Development Engagement Manager, Belfast City Council
Agenda Item 3 only:	
Iain Greenway	Director, DfC Community Cohesion
Rhonda Robinson	DfC Heritage Records & Designation
Brian McKervey	DfC Heritage Development & Change
Geoff Sloan	DfC Heritage Buildings Designation
In Attendance:	
Cathy Pringle	DfI Planning Policy Division
██████████	DfI Planning Policy Division (Minutes)

1.	Welcome and Apologies	Actions
	<p>Fiona McCandless welcomed everyone.</p> <p>Apologies were received from:</p> <ul style="list-style-type: none"> • [REDACTED] Antrim and Newtownabbey Council ([REDACTED] attended instead) • [REDACTED], Fermanagh and Omagh Council • [REDACTED], Fermanagh and Omagh Council • [REDACTED], Belfast City Council • [REDACTED], Newry, Mourne and Down Council • [REDACTED], NILGA 	
2.	Minutes	
	<p>The minutes of the previous meeting were agreed, subject to 2 minor amendments.</p> <p>Fiona confirmed action points 1 and 6 had been completed and that the remaining action points would be covered during the meeting.</p>	
3.	Presentation – DfC Historic Environment Division (HED)	
	<p>Iain Greenway, Rhonda Robinson, Brian McKervey and Geoff Sloan gave a presentation that outlined the role and responsibilities of the Historic Environment. A copy of the slides will be circulated to attendees.</p> <p>Attendees welcomed the news of a new Historic Environment App which is currently being rolled out. Further information on the datasets included on the App can be obtained directly from Rhonda.</p> <p>Attendees were reminded of the importance of LDPs capturing the essence of PPS6. Geoff highlighted that some councils do not have Building Preservation Notices (BPN) within their schemes of delegation which could impact on processing times.</p> <p>[REDACTED] highlighted that any review of guidance on building preservation should ensure that roles and responsibilities of the different departments/authorities are clearly explained.</p>	AP1
4.	Performance Improvement	
	<p>There was general agreement that [REDACTED] presentation at the recent HOP meeting had been very useful. Once [REDACTED] amended report has been received, the Department will draft the performance management framework and circulate for final comment. The aim is to have the measures in place for 1st April, where possible.</p> <p>Angus confirmed that the performance management framework will sit alongside the statutory indicators and not replace them.</p> <p>Fiona acknowledged the good work done so far and thanked everyone for their contributions. The group noted particular</p>	

	appreciation for the work done by [REDACTED]	
5.	Policy Context	
	<p>SPPS – the Department will be going out to tender on 3 consultancy projects shortly for research and advice to inform the reviews of renewable energy and development in the countryside. It is hoped the successful consultants will be appointed by March, with consultation on draft policies towards the end of the year. The Department is also seeking statistical data which could assist with the reviews.</p> <p>There was some discussion about the challenge of councils developing their LDPs at a time when policies are being reviewed. Fiona assured attendees that they will be kept informed of progress and undertook to consider if there is anything else the Department can do regarding the reviews underway, if only to provide clarification.</p> <p>Angus noted that councils must have a clear evidence base to support how they have taken account of the SPPS.</p> <p>Permitted Development - The Department issued a public consultation on 8th December on permitted development rights for mineral exploration. The consultation closes on 3rd February.</p> <p>The Department is also working through a number of issues following last year's consultation on permitted development rights for telecommunications, non-domestic roof mounted solar panels etc.</p> <p>The Department also issued a public consultation on the Planning (Environmental Impact Assessment) Regulations on 15 December. The consultation closes on 9th February.</p> <p>Local Development Plans – [REDACTED] gave a brief update on the position of the LDPs. She asked that if any of the councils think there will be delays with their programmes, to contact the Department as soon as feasible.</p> <p>3-5-10 initiative (walk 3k, cycle 5k, public transport 10k) - the Minister has highlighted the need for councils to ensure that walkways, cycle ways and links to public transport are factored into development planning.</p>	AP2
6.	Priority Issues	
	<p>Planning agreements - The Department today published Development Management Practice Note 21 on powers under section 76 of the Planning Act (NI) 2011. The Department intends to have a further meeting of the sub-group at which it is hoped that Belfast City Council will share their experiences in developing a framework. [REDACTED] advised that they plan to forward a draft to their committee in April for a 12-wk</p>	

	<p>consultation.</p> <p>Guidance note on reservoirs policy – The Department is seeking legal advice in relation to the planning policy. On receipt of this advice, the Department will re-arrange the sub-group to discuss in detail and report back.</p> <p>Disposal schedules - IT have advised that there is no mechanism for the deletion of records within the portal for users. However, it is possible for individual records to be deleted via a service request. A policy on the management of records on the portal, including retention and disposal, needs to be discussed and scoped with HP. It was agreed that the Department would organise a meeting with IT to look at this further. [REDACTED] and [REDACTED] volunteered to participate on behalf of the councils (North West location preferred).</p> <p>Pavement café PD rights –The Department will not be providing new PD regulations or central guidance on the matter but councils may wish to bring forward their own local guidance.</p> <p>Planning fees - The Department is looking at the issues regarding fees for non-material changes and discharge of conditions and will come back to this group on these at the next meeting.</p> <p>Existing conservation areas - Discussions with DSO are ongoing on providing councils with the power to vary or cancel existing conservation area designations. Any legislative change will likely have to wait until the new Assembly is in place.</p> <p>Correction of errors - The Department is not currently undertaking work to commence Part 12 of the Planning Act. Minor or typographical corrections can be undertaken administratively, subject to each council having its own audit and data handling controls in place.</p> <p>Review of hierarchy thresholds – It is important that authorities continue to review how the thresholds are operating but a comprehensive review will not take place until the system has further bedded-in. It is important for councils to continue to work with developers at a local level to resolve these issues and to highlight the merits of engaging with the community at an early stage.</p> <p>PAC - Introduction of new issues at appeal – Local government meeting with PAC at which this issue will be discussed.</p> <p>Pre-determination hearings – Issue raised that councils are required to hold a pre-determination hearing after they have already carried out a hearing earlier in the process. [REDACTED] agreed</p>	<p>AP3</p> <p>AP4</p> <p>AP5</p> <p>AP6</p>
--	--	---

	<p>that the Department will highlight need for a pre-determination hearing when responding to the council.</p> <p>Consultation periods in relation to NOPs – The Department will review its processes and will check if notifications can be issued to councils at the same time Minister notifies MLAs.</p> <p>Called-in applications –General discussion on fee allocation for applications. As there are so few call-ins, this should not have a huge impact on councils, however, in principle, the authority that processes the application should attract the fee. It was also noted that as there is currently no charge for PADs. ██████ commented that clarity is needed on the issue.</p>	AP7
7.	Any other business	
7.01	<p>█████ informed the group that reps are coming to the DMWG re the Farm Business Improvement Scheme.</p> <p>█████ raised the issue of councils determining reserved matters or discharge of conditions applications that relate to previous approvals granted by the Department under Art.31.</p> <p>█████ asked if it would be possible to have sight of SPG briefing papers for the meeting, similar to those prepared for Departmental officials. It was suggested that this could be done via an update to the HOP Issues Log which could be circulated in advance of the next meeting. The Department agreed to consider.</p>	AP8 AP9
8.	Date and location of next meeting	
	The next meeting will take place at 12.45 on 30 March 2017 in Mid Ulster Council Offices in Magherafelt.	

Summary of Action Points

No.	Detail	Action Owner
AP1	A copy of the slides from HED's presentation to be circulated to attendees. <i>Completed 07/02/2016</i>	DfI
AP2	DfI to consider if further clarification can be given on how councils can take policies into consideration that are currently under review.	DfI
AP3	Department to organise reservoirs policy sub group once legal advice on planning policy is received and to report back to this group.	DfI
AP4	Department to organise a meeting with IT, [REDACTED] to look at the issues surrounding the disposal of records on the portal (North West location preferred).	DfI
AP5	Department to report findings on investigation into fees for non-material changes and discharge of conditions applications at March 2017 meeting.	DfI
AP6	Department will look at the legislation re pre-determination hearings.	DfI
AP7	Department to review its processes in relation to NOPs and consultation timescales.	DfI
AP8	Ann to liaise directly with DfI on the issue of councils determining RM or discharge of conditions applications relating to previous approvals granted by the Department under Art.31.	[REDACTED] / DfI
AP9	Department to consider if and how councils can be provided with some sort of pre-brief in advance of the meetings.	DfI

STRATEGIC PLANNING GROUP

MINUTES OF MEETING THURSDAY 18 May @ 10.00 Mid Ulster Council Offices, Ballyronan Road, Magherafelt

ATTENDEES:	
Fiona McCandless	Chief Planner, DfI (Chair)
Angus Kerr	Director, DfI Planning Policy Division
██████████	Chief Executive, Causeway Coast & Glens Council
██████████	Planning Manager, Mid & East Antrim Council
██████████	Head of Planning, Fermanagh and Omagh Council
██████████	Planning Manager, Newry, Mourne and Down Council
██████████	Director of Regeneration & Planning Fermanagh and Omagh Council
██████████	Planning Manager, Derry & Strabane Council
██████████	Planning Manager, Armagh City, Banbridge & Craigavon Borough Council
██████████	NILGA
██████████	Planning Manager, Causeway Coast & Glens Council
██████████	PPTO, Mid Ulster Council
██████████	PPTO, Lisburn and Castlereagh City Council
██████████	Director of Regulatory and Technical Services, Newry, Mourne and Down Council
In Attendance:	
Fiona McGrady	DfI Planning Policy Division
Cathy Pringle	DfI Planning Policy Division (Minutes)
Martin Mayock	DfI ASB (left after agenda item 3)

1.	Welcome and Apologies	Actions
	<p>Fiona welcomed everyone.</p> <p>Apologies were received from:</p> <ul style="list-style-type: none"> • Carol Ramsey – DfI • [REDACTED] - Ards and North Down Council • [REDACTED], Belfast City Council • [REDACTED], Belfast City Council • [REDACTED], Mid Ulster Council 	
2.	Minutes	
	<p>The minutes of the previous meeting were agreed, apart from a change requested to page 3 by [REDACTED] reflecting the importance of engagement with elected members re policy issues. This was agreed.</p>	
3.	Introduction	
	<p>Fiona updated the group regarding the current political situation and advised that the Department will continue to work with existing policies and that applications will be considered on a case by case basis. She indicated that the outcomes / indicators in the draft Programme for Government are unlikely to change under any new administration.</p>	
4.	Performance Improvement	
	<p>Performance management framework (action point 2 / HOP16) Councils have now received the draft framework. Fiona commented that a lot of work had gone into this with the intention of having more qualitative indicators. Following a request from one of the councils, the Department has now agreed an extension to the deadline for comments to 30 June.</p> <p>[REDACTED] stated she had a number of concerns about the ability of councils to collect the information and what some of the indicators might actually measure. She will incorporate her comments into the council’s written response.</p> <p>[REDACTED] stated she could not see how some of the measures would drive improvements. Also, there was no obvious link to the community plan.</p> <p>Angus explained that the outcome measures are intended to show what is happening on the ground. These can be discussed further at the new working group.</p> <p>Fiona stated that the framework will evolve over time. It was not to be seen as a means of punishing councils but a tool for seeing how effectively the planning system is operating.</p>	

	<p>Martin Mayock commented that the Department would source as much data as possible from the planning portal or the PAC. Indicators will be added to the current pro forma and issued to councils. Still need to look at how everything will be reported upon – this can be addressed by the working group.</p> <p>██████████ welcomed the framework but expressed concerns re floorspace and affordable housing. Would it not be better to await the replacement for the planning portal?</p> <p>██████████ commented that the idea of shadowing for a year was good. There was acknowledgement by CXs that the current suite of indicators was not appropriate.</p> <p>Next SOLACE meeting - 2 June – Fiona will be attending and the framework can be discussed then.</p> <p>Consultee performance (action point 1) Angus advised that the sub-group would be set up in the next week or two. If anyone was interested in joining, could they email cathy.pringle@infrastructure-ni.gov.uk.</p> <p>Martin Mayock left the meeting.</p>	
<p>5.</p>	<p>Policy Context</p> <p>Angus provided an update on the following:</p> <p>Policy reviews Consultants were holding a stakeholder engagement event following the SPG to hear local government views on development in the countryside review. The issue of engagement with members and councils could be raised with the consultants this afternoon.</p> <p>SPPS (HOP 7) Current legal challenge to the SPPS has again been listed for mention in the Court on 28th June 2017.</p> <p>EIA Directive The Department has now made the Planning (EIA) Regulations (NI) 2017.</p> <p>ROI National Planning Framework The Department, in conjunction with the Department for Housing, Planning, Community & Local Government (ROI) has organised a half day seminar for development plan principals in the border councils for 13 June in Monaghan. Invitations will issue shortly.</p> <p>Fiona provided an update on:</p>	

	<p>BMAP The Court judgement was due that morning. Early indications were that the Court had decided it had been adopted unlawfully.</p> <p>Local development plans (LDPs) 8 councils have LDP timetables in place and are progressing with their plan programme. The Department has responded to 4 councils on their preferred options papers and was considering a fifth.</p> <p>SOLACE meeting (includes action point 8) Fiona advised that the development plan process had been discussed. [REDACTED] commented that it was not clear how LDPs tied in with the Regional Development Strategy.</p> <p>A discussion ensued about indicative timescales for LPD production. While it was acknowledged these were not statutory, attendees were concerned that the public and political perception was that councils were missing these timescales. In addition, the PAC has indicated it could take 9 – 12 months for the independent examinations and that they want councils to provide venue and staff.</p> <p>The next Chief Planner’s letter will highlight that the timescales are only indicative.</p> <p>There was a general feeling that some solution was needed. [REDACTED] advised they had taken a revised timescale to their development plan working group.</p> <p>[REDACTED] agreed to take this issue forward – she will discuss with HOPs. The Department will also consider the issues raised.</p> <p>[REDACTED] asked if PAC would conduct all examinations. Angus responded that there was no intention at this stage to appoint anyone else.</p>	AP1
6.	Priority Issues	
	<p>Disposal schedules (action point 3 / HOP06) [REDACTED] advised that the information commissioner was attending the next SAO meeting when this issue will be discussed. It was agreed this issue would be archived in the meantime.</p> <p>[REDACTED] asked whether the requirement to keep planning records included electronic records and / or hard copies only. This issue had been raised previously and the Department undertook to send an email advising of the outcome.</p> <p>Planning agreements (action point 4 / HOP08)</p>	AP2

<p>The Department to arrange a meeting of the sub-group when BCC confirms timing of their consultation exercise.</p>	<p>AP3</p>
<p>Existing conservation areas (action point 5 / HOP10) Angus confirmed that discussions with DSO are still ongoing on providing councils with the power to vary or cancel existing conservation area designations.</p>	<p>AP4</p>
<p>Guidance note on reservoirs policy (action point 6 / HOP09) The Department due to meet Counsel shortly to discuss. The Department will convene sub-group to discuss legal advice, when received.</p>	<p>AP5</p>
<p>██████ advised that she and ████████ are considering taking their own legal advice.</p>	
<p>Pre-determination hearings (action point 7) Angus confirmed there was no implication for the guidance following the recent DSO advice. This matter will now be archived.</p>	
<p>Publication of planning applications (action point 9 / HOP 17) Angus advised that the Department is not minded to take forward any new policy or legislation at this time. This issue will be archived in the meantime.</p>	
<p>SPPS training (HOP19) The Department will continue to support councils in implementing the SPPS and has already attended a conference, provided practice notes and guidance etc. Up to councils to determine their own continuous professional development needs. ████████ stated that NILGA would be looking at training needs again and will issue a revised timetable. She would appreciate any feedback on training needs.</p>	
<p>Fiona stated that the Department was willing to offer general support, rather than attend council meetings etc. NILGA could focus on this work with HOPs. This matter will now be archived.</p>	
<p>Compensation payments (HOP20) Angus advised on the Department's position with regard to Ombudsman cases. It was agreed that the Department would issue the protocol to HOPs.</p>	<p>AP6</p>
<p>Fiona advised members to contact Jacqui McLaughlin in the Chief Planner's office if they wanted to discuss individual cases.</p>	
<p>Historic files (HOP21) The Department is currently reviewing files held in storage and is sending any relevant files to councils.</p>	

7.	Any other business	
	<p>Legislation It was agreed that potential changes to the legislation would be added as a standing item on the issues log.</p> <p>Community Places Angus asked if councils had any experience of working with Community Places and the use of volunteers for planning aid. Concern was expressed about using volunteers in case there was a conflict of interest. There was a mixed response – Angus suggested the Department would write to councils seeking their views.</p> <p>Planning portal █████ asked for an update on the planning portal and staffing issues. It was important that councils had good representation. Critical to know dates asap. It would be helpful if solutions could be brought to next week’s governance board meeting and suggested an email be sent out. Fiona agreed that everyone needed to commit.</p> <p>█████ asked if we had any advice re personal data (names and addresses) held on the planning portal as there seemed to be conflicting information. The Department undertook to check this out.</p> <p>EIA.</p>	<p>AP7</p> <p>AP8</p> <p>AP9</p> <p>AP10</p>
8.	Date of next meeting	
	It was agreed that the next meeting would take place in early September and that, after this, the meetings would move to a quarterly timescale, preferably to tie in with HOP meetings.	

Summary of Action Points

No.	Detail	Action Owner
AP1	Local development plan timescales. ██████ agreed to take this issue forward – she will discuss with HOPs. The Department will also consider the issues raised.	██████ / Dfl
AP2	Planning registers. ██████ asked whether the requirement to keep planning records included electronic records and / or hard copies only. This issue had been raised previously and the Department undertook to send an email advising of the outcome.	Dfl
AP3	Planning agreements. The Department to arrange meeting of the sub-group when BCC confirms timing.	Dfl
AP4	Existing conservation areas. The group will be kept informed of any progress	Dfl
AP5	Department to organise reservoirs policy sub-group when written legal advice on planning policy is received.	Dfl
AP6	Compensation payments. The Department to issue Ombudsman protocol to HOPs	Dfl
AP7	Legislation. It was agreed that potential changes to the legislation would be added as a standing item on the issues log.	Dfl
AP8	Community Places. The Department to write to councils seeking their views re experience of working with Community Places and the use of volunteers for planning aid.	Dfl
AP9	Planning portal. It would be helpful if solutions re staffing could be brought to next week's governance board meeting and suggested an email be sent out.	Dfl
AP10	The Department undertook to check out about personal data (names and addresses) held on the planning portal as there seemed to be conflicting information.	Dfl

STRATEGIC PLANNING GROUP

MINUTES OF MEETING THURSDAY 21 September @ 11.00 Room 601b, Clarence Court

ATTENDEES:	
Angus Kerr	Director, DfI Planning Policy Division
Carol Ramsey	Director, DfI Strategic Planning Division
██████████	Chief Executive, Causeway Coast & Glens Council
██████████	Planning Manager, Mid & East Antrim Council
██████████	Director of Regeneration & Planning, Fermanagh and Omagh Council
██████████	Planning Manager, Derry & Strabane Council
██████████	Planning Manager, Ards and North Down Council
██████████	Planning Manager, Antrim and Newtownabbey Council
██████████	Director of Planning and Place, Belfast City Council
██████████	Planning Manager, Causeway Coast & Glens Council
██████████	NILGA
██████████	PPTO, Lisburn and Castlereagh City Council
In Attendance:	
Fiona McGrady	DfI Planning Policy Division
██████████	DfI Planning Policy Division (Minutes)

1.	Welcome and Apologies	Actions
	<p>Angus welcomed everyone.</p> <p>Apologies were received from:</p> <ul style="list-style-type: none"> • ██████████, Mid Ulster Council • ██████████, Armagh, Banbridge & Craigavon Council • ██████████, Lisburn and Castlereagh City Council 	

2.	Minutes	
	The minutes of the previous meeting were agreed.	
3.	Presentation – SuDs	
	Linda MacHugh, along with Julie-Ann Dutton, gave a presentation on SuDs in the planning system. A discussion ensued, particularly in relation to maintenance and liability issues. ██████████ requested that they be provided with a contact re SuDs to liaise with.	AP1
4.	Performance Improvement	
	<p>Solace meeting Carol updated members following the meeting with Solace and the ongoing visits to council to promote the need for closer joint working.</p> <p>Statutory consultees (action point 1) Angus advised that the sub-group has now met and the next meeting will be held in early October when any recommendations will be fed back to this group.</p> <p>██████████ asked if the issue of EA as the competent authority for the EIA regulations will be discussed. Angus agreed that this issue could be considered by the sub-group.</p> <p>There was some discussion about the 21 day target for responses. Angus commented that it was important to work with consultees to agree extensions rather than change the target. ██████████ commented that it appeared to be a capacity issue, especially in TNI.</p> <p>██████████ commented that the private streets issue will probably be raised in the next issues log – TNI are asking for a lot of details and this too can affect performance. He is of the opinion that conditions need reviewed.</p> <p>He also advised that planners should be careful of conditioning the planning approval with regard to construction environment management plans.</p> <p>Performance management framework The first meeting of the working group will be held on 2 November. ██████████ offered to check if his council could host the meeting. Meeting will be timed for 10.30.</p> <p>There was some discussion regarding legacy applications and their impact on performance. While we are restricted by the legislation – which includes all majors – ██████████ asked if the issue of legacy applications could be highlighted better. Angus agreed to speak to our stats people regarding how indicators are presented in the official statistics. ██████████ mentioned that withdrawn</p>	<p>AP2</p> <p>AP3</p> <p>AP4</p>

	<p>applications can also be an issue. These issues can also be discussed fully at the performance working group.</p> <p>■■■■ asked if a list of the key issues coming from the responses to the framework could be circulated in advance of the meeting.</p>	<p>AP5</p>
<p>5.</p>	<p>Policy Context</p> <p>Angus provided an update on the following:</p> <p>Policy reviews Final research reports are expected from the consultants in the coming weeks. ■■■■ asked if there would be any direct consultation with elected members on renewables. Angus replied that there had been some meetings and the main consultation process would be via the survey but he agreed to speak to the consultants about holding some form of engagement with members. ■■■■ offered to assist.</p> <p>SPPS Leave hearing for the legal challenge to the SPPS will be heard on 26 October.</p> <p>PD and EIA directive Options are still under consideration for the way ahead. ■■■■ asked what the timescales are for the EIA guidance. ■■■■ asked if the guidance will cover post-application monitoring. ■■■■ also mentioned that they are prohibited from entering discussions at pre-application stage with other parts of the council. Carol to respond on these issues.</p> <p>Carol provided an update on:</p> <p>BMAP No further update. ■■■■ asked if the Department could take a decision, in the absence of a Minister, re the status of the plan. Angus and Carol advised that they are looking into how to take forward this issue.</p> <p>Local development plans (LDPs) 9 councils have LDP timetables in place and are progressing with their plan programme. The Department has responded to 7 councils on their preferred options papers.</p> <p>Discussions with PAC Councils are encouraged to work with the PAC re their programme. We still have some work to do on soundness. Funding has now been agreed to help councils align LDPs with transport plans. Carol agreed to liaise with TNI re timescales etc.</p> <p>The 40 months indicative timescales was discussed and how this was perceived by members. This has been addressed in the</p>	<p>AP6</p> <p>AP7</p> <p>AP8</p>

	Chief Planner's Update. ██████ commented that it is up to CXs to management members' expectations.	
6.	Priority Issues	
	<p>Planning agreements (action point 4) The Department to arrange a meeting when BCC confirms their framework is ready for discussion.</p> <p>Existing conservation areas (action point 5) DSO has now provided their opinion and the Department will write out confirming the Department's position.</p> <p>Reservoirs policy (action point 6) Angus agreed to share the legal advice on this issue. ██████ to check if she can share her legal advice. The Department will convene sub-group to discuss further.</p> <p>Ombudsman cases (action point 7) Angus advised that Solace had indicated they were unhappy with the protocol. Angus advised that the Department's position, agreed back at the point of transfer, had been for very practical reasons as files, staff etc. were based in councils, but that any requests for compensation payments would be considered on a case by case basis. Angus asked if any members were having difficulties with the process but no one responded with any.</p> <p>Personal data on planning portal (action point 10) While an advice note on sensitive data had been sent to councils, ██████ advised she was more concerned about the naming of individuals on the planning portal and the sometimes contradictory information on the portal. ██████ advised that the IMCO seemed to be taking the view that names of individuals (not exclusively signatures) should not be appearing on the Portal. ██████ advised that they were seeking their own clarification on the matter and would keep us informed. Copy of ePIC advice note on redaction to be sent to ██████</p>	<p>AP9</p> <p>AP10 AP11</p> <p>AP12</p>
7.	Any other business	
	<p>██████ referred to Section 45(3) of the Planning Act and asked about the ability of people to submit representations at any stage before a decision is made – this can be open to abuse. Angus advised that some preliminary work had been done on approaches in other jurisdictions which he would share with the group.</p> <p>It was agreed that HoPs would consider the issue further in relation to how best to deal with it within the existing regime. Including looking at how councils in the other jurisdictions deal with it and report back to SPG.</p> <p>██████ asked if councils could carry out RM work on behalf of the Department. Carol agreed to consider.</p>	<p>AP13</p> <p>AP14</p>

	<p>█████ asked about conditions re drawings. Angus agreed to send the reply he had sent to ██████ to all HoPs.</p> <p>█████ asked if there were any timelines for submitting an application after a PAN has been carried out as, potentially, an application could be submitted years after the PAN. Angus to check and respond.</p> <p>Angus advised that the Department intends to see how certain aspects of the new planning system are operating and, as part of this, officials will be attending planning committees meetings across the region over the next few months, as observers.</p>	<p>AP15</p> <p>AP16</p>
8.	Date of next meeting	
	Next meeting – 21 December at 10.30am in Clarence Court.	

Summary of Action Points

No.	Detail	Action Owner
AP1	The Department to advise contact details re SuDs for councils to liaise with.	Linda MacHugh
AP2	The issue of EA as the competent authority for the EIA regulations could be considered at the next statutory consultee sub-group.	Dfl
AP3	█████ to confirm if his council will host first performance working group.	█████
AP4	Angus agreed to speak to stats people about how legacy applications and withdrawn applications are presented in the official statistics.	Dfl
AP5	List of key issues re performance framework to be circulated in advance of meeting on 2 November.	Dfl
AP6	Angus agreed to speak to consultants about holding some form of engagement with members. ██████ offered to assist.	Dfl
AP7	Carol to advise re: timescales for EIA guidance; whether the guidance will cover post-application monitoring; and the issue of councils being prohibited from entering discussions at pre-application stage with other parts of the council.	Dfl
AP8	Carol to liaise with TNI re timescales etc. for funding to help councils align LDPs with transport plans.	Dfl
AP9	The Department will write out confirming the Department's position following DSO opinion on existing conservation areas.	Dfl
AP10	Angus agreed to share the legal advice on reservoirs policy. ██████ to check if she can share her legal advice.	Dfl / ██████
AP11	The Department will convene reservoirs sub-group to	Dfl

	discuss further.	
AP12	Copy of advice note on sensitive data to be sent to [REDACTED]	Dfl
AP13	<p>Angus agreed to share some work the Department has already undertaken re approaches in other jurisdictions (re ability of people to submit representations at any stage before a decision is made).</p> <p>Councils will do more research into how other jurisdictions operate.</p>	Dfl / Councils
AP14	Carol to consider if councils could carry out RM work on behalf of the Department.	Dfl
AP15	Angus to send all HoPs reply he had previously sent re conditions and drawings.	Dfl
AP16	Angus to check if there are any timelines for submitting an application after a PAN has been carried out as, potentially, an application could be submitted years after the PAN.	Dfl

STRATEGIC PLANNING GROUP

MINUTES OF MEETING THURSDAY 21 December 2017 @ 10.30 Room 601b, Clarence Court

ATTENDEES:	
Angus Kerr	Director, DfI Planning Policy Division
Susan Wilkin	DfI Planning Policy Division
[REDACTED]	Planning Manager, Mid & East Antrim Council
[REDACTED]	Planning Manager, Causeway Coast & Glens
[REDACTED]	Planning Manager, Fermanagh and Omagh Council
[REDACTED]	NILGA
In Attendance:	
[REDACTED]	Strategic Investment Board
[REDACTED]	Department for the Economy
Fiona McGrady	DfI Planning Policy Division
[REDACTED]	DfI Planning Policy Division (Minutes)

1.	Welcome and Apologies	Actions
	<p>Angus welcomed those present and advised that he was disappointed that more officers could not attend.</p> <p>Apologies were received from:</p> <ul style="list-style-type: none">• [REDACTED]	
2.	Minutes	
	<p>The minutes of the previous meeting were agreed.</p>	

3.	Presentation – RHI	
	<p>██████████ gave a presentation on RHI and its impact upon planning.</p> <p>██████████ advised that it was important that councils were provided with the information needed to allow them to conduct the required planning checks as soon as possible, ██████████</p> <p>██████████</p> <p>Following discussion it was agreed that a more formal approach to engagement should be established with local government and the RHI team. It was also agreed that ██████████ would provide a contact for the Building Control Liaison Committee (BCLC) and that the RHI team would brief them and SOLACE and HoPs on the matter.</p>	<p>AP1</p> <p>AP2/3</p>
4	Action points from the previous meeting	
	<p>Angus provided a brief update on the action points from the previous meeting, he confirmed action points 1, 3, 5, 6, 9, 10, 12 and 15 had all been completed and indicated the remaining outstanding action points would be dealt with under agenda items.</p>	
5.	Agenda item number 4 – Continuous improvement	
	<p>Solace meeting</p> <p>Angus confirmed representatives from the Department’s senior management team had now met all 11 councils. He added the meetings were useful and informative and follow-up actions, including a further round of meetings would be taken forward in the New Year. ██████████ confirmed her council found the meeting useful.</p> <p>Statutory consultees (action point 2 from previous minutes refers)</p> <p>Angus provided an update on the sub-group meetings in October and December. He commented that ██████████</p> <p>██████████ is a member of the sub-group looking at the statutory consultation process and made a very useful presentation at the last meeting of the group on 13th October. He added the meetings were very productive.</p> <p>The matter of NIEA as the competent authority for the EIA regulations was discussed. ██████████ indicated the issue had not been discussed at the sub-group.</p> <p>██████████ commented the group is very useful and positive, but she raised the issue of the variation in reports taken from the Portal and those received from statutory consultees themselves. She</p>	

	<p>enquired why the information was not lifted directly from the Portal. It was agreed that a presentation on statutory consultees would be delivered at the next SPG. Angus indicated he would discuss these issues with Brian Gorman.</p> <p>Following discussion regarding wider environmental issues it was agreed HoPs would bring the issues directly to NIEA.</p> <p>Legacy and withdrawn applications (action point 4 from previous minutes refers) Angus confirmed details of legacy applications are contained in tables 8.1 and 8.2, and are referred to in the body of the official statistics.</p> <p>Planning committee visits Angus provided an update on the recent visits by DfI officials to council planning committee meetings. He added the visits were informative and some good practice was observed. Angus advised that the Department would liaise with [REDACTED] as NILGA intended to bring forward a best practice guidance.</p> <p>Continuous improvement framework Angus provided an update on the 2 meetings of the working group. Fiona stressed there was very little work for councils to do in terms of collating the data. She confirmed official stats will continue to be published quarterly and the data for the framework will be collected quarterly but published annually. She added the group was working hard on outcome-based reporting and working towards PfG outcomes. Angus informed the meeting there was general consensus about the indicators and he indicated the Department was minded to make the required changes, issue the framework to SOLACE, and begin to collect information. [REDACTED] requested that HoPs should have sight of the draft framework before anything is issued formally.</p> <p>Following discussion Angus agreed framework would be issued to HoPs following its issue to SOLACE.</p> <p>Planning support Angus advised the group Peter May has requested a formal review of planning support (currently provided by Community Places) and councils will be asked to engage in the review.</p>	<p>AP 4</p> <p>AP 5</p> <p>AP6</p> <p>AP 7</p>
5.	Policy context	
	<p>Development in proximity to reservoirs (action point 11 from previous minutes refers) Angus confirmed a sub-group was held on 15 November at which draft guidance was considered on development in proximity to reservoirs. He added flow charts are currently being prepared to help the process and a further meeting will be arranged once</p>	<p>AP8</p>

<p>these are drafted.</p> <p>Strategic policy reviews Angus provided an update on the reviews of strategic planning policy on development in the countryside and renewable energy. He confirmed that in the absence of a minister the Department will consider the way forward.</p> <p>SPPS Angus informed the group the Senior Judicial Review Judge has advised that there will be a listing on Friday 19 January 2018.</p> <p>PD and EIA directive (action point 7 from previous minutes refers) Angus confirmed work continues on a number of issues raised in the PD consultation responses and options are still under consideration for the way ahead. He added the Department is working towards publishing guidance on the EIA Directive in the new year. He also confirmed there is no bar to a council adopting an administrative provision under the EIA Regulations 2017 regarding consulting itself, remembering that it should ensure appropriate separation of functions.</p> <p>It was agreed the guidance needs to provide clarification on the issue of councils being prohibited from entering discussions at pre-application stage with other parts of the council. Angus to provide clarification.</p> <p>Making representations on planning applications (action point 13 from previous minutes refers) Angus indicated updated research would be issued in the new year. He added the legislation is substantially the same across the UK. ██████ requested the Department refer to RoI Act section 29 1(a) and the Scottish Act section 38 (1) as she considered that there were differences in it and the Department's interpretation.</p> <p>██████ to forward relevant information for Department's legislation team to consider and review and provide clarity before the next meeting.</p> <p>Practice Notice 24 Angus confirmed the Department has now posted Development Management Practice Note 24 on Section 54 Applications on the planning portal (15 December).</p> <p>Proposal of Application Note (PAN) (action point 16 from previous minutes refers) Angus stated section 27 of the Planning Act only makes provision that at least 12 weeks must elapse between the prospective applicant giving the proposal of application note to the council (or</p>	<p>AP9</p> <p>AP10</p>
--	--------------------------------------

the Department) and submitting an application for planning permission for a major development. There is no statutory maximum length of time between carrying out pre-application community consultation and submitting the related planning application.

Notification direction

Angus provided an update on a new Notification Direction, which came into effect on December 1st. He confirmed it replaces the similar 2015 Direction, and clarifies the information councils should send to the Department.

Infrastructure plan

Angus advised the group the Department is continuing to work on an infrastructure plan – looking ahead a generation or more – to 2040/2050, which takes account of the demographic, economic and technological changes that will affect the region over that period. He added he will keep group informed as this work progresses.

RM applications

(action point 8 from previous minutes refers)

Angus confirmed councils should not be processing RM applications on behalf of the Department (i.e. Article 31s).

BMAP

Susan updated the group on BMAP, stating the Department is continuing to consider the options now available, but in the interim it has been working to make draft BMAP available on the planning portal, along with departmental development plans for the Belfast Metropolitan Area, which are now extant as a result of the judgment.

██████ raised the issue around the timetable for the development plan within the SPPS and the difficulties this was causing with elected representatives. Angus advised that the Department had clarified this issue in a previous Chief Planner's letter and verbally at a number of meetings, events and conferences.

Local development plans

(action point 8 from previous minutes refers)

Angus stated TNI continually engage and update councils on timing of work on the integration of TNI transport policy work and council transport policy in LDP strategy documents. He added should there be an issue, council development plan teams should contact Stephen Wood or Tom Reid from the Department.

Susan provided an update on local development plans. She added councils are encouraged to discuss revisions to their timetables with PAC in advance of formally seeking agreement

	<p>with the Department.</p> <p>Susan advised in response to a number of requests for additional guidance on the application of soundness tests the Department has been developing a plan preparation checklist, to supplement the practice note on soundness.</p> <p>She added the draft checklist was discussed with the PAC and following feedback it is intended to share this with councils in the new year.</p> <p>Susan advised the group that another issue raised is the role of statutory consultation bodies in the sustainability appraisal (SA) process. She added the issue is being considered further and a letter will issue to councils providing clarity in the new year.</p>	<p>AP11</p> <p>AP12</p>
6.	Priority issues	
	<p>Planning agreements (action point 4) Angus advised that he had been speaking to ██████ BCC and work is still ongoing in relation to a framework on Section 76 powers. The Department is content to hold a meeting when BCC confirms their framework is ready for discussion.</p> <p>Property certificates ██████ enquired as to whether the GIS layers for property certificate searches for applications within Strategic Projects Division was operational on the NIPP. Angus was unaware and it was agreed that ██████ I would raise the issues concerned via e-mail.</p>	<p>AP13</p> <p>AP14</p>
7.	Any other business	
	<p>Review of Planning Act Angus provided an update confirming the review is dependent on a new minister. ██████ confirmed NILGA are asking for a review of LG Act. She stressed the need to engage with planning at some juncture in the future.</p> <p>██████ raised an issue regarding a memo recently received from Peter Rice, requesting a GIS positional improvement questionnaire to be completed. ██████ both considered that they were not in a position to complete and ██████ raised the matter of staff within her council working on a pilot along with Digital Services Branch. Angus provided a brief overview of the positional improvement work and agreed to ask Peter to issue an email to clarify the position regarding any issues raised.</p>	<p>AP15</p>
8.	Date of next meeting	
	Next meeting – 29 March in Craigavon subject to council agreeing to host same.	

Summary of Action Points

No.	Detail	Action Owner
AP1	██████ agreed to provide a contact for the Building Control Liaison Committee.	██████████
AP2	██████████ to brief SOLACE.	██████████
AP3	██ from RHI team to be invited to attend HoP meeting to discuss establishing communication channels.	LG
AP4	Angus to discuss issues raised relating to statutory consultees and that a presentation on statutory consultees would be delivered at the next SPG.	DfI Planning
AP5	HoP would bring the wider environmental issues directly to NIEA.	LG
AP6	The Department to liaise with NILGA regarding best practice for planning committees.	DfI / NILGA
AP7	Framework to be issued to HoPs once it had issued to SOLACE.	DfI Planning
AP8	Flow charts being prepared re development in proximity to reservoirs and a further meeting to be arranged once these are drafted.	DfI Planning
AP9	Guidance on EIA directive being prepared.	DfI Planning
AP10	Updated research on making representations on planning applications to be issued in the new year. ████████ e to forward relevant information for Department's legislation team to consider.	DfI Planning / LG
AP11	Checklist, to supplement the practice note on soundness to be shared with councils following feedback from PAC.	DfI Planning
AP12	The role of statutory consultation bodies in the SA process is being considered and further clarification will be provided by the Department.	DfI Planning
AP13	The Department is content to hold a meeting when BCC confirms their framework on S76 is ready for discussion.	DfI Planning
AP14	██████████ to send email to Angus detailing the issue with property certificates.	LG
AP15	The Department to issue an email to clarify the position regarding the questionnaire and resources for the pilot with Digital Services Branch.	DfI Planning

STRATEGIC PLANNING GROUP

MINUTES OF MEETING THURSDAY 29 MARCH 2018 @ 10.30 Craigavon Civic Centre

ATTENDEES:	
Angus Kerr	Director, DfI Planning Policy Division
Alistair Beggs	Director, DfI Strategic Policy Division
[REDACTED]	Planning Manager, Mid & East Antrim
[REDACTED]	Planning Manager, Causeway Coast & Glens
[REDACTED]	Planning Manager, Fermanagh and Omagh
[REDACTED]	Planning Manager, Armagh, Banbridge and Craigavon
[REDACTED]	Planning Manager, Mid Ulster
[REDACTED]	Planning Manager, Newry, Mourne and Down
[REDACTED]	NILGA
In Attendance:	
Brian Gorman	DfI Planning Policy Division
[REDACTED]	DfI Planning Policy Division
[REDACTED]	DfI Planning Policy Division
[REDACTED]	DfI Planning Policy Division (Minutes)

1.	Welcome and Apologies	Actions
	<p>Angus welcomed those present and introduced Alistair as the new director of strategic planning division.</p> <p>Apologies were received from [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED].</p>	
2.	Minutes and action points from the previous meeting	

2.1	The minutes of the previous meeting were agreed.	
2.2	<p>Angus provided a brief update on the action points from the previous meeting. APs 2 and 3 – [REDACTED] and [REDACTED] have not yet been to Solace or heads of planning re RHI. Angus confirmed action points 1, 6, 7, 8, 10, 13, and 15 had all been completed or are still under consideration. The remaining action points would be dealt with under agenda items.</p> <p>Re AP8 – [REDACTED] advised that Rivers had sent through a link to the maps and asked if these could be set up as constraints. The Department will respond to this. This issue may be discussed at the reservoirs meeting set up for 17 April.</p> <p>AP10 – the point was made that it would help the issue of representations if there was legislative backing. Angus replied that it would not be appropriate to change the legislation due to case law. [REDACTED] advised that this issue might be raised through Solace.</p> <p>AP13 – Angus had just received an email from BCC re their framework on section 76. The Department will look at this and will organise a meeting of the initial sub-group, as appropriate. Angus also mentioned a paper prepared by Lisburn and Castlereagh proposing a joined-up approach across all councils on the use and application of S76 agreements. He presumed this paper would be circulated to all heads of planning in due course if they had not already seen it.</p>	<p>AP1</p> <p>AP2</p>
3.	<p>Presentation – statutory consultees (action point 4 from previous minutes refers)</p>	
	<p>A discussion ensued, following [REDACTED] presentation on statutory consultees. Angus commented that some consultees are not sure that all their advice is being taken on board by councils.</p> <p>The benefits of the proposed consultee forum were highlighted – especially better communication. Hopefully this will be set up in the next couple of months – DAERA will chair initially. The issue of accountability can be discussed at the forum – unnamed consultees, consultees not attending planning committees etc.</p> <p>Brian reported that NISRA are relatively content that the performance data supplied by consultees is now robust.</p> <p>[REDACTED] asked if the data could be broken down by each council area. Brian agreed this could be done. A copy of the presentation will also be forwarded to the group.</p> <p>Brian and [REDACTED] left the meeting.</p>	<p>AP3</p> <p>AP4</p>

4.	Environmental compliance	
	<p>Angus flagged up the issue of the EU pilot complaint the Department had received. Angus emphasised that there is a shared responsibility between DfI and councils in complying with the requirements of environmental directives. Need to see what measures we can take to monitor and engage effectively. The Commission will expect us to demonstrate a coherent approach across NI. The Department will develop a package of measures and will discuss with councils before the next meeting.</p> <p>█████ mentioned an academic study on environmental law which she undertook to circulate.</p> <p>█████ mentioned that the whole issue of minerals needed looked at. Councils need training. █████ advised that there will be a meeting with █████ from the quarry industry to discuss training. There is also talk about setting up a minerals forum.</p>	<p>AP5</p> <p>AP6</p>
5.	Agenda item number 4 – Continuous improvement	
	<p>Monitoring framework</p> <p>Angus advised that █████ is still considering the issues raised by Solace in response to his letter of January and will be replying shortly.</p>	
6.	Policy context	
	<p>Strategic policy reviews</p> <p>Research reports on the reviews of strategic planning policy on development in the countryside and renewable energy have now been received. In the absence of a minister the Department will consider the way forward.</p> <p>█████ advised that they are looking at setting up a shadow partnership panel in the absence of a minister in order to provide some political cover.</p> <p>SPPS</p> <p>The legal challenge to the SPPS has been withdrawn – waiting on the Court to make the final Order.</p> <p>Strategic design group</p> <p>A pilot exercise on Bedford Street will be undertaken to make it more accessible and inviting. The aim is to work collaboratively to deliver better places. The group consists of central / local government staff, engineers, MAG, landscape, NILGA, RSUA etc.</p>	

If the pilot is successful, it could be opened out to other council areas. SPG will be kept informed of progress.

Also carrying out work to promote Living Places, through uploading a webpage where events can be showcased.

██████ advised that NILGA is preparing guidance on regeneration for councillors.

EIA

(action point 9 refers)

An EIA Practice Note should be issued in April.

Angus raised the issue of council-own applications and EIA determinations. While the 2017 EIA Regs confirm that councils cannot statutorily request a pre-application screening determination, they can adopt administrative procedures to do so. Any council doing this should ensure an appropriate separation of functions between the relevant business areas.

██████ left the meeting.

Infrastructure plan

Angus advised the group the Department is continuing to work on an infrastructure plan and that a series of research commissions are being undertaken, looking at population change, infrastructure demand, climate change, technology etc. He will keep the group informed of progress.

BMAP

Alistair advised that they are exploring options re BMAP. Still awaiting ARC21 decision but want to progress as quickly as possible. Still working on uploading BMAP to the planning portal.

Local development plans

(action points 11 and 12 refer)

Councils are reminded that the PAC should be consulted on any revisions to local development plan timetables.

Alistair advised that some feedback had been received on the checklist on the application of soundness tests and this can be discussed at the LDP Working Group at the end of April.

The Department recently visited Wales and found their round table approach to independent examination to be very useful.

The Department has sought legal advice on the role of statutory consultation bodies in the sustainability appraisal process and this will be shared when received.

AP7

7.	Priority issues	
	<p>Planning portal (action point 14 refers) The issue of histories not showing up was discussed. This is being dealt with by the SAO group. The positional improvement project can be discussed at the planning portal governance board in due course. █████ commented that all councils needed to be represented at the governance board re positional improvement.</p> <p>NIEA and ammonia DAERA's memo was provided to attendees. A discussion ensued. █████ asked if the Department could get legal advice on behalf of all councils rather than each seeking their own. Angus agreed to go back to DAERA with concerns raised and seeking clarity on timescales and DAERA's policy.</p> <p>█████ advised that █████ has agreed to meet and that Angus could attend this meeting. █████ can then feed back to heads of planning.</p> <p>As some councils have more agricultural applications than others █████ asked if these could be excluded from the official statistics. █████ advised that we can look at evidence to assess the impact of these applications and could maybe add a narrative to the official stats, if necessary.</p> <p>NW flooding The Department has now published its North West Flooding Review Report.</p> <p>Fee exemptions Previous legal advice supplied to the Department is that churches are not eligible for a nil fee under the regulations. Angus acknowledged that this has always been a contentious legal opinion and acknowledged that councils, as planning authorities, may use their own legal advice / judgement to interpret the legislation.</p>	<p>AP8</p> <p>AP9</p>
8.	Any other business	
	<p>Angus agreed to send copies of a recent Supreme Court judgement rejecting an appeal by a council over reasons for a planning decision.</p> <p>Angus wanted to encourage councils to engage with █████ from Amey who will be in touch with them to discuss coastal erosion management.</p> <p>Angus agreed to send out a recent PAC judgement regarding issues that could have been raised at an earlier stage in the planning application process.</p>	<p>AP10</p> <p>AP11</p>

	<p>█████ advised that a regional training programme is underway, as well as refresher training on the code of conduct. A planning module will be held in Antrim on 27 April as part of the accredited training programme. There will also be a study visit to Edinburgh. On 3 May there will be a training event in Cookstown for planning committee chairs. A copy of the programme is going out to heads of planning. Anyone interested can contact █████.</p> <p>█████ requested that any correspondence to CXs re planning matters should be copied to heads of planning as well. We will ensure that the rest of the Department is aware of this.</p> <p>█████ asked if the Department was monitoring councils. Angus replied that the Planning group is currently restructuring – this will involve greater focus on governance and oversight issues, including plan oversight, notifications, call-ins, planning committees, monitoring decisions, best practice, implementation of policy etc.</p> <p>Angus raised the lack of attendees at the meeting. He asked if these meetings were still working.</p>	AP12
9.	Date of next meeting	
	Next meeting – Friday 22 June in mid Ulster. The Department to liaise directly with Magherafelt to confirm venue.	

Summary of Action Points

No.	Detail	Action Owner
AP1	The Department to respond to the issue of Rivers maps being added as constraints.	DfI Planning
AP2	The Department to organise a meeting following the receipt of BCC's framework on section 76.	DfI Planning
AP3	Consultee data to be broken down by council area and issued to group.	DfI Planning
AP4	Copy of statutory consultee presentation to be sent to group.	DfI Planning
AP5	The Department to circulate package of measures re environmental compliance.	DfI Planning
AP6	█████ to circulate an academic study on environmental law.	NILGA
AP7	The Department to share legal advice on the role of statutory consultation bodies in the sustainability appraisal when received.	DfI Planning
AP8	Angus to go back to DAERA with concerns raised and seeking clarity on timescales and DAERA's policy on	DfI Planning

	ammonia issues.	
AP9	The Department to look at evidence to assess the impact of agricultural applications and their delays and could maybe add a narrative to the official stats, if necessary.	Dfl Planning
AP10	The Department to send copies of a recent Supreme Court judgement rejecting an appeal by a council over reasons for a planning decision.	Dfl Planning
AP11	The Department to send out a recent PAC judgement regarding issues that could have been raised at an earlier stage in the planning application process.	Dfl Planning
AP12	Dfl Planning to ensure that the rest of the Department is aware that any correspondence to CXs re planning matters should be copied to heads of planning as well.	Dfl Planning

DRAFT

STRATEGIC PLANNING GROUP

MINUTES OF MEETING FRIDAY 22 JUNE 2018 @ 10.00 Marlborough House, Craigavon

ATTENDEES:	
Angus Kerr	Director, DfI Planning Policy Division
██████████	Planning Manager, Causeway Coast & Glens
██████████	Director of Regeneration & Planning, Fermanagh and Omagh
██████████	Planning Manager, Mid Ulster
██████████	Planning Manager, Newry, Mourne and Down
██████████	Planning Manager, Lisburn & Castlereagh
██████████	Planning Manager, Antrim & Newtownabbey
██████████	Principal Planner, Mid & East Antrim
██████████	Principal Planner, Belfast City
██████████	Principal Planner, Ards and North Down Council
██████████	Principal Planner, ABC
In Attendance:	
██████████	DfI Planning Policy Division
██████████	DfI Planning Policy Division (Minutes)

1.	Welcome and Apologies	Actions
	Angus welcomed those present. Apologies were received from ██████████, Alistair Beggs, ██████████, ██████████, ██████████ and ██████████.	
2.	Minutes and action points from the previous meeting	
2.1	The minutes of the previous meeting were agreed.	

2.2	<p>Angus provided a brief update on the action points from the previous meeting:</p> <p>AP1 – hopefully the work to integrate Rivers’ flood inundation data, associated with development in proximity to reservoirs, into the planning portal will be completed by end June.</p> <p>AP2 – the department has provided comments to BCC on their framework. ██████ advised that BCC are going to proceed to consult on the framework. Angus stated he would check again with BCC about a possible meeting and, subsequently, organise another meeting of the sub-group.</p> <p>AP3 – 4 completed and sent to members.</p> <p>AP5 - will be dealt with under agenda item 3.</p> <p>AP6 - academic study on environmental law to be re-sent to members.</p> <p>AP7 – completed and sent to members.</p> <p>AP8 – will be dealt with under agenda item 6.</p> <p>AP9 – stats people have looked at processing times excluding agricultural applications and the evidence suggests there is very little impact. Stats people could consider publishing an extended table 5.2 as part of the routine publication process. It was agreed that we would share the information with members.</p> <p>AP10 – 11 completed and sent to members.</p> <p>AP12 – email issued to all directors in the department re copying in heads of planning iro planning matters.</p> <p>██████ made the point that we needed to ensure a consistent approach to information being sent out to members.</p>	<p>AP1</p> <p>AP2</p> <p>AP3</p>
3.	Agenda item 3 - environmental compliance (Action point 5 refers)	
	<p>Angus advised that environmental compliance would now be a standing agenda item, and that an Operational Governance and Oversight Team had been established under Scott Symington, which will include an environmental governance strand.</p> <p>Scott is currently working on a strategy for environmental governance – this will involve two main strands - engagement and capacity building, and monitoring of compliance and enforcement.</p> <p>Will be linking in with IEMA re best practice. Also trying to organise training, possibly with qualifications. Members of the team may be in contact in the coming months with councils.</p> <p>EIA guidance to issue shortly.</p>	
4.	Agenda item number 4 – continuous improvement	
	Monitoring framework Angus advised that ██████ had now responded to Solace over	

	<p>the monitoring framework and that Solace had requested a meeting to discuss the framework further. Likely that the next meeting of the continuous improvement working group will be in September. The department has also been working on definitions etc. for indicator 12 of the framework and these can be brought to the September meeting.</p> <p>█████ commented that Solace was concerned that a lot of the indicators were not about performance. Any issues can be discussed at the September meeting.</p>	
<p>5.</p>	<p>Agenda item 5 - policy context</p>	
	<p>Strategic policy reviews Research reports on the reviews of strategic planning policy on development in the countryside and renewable energy have now been received. In the absence of a minister the department will consider the way forward.</p> <p>█████ commented that clarification was needed about what the department can do. Angus responded that we are working on a case by case basis.</p> <p>█████ asked if the SPPS would be amended. Angus replied that this would be a matter for an incoming minister. However, it seems likely that there might be some amendments iro renewables but there would be no changes for some time.</p> <p>Strategic Design Group The pilot exercise on Bedford Street is scheduled to take place 15 – 23 September (or run a bit later). If the pilot is successful, it could be opened out to other council areas. SPG will be kept informed of progress. Angus assured the group that there would be a long lead-in time to any future projects.</p> <p>Human rights Angus mentioned the Human Rights Commission’s, ‘Out of Sight, Out of Mind’, investigation report into travellers’ accommodation in Northern Ireland.</p> <p>In response to some of the findings in the report ██████ issued a letter to all council chief executives (copied to heads of planning). Following on from the recommendations made, the department is currently undertaking a review of the legal and policy framework relating to caravan site licences and the model licence conditions.</p> <p>One of the recommendations falls to councils to prevent undue delays in the planning application process relating to travellers’ accommodation.</p>	

mentioned the risk of someone making a challenge if councils were seen to be positively discriminating in favour of travellers and that advice should be sought on this.

Renewable energy

Angus advised that HED had asked him ensure that all relevant information is contained in a planning application – particularly in relation to works connected with renewable energy which may not be included in the details of a planning application, but which may involve considerable or potential impacts on the historic environment. Such works as ‘earthing cables associated with wind turbines’, but also works such as ‘cable boxes’ and ‘sub-stations’ associated with their connection to the grid, are likely to constitute development under section 23 of the 2011 Planning Act.

Permitted development rights for such works are very limited, **only** applying to development **by** electricity undertakers (Class C of Part 14 of the Schedule to the GPDO refers) **for the generation, transmission, distribution and supply of electricity for the purposes of the undertaking**. Furthermore, permitted development is not applicable where the land is within a site of archaeological interest.

Infrastructure plan

The department is continuing to progress preparatory work on an infrastructure plan, should a new minister wish to take this policy initiative forward. 4 papers are being prepared - a paper on the impact of population change and demography on infrastructure demand was recently received from Ulster University; work on the economic growth and demand for infrastructure services paper commenced last month and is expected to be concluded by early September; and papers on the impact of the environment and climate change, as well as technological change, on future infrastructure supply and demand are being prepared by officials in SIB.

The information arising out of these research papers will be taken into consideration by a future minister when deciding the way forward. Might suggest an independent commission to take forward. Councils will be consulted with, as necessary.

Will keep the group informed.

BMAP

The department is continuing to consider the options now available in the absence of a minister and Executive. The decision of the judicial review of the Arc 21 application has been appealed and is due to be heard by the Court of Appeal on 26 June. A decision on this appeal is not expected until September at the earliest and this will inform the way forward.

	<p>Draft BMAP remains a material consideration for all planning applications being determined, in addition to all older extant development plans, along with other key considerations such as the SPPS and existing PPSs. The weight that is attributed to the policies in the draft plan over the years will have varied, subject to representations received and the nature of these objections.</p> <p>Angus advised that draft BMAP maps are now available on the portal. █████ asked if the final BMAP had been left on the portal – Angus undertook to check this out.</p> <p>Plan guidance The department has developed some additional plan preparation guidance on the application of soundness tests. A number of councils have provided comments on the document which are being considered. Keen to get any further comments.</p> <p>PAC The department met with the PAC in May to discuss a number of issues around the LDP programme and other forthcoming hearings.</p> <p>The commission has indicated that they are minded to hold a number of sessions with stakeholders, including councils, at Park House (no details confirmed as yet).</p> <p>The timetabling of numerous plans was discussed. Angus advised that Alistair is looking at this issue and is working with the PAC. █████ raised the issue that our legislation has no mechanism to allow a plan to be stopped and amended during the process. Angus replied that we can have a plan withdrawn before the IE and that we have the power to appoint independent examiners, other than the PAC, if required, because of timetabling delays. █████ welcomed this and asked if we could look at the regulations - not currently possible without a minister.</p> <p>Sustainability assessments The department wrote to heads of planning on 26 April confirming the legal advice re consultation bodies' involvement in the appraisal / scoring of options - the scoring of the options is a matter for each council and, whilst they may seek technical advice and assistance from DAERA, DAERA has no power to get involved in the actual scoring of the options as DAERA must be careful not to compromise itself in relation to the discharge of its functions as the consultation body for the purposes of the EAPP Regulations 2004.</p> <p>Joint working Collaboration and cross-council working is essential and the extent</p>	<p>AP4</p>
--	--	-------------------

	<p>to which council PoPs and subsequent plan strategies have been developed with meaningful engagement with neighbouring councils will ultimately be considered as a test of soundness at independent examination. It is important, therefore, that councils consider certain issues collectively and a number of forums have been established – for example, Metropolitan Spatial Working Group, Lough Neagh Forum, Coastal Forum, Minerals Forum, and the Cross Border Forum. The department supports the ongoing joint working on these more strategic issues.</p>	
<p>6.</p>	<p>Any other business</p>	
	<p>Consultation on draft Local Government (Consequential Amendments) Regulations (NI) 2018 Contains the proposal that, after a council has held a pre-determination hearing (following an Article 17 direction), the application must be determined by the full council, and not the planning committee.</p> <p>█████ commented that his council will be opposing this proposal.</p> <p>Following the submission of responses to the current consultation the department will engage further with DfC. Not sure if they can make changes without a minister. The department will check this.</p> <p>Angus left the meeting.</p> <p>█████ raised the issue of the department extending the 28 day deadline for notifications, often with no explanation. █████ advised that the department is looking at the whole area of notifications. The department will update the group at the next SPG.</p> <p>Natural capital DAERA colleagues are looking at the concept of natural capital – an approach to assigning quantifiable value to natural assets. Work is being taken forward to see how this might be of benefit to the planning system.</p> <p>█████ from DAERA, who is leading this work, would like to engage with councils and the department will arrange for him to make a brief presentation at the next SPG in September.</p> <p>Inflationary uplift The department has been considering whether to implement a fee uplift in line with inflation – the decision has been taken to await the Appeal Court judgement following the Arc 21 judgement. Once this has been received, we will revisit this.</p> <p>█████ asked if there was any option to review the fees themselves – again not possible without a minister.</p>	<p>AP5</p> <p>AP6</p> <p>AP7</p>

	<p>asked could we round-up to the nearest '5'. This can be raised with the economist.</p> <p>GDPR raised the issue of people wanting their names and addresses removed from the portal and this not being done quickly enough. The department will look at turnaround time for these requests and will check up on any available guidance.</p> <p>Brexit suggested that Brexit should become a standard agenda item. The department will provide an update on Brexit at the next meeting.</p> <p>Transboundary issues A discussion ensued regarding transboundary issues. advised that Dublin was not being informed of such issues – the question was asked who should notify them. The department to provide clarification, particularly on government to government liaison re local development plans and planning applications.</p> <p>Capacity building raised the issue of local government elections next year and capacity building for councillors. advised that NILGA is working on an accreditation scheme.</p> <p>Enforcement module advised that officers can now change addresses and details on the enforcement module and that this should be closed down. The department will check this out and will email .</p> <p>TPOs Still feel there is no legal view. Want the department to seek legal opinion where the department created the TPO as councils cannot revoke if created by the department. Would prefer a corporate view, rather than 11 different views.</p>	<p>AP8</p> <p>AP9</p> <p>AP10</p> <p>AP11</p> <p>AP12</p>
7.	Date of next meeting	
	Next meeting – Thursday 20 September in Lisburn.	

Summary of Action Points

No.	Detail	Action Owner
AP1	The department to check again with BCC about a possible meeting re and, subsequently, organise a meeting of the s. 76 sub-group	DfI Planning
AP2	Academic study on environmental law to be re-sent to	DfI Planning

	members.	
AP3	The department to share data on agricultural applications with members.	Dfl Planning
AP4	The department to check if the final BMAP has been left on the portal.	Dfl Planning
AP5	The department will check with DfC if they can make any changes to regulations in the absence of a minister.	Dfl Planning
AP6	The department will update the group at the next SPG regarding how the department handles notifications.	Dfl Planning
AP7	The department will arrange for [REDACTED] from DAERA to make a brief presentation at the next SPG in September on natural capital.	Dfl Planning
AP8	The department will look at turnaround time for people wanting their names and addresses removed from the portal and will check up on any available guidance.	Dfl Planning
AP9	The department will provide an update on Brexit at the next meeting.	Dfl Planning
AP10	The department to provide clarification regarding government to government liaison re local development plans and planning applications.	Dfl Planning
AP11	The department to check on who can / should make amendments to addresses and details on the enforcement module.	Dfl Planning
AP12	The department to respond to the request that the department should seek legal opinion where the department created the TPO as councils cannot revoke if created by the department.	Dfl Planning

STRATEGIC PLANNING GROUP

MINUTES OF MEETING THURSDAY 20 SEPTEMBER 2018 @ 10.30 Lisburn LeisurePlex

ATTENDEES:	
Angus Kerr	Chief Planner & Director, DfI Regional Planning Directorate
Scott Symington	Deputy Director, DfI Regional Planning Directorate
██████████	Planner, Strategic Planning Directorate
██████████	Planning Manager, Causeway Coast & Glens
██████████	Director of Regeneration & Planning, Fermanagh and Omagh
██████████	Planning Manager, Mid Ulster
██████████	Planning Manager, Lisburn & Castlereagh
██████████	Planning Manager, Antrim & Newtownabbey
██████████	Planning Manager, Mid & East Antrim Council
██████████	Planning Manager, Armagh City, Banbridge & Craigavon
██████████	NILGA
██████████	Planning Manager, Derry City & Strabane
██████████	Planning Manager, Ards & North Down
In Attendance:	
██████████	DfI Regional Planning Directorate
Brian Gorman	DfI Regional Planning Directorate
██████████	DfI Regional Planning Directorate (Minutes)

1.	Welcome and Apologies	Actions
	Angus welcomed those present.	

	Apologies were received from [REDACTED], Alistair Beggs and [REDACTED].	
2.	Agenda items 3 & 4 - presentations	
	[REDACTED] and [REDACTED] from Adept gave a presentation on the work of their group, followed by [REDACTED] (DAERA) who gave a presentation on natural capital.	
3.	Minutes and action points from the previous meeting	
3.1	The minutes of the previous meeting were agreed.	
3.2	<p>Angus provided a brief update on the action points from the previous meeting:</p> <p>AP 1 – officials met with Belfast City Council (BCC) at the end of August to discuss their developer contributions framework. While this was welcomed, the key issues remain the clarity of the policy basis on which contributions might be sought and expectations. The department will engage again when BCC has completed its public consultation process. Angus encouraged everyone to look at the framework.</p> <p>[REDACTED] commented that planners were under pressure re developer contributions with no strategic direction. He highlighted the difficulty in working with other departments as councils do not have the same powers here. He mentioned the housing executive where there are potential problems.</p> <p>Angus responded that there was no likelihood of any community infrastructure type levy here in the long term as this would be a matter for ministers and the Executive. Previous minister wrote to all departments encouraging them to think about developer contributions. This is an area where LDPs could help to bring certainty.</p> <p>It was agreed that [REDACTED] would set up a meeting re developer contributions and LDPs with a wider group.</p> <p>AP 2 - the link on the academic study on environmental law was re-issued with the agenda. AP 3 – as requested, the department issued data on agricultural applications on 6th July. AP 4 – draft BMAP 2015 is now available on the planning portal. AP 5 – the Local Government (Consequential Amendments) Regulations 2018 will not come into operation unless affirmed by the Assembly. Dfl will be meeting with DfC officials shortly to discuss the position, particularly in relation to the need for the full council to make the decision where an application considered for call-in has been returned to the council for determination, and will update the group. AP 6 – the department will provide a reason when it extends the</p>	AP1

	<p>28 day deadline for notifications. [REDACTED] asked why they often take so long – Scott advised that the department has dedicated more resource to this area and this should help in meeting the deadline, but sometimes the required information is not present. He then advised that the department had noticed a marked reduction in notifications in recent weeks and that officials are currently carrying out some analysis to establish the actual situation. He reminded everyone that Buick did not nullify the need to notify the department when legally required to do so.</p> <p>AP 7 – [REDACTED] from DAERA made a presentation on natural capital this morning.</p> <p>AP 8 - the department was asked to look at turnaround times for people wanting their names and addresses removed from the portal – the portal service log is not developed to record such requests. However, any requests that are received are processed in accordance with the performance targets in the contract. The issue will be considered further at the SAO meeting on 28th September.</p> <p>[REDACTED] commented that local authorities do not have legislative basis to publish names and addresses but that the portal pulls these through. [REDACTED] undertook to send further information to the department.</p> <p>AP 9 – a brief update on Brexit will be given under agenda item 9. AP 10 – this will be dealt with under agenda item 8. AP 11 – the department was asked to check who should be able to make amendments to details on the enforcement module – this issue has now been referred to the enforcement working group. [REDACTED] commented that this was more a portal issue. Angus agreed to take away and consider. AP 12 – this will be addressed under agenda item 7.</p>	<p>AP2</p> <p>AP3</p>
4.	Agenda item 5 - environmental compliance	
	<p>Scott provided the following update:</p> <p>Clear escalation in legal challenges on environmental grounds. Previous challenges have focused on central government through the courts, the NI Ombudsman, the European Commission and the United Nations (in relation to Aarhus Convention compliance).</p> <p>The scope of these challenges has only increased over time and the focus on environmental compliance is expanding beyond central government to include local councils.</p> <p>The department is currently working on further developing the initial draft strategy to support improved environmental governance and compliance across the planning system as a whole.</p>	

This work is along the lines set out in the June SPG and is based around 2 main strands:-

- (i) engagement and capacity building; and
- (ii) monitoring of compliance, and enforcement.

The next anticipated output of this strand will be the issuing of guidance on the requirement of the 2017 EIA Regs., which it is intended will be more practically based.

This is currently in draft form and the department now intends to have it quality assured by an external EIA expert so that the guidance adds as much value as possible.

Ideally work will be progressing that will involve:

- a training programme from an EIA expert;
- further guidance in other areas of environmental compliance;
- provision of information and advice on key cases and judgments; and
- establishment of some form of an EIA or general environmental forum for council and departmental staff to provide a mechanism for mutual support, communication and sharing of experience/learning.

Also exploring the possibility of accredited environmental qualifications for council (and departmental) planning staff.

The most significant challenge involves an 'EU Pilot' which has been ongoing since 2015 following a complaint to the EC alleging that there has been a systemic failure by NI government to pursue enforcement action against unauthorised developments, particularly minerals and waste developments, which should have been subject to the requirements of the EIA process.

The EU is looking for real evidence that things have improved on the ground in terms of how these unauthorised EIA cases are handled, and that the region is putting measures in place - strategically and operationally - to ensure that the statutory framework, capacity and expertise exists to enable us to fulfil our environmental obligations.

A key element of this work, then, is assurance on effective enforcement action in relation to unconsented EIA development.

As a first step, the department will be looking at council enforcement strategies, particularly in light of the new regulatory requirement in the 2017 EIA Regs to exercise enforcement action in such a way as to secure compliance with the objectives and requirements of the EIA Directive (Reg 32).

	<p>The department wants to work with councils in the coming weeks to review how their strategies are written to best address these issues and to consider how the strategies are resourced and implemented with these priorities in mind.</p> <p>The department will also be contacting a number of councils in the near future in relation to identified retrospective applications for unconsented EIA development in the system, as well as enforcement cases. These particularly relate to minerals and / or waste operations, and we will be engaging with the relevant councils to understand how these cases have been managed to date and going forward.</p> <p>The focus of the approach in such cases is on the application of the precautionary principle and timely enforcement action, where that is appropriate – and notwithstanding any retrospective planning applications – to ensure that environmental harm is avoided and the purpose of the EIA Directive is not circumvented.</p> <p>██████████ requested a copy of the note read out by Scott.</p> <p>On a related point, the DfI Permanent Secretary and the Quarry Products Association would like heads of planning to communicate with the procurement side of their council to ensure there is a mutual awareness of any issues with unauthorised / rogue quarry operators etc. This is in case councils are ordering materials from unauthorised quarries. ██████████ asked that the department write to councils about the procurement issue.</p>	<p>AP4</p> <p>AP5</p>
<p>5.</p>	<p>Agenda item number 6 – continuous improvement</p>	
	<p>Monitoring framework</p> <p>Angus advised that he met with Solace on 25th July to discuss the draft framework. A number of issues were raised and he undertook to look at these. Chief executives advised they would consider and agree a core list of indicators. However, this did not happen and chief executives were to liaise with their relevant officers in advance of the working group, scheduled for 26th September, to ensure that a corporate view from each council is relayed.</p> <p>After some discussion, it was agreed that this meeting should be rescheduled as not everyone was aware of it. The department will circulate a revised framework in advance of the next meeting.</p>	<p>AP6</p>
<p>6.</p>	<p>Agenda item 7 - policy context</p>	

Strategic policy reviews

The position from the previous SPG meeting remains unchanged in that, following receipt of the independent research reports for both development in the countryside and renewable energy, officials are considering the reports with a view to bringing forward advice for an incoming minister.

█ commented that there are a number of JRs being taken on the basis of PPS21. Angus replied that if something significant comes out from the courts the department will advise through the chief planner's letter.

Strategic Design Group

The Strategic Design group has been involved in taking forward the Better Bedford Street pilot project with some minor street improvements and activities taking place on the street this week and more planned in the next couple of weeks. What has been of key importance is the learning being gathered along the way, both in terms of the process and the outcomes. At the end of the 3 months the scheme will be reviewed to see if / how it has achieved its aim of helping to deliver better places for all, and lessons learnt. Interesting conversations can be picked up at #BetterBedfordStreet.

TPOs (action point 12)

The department undertook to look into the power to revoke a TPO created by the old DOE. It was always the department's intention that councils should be able to revoke old DOE TPOs, if required, and the 2015 regulations were drafted accordingly. However, due to a drafting error in the Planning Act, councils do not currently have this power. The department will make the necessary amendment to primary legislation at the next appropriate opportunity.

As that may not be for some time, Angus advised that, under section 125(2) of the Act, a council can dispense with the normal requirement to replace a tree which has been uprooted, removed or destroyed in contravention of a TPO. In practical terms, this may be considered by the council as an appropriate course of action. The other practical consideration is that a council may consider removing a statutory charge placed on the land by the TPO. This might be considered in the normal course of events while leaving a TPO in place, if necessary, for any subsequent enforcement action – possibly a former landowner if evidence came to light subsequently.

█ asked if this included modifications as well as revocations. Angus undertook to find out.

█ asked could the department not get a legal opinion rather

AP7

	<p>than each council – Angus replied that it was the responsibility of councils to obtain their own legal advice and could join together to do this.</p> <p>Similarly, it is a matter for each council to consider how best to resolve the issue if some of the records are incomplete and to take legal advice, where necessary.</p> <p>Plan preparation checklist ██████████ advised that the draft plan preparation checklist has been discussed with the PAC and was circulated to councils for consideration earlier in the year. Any feedback received has been taken into consideration and the department will seek to conclude the discussion at the next meeting of the plan principals.</p> <p>Local development plans Since the last meeting the department has considered and responded to a further 2 preferred options papers (Newry, Mourne and Down, and Causeway Coast and Glens). 10 councils have now consulted on preferred options papers.</p> <p>The LDP programme is progressing with Belfast City Council publishing a draft plan strategy in August, ahead of formal publication consultation commencing today (20/09/18).</p> <p>The majority of councils are now working towards the publication of draft plan strategies and the department is meeting with individual councils, as well as wider council forums, as this work is brought forward.</p> <p>There is a variety of work that other business areas are involved in, including water policy engagement events with councils (involving NIW), and the establishment of programme boards for the Belfast Metropolitan Transport Plan and transport plans for other councils.</p> <p>PAC engagement The department is supportive of the recent engagement events that the PAC has held with councils and wider stakeholders and will continue discussions as the LDP programme develops, particularly as a number of councils are at a similar stage in the process.</p>	
7.	Agenda item 8 – priority issues	
	<p>Buick Angus advised that, following the Court of Appeal’s judgement on the Buick case, the department is not taking final decisions on regionally significant and called-in applications. The department continues, however, to progress applications to the point where a decision could be made on them and to assess the implications of</p>	

	<p>Buick on other work.</p> <p>Still awaiting the outcome In relation to the Attorney General’s reference of the case to the Supreme Court. Also aware of the primary legislation suggested by the Secretary of State, which may be introduced in October of this year, to allow civil servants to take certain decisions. As the department does not know what this legislation may look like, it cannot provide any further clarity on it and how it may impact upon Planning.</p> <p>Transboundary issues (action point 10 refers) Scott advised that, under the Planning (EIA) Regulations (NI) 2017, where the department is responsible for the transboundary consultation arrangements; the department will co-ordinate the consultation with the RoI (on receipt of the necessary information from a council) and will forward any representations received from RoI to the relevant council. The council will remain responsible for managing and determining the application.</p> <p>Equally, where the RoI advises the department of a project likely to have significant effects on the environment in Northern Ireland, the department will arrange for any necessary information to be passed to the relevant council here to allow them the opportunity to forward their opinion of the project.</p> <p>For applications processed under the 2015 EIA Regulations, councils will be responsible for the transboundary consultation in line with the requirements of regulation 28; i.e. the council will send notification of the transboundary consultation to RoI. This notification should be sent in the first instance to the Department of Housing, Planning and Local Government.</p> <p>The department is currently developing an administrative protocol with the Department of Housing, Planning and Local Government in RoI on the arrangements for transboundary consultations on EIA applications. There is a meeting scheduled with colleagues from DHPLG in early October where it is hoped this will be progressed further.</p> <p>██████ provided an update on a recent transboundary case in her area.</p> <p>Once the protocol is agreed the department will issue a guidance note with the detailed procedures.</p> <p>██████ asked if the department could update them on the ammonia issue. Angus and Scott are to meet with NIEA to explore the issues further and, if necessary, will update the group.</p>	<p>AP8</p>
<p>8.</p>	<p>Agenda item 9 - BREXIT</p>	

	<p>Angus advised that existing obligations under transposed EU legislation, for example in relation to EIA, hazardous substance and mining waste regulations will continue post BREXIT. The department continues with its preparatory work to ensure the necessary legislative amendments are in place for Exit Day in March 2019 and also engaging with colleagues in MHCLG to consider the overarching policy frameworks which will be put in place to essentially replace EU Directives and provide a UK-wide approach.</p> <p>Following a query from [REDACTED], Angus advised that the transboundary processes will remain in place after Exit Day.</p> <p>This issue will be kept on the agenda.</p>	
9.	Agenda item 10 - any other business	
	<p>Issues log [REDACTED] to raise the issues log with heads of planning.</p> <p>Planning committees Angus advised that officials will be attending planning committees from now through to January as part of the department's oversight role and asked attendees to advise their chief executives accordingly.</p> <p>Inflationary uplift [REDACTED] asked about the inflationary uplift. Angus replied that we are awaiting a minister before we can progress with this.</p> <p>[REDACTED] asked if there was any option to review the fees themselves – again not possible without a minister.</p> <p>[REDACTED] asked who has oversight of the PAC – this falls under the Department of Justice.</p> <p>[REDACTED] raised the issue that a non-determination appeal can take a long time and this affects their stats as the date of the PAC decision becomes the target date. Angus undertook to speak to stats people about this.</p>	<p>AP9</p> <p>AP10</p>
10.	Date of next meeting	
	<p>Next meeting – originally scheduled for Thursday 20 December – however, as this is too close to Christmas, it was agreed that the next meeting would be held on Thursday 17 January. [REDACTED] [REDACTED] has offered Antrim council offices.</p>	

Summary of Action Points

No.	Detail	Action Owner
AP1	██████████ to set up a meeting re developer contributions and LDPs with a wider group.	Dfl
AP2	██████████ to send further information to the department regarding publishing names and addresses on the portal.	██████████
AP3	The department to consider where the issue of who should be able to make amendments to details on the enforcement module – enforcement working group or planning portal group and action accordingly.	Dfl
AP4	The department to provide attendees with a note regarding environmental compliance. Now incorporated into minutes above.	Dfl
AP5	The department to write to councils about potential procurement issues regarding unauthorised / rogue quarry operators etc.	Dfl
AP6	The department to reschedule the next continuous improvement working group and send out revised framework in advance of the next meeting.	Dfl
AP7	The department to check if legislation regarding TPOs included modifications as well as revocations.	Dfl
AP8	The department to issue a guidance note with the detailed procedures once the transboundary protocol is agreed.	Dfl
AP9	██████████ to raise the issues log with heads of planning.	██████████
AP10	The department to speak to stats people about the effect non-determination appeals can have on council stats.	Dfl

STRATEGIC PLANNING GROUP

MINUTES OF MEETING THURSDAY 17 JANUARY 2019 @ 10.30 Antrim Castle Gardens

ATTENDEES:	
Angus Kerr	Chief Planner & Director, DfI Regional Planning Directorate
Scott Symington	Deputy Director, DfI Regional Planning Directorate
Susan Wilkin	Deputy Director, DfI Strategic Planning Directorate
[REDACTED]	Planning Manager, Causeway Coast & Glens
[REDACTED]	Director, Antrim and Newtownabbey
[REDACTED]	Planning Manager, Lisburn & Castlereagh
[REDACTED]	Planning Manager, Mid & East Antrim
[REDACTED]	Development Engagement Manager, Belfast City
[REDACTED]	Planning Manager, Newry, Mourne and Down
[REDACTED]	NILGA
[REDACTED]	Planning Manager, Derry City & Strabane
[REDACTED]	Planner, Ards & North Down
In Attendance:	
[REDACTED]	DfI Regional Planning Directorate
[REDACTED]	DfI Regional Planning Directorate (Minutes)

1.	Welcome and Apologies	Actions
	Angus welcomed those present. Apologies were received from [REDACTED] and Alistair Beggs.	
2.	Minutes and action points from the previous meeting	

2.1	<p>The minutes of the previous meeting were agreed, apart from a comment by ██████ that the minutes should reflect that work with councils on environmental compliance will be on a collaborative basis. The minutes have been changed to reflect this (p.5). ██████ also asked for clarity on the TPO issue and Angus addressed this through the action points below.</p>	
2.2	<p>Angus provided a brief update on the action points from the previous meeting:</p> <p>Action point 1 – Department to set up a meeting to further discuss developer contributions and local development plans. A discussion ensued re developer contributions and s.76s, and it was agreed that a meeting would be arranged once NI Housing Executive guidance for plan teams had been received. ██████, ██████ and ██████ would be keen to join any group. If anyone else is interested in joining the group, to email cathy.pringle@infrastructure-ni.gov.uk.</p> <p>Action point 2 – ██████ sent an email to everyone on 11 October regarding publishing names and addresses on the portal.</p> <p>Action point 3 – issue of who should take forward amendments being made to the enforcement module on the portal has been passed to the enforcement working group to deal with. They met 23 November and are working through this.</p> <p>Action point 4 – the Department provided attendees with a note on environmental compliance as part of the minutes of the last meeting.</p> <p>Action point 5 – the Department wrote to councils on 12 December about potential procurement issues regarding unauthorised / rogue quarry operators. ██████ commented that this had been a very useful letter.</p> <p>Action point 6 – continuous improvement working group met 25 October. Angus to provide an update on the framework later in the agenda.</p> <p>Action point 7 – councils were advised on 10 October that the intention is to give councils the power to modify and revoke TPOs at the next suitable legislative opportunity. This will require an amendment to the 2011 Planning Act.</p> <p>Action point 8 - the Department issued guidance on transboundary EIA on 13 December. ██████ commented that the protocol already seems to be working.</p> <p>Action point 9 – no update as ██████ was not present.</p>	<p style="text-align: center;">AP1</p>

	<p>He added there have been some issues in relation to the advice being provided through the consultation process. We have again been involved in a number of meetings with NIEA, Shared Environmental Service and council representatives, as well as some direct engagement with DAERA senior management on both the environment and food/farming sides of the Department.</p> <p>Whilst this work has been productive, particularly in relation to habitats regulations assessments, further clarity from DAERA is required on a number of issues. However, given the regional situation as regards ammonia, there are clearly implications for the planning system in terms of development management – and the engagement of the Habitats and EIA Directives (and the ability to avail of PD rights), as well as for emerging local development plans, which councils need to be aware of.</p> <p>DfI has been impressing on DAERA to ensure that it provides clear and accurate advice when consulted on relevant planning applications and to make the regional position on this issue clear.</p> <p>The Department Intends to invite NIEA to the next SPG to provide an update on the regional position.</p> <p>█████ advised that NILGA have spoken to the Institute of Quarrying re providing training for new members (open to officers as well).</p> <p>█████ asked about the position on guidance on new EIA. Scott repeated that the timescale would depend on the appointment of the external expert.</p>	AP3
4.	Agenda item number 4 – continuous improvement	
	<p>Monitoring framework</p> <p>Angus advised that at the continuous improvement working group (CIWG) on 25 October, it was agreed that a few amendments would be made to the framework. Now close to agreeing all bar the EIA one – working on this with stats people to cleanse the data. We will send updated framework to SOLACE, HoPs and CIWG shortly.</p> <p>█████ asked about the role of the CIWG moving forward and how it can be used to help improve performance. Angus commented that, once the framework is finally agreed, we should focus on other areas.</p> <p>█████ commented that it was important that councils are able to show how well they are doing. Angus then mentioned the RTPi and the ‘value of planning’ toolkit, which has been used in Wales to objectively measure the value of planning. This might be useful for councils to have a look at. ██████ advised that the consensus</p>	AP4

	<p>at HoPs was that this would not be useful at present.</p> <p>Planning committees Angus advised that the planning committee visits were almost complete and that he would update members at the next meeting on an informal basis. █████ commented that it might be useful to have examples which can be used in their training (due May / June).</p>	AP5
5.	Agenda item 5 - policy context	
	<p>Local development plans Susan advised that the Department has considered and responded to draft plan strategies from BCC and Fermanagh and Omagh. The majority of councils are now working towards the publication of their draft plan strategies and the Department is meeting with individual councils, as well as wider council forums, as this work is brought forward.</p> <p>A number of timetables are now out-of-date and, while it is appreciated that councils may not wish to make multiple revisions, it is useful for the Department and consultees to have a working timetable. 5 councils need to adjust their timetables.</p> <p>PAC engagement Discussions continuing with the PAC as the LDP programme develops, particularly as a number of councils are at a similar stage in the process, and the Department is due to meet with the Commission later this month. PAC intend to do more events.</p> <p>PAC have advised they have no issues re timetabling for IEs. Will discuss again at end of January meeting. The Department has done some initial work on using other bodies, if needed. This is one reason why updated timetables are needed.</p> <p>There was a discussion about resourcing of DfI Roads – any slippage here will affect councils. Susan advised that some extra resource had been secured and that a project board was to be held in January.</p> <p>█████ asked if the reservoirs group could meet again as the technical advice note still needed clarification. Angus agreed to go back to Rivers. █████ undertook to check on the problems and feed them back and a meeting will be re-convened.</p> <p>█████ mentioned that the budget for the local transport strategy was no longer available and this could impact on plan timetables. Angus replied that this was an ongoing issue that could be considered by the transport plan steering group.</p>	AP6 / AP7
6.	Agenda item 6 – priority issues	

	<p>Hazardous substances consents</p> <p>Angus stated that HSENI have again raised concerns across councils generally about how enforcement is dealt with regarding hazardous substances consents. They have asked us to remind you all of the importance of dealing promptly with these consents and that it is imperative that appropriate enforcement action needs to be addressed as a priority (including the use of contravention orders), in order to mitigate the risk of a major accident around such sites. Need to ensure robust and quick action is being taken.</p> <p>NI (Executive Formation and Exercise of Functions) Act 2018</p> <p>In relation to the Attorney General's reference of the Buick case to the Supreme Court, Angus advised that the Supreme Court has decided that legal uncertainties around the powers of NI civil servants should be dealt with in a case before Belfast High Court (the interconnector). This is currently stayed but will eventually come forward.</p> <p>Senior officers have to consider whether there is a public interest in taking a decision now rather than deferring it. Senior officers of the Department have already issued some decisions on planning applications with the approval of the Permanent Secretary. There are still a number of cases, and, where possible, the Department will look to make further decisions or to defer on a case by case basis.</p> <p>Giving careful consideration to each case. Policy issues are more difficult. ■ asked if this included the transport hub and Casement Park – Angus replied no, as it only affected decisions we are ready to move on.</p> <p>While the Act contains provisions to allow its extension for a further period of 5 months, its provisions are currently time limited to the end of March 2019.</p>	
7.	<p>Agenda item 7 - BREXIT</p>	
	<p>Existing obligations under transposed EU legislation, for example in relation to EIA, hazardous substance and mining waste regulations will continue post-BREXIT.</p> <p>The Department has been working with the Ministry of Housing, Communities and Local Government to make the Planning (Environmental Assessments and Miscellaneous Amendments) (EU Exit) (Northern Ireland) Regulations 2018. These regulations will come into operation on exit day.</p> <p>The regulations make no substantive changes of policy but simply make technical amendments, where necessary, to existing suite of legislation e.g. removing references to EU Directives.</p>	

	<p>Monthly engagement with colleagues in MHCLG.</p> <p>█████ advised that a survey is ready to go to councils to see what support is needed for Brexit.</p>	
8.	<p>Agenda item 8 - any other business</p> <p>Local Government (Consequential Amendments) Regulations 2018</p> <p>The Department met with DfC officials and they have advised they are not progressing this in the absence of a minister.</p> <p>We will keep you posted – aware of councils’ views on this.</p> <p>Handling of reserved matters applications and other approvals</p> <p>Transitional arrangements made it clear that applications for consent, agreement or approval (including reserved matters) made subsequent to a <u>DOE Article 31 permission</u> are submitted to and decided by the Department. The number of such applications is diminishing over time, though there are still some in the system.</p> <p>However, there is some discretion on current applications (not transitional ones) - legal advice has stated that we can pass some to councils. Alistair and team are looking at this and will discuss with individual councils.</p> <p>Monitoring of judicial reviews</p> <p>The issue of monitoring judicial reviews was raised at the last continuous improvement working group and it was agreed that the Department would seek this information directly from councils (probably on an annual basis). We will be writing to councils to request the information. Hope councils will respond. ██████ advised that her councils would be happy to host a training event to look at lessons learned from JRs and would the Department want to join in. Angus expressed an interest on this.</p> <p>█████ mentioned a free event being run by NILGA next Friday in Mossley Mill re social housing. The local government conference has been moved to February 2020 and a smaller event will be run in October.</p> <p>█████ mentioned a broadband procurement process and inquired about planning permission - will Roads take this forward or individual councils? Angus undertook to check this out.</p>	AP8
9.	<p>Date of next meeting</p> <p>Next meeting – Thursday 21 March in Clarence Court, Belfast.</p>	

Summary of Action Points

No.	Detail	Action Owner
AP1	The Department to arrange a meeting to discuss developer contributions / s 76s and affordable housing once NIHE guidance has been received.	Dfl
AP2	██████████ to discuss the issues log with heads of planning.	██████████
AP3	NIEA to be invited to next SPG to provide an update on ammonia issues.	Dfl
AP4	Updated planning monitoring framework to be sent to SOLACE, HoPs and CIWG.	Dfl
AP5	The Department to provide feedback on planning committee visits at next SPG.	Dfl
AP6	██████████ to check on problems re reservoirs and feed them back to the Department.	██████████
AP7	The Department to re-convene a meeting of the reservoirs group.	Dfl
AP8	The Department to check if individual councils need planning permission when rolling out broadband or whether this will be dealt with by Roads.	Dfl

STRATEGIC PLANNING GROUP

MINUTES OF MEETING THURSDAY 21 MARCH 2019 @ 10.30 Clarence Court

ATTENDEES:	
Angus Kerr	Chief Planner & Director, DfI Regional Planning Directorate
Alistair Beggs	Director, DfI Strategic Planning Directorate
[REDACTED]	Planning Manager, Causeway Coast & Glens
[REDACTED]	Planning Manager, Lisburn & Castlereagh
[REDACTED]	Planning Manager, Mid & East Antrim
[REDACTED]	Director of Planning & Building Control, Belfast City
[REDACTED]	Planning Manager, Newry, Mourne and Down
[REDACTED]	Director of Regeneration & Planning, Fermanagh and Omagh
[REDACTED]	Planning Manager, Mid Ulster
[REDACTED]	Planning Manager, Armagh City, Banbridge & Craigavon
[REDACTED]	Planning Manager, Derry City & Strabane
[REDACTED]	NILGA
In Attendance:	
[REDACTED]	DfI Regional Planning Directorate
Brian Gorman	DfI Regional Planning Directorate
[REDACTED]	DfI Regional Planning Directorate (Minutes)

1.	Welcome and Apologies	Actions
	Angus welcomed those present, including [REDACTED] and [REDACTED] from NIEA and [REDACTED] from Shared Environmental Services.	

	Apologies were received from [REDACTED], [REDACTED] and Scott Symington.	
2.	Minutes and action points from the previous meeting	
2.1	The minutes of the previous meeting were agreed.	
2.2	<p>Angus provided a brief update on the action points from the previous meeting:</p> <p>Action point 1 – Dfl to set up a meeting to discuss developer contributions / s.76s and affordable housing once NIHE guidance had been received. The draft guidance is still with DfC for consideration and has not yet been issued. We will re-visit once the guidance has been received.</p> <p>Action point 2 – [REDACTED] undertook to discuss the role of the issues log with heads of planning – heads of planning still keen to retain the issues log and will try to re-invigorate it.</p> <p>Action point 3 – Dfl to invite NIEA representatives to provide an update on the ammonia issues. [REDACTED] and [REDACTED] [REDACTED] are here today to give a presentation.</p> <p>Action point 4 – Dfl to send updated planning monitoring framework to SOLACE, heads of planning and CIWG. The revised framework was sent to heads of planning and CIWG members on 1 March and to SOLACE on 6 March.</p> <p>Action point 5 – Dfl to provide feedback on the planning committee visits – this will be dealt with under agenda item 5.</p> <p>Action point 6 – [REDACTED] was to check on the problems with reservoirs and to feed these back to the Department. [REDACTED] advised that this appeared to be more a development plan issue than a development management one. Need more scoping out of the issues and he hopes to be able to feed these into the next sub-group meeting (point 7 below).</p> <p>Action point 7 – Dfl to re-convene a meeting of the reservoirs group. Meeting scheduled for 10.30am on 8 May, here in Clarence Court.</p> <p>Action point 8 - Dfl to check if individual councils need planning permission when rolling out broadband or whether this will be dealt with by Roads. From a planning perspective it would seem that most works will be underground and will therefore benefit from permitted development rights. Where this is not the case, a planning application will be submitted to the local council.</p>	<p>AP1</p> <p>AP2</p> <p>AP3</p>
3.	Agenda item 3 – NIEA presentation	

	<p>█ gave a very detailed and informative presentation on the issue of ammonia emissions in Northern Ireland. There then followed a discussion around the issues.</p> <p>The key issue from DfI is the importance of DAERA in its role as statutory nature conservation agency in providing accurate input to the statutory consultation process to inform lawful planning decisions.</p> <p>There was further discussion when DAERA officials left and Angus agreed to write to DAERA to seek clarification on how they interact with the planning system on this issue.</p>	AP4
4.	Agenda item 4 – environmental compliance	
	<p>Brian gave an update on the environmental governance work programme.</p> <p>There is currently work underway looking at the management of retrospective EIA applications. This is a follow-on from the focus of the ongoing EU pilot case, looking at allegations that the NI planning system is failing to deliver on its environmental obligations – with a particular focus on minerals cases.</p> <p>The European Commission has sought assurances that such cases are properly scrutinised in line with EIA requirements.</p> <p>As part of this work, DfI planning staff have looked at retrospective cases in the system and are in contact with council staff to understand how the applications have been, or are being, managed.</p> <p>This is an opportunity to put down a clear marker with the Commission that councils are aware of their obligations and are working correctly to discharge them.</p> <p>Contact with council staff to date has provided a lot of detail not readily available on the Portal – partly because of ongoing enforcement action. As part of this process, DfI staff have been able to provide some useful advice and assurance to council planning staff.</p> <p>Councils will shortly receive requests for meetings with case officers to discuss particular cases in the coming weeks and the Department encourages positive engagement on these cases.</p> <p>Anaerobic Digesters Previous contact with councils had provided information regarding planning permission for anaerobic digesters associated with generating plants accredited under the Northern Ireland Renewable Obligations scheme.</p>	

	<p>That information is in response to queries from the Department for the Economy and is being combined with other information from DAERA waste licencing colleagues.</p> <p>Councils may be contacted by DfE staff – possibly [REDACTED] – to enquire about a small number of additional accredited sites.</p> <p>Issues around AD plants have also prompted work with DAERA waste licencing on how the two regulatory systems operate alongside each other.</p> <p>As part of that work it might be appropriate for DAERA colleagues to engage with the principal planners’ group to highlight their key areas of work and investigate opportunities, to ensure that the systems integrate effectively.</p> <p>The Department has agreed a 2 year contract with an external environmental expert ([REDACTED]) who will assist in delivering the environmental governance work programme. The initial work will focus on a survey of staff capacity and competence which will inform the development of tailored training (5/6 events after the summer). DfI is writing to HoPs and CXs stressing the importance of ensuring the right staff are selected and supported. The first workshop on 9 April will be with staff from the 2 pilot councils and Mid & East Antrim (who are hosting the event).</p>	
5.	Agenda item number 5 – continuous improvement	
	<p>Monitoring framework</p> <p>Angus advised that a revised framework was issued to heads of planning on 1 March and to SOLACE on 6 March. To date no objections had been received. [REDACTED] mentioned that SOLACE would not be meeting until 1 April. The intention is now to move towards monitoring of the framework, with the first publication in September.</p> <p>The next meeting of the continuous improvement working group is scheduled for Friday, 29 March here in Clarence Court. Angus stressed that it was important that we can now work collaboratively to find ways of improving the planning system and asked members to bring ideas to the next CIWG.</p> <p>[REDACTED] mentioned the problem with consultees not being able to keep up with the volume of applications and the need to find ways of dealing with this.</p> <p>Planning committees</p> <p>Angus explained that, following the planning committee visits, we had found evidence of good, well-run committees (strong chair, good debate etc.) and some less so. Following some discussion,</p>	

	<p>HoPs indicated that it would be helpful if the Department would send a report with findings and recommendations to CXs and copying in HoPs, highlighting good and bad practice. We will also liaise with NILGA re training and provide feedback to individual councils.</p> <p>It was also suggested that the report should go to the whole council and not just planning committee members.</p> <p>██████ mentioned a recent court judgement which commented on the role of planning committees and giving reasons for decisions.</p> <p>██████ mentioned a conference on 8 October on planning and place-making, and post-election training on 28 May in Magherafelt.</p> <p>██████ mentioned a workshop on the outcomes of JRs in June for public sector and the RTPI.</p>	AP5
6.	Agenda item 6 – policy context	
	<p>Local development plans</p> <p>Alistair updated the group – since the last meeting, Mid Ulster Council has published its draft plan strategy (end February) and the Department is currently considering the document.</p> <p>Belfast City Council and Fermanagh and Omagh have published representations to their draft plan strategies on their websites.</p> <p>A number of council LDP timetables are now out-of-date. It is appreciated that councils may not wish to make multiple revisions to their timetables. However, it is helpful if working timeframes can be provided to the Department and other consultees to assist in the programming of work.</p> <p>PAC engagement</p> <p>The Department met with the PAC at the end of January to discuss the LDP programme. Also discussed how the process would allow for issues to be addressed prior to the submission of development plan documents for IE and the Department has written to the PAC seeking clarification.</p> <p>In relation to the requirements of the Department re submission of documents, the Department has mapped out this process and is preparing guidance which will also be shared with the PAC to make sure all parties have the same understanding of the process.</p> <p>PAC indicated that they have been asked to hold information sessions for some individual councils and are facilitating these requests.</p> <p>PAC advised that data sharing agreements are being prepared for</p>	

councils to allow submission / transfer of information for IE. These will be shared with councils in due course.

Cross boundary working

Cross boundary working is an important consideration in the demonstration of a sound LDP. To that end, a number of forums have been established by councils to consider issues which have a cross boundary impact.

Discussions at the last Metropolitan Area Spatial Working Group looked at the terms of reference of the group. While it was anticipated these working groups would facilitate cross boundary working, a number of issues have arisen and it was suggested this issue was raised today at SPG.

The Department will look to facilitate councils where they wish to look at the relevant terms of reference.

Mine waste

Waste from extractive industries (quarries etc.) has to be managed properly to ensure stability of disposal facilities and to prevent pollution to soil and water. The implementation of the EC Directive on the management of waste (Extractive Waste Directive) and the transposed regulations requires joint responsibility from local and central government.

Under that legislation, member states must report to the EU on the implementation of the Directive. The Department, as the competent authority within the member state, is therefore responsible for engaging with councils to monitor their implementation of the EWD and to report to DEFRA and the EU.

Implementation of this directive is overdue and it is highly likely that Europe will seek an update soon. The Department has set up a small project in the planning group to deliver on this task and will soon be engaging with councils on how they obtain and deliver the necessary information to enable the Department to make the required return.

Regional Infrastructure Delivery Plan

Angus gave a brief update on the regional infrastructure delivery plan – the Department has commissioned consultants to undertake research on future scenarios in respect of demographic change, potential technological change, environmental and climate change, and economic growth. The work is nearing completion and the Department intends to engage with key stakeholders around these issues in the future. The ultimate way forward on this will be a matter for future ministers to decide.

PPS6: Planning, Archaeology and the Built Heritage

	<p>Angus asked members to note that annexes B and C of PPS6 are being superseded. DfC will shortly publish a new document on 'Criteria for the Scheduling of Historic Monuments and the Listing of Buildings of Special Architectural or Historic Interest, with associated procedures' to this end. This action is being taken in recognition that it is DfC (not DfI) that is primarily responsible for built heritage, including the listing process under the reformed two-tier planning system. Essentially, the new DfC document updates the former annexes to reflect the new legislative framework.</p>	
7.	<p>Agenda item 7 – priority issues</p>	
	<p>NI (Executive Formation and Exercise of Functions) Act 2018 Angus advised that senior officers continue to consider whether there is a public interest in taking a decision now rather than deferring it. Senior officers of the Department have already issued some decisions on planning applications with the approval of the Permanent Secretary.</p> <p>It appears that the Act's provisions will now be extended to the end of August 2019.</p>	
8.	<p>Agenda item 8 – BREXIT</p>	
	<p>Angus advised that legislation is progressing. The Department does not anticipate any significant impact on the operation of the planning system. Should Brexit-related infrastructure developments emerge they will be processed in the normal fashion.</p>	
9.	<p>Agenda item 9 – any other business</p>	
	<p>The Planning (Miscellaneous Amendments) Regulations (Northern Ireland) 2019 Angus advised that DfI has made 1 purely technical statutory rule. The Planning (Miscellaneous Amendments) Regulations (NI) 2019 updates planning legislation to confirm DfI as the competent authority for planning functions transferred unintentionally to DAERA under the Departments (Transfer of Functions) Order (NI) 2016.</p> <p>Housing growth indicators (HGIs) Housing growth indicators were last published in April 2016. While no new census data has been collected since the last HGI update and council boundaries are unchanged, updated statistics for two of the key components have been released – NISRA household projections and the new house condition survey data, published by NIHE.</p> <p>There was some discussion following Angus's comment that strong advice from NISRA is that the HGIs should be refreshed, using the existing methodology to reflect this new data, to ensure that LDPs are informed by the most recent data available.</p>	

	<p>It is intended the updated HGIs will run to 2030, ensuring they correspond better with the majority of LDPs currently being prepared. It is anticipated the time to complete the work will be approximately three months.</p> <p>Inflationary uplift Angus advised that the Department intends to implement a 1 year inflationary fee uplift, probably in May. He will write formally to councils in due course.</p> <p>██████ advised that NILGA had met with permanent secretaries to discuss future funding for councils and asked members to advise her of any funding issues.</p> <p>██████ asked about timescales and the PAC – Angus replied that timescales will be communicated to councils by Alistair’s teams in due course.</p> <p>██████ mentioned that there will not be any planning committees for 2 months during the elections and that this might impact on planning stats.</p>	AP6
10.	Date of next meeting	
	Next meeting – Thursday 20 June in Lisburn Council offices.	

Summary of Action Points

No.	Detail	Action Owner
AP1	The Department to arrange a meeting to discuss developer contributions / s 76s and affordable housing once NIHE guidance has been received.	Dfl
AP2	██████ to discuss the issues log with heads of planning with a view to re-invigorating it.	██████
AP3	██████ to feed back council issues re reservoirs for next sub-group meeting on 8 May.	██████
AP4	The Department to write to DAERA to seek clarification on how they interact with the planning system on the ammonia issue.	Dfl
AP5	The Department to prepare a report on planning committee visits and issue to CXs (copying in HoPs). Also to liaise with NILGA re training and to provide feedback to individual councils.	Dfl
AP6	The Department to write to councils advising them of inflationary fee uplift.	Dfl

STRATEGIC PLANNING GROUP

MINUTES OF MEETING THURSDAY 20 JUNE 2019 @ 10.30 Lisburn Council Offices

ATTENDEES:	
Angus Kerr	Chief Planner & Director, DfI Regional Planning Directorate
Alistair Beggs	Director, DfI Strategic Planning Directorate
Scott Symington	Deputy Director, DfI, Regional Planning Directorate
██████████	Planning Manager, Lisburn & Castlereagh
██████████	Planning Manager, Mid & East Antrim
██████████	Planning Manager, Newry, Mourne and Down
██████████	Director of Regeneration & Planning, Fermanagh and Omagh
██████████	Planning Manager, Mid Ulster
██████████	Planning Manager, Armagh City, Banbridge & Craigavon
██████████	Planning Manager, Ards & North Down
██████████	NILGA
██████████	Planner, Derry City & Strabane
██████████	Planning Manager, Antrim & Newtownabbey
In Attendance:	
██████████	DfI Regional Planning Directorate
██████████	DfI Regional Planning Directorate (Minutes)

1.	Welcome and Apologies	Actions
	Angus welcomed those present, including ██████████ and ██████ ██████████ from the Equality Commission. Apologies were received from ██████████ ██████████	

	██████████, ██████████, ██████████ and ██████████.	
2.	Minutes and action points from the previous meeting	
2.1	The minutes of the previous meeting were agreed.	
2.2	<p>Angus provided a brief update on the action points from the previous meeting:</p> <p>Action point 1 – we were to set up a meeting to further discuss developer contributions / s.76s and affordable housing once NIHE guidance had been received. Still awaiting the guidance. Angus confirmed that members were still content to wait for this to be received. ██████████ mentioned that Lisburn has developed a developer framework, which they will share with other HoPs.</p> <p>Action point 2 – ██████████ undertook to discuss the role of the issues log with heads of planning (HoPs). In ██████████ absence, ██████████ advised that HoPs will meet 2 weeks in advance of SPG and will provide an update to the issues log for discussion at SPG.</p> <p>Action point 3 – ██████████ was to feed back council issues re reservoirs to the Department in advance of the sub-group held on 8 May – this will be dealt with under agenda item 7.</p> <p>Action point 4 – the Department to write to DAERA to seek clarification on how they interact with the planning system on the ammonia issue - this will be dealt with under agenda item 4.</p> <p>Action point 5 – the Department to provide feedback on the planning committee visits – this will be dealt with under agenda item 5.</p> <p>Action point 6 – the Department to write to councils advising them of the inflationary fees uplift (effective from 17 June). Councils were written to twice and guidance is now available on the planning portal. Angus advised that, in the absence of ministers, Dfl took the view that it would not be appropriate to apply a retrospective uplift for 4 years. We will return to the issue of compound uplifts when ministers are back in place.</p>	<p>AP1</p> <p>AP2</p>
3.	Agenda item 3 – EQNI presentation	
	<p>██████████ and ██████████ advised that the Commission had carried out research re s.75 across the public sector and there are some concerns that it is not being properly implemented. In response they have developed a checklist and are developing guidance, including an initial draft of case law. They asked if the group would be interested in working with them on this document.</p> <p>Also happy to engage on training for s.75.</p>	

	<p>There was some discussion on how s.75 can be mainstreamed into existing processes, e.g. planning officer reports, without adding additional burdens on staff. [REDACTED] and [REDACTED] are aware of the issues and want to work with councils to come up with practical solutions, with the focus on strategic issues. Not just about screening – more about seeking out opportunities to promote equality.</p> <p>[REDACTED] asked if policies are screened at a strategic level would applications not be covered. [REDACTED] replied that it is not always possible to assume that no further screening is necessary.</p> <p>Training, workshops and guidance can help to prevent litigation. The Commission would be happy to work with councils.</p> <p>Angus welcomed the comments and advised that he would be happy to work with the Commission when there is a better understanding of the issues.</p> <p>There was some discussion after [REDACTED] and [REDACTED] left about how to take this forward. [REDACTED] mentioned that [REDACTED] meets equality officers regularly and she will liaise with [REDACTED] – it would be useful to include a number of planning officers. There will also be a need to liaise re volunteers and to respond on the draft guidance.</p>	<p>AP3</p> <p>AP4</p>
<p>4.</p>	<p>Agenda item 4 – environmental compliance</p>	
	<p>Scott provided an update on environmental governance.</p> <p>Training The contract with Fothergill Training & Consulting commenced in April and began with some fact finding engagement with staff from Causeway Coast, Derry City & Strabane, and Mid & East Antrim.</p> <p>This helped to develop a staff survey, which ran for 3 weeks and closed on 7 June, the responses to which are currently being analysed. This will help tailor the initial EIA training to meet identified staff needs.</p> <p>The Department will write to councils seeking nominees in late summer. We have had a positive response from councils on hosting the training courses – the first of which are likely to be scheduled for mid-October. We would welcome any support from other councils to give a good geographical spread, if that is possible.</p> <p>Minerals Another ongoing area of work is the review of retrospective mineral cases and associated enforcement which have been a</p>	

	<p>focus of the ongoing EU infraction case. These cases are far from straightforward, but the engagement we have had with the relevant councils to date has been very productive.</p> <p>NIRO The NI Audit Office is conducting an investigative review of the NIRO scheme, which will initially focus on the roles of DfE, the Utility Regulator and Ofgem; but it will also consider the effectiveness of monitoring, regulation and enforcement of environmental and planning matters, which enables and supports the NIRO scheme. Until we have the initial meetings with the NIAO it will not be clear how deeply they intend to look into planning compliance and enforcement issues, but we will keep the group informed of developments. Might need to come to councils for some information.</p> <p>Ammonia The Department wrote to [REDACTED] on 3 April (action point 4 of the minutes refers). Following this there has been direct contact between the permanent secretaries of both DAERA and DfI.</p> <p>Those discussions are ongoing, including the issue of DAERA's reliance on its current operational policy as the basis for its statutory consultee responses to the planning system. Whilst this is ultimately DAERA's responsibility, it is DfI's clear view that European environmental law takes precedence over any operational policy (outdated or otherwise) in the decision-making process. We will keep you informed.</p> <p>Potentially an issue of permitted development for the Department.</p> <p>Angus mentioned the NIAO LG report and the intention to carry out a review of planning next year. Will keep the group informed going forward.</p>	
5.	<p>Agenda item number 5 – continuous improvement</p>	
	<p>Angus advised that, as [REDACTED] is reviewing the role of statutory consultees in the planning process, it was agreed that we should await his findings and any recommendations before deciding on the way forward re continuous improvement. [REDACTED] has advised that he has prepared an initial draft report and work is coming to a conclusion.</p> <p>Planning committee visits (action point 5 refers) Angus will write to council chief executives shortly to highlight areas of good and bad practice observed during visits to planning committees. Heads of planning will be copied in and NILGA will be advised of our observations in order to feed into any proposed training for planning committee members.</p>	<p>AP5</p>

	<p>█████ advised members that training had been held in May and to let her know if any further training is needed.</p> <p>We would intend to continue visiting committees during the coming year.</p>	
6.	Agenda item 6 – policy context	
	<p>Local development plans Alistair advised that Ards and North Down have published their preferred options paper and the public consultation period is due to end on 9 August. All councils have now published and consulted upon a preferred options paper.</p> <p>The Department has received notification of the launch of Antrim and Newtownabbey’s draft plan strategy on 28 June. (DfI have been invited to the launch).</p> <p>Mid Ulster has notified the Department that representations to the council’s draft plan strategy have been published on the council’s website.</p> <p>The majority of the remaining councils are now working towards the publication of draft plan strategies following council elections.</p> <p>A number of council LDP timetables are now out-of-date. While it is appreciated that councils may not wish to make multiple revisions to their timetables, it would be helpful if working timeframes can be provided to the Department and other consultees to assist in the programming of work.</p> <p>Guidance The Department has produced draft guidance (DPPN 10) which focuses on the key legislative requirements for the submission of development plan documents for independent examination. It also sets out possible scenarios that the council may be faced with, particularly around the consideration of representations and the possible steps a council may need to take.</p> <p>Comments have been received on the draft guidance from the PAC and, following consideration, the Department will share with councils. Probably in July.</p> <p>Coastal forum The last meeting was held at the start of May. There was talk around how central government assists councils with advice on coastal management issues as we are behind other nations in this.</p> <p>Not been decided how this should be best progressed, or who should take the lead on preparing it. It is an important discussion to be had with all the relevant parties, including DAERA, and</p>	<p>AP6</p>

	<p>dialogue on this at the next coastal planning working group would be helpful.</p> <p>A way forward may be for the coastal forum itself to develop a 'Best Practice Guidance' for consideration by councils. A skeleton paper will be produced for discussion and further development with the coastal working group. Once agreed, it would be presented to the coastal forum for it to consider and issue.</p> <p>Until ministers are back in post and policy decisions can be considered, the guidance could provide a framework within which sound and consistent coastal management decisions could be taken by councils.</p> <p>Mine waste Alistair mentioned the invitation sent to HOPs re a workshop on 27 June, which will look at what we all need to do re waste from extractive industries.</p> <p>Regional Infrastructure Delivery Plan Angus advised that the regional infrastructure delivery plan has been put on hold pending the return of the Executive.</p> <p>Housing growth indicators Work on refreshing the existing housing growth indicators (HGIs) is going ahead as planned with NISRA using the existing methodology.</p> <p>The updated HGIs will run to 2030. The work should be completed during the summer and we will advise councils of the updated figures as soon as possible thereafter.</p> <p>Historic Environment Division (HED) HED has asked that we stress the importance of built heritage issues in the preparation of any statement of case for appeal cases where there are areas of contention around historic environment matters.</p> <p>HED has also raised a number of concerns in relation to the application of built heritage policies across councils. We are intending to ask them to attend the next SPG meeting in September to discuss any issues causing them concern. It would be helpful if HoPs could advise of any issues with HED.</p> <p>BMAP [redacted] asked what is happening with BMAP as the PAC are saying the BMAP does not exist. It was agreed that the Department would consider if it was possible to publish an agreed line.</p> <p>[redacted] raised the need for the Department to consider</p>	<p>AP7</p> <p>AP8</p>
--	--	-------------------------------------

	<p>whether or not it can progress BMAP under the provisions of the EFEF Act. He believes that there is a strong public interest in doing so. Department to consider.</p> <p>Notifications Angus reminded the group that they need to notify the Department when legally required to do so.</p> <p>PPS21 [REDACTED] mentioned that the PAC seem to have a low threshold when interpreting PPS21. Angus replied that the Department is meeting with the PAC to discuss a range of issues, including PPS21.</p>	AP9
7.	Agenda item 7 – priority issues	
	<p>Planning IT system Angus commented that it was critical that staff attend new planning IT meetings.</p> <p>A draft specification for the new IT system was issued to all planning authorities and other stakeholders on 17 May and is being revised to reflect feedback, with the intention of providing a revised specification for the PPGGB meeting on Monday.</p> <p>[REDACTED] advised that HoPs had agreed to create a sub-group ([REDACTED] and [REDACTED]) to review the revised specification. Comments should be issued by HoPs 2 weeks after receipt of revised specification. There was also some discussion re project team and he will come back to the Department.</p> <p>Planning NI website The project to review and transfer content from the Planning NI website to the DfI and NI direct sites continues. The estimated end date for this project has been pushed to the end of August 2019.</p> <p>As part of the testing for the App Launcher, a link to it was provided to all planning staff in May. No major issues were reported.</p> <p>Heads of planning and SAOs will be kept informed of progress and will be advised of the dates for the rollout of the App Launcher. Notices will also issue to all authorities and will be put on the Planning NI website once the transfer of content to the DfI and NI direct sites is complete and a closure date for the Planning NI site has been set.</p> <p>Planning guidance Angus advised that officials have been looking at the raft of planning guidance that was prepared under the unitary system - much is out of kilter with the reformed legislative and policy framework, and does not strictly reflect the 2-tier system.</p>	

	<p>The Department will write to councils shortly with details on the outcome of this work. Councils will have the opportunity to keep whatever guidance they wish and we will clarify what guidance the Department is responsible for.</p> <p>Better Bedford Street Learning from the pilot has now being captured in two reports in relation to the process undertaken and also the interventions for the street itself - these will be made available on the Strategic Design Group webpage on the DfI website in the coming weeks.</p>	AP10
8.	Agenda item 8 – BREXIT	
	<p>████ mentioned the transportation of waste across the border. Scott replied that the Department is aware of the issue. █████ asked for an update on this to be fed back to the group.</p>	AP11
9.	Agenda item 9 – any other business	
	<p>Planning fees exemption with regards to churches Angus raised this subject again following correspondence from representatives of the Presbyterian Church in Ireland.</p> <p>There is a concern about a lack of consistency in approach across councils. Following DSO advice, the Department has historically held the view that a church cannot be construed as being of a character similar to a club or a society and therefore cannot automatically be exempt under the current legislation. However, the Department accepts that councils, as planning authorities, may use their planning judgement to arrive at their own independent interpretations.</p> <p>Each application should be considered on its own merits taking all the relevant evidence into account.</p> <p>HSENI letter to councils Aware that the health and safety executive has written to all councils advising them that they (HSENI) are no longer to be consulted in relation to quarry blasting operations, apart from geotechnical issues. We have been in touch with the HSE to seek clarification and will come back to the group in due course.</p> <p>Practice guide from DAERA DAERA has launched a new piece of guidance for developers – ‘The DAERA Practice Guide - Redeveloping Land Affected by Contamination’, which is now available on their website.</p> <p>Storage ████ asked for clarification on how long they have to retain records, as storage is becoming an issue. Angus undertook to check.</p>	<p>AP12</p> <p>AP13</p>

10.	Date of next meeting	
	Next meeting – Thursday 19 September in Omagh Council offices.	

Summary of Action Points

No.	Detail	Action Owner
AP1	A meeting to be set up to discuss developer contributions / s.76s and affordable housing once NIHE guidance had been received.	Dfl
AP2	HoPs will provide an update to the issues log for discussion at SPG.	HoPs
AP3	██████ to liaise with ██████ (EQNI) re meeting equality officers – it would be useful to include a number of planning officers.	██████████
AP4	There will also be a need to liaise re volunteers in relation to EQNI and to respond on the draft guidance.	Dfl/councils
AP5	The Department to write to council chief executives re visits to planning committees. Heads of planning and NILGA will be copied in.	Dfl
AP6	The Department to share DPPN with councils once comments from PAC have been considered.	Dfl
AP7	Department to invite HED to attend the next SPG meeting in September.	Dfl
AP8	The Department to consider if it is possible to publish an agreed line on the position with BMAP.	Dfl
AP9	The Department to consider whether it can progress BMAP under the provisions of the EFEF Act.	Dfl
AP10	The Department to write to councils on the outcome of the work on guidance.	Dfl
AP11	The Department to provide an update on the transportation of waste across the border.	Dfl
AP12	The Department to advise the group once clarification has been received from the health and safety executive re	Dfl

	consultations on quarry blasting.	
AP13	The Department to check how long records have to be retained.	Dfi

DRAFT

STRATEGIC PLANNING GROUP

MINUTES OF MEETING THURSDAY 19 SEPTEMBER 2019 @ 10.30 Omagh Council Offices

ATTENDEES:	
Angus Kerr	Chief Planner & Director, DfI Regional Planning Directorate
Susan Wilkin	Deputy Director, DfI Strategic Planning Directorate
[REDACTED]	Planning Manager, Lisburn & Castlereagh
[REDACTED]	Planning Manager, Mid & East Antrim
[REDACTED]	Planning Manager, Newry, Mourne and Down
[REDACTED]	Director of Regeneration & Planning, Fermanagh and Omagh
[REDACTED]	Planning Manager, Mid Ulster
[REDACTED]	Planning Manager, Armagh City, Banbridge & Craigavon
[REDACTED]	Planning Manager, Ards & North Down
[REDACTED]	Planning Manager, Antrim & Newtownabbey
[REDACTED]	Planning Manager, Fermanagh & Omagh
[REDACTED]	Planning Manager, Causeway Coast & Glens
[REDACTED]	Development Plan & Policy Manager, Belfast City Council
[REDACTED]	Director, Antrim & Newtownabbey
[REDACTED]	Planning Manager, Derry City & Strabane
In Attendance:	
[REDACTED]	DfI Regional Planning Directorate
Brian Gorman	DfI Regional Planning Directorate
[REDACTED]	DfI Regional Planning Directorate (Minutes)

1.	Introduction	Actions
1.1	Angus welcomed those present, including [REDACTED] and [REDACTED] from the Geological Survey team and [REDACTED] from the Department's statistics and research team.	
2.	Geological survey presentation	
2.1	[REDACTED] and [REDACTED] gave a presentation on a guidance document on when GSNI should be consulted. They asked councils to provide any feedback on the document directly to them – preferably within 4 weeks. A copy of the presentation will be sent to members.	AP1
3.	HGI presentation	
3.1	<p>[REDACTED] gave an overview on the recent review of HGIs. [REDACTED] asked what weight should be given to HGIs or council position. [REDACTED] asked if social housing need was considered. [REDACTED] replied that the review was policy neutral. Angus responded that councils should take account of HGIs as a starting point but that council evidence will be looked at during the IE stage. He made it clear that the HGIs were not a target for development plan teams. He advised that the Department had been consistent with the PAC in this regard.</p> <p>[REDACTED] asked what the role is of the LDP in meeting social housing needs. Angus replied that the Department had met with housing policy in DfC and that we were still waiting on HE guidance. He advised that the Department will stress the importance of this issue once again with DfC.</p> <p>The HGI review report will be sent to CXs and copied to HoPs shortly. This presentation will also be sent to members and [REDACTED] asked for a link to the NISRA figures.</p>	<p>AP5</p> <p>AP2 AP3 AP4</p>
4.	Minutes and action points from the previous meeting	
4.1	<p>The minutes of the previous meeting were agreed.</p> <p>Apologies were received from [REDACTED], [REDACTED], [REDACTED], [REDACTED], Alistair Beggs and Scott Symington.</p>	
4.2	<p>Angus provided a brief update on the action points from the previous meeting:</p> <p>Action point 1 – we were to set up a meeting to further discuss developer contributions / s.76s and affordable housing once NIHE guidance had been received. Guidance not yet received - we will push for this again. [REDACTED] asked for more guidance from central government on affordable housing policy. Angus replied that this was one of the issues being discussed with DfC – how can you</p>	AP5

<p>practically deliver affordable housing need.</p> <p>Action point 2 – [REDACTED] advised that the issues log had been issued to HoPs. Will send to Department when all comments have been received.</p> <p>Action points 3 and 4 relate to EQNI and these will be dealt with under agenda item 7.</p> <p>Action point 5 – the Department to provide feedback on the planning committee visits – a letter issued to chief executives and was copied to heads of planning and NILGA on 17 September.</p> <p>Action point 6 – the Department to share DPPN 10 with councils once comments from PAC had been considered – this will be addressed under agenda item 7.</p> <p>Action point 7 – the Department to invite HED to attend this SPG meeting. Unfortunately, HED could not attend this meeting but have agreed to attend at the next meeting in January.</p> <p>Action point 8 – the Department to consider if it is possible to publish an agreed line on BMAP – it is intended to include a line in the next Chief Planner’s Update.</p> <p>Action point 9 – the Department to consider whether it can progress BMAP under the EFEF Act - this is still under consideration within the Department. A paper will be prepared for perm sec in near future.</p> <p>Action point 10 – the Department to write to councils about its work on guidance – the Department wrote to heads of planning on 28 August. The Departmental website will be updated to reflect the latest position on or before Friday 20 September.</p> <p>Action point 11 – the Department to provide an update on the transportation of waste across the border – this will be addressed under agenda item 6.</p> <p>Action point 12 – the Department to advise when clarification had been received from the health and safety executive on quarry blasting - discussions are ongoing between HSENI and DoJ and we will be in touch once we have received a further update from DoJ.</p> <p>Action point 13 – the Department to check how long records have to be retained – essentially, there is no prescribed time period for retention in planning legislation. Each council would have its own retention and disposal schedule as agreed by PRONI</p>	<p>AP6</p> <p>AP7</p> <p>AP8</p> <p>AP9</p>
--	---

	under the Public Record Act 1923. If councils are having storage issues they may wish to consider using electronic storage for planning registers as per Article 28 of the Planning (General Development Procedure) Order (Northern Ireland) 2015. The Department will share its disposal schedule with councils.	AP10
5.	Agenda item 5 – continuous improvement	
5.1	<p>Planning monitoring framework Angus advised that the first monitoring framework had been published and that it had been welcomed by the NIAO and by DfC. He saw this as an important start, from which we can all build.</p> <p>Angus commented that he was disappointed that the PAC data had not been provided; however, the framework will be updated once the data has been received.</p> <p>There was a discussion about how overturns are recorded as councils have different schemes of delegation. Angus responded that this issue could be looked at at the next SPG meeting in January.</p> <p>Statutory consultee report ██████████ report into the role of statutory consultees in the planning process will be shared with councils in next few weeks.</p>	AP11
6.	Agenda item 6 – environmental compliance	
6.1	<p>Brian gave an update on environmental compliance.</p> <p>(Action point 11 refers) Brian advised that he and Scott attended a meeting with DAERA, NIEA and SES looking at the potential impact of a no-deal Brexit on agricultural developments that rely on cross-border arrangements with unprocessed waste going to ROI.</p> <p>The planning system asks for contractual agreements on the management of animal waste, where appropriate, e.g. as part of a nutrient management plan. This is then conditioned on the planning permission.</p> <p>The EU requires veterinary certificates to accompany these transports. In a no-deal situation the EU will not accept unprocessed animal waste from a third country such as the UK – even if they have a certificate already issued.</p> <p>If that waste cannot go across the border, then any relevant condition will not be met and an operator could be in breach of the permission.</p> <p>DAERA officials have been meeting with Moy Park and there have been some discussions about storing waste. Mention was made</p>	

about a facility on the North Coast but there is no application in the system.

There has also been talk about field storage but NIEA guidelines only permit covered storage in fields in which the manure is intended to be spread and typically permissions don't cover such spreading.

The potential solution could be transport to Scotland for treatment or spreading but nothing has been confirmed.

If there is a deal then there is likely to be a transition period for a couple of years, so business as usual on day 1, then things would gradually tighten.

NIEA will be sending the poultry litter protocol contained within the Nutrient Action Plan Regulations to Shared Environmental Service. The key issue in this is that under a no-deal Brexit there is potential for operators to be in breach of conditions reliant on cross-border transport of unprocessed animal waste.

Environmental governance work programme

The next stage is the training that will take place in October. Each council is being asked to nominate 2-3 planning staff. The first member will undertake core training and advanced training on two consecutive days (22 and 23 October in DfI offices in Belfast). They will also be expected to undertake further training mid-February and be the council nominee to the proposed environmental officers' forum.

The first meeting of the forum will likely be in mid-February as well, to be chaired initially by [REDACTED].

This nominee requires some thought from each council given the commitment required. Councils should also nominate a further 1-2 staff members for core training on 24 October in Belfast council offices.

We'll be looking for further venues in February at some stage and there will be more places available for a further round of core training if that is still required.

We have received a number of FoI requests in relation to the initial meeting held in Ballymena in April with [REDACTED]. Similar requests were received by the 3 councils who attended the meeting.

NILGA is having initial discussions with [REDACTED] to investigate whether he could deliver an EIA awareness training session to newly elected members. It is hoped that he will deliver something for members on 25 October.

■■■■ asked if NILGA could disseminate any learning from these events.

Retrospective mineral cases

Brian gave a quick update on the ongoing review of retrospective mineral cases and associated enforcement, which have been a focus of the EU infraction case.

NIAO

The Department has responded to an information request from NIAO on their investigative review into the NI Renewable Obligations scheme but there may still be direct contact with councils on specific cases.

Transboundary issues

Brian advised that the Department is dealing with correspondence from Dublin regarding complaints they have received from environmental groups in relation to a number of specific agricultural applications received by councils here. These allege that they should all be subject to transboundary consultation under the 2017 EIA Regulations because of the ammonia situation.

We have advised Dublin that we have forwarded the information to relevant councils and if notified by any council that it believes an application meets the requirement for transboundary consultation with Dublin we will facilitate that as per our discussions with colleagues in DHPLG.

Waste management plans

Susan updated the group on waste management plans. A discussion then ensued. ■■■■ advised that the time frame placed upon councils by the Department in relation to the volume of cases was unreasonable.

While the resource implications for councils were appreciated, Susan and Angus emphasised that we all need to work together. Susan referred to two recent workshop events held by the Planning Group in Crumlin Road Gaol and that representatives were there from each council. The workshops relayed to the officers present what needed to be done and the information that needed to be provided in order for the Department to return the information to Europe. The date of returning the information was emphasised again as the end of November.

■■■■ asked for a copy of the letter issued by the Department in 2017 where it stated that guidance would issue and asked if any guidance was available. While there is no guidance document as such, Susan mentioned a visit to Edinburgh and she can provide what was available at the workshop. The Department will also be

AP12

AP13

	<p>providing a template. Angus suggested that principals should be involved in a sub-group or could use the minerals forum. █████ mentioned a presentation could be given to HoPs after the next PPGB and █████ asked if the closed waste facility letter could be brought to this presentation.</p> <p>Ammonia Angus advised that we are still working on the ammonia issue. Dfl perm sec has written to DAERA perm sec and the group will be informed of any developments.</p>	AP14
7.	Agenda item number 7 – policy context	
7.1	<p>Susan updated the group as follows:</p> <p>Local development plans All 11 councils have now consulted upon their preferred options papers.</p> <p>The majority of councils are now working towards publication of draft plan strategies. Belfast City Council have submitted their draft plan strategy to the Department in order for us to cause the independent examination, which the Department is now assessing in its oversight capacity.</p> <p>As always, it is helpful if working timeframes for LDP programmes can be provided to the Department and other consultees to assist in the programming of work.</p> <p>Guidance (Action point 6 refers) The Department has produced draft guidance in relation to the submission of development plan documents for independent examination. The timeframe for consultation has been extended to 4 October at the request of councils.</p> <p>Draft DPPN 10 was shared with the PAC and has been favourably received in principle; however, the Commission is aware that the Department will be considering all comments received so will reserve their final comments until they receive a later version of the guidance.</p> <p>█████ commented that the guidance is unclear if there are lots of small changes made – do they need to re-consult? Susan advised that the PAC have indicated they will be pragmatic.</p> <p>The Department has arranged for an information session / informal event to take place on the afternoon of 30 September in the Crumlin Road Gaol. The focus will be on the IE process and draft practice note. A Planning Inspector from the Welsh Inspectorate, █████, will give a presentation from the Welsh perspective.</p>	

	<p>██████████ will also be presenting.</p> <p>Transport plans The transport plan programme is progressing. The permanent secretary has written to chief executives in relation to this and councils have requested that Dfl attend Solace. There is a new director in place (██████████). As a result of the change in approach in relation to transport plans, councils' LDP plan strategies should make reference to the transport studies and show how policy formulation and development has 'taken account' of these transport studies. There is a link on Dfl website to the studies.</p> <p>Equality Commission The Equality Commission are looking for comments on their draft guidance, although the timescale has extended to nearer February. ██████████ has undertaken to raise this issue with councils and seek legal advice – it was agreed that we would await the outcome of this contact. This issue will be discussed again in January. Angus agreed that the Department would also talk to DSO and will feed back to the Commission.</p> <p>CTY8 ██████████ and ██████████ advised that there was still a debate about infill policy and its interpretation. Angus advised that we are considering issuing a clarification document on this policy. There was reference to a specific case on Lisburn and Angus agreed to check this out.</p> <p>Flood risk ██████████ asked if perm sec might issue a statement on flood risk and climate change. Angus undertook to speak to the Rivers Agency.</p> <p>██████████ asked what weight guidance has – Angus replied that expert advice should always be given appropriate weight and that this was a matter of planning judgement.</p> <p>HED ██████████ mentioned a complaint about HED not being consulted on an industrial heritage case leading to a call for revocation. ██████████ agreed to provide the Department with more information, following which Angus agreed to raise the issue with ██████████ and ██████████.</p>	<p>AP15</p> <p>AP16</p> <p>AP17</p>
8.	Agenda item 8 – priority issues	
8.1	<p>Planning NI website Angus advised that the project to review and transfer content from the Planning NI website to the Dfl and nidirect sites continues. Nidirect have indicated that the content will hopefully go live on their site in October. Following this, closure of the existing Planning NI website will be scheduled. Councils will be notified</p>	AP18

	<p>when this work is complete.</p> <p>Development in proximity to reservoirs A note and action points, along with a presentation, were circulated to members (on 8 August) following a meeting of the reservoirs sub-group on 8 May.</p> <p>The position is that, given the low probability of reservoir failure, where the condition, management and maintenance is assured, going forward, a full flood risk assessment may not always be required and this will be considered by DfI Rivers on a case by case basis. In relation to the preparation of local development plans, DfI Rivers has prepared an explanatory note to the LDP guidance initially circulated in August 2018 and this was circulated to heads of planning on 6 June.</p> <p>████ mentioned that there were still some issues re reservoirs and he agreed to consider these and advise the Department.</p> <p>Brexit Brexit preparations continue within government but there is nothing of any new significance to report for planning. We will, therefore, move on to agenda item 10 – any other business.</p>	AP19
10.	Agenda item 10 – any other business	
	<p>BIC 20 year anniversary symposium Angus encouraged councils to take up a recent invitation to council chief executives and heads of planning to a symposium event on, ‘creating an inclusive future vision for our ageing populations’.</p> <p>The event will be held in Belfast on 29 November and will include a number of keynote speakers and workshops exploring how policy professionals in the fields of planning and housing can take action now to design public spaces and homes that will meet the needs of an ageing population.</p> <p>Complaint re noise assessments An allegation of fraud has been brought to the Department's attention – that a particular consultant (a ██████████ on behalf of ██████████) has submitted reports on background noise from wind turbines which, it is claimed, have been tampered with in order to get planning permission and thus access to renewable energy subsidies. On other occasions, no noise assessment was carried out when, again according to the complainant, they should have been. And, false zone of theoretical visibility images and photomontages seem to have been produced by ██████████, giving the impression the turbine will have less of a visual impact than is the case. This has occurred across a number of council areas, according to the</p>	

	<p>complainant.</p> <p>The NIAO has asked us to bring this to the attention of HoPs so that they have an opportunity to assure themselves that they are content with the information provided to their council for similar cases and, indeed, in general.</p> <p>Call-in The Department has called-in two applications from Causeway Coast and Glens Borough Council relating to a development proposal at the Londonderry Hotel, Portrush. The Department issued these directions in view of the proposed development's potential conflict with regional built heritage planning policies and key aspects of the SPPS in terms of sustainable development. It is considered that the regional issues raised would therefore benefit from further scrutiny by the Department.</p> <p>NIAO review of planning The NIAO indicated in its Local Government Auditor's Report 2019 that it intends to carry out a review of the planning system at both a local and central level.</p> <p>Working groups Angus raised the issue of attendance by departmental staff at the various council working groups. After some discussion it was agreed that HoPs would reconsider this issue and advise the Department of the approach going forward.</p> <p>Training for members [REDACTED] asked if there would be more training rolled-out for members. Angus replied that the Department liaises closely with NILGA on training issues.</p> <p>NOPs [REDACTED] commented that the timing of notifications can be a problem if the council is in recess.</p> <p>[REDACTED] asked for a list of RM applications to be sent to her.</p> <p>Conservation officers' forum As requested by [REDACTED], Angus raised the letter from [REDACTED] to [REDACTED] about the conservation officers' forum. [REDACTED] agreed to email the Department detailing the approach to this.</p>	<p>AP20</p> <p>AP22</p> <p>AP21</p>
11.	Date of next meeting	
11.1	Next meeting – Thursday 16 January in Antrim/Newtownabbey Council offices.	

Summary of Action Points

No.	Detail	Action Owner
AP1	A copy of the GSNi presentation to be sent to members.	Dfl
AP2	The HGI review report to be sent to CXs and copied to HoPs.	Dfl
AP3	NISRA presentation to be sent to members.	Dfl
AP4	Link to NISRA figures to be sent to [REDACTED].	NISRA
AP5	The Department to go back to DfC and stress the importance of the guidance in relation to affordable housing.	Dfl
AP6	HoPs to send issues log to Department.	HoPs
AP7	A line on BMAP will be included in next Chief Planner's Update.	Dfl
AP8	The Department to consider whether it can progress BMAP under the EFEF Act.	Dfl
AP9	The Department to advise when clarification has been received from the health and safety executive on quarry blasting.	Dfl
AP10	The Department to share its disposal schedule with councils.	Dfl
AP11	The Department to share [REDACTED] report into the role of statutory consultees in the planning process with councils.	Dfl
AP12	The Department to provide a copy of letter issued in 2017 in relation to mine waste.	Dfl
AP13	The Department to provide documentation from Edinburgh workshop and template re mine waste.	Dfl
AP14	Presentation on mine waste to be given to HoPs.	Dfl
AP15	The Department to speak to DSO about the EQNI guidance document.	Dfl
AP16	The Department to speak to the Rivers Agency about issuing a statement on flood risk and climate change.	Dfl
AP17	[REDACTED] to send information to the Department re a complaint about HED not being consulted.	[REDACTED]
AP18	Councils will be notified when transfer from the Planning NI website to the Dfl and nidirect sites is complete.	Dfl
AP19	[REDACTED] mentioned that there were still some issues re reservoirs and he agreed to consider these and advise the Department.	[REDACTED]
AP20	HoPs to reconsider attendance by departmental staff at council working groups and advise the Department of the	HoPs

	approach going forward.	
AP21	██████ to provide details of the approach to the conservation officers' forum.	████████████████
AP22	██████ asked for a list of RM applications to be sent to her.	Dfl

DRAFT

STRATEGIC PLANNING GROUP

MINUTES OF MEETING THURSDAY 16 JANUARY 2020 @ 10.30 Antrim Castle Gardens

ATTENDEES:	
Angus Kerr	Chief Planner & Director, DfI Regional Planning Directorate
Alistair Beggs	Director, DfI Strategic Planning Directorate
Scott Symington	Deputy Director, DfI Regional Planning Directorate
██████████	Planning Manager, Lisburn & Castlereagh
██████████	Planning Manager, Mid Ulster
██████████	Planning Manager, Antrim & Newtownabbey
██████████	Planning Manager, Fermanagh & Omagh
██████████	Planning Manager, Causeway Coast & Glens
██████████	Development Plan & Policy Manager, Belfast City Council
██████████	Director, Antrim & Newtownabbey
██████████	NILGA
██████████	Planning Manager, Derry City & Strabane
██████████	Planner, Mid and East Antrim
In Attendance:	
Fiona McGrady	DfI Regional Planning Directorate
Cathy Pringle	DfI Regional Planning Directorate (Minutes)

1.	Introduction	Actions
1.1	Angus welcomed those present, including ██████████ ██████████ from HED.	
2.	HED presentation	

2.1	<p>█ gave a presentation on the work of HED. There was some discussion regarding heritage and defence heritage sites. █ advised that █ from HED was preparing advice and guidance. Angus advised that the planning portal team are continuing to work with HED.</p> <p>There was also a discussion regarding enabling development and Angus agreed that this could form part of a future review of the SPPS.</p> <p>█ advised that it had been agreed by HoPs back in September, that rather than reconvene the conservation officers' forum, they would be invited to working groups as and when required.</p> <p>█ advised that there was to be a heritage slot included in the local government conference on 20 February.</p> <p>Angus thanked █ for the very useful presentation. Any further issues could be directed to █.</p>	
3.	Minutes and action points from the previous meeting	
3.1	<p>The minutes of the previous meeting were agreed.</p> <p>Apologies were received from █, █</p>	
3.2	<p>Angus provided a brief update on some of the action points from the previous meeting (the rest having been completed):</p> <ul style="list-style-type: none"> • Action point 5 – the Department to go back to DfC and stress the importance of the guidance in relation to affordable housing – this will be addressed under agenda item 6. • Action point 6 – heads of planning to send issues log to Department. █ advised that this should be ready for the next SPG. • Action point 8 – the Department to consider whether it can progress BMAP under the EFEF Act. The Chief Planner's Update, published in November 2019, confirmed the current position in relation to draft BMAP. It is likely that this position will be discussed with the minister in due course. • Action point 9 - the Department to advise when clarification has been received from the health and safety executive on quarry blasting – the current position is that, in principle, HSENI planned to resume some explosives-related work in December. However, the Department will keep checking with them and will keep the group posted. If councils are still having any issues, please let the Department know. • Action point 14 - presentation on mine waste to be given to 	AP1

	<p>The first phase of EIA training was completed in October with full participation across all councils on both the core and advanced training sessions. The feedback from those who attended had been very positive.</p> <p>The next dates for the second tranche of training have been set for 10 to 13 February. Scott thanked [REDACTED] who have volunteered to host sessions in their areas and [REDACTED] team who are also looking at the possibility of hosting a session.</p> <p>The Department will write out in the next few days setting out the detailed arrangements and seeking new nominees for the 2 core sessions on the 10th and 13th. There will be opportunities for each council to nominate at least 3 nominees for these sessions.</p> <p>One important point to note is that the attendees from the first advanced course last October are the same staff required for the next advanced session on the 11th and the inaugural environmental officers' forum on 12 February – both being hosted by [REDACTED] council. It is crucial that their participation continues through this next tranche.</p> <p>DAERA are now working towards a new operational protocol re ammonia and nitrogen, which will go out for public consultation.</p> <p>A discussion ensued on slurry spreading and cross-border issues. Angus stated that they would continue to discuss these issues with DAERA will update the group.</p>	AP4
5.	Agenda item 6 – policy context	
5.1	<p>Alistair gave the following update:</p> <p>Local development plans Since the last meeting, the Department has responded to a further 3 draft plan strategies; Antrim and Newtownabbey; Mid and East Antrim; and, more recently, Lisburn and Castlereagh.</p> <p>As always, it is helpful if working timeframes for LDP programmes can be provided to the Department and other consultees to assist in the programming of work.</p> <p>Guidance The Department issued development plan practice note 10 to chief executives, heads of planning and development plan principals on 19 December.</p> <p>Coastal forum The working group comprises council representatives, DfI and DAERA officials, and the National Trust.</p>	

	<p>Dfl and DAERA are progressing on the basis of discussion at the coastal forum where it was agreed that best practice guidance is to be brought forward. A draft paper was produced for discussion and further development with the coastal working group.</p> <p>Belfast City Council hosted the last meeting in October, and a further meeting of the coastal working group is scheduled for 23 January in Mid and East Antrim Borough Council.</p> <p>Mine waste</p> <p>We have had returns from 7 councils. Very appreciative of the effort required. As the Permanent Secretary's letter to SOLACE on 6 January stated, we will shortly be making a return to DEFRA. ██████ asked that councils be copied in to response to DEFRA.</p> <p>Alistair confirmed that there was about a 3 month flexibility in the timetables.</p> <p>BMAP</p> <p>The Department will brief the minister on this.</p> <p>Angus gave the following update:</p> <p>Guidance re affordable housing (Action point 5 refers)</p> <p>There has been ongoing engagement with housing officials in DfC and we have stressed the importance of central government guidance in relation to housing policy matters. DfC has nearly finalised a housing position paper, which they hope will be of assistance to councils and development plan teams in particular.</p> <p>██████ advised that invitations had issued for a housing workshop on 26 February. It is intended that this will consider both community planning and planning matters.</p> <p>NIHE has provided the Department with a draft practice note for affordable housing and we will endeavour to feed our comments back on this as soon as possible. We will also suggest to the Housing Executive that, following the issuing of the practice note, it may be helpful for them to convene a meeting involving council plan teams, DfC and Dfl.</p> <p>██████ commented that guidance was needed from the Department on the practical working arrangements for affordable housing. Angus responded that there is government policy on housing - that PPS12 continues - but he recognised that there were practical issues which needed guidance – the Department is working with</p>	<p>AP5</p> <p>AP6</p>
--	--	-------------------------------------

	<p>Angus also advised that Rivers are currently working on revising their technical advice note for this topic, along with updating the June 2018 LDP guidance, to include an annex reflecting [REDACTED] [REDACTED] email of 6 June 2019. This can be discussed further on the 24th.</p> <p>Flood risk (Action point 16 refers)</p> <p>The Department is having ongoing discussions with Rivers in relation to flood risk and climate change and this is also something which can be further discussed at the meeting on the 24th.</p> <p>Legacy complaints</p> <p>The permanent secretary has received correspondence from [REDACTED] [REDACTED], Deputy Ombudsman, highlighting ongoing difficulties regarding legacy complaints (i.e. those relating to actions taken by the DoE before the transfer of planning to councils) and asking what the Department (and Belfast City Council) are going to do to resolve the issues.</p> <p>Angus explained that the Department has always maintained the principle that the spirit of the transitional arrangements, agreed at the time of transfer, meant that all operational activities associated with the planning function (bar strategically significant work) should transfer to councils. In addition, relevant paperwork and staff are now with councils. The Department has always agreed to consider any claims for compensation on a case by case basis.</p> <p>He has now spoken to [REDACTED] and he seems content with the approach. So far the system seems to be working and no one voiced any objections. Where necessary, it is important that councils liaise with the Department regarding outcomes before a response issues.</p> <p>Guidance</p> <p>[REDACTED] raised the issue of guidance being withdrawn from the website. He would prefer for councils to withdraw the guidance as and when they put forward their own. He will discuss at the next HoPs and will come back to us.</p>	AP9
7.	Agenda item 8 – Brexit	
7.1	<p>Angus advised that there may be a requirement for infrastructure at ports and airports but it is not yet clear how this will be handled – regionally or locally. If anyone is approached by a government department, let the Department know.</p> <p>[REDACTED] asked if there would be any implications for cross border waste after 31/1. Angus advised that he understood that it would not be an issue under the transitional arrangement but that it might</p>	

	<p>become one.</p> <p>Alistair and [REDACTED] left the meeting.</p>	
8.	Agenda item 4 – continuous improvement	
8.1	<p>Planning monitoring framework</p> <p>Angus advised that the Department is still chasing the PAC for the outstanding data for the monitoring framework. Once received, our stats people will issue revised framework documents.</p> <p>Statutory consultee report</p> <p>Angus hoped that everyone had seen John Irvine’s report into the role of statutory consultees in the planning process and would be interested in any views on it. The Department has implemented one of his key recommendations re a planning forum of statutory consultees. The first meeting of the forum was held just before Christmas, chaired by Julie Thompson and attended by roads, NI water, rivers, HED, DAERA and HSENI. Angus provided feedback from the forum meeting.</p> <p>We have now produced a table of recommendations and areas for further consideration and have divided them up according to local and central government responsibilities.</p> <p>Early thoughts were that some of the recommendations could be taken forward by this group and feed back to the forum. One suggestion is for a task and finish group to be set up with attendees from both central and local government, which will report back both to this group and to the planning forum. This could be chaired by ourselves and supported by us.</p> <p>Angus recognised that there were challenges for all in the recommendations and that it was important that we all worked together.</p> <p>[REDACTED] commented that a clear terms of reference (TOR) for the sub-group was needed. Angus agreed to draft a note after this meeting and include a TOR for the sub-group. Councils are asked to provide any comments and to nominate staff to sit on the sub-group.</p>	AP10
9.	Agenda item 9 - AOB	
9.1	No other business was raised.	
10.	Date of next meeting	
10.1	It was agreed to move the next meeting to 26 March and BCC offered to host it.	

Summary of Action Points

No.	Detail	Action Owner
AP1	The issues log should be ready for the next SPG in March.	HoPs
AP2	Letter of 8 November re mine waste to be re-issued to councils.	Dfl
AP3	Angus to check with the portal team on progress and timescales re work on updating the spatial dataset currently held within the Northern Ireland planning portal, including identifying any potential datasets that can be added to the NIPP.	Dfl
AP4	The Department to write out setting out the detailed arrangements for EIA training.	Dfl
AP5	Councils to be copied in to mine waste return to DEFRA.	Dfl
AP6	The Department to suggest to the Housing Executive that, following the issuing of the practice note, it may be helpful for them to convene a meeting involving council plan teams, DfC and Dfl.	Dfl
AP7	[REDACTED]	Dfl
AP8	The Department to feed back outcome of reservoirs sub-group meeting of 24 January.	Dfl
AP9	[REDACTED] raised the issue of guidance being withdrawn from the website. He would prefer for councils to withdraw the guidance as and when they put forward their own. He will discuss at the next HoPs and will come back to the Department.	[REDACTED]
AP10	The Department to draft terms of reference for the sub-group looking at the recommendations in John Irvine's report.	Dfl

STRATEGIC PLANNING GROUP

MINUTES OF MEETING TUESDAY 7 JULY 2020 @ 10.30 by Zoom

ATTENDEES:	
Angus Kerr	Chief Planner & Director, DfI Regional Planning Directorate
Alistair Beggs	Director, DfI Strategic Planning Directorate
Scott Symington	Deputy Director, DfI Regional Planning Directorate
██████████	Planning Manager, Lisburn & Castlereagh
██████████	Planning Manager, Mid Ulster
██████████	Planning Manager, Antrim & Newtownabbey
██████████	CX, Fermanagh & Omagh
██████████	Planning Manager, Causeway Coast & Glens
██████████	Direct of Planning & Building Control, Belfast City Council
██████████	Director, Antrim & Newtownabbey
██████████	NILGA
██████████	Planning Manager, Derry City & Strabane
██████████	Planning Manager, Mid and East Antrim
██████████	Planning Manager, Ards & North Down
██████████	Planning Manager, Newry, Mourne & Down
In Attendance:	
Fiona McGrady	DfI Regional Planning Directorate
Matt McCrisken	DfI Regional Planning Directorate
Cathy Pringle	DfI Regional Planning Directorate (Minutes)

1.	Introduction	Actions
1.1	Angus welcomed those present and explained that the agenda had been shortened to ensure that the meeting was focused.	
2.	Minutes and action points from the previous meeting	
2.1	<p>The minutes of the previous meeting were agreed.</p> <p>Apologies were received from [REDACTED]</p>	
3.2	<p>Angus provided a brief update on some of the action points from the previous meeting (the rest having been completed and notified to attendees by email):</p> <ul style="list-style-type: none"> • Action point 1 – heads of planning to send issues log to Department. [REDACTED] advised they are still working on this and would let the Department know. • Action point 3 – Angus updated the group re datasets on the planning portal. Datasets in relation to DfI Rivers (Reservoir Flood Extents) and DAERA (NIEA National Conservation) were updated and new constraint layers have been added reflecting Northern Ireland Electricity infrastructure. Working with DfC re industrial and defence heritage records. Councils to advise Peter Rice’s team of any issues. [REDACTED] requested that this issue be kept on as an action point and Angus agreed to issue advice to councils on what has been updated (now and in the future). • Action point 6 – we were to suggest a meeting to the Housing Executive but this was put on hold because of Covid. This will be arranged and we will be in touch in due course. Angus agreed to send copy of letter issued to NIHE. • [REDACTED] • [REDACTED] • Action point 9 – [REDACTED] to raise the issue of guidance being withdrawn from the website. Angus replied that a lot of work had been done by the Department on guidance review and suggested that councils should come back with any specific issues they have in response to the original letter issued by the Department. 	<p style="text-align: right;">AP1</p> <p style="text-align: right;">AP2</p> <p style="text-align: right;">AP3</p> <p style="text-align: right;">AP4</p> <p style="text-align: right;">AP5</p>

	<p>Angus advised that the focus was now on recovery and normal business. He advised that the NIAO review had commenced and that the Minister's key message was green recovery, in particular sustainable travel in the short, medium and long term.</p>	
3.	Agenda item 3 – Departmental update	
3.1	<p>Angus advised the following:</p> <p>Review of the Planning Act Minister is keen to move forward on this. We can use this to look at some of the issues such as pre-determination hearings, publicity requirements, validation etc. Timescales would prevent the Minister from making major changes to primary legislation.</p> <p>Planning Forum There has been 2 meetings of the Planning Forum and we are continuing to liaise with statutory consultees who receive monthly updates regarding major consultations and these are now being monitored. The next meeting is scheduled for 8 September.</p> <p>Sub-group Scott advised that the TOR and membership had previously been agreed but first meeting scheduled in March was cancelled because of Covid. Next meeting unlikely until September (<i>now arranged for 15 September</i>) because of the holiday period but Dfl wants to keep things moving and Scott suggested that SPG agree the most important/priority actions so that work can commence ASAP. After discussion on some of the specific actions the Group agreed that if we circulate the actions they will provide feedback on which, in their view, are the key/priority recommendations within 2 weeks.</p> <p>Inflationary fees uplift Angus advised that, with the onset of the Covid crisis, the Minister decided not to bring forward an inflationary uplift to fees in April but will review again in the autumn.</p> <p>Planning statistics Annual stats published on 2 July. Pandemic had limited effect on the last quarter of the year but we recognise that this will change for the first quarter of this year. We are looking at how the changed circumstances can be reflected in the narrative. It is encouraging to see that both the local planning application indicator and enforcement indicator have been met. While the processing times for major applications continue to be a problem, it is encouraging to see that performance has improved by over 6 weeks from the previous financial year.</p> <p>Outdoor uses</p>	<p style="text-align: center;">AP6</p>

	<p>Scott gave the following update on environmental governance.</p> <p>Environmental compliance Very positive engagement in the Environmental Officers' Forum on 17 June conducted through Zoom and chaired by [REDACTED].</p> <p>Ongoing work as a sub-set of the Forum looking at developing an EIA screening template for consideration by planning authorities.</p> <p>Future training schedule will be revised in light of Covid restrictions – we will keep the arrangement for scheduled October training under review and may mean October training is moved to February 2021 (to be confirmed) and numbers may be lower than previous events if social distancing measures are in place.</p> <p>It is important to ensure that all relevant environmental information (including any appropriate assessment undertaken by a planning authority under the Conservation (Natural Habitats, etc.) Regulations (NI) 1995 (habitats regulations assessment)) is made available to the public in a timely manner. A discussion ensued and it was clear that councils are doing different things when it comes to making HRAs available to the public. It was agreed that HoPs would consider this issue and advise the Department.</p> <p>Buick Alistair advised that the wording of the court of appeal decision on Arc21 conflated the 'responsibilities' of departments with their 'interests' and, in so doing, the decision could be read as supporting the contention that the Executive should discuss and approve regionally significant planning applications. This meant the Minister would be unable to take decisions which are the responsibility of the Department under the Planning Act. The Executive has agreed to a Bill – the Executive Committee (Functions) Bill – to be taken forward by accelerated passage to bring us back to a pre-Buick situation.</p> <p>[REDACTED] asked if this affected BMAP – Alistair responded no but agreed to give an updated position on BMAP.</p>	<p>AP11</p> <p>AP12</p>
<p>4.</p>	<p>Agenda item 4 – local government update</p>	
<p>4.1</p>	<p>[REDACTED] advised they had 7 issues, some of which had already been addressed:</p> <ul style="list-style-type: none"> • Monitoring of performance • Pavement cafes statement • Fees • SES funding • LDPs and counter representations • Battery storage 	

	<ul style="list-style-type: none"> • Review of SCIs <p>Angus agreed that something needed said about the impact of Covid on performance.</p> <p>██████ has a concern re pavement cafes statement – this came out with no consultation and she has problems in areas of archaeological interest which require planning permission. She is also concerned about the extent some retailers are going to – closing roads etc. They intend to write to the Minister about this. Angus agreed to look at the issue of archaeological interest and permitted development.</p> <p>Alistair left the meeting.</p> <p>A discussion ensued on the fees uplift and the difficult financial situation faced by councils. Not bringing in expected income and still working on areas that receive no income (e.g. discharge of conditions). Angus enquired if anyone had written to the Minister about the situation.</p> <p>██████ advised NILGA is working with finance officers and they need to look at longer term sustainability of LG finances.</p> <p>██████ advised that he had invoiced councils for £8.5k for SES but there had been some backlash. Angus will raise the issue again with ██████</p> <p>██████ also asked if any pressure could be brought to bear on NIEA and the review of their operational policy on ammonia. Scott advised that he has arranged a meeting with NIEA and he will ascertain the position. ██████ will also raise with ██████ and feed back.</p> <p>██████ asked if it was strictly necessary to review their statements of community involvement – could they not put a warning online that they were temporarily not fully compliant due to the pandemic. Alistair to respond to this.</p> <p>LDP and counter reps – could viewing of these be changed to online as opposed to coming into offices? Angus replied that this issue could be picked up regarding lessons learned re engagement.</p>	<p>AP13</p> <p>AP14</p> <p>AP15</p> <p>AP16</p>
5.	Agenda item 9 - AOB	
5.1	<p>██████ asked for an up-to-date position on the policy reviews. Angus advised that the Minister will be considering and it was likely that the policy on renewable energy would be linked to the renewable energy strategy. ██████ highlighted the difficulties around timeliness of changing policy in terms of the development</p>	

	plan process.	
6.	Date of next meeting	
6.1	Next meeting scheduled for 17 September.	

Summary of Action Points

No.	Detail	Action Owner
AP1	The issue of datasets on the planning portal to be retained as an action and the Department to write to councils explaining what has been uploaded (now and in the future).	Dfl
AP2	Department to arrange a meeting with NIHE etc. re housing issues.	Dfl
AP3	Copy of letter to NIHE to be shared with councils.	Dfl
AP4	A meeting to be arranged with ██████████ re Equality Commission guidance and legal advice.	Dfl
AP5	██████████ to share letter to Equality Commission with the group.	██████████
AP6	Action plan for Planning Forum sub-group to be sent out and councils to consider which are the key recommendations that can be taken forward.	Dfl
AP7	Angus to update the group re health and battery storage issues.	Dfl
AP8	The Department to arrange a meeting of the reservoirs sub-group and invite ██████████ to attend.	Dfl
AP9	The Department will shortly be issuing letters to a number of councils, advising them to advise applicants before the development commences that hazardous substance consent may be necessary with regards to battery storage.	Dfl
AP10	Once DfE and Utility Regulator have confirmed their position in writing on the generational status of BESS, the Department will clarify its position on the matter publicly.	Dfl
AP11	HoPs to consider how HRAs are made available to the public by different councils and advise the Department.	HoPs
AP12	Alistair to give an update on BMAP.	Dfl
AP13	Angus to look at the issue of archaeological interest and permitted development with regards to pavement cafes.	Dfl
AP14	Angus to raise the issue of council finances with ██████████ including the issue of SES funding.	Dfl
AP15	Scott to update the group after his meeting with NIEA regarding the review of their operational policy on ammonia.	Dfl
AP16	Alistair to respond to the query as to whether it was strictly necessary to review statements of community involvement	Dfl

	or could a warning be put online that they were not fully compliant due to the pandemic.	
--	--	--

STRATEGIC PLANNING GROUP

MINUTES OF MEETING THURSDAY 17 SEPTEMBER 2020 @ 10.30 by Zoom

ATTENDEES:	
Angus Kerr	Chief Planner & Director, DfI Regional Planning Directorate
Susan Wilkin	Deputy Director, DfI Strategic Planning Directorate
Scott Symington	Deputy Director, DfI Regional Planning Directorate
██████████	Planning Manager, Lisburn & Castlereagh
██████████	Planning Manager, Mid Ulster
██████████	Planning Manager, Antrim & Newtownabbey
██████████	CX, Fermanagh & Omagh
██████████	Planner, Causeway Coast & Glens
██████████	Direct of Planning & Building Control, Belfast City Council
██████████	NILGA
██████████	Planning Manager, Derry City & Strabane
██████████	Planning Manager, Mid and East Antrim
██████████	Planning Manager, Ards & North Down
██████████	Planning Manager, Armagh, Banbridge & Craigavon
██████████	Planning Manager, Fermanagh & Omagh
In Attendance:	
Brian Gorman	DfI Regional Planning Directorate
Cathy Pringle	DfI Regional Planning Directorate (Minutes)

1.	Introduction	Actions
-----------	---------------------	----------------

1.1	<p>Angus welcomed those present, including [REDACTED] and [REDACTED] from DfI Rivers. It was agreed we would take the Rivers issue first.</p> <p>Angus advised that there was an issue re new flood mapping related to climate change. While this could be addressed in the new LDP process, what about now? [REDACTED] responded that they have 2 approaches – could use present day outlines or climate change zonings.</p> <p>[REDACTED] asked what was available on Uniform. It was agreed that this would be checked with the Department's IT people and an update provided ASAP.</p> <p>Angus emphasised that if there was a potential for flooding as a result of climate change zonings this information must be passed to councils and taken into account in planning decisions, notwithstanding the wording of the planning policy. He confirmed the Department still intends to clarify the policy.</p> <p>It was agreed that another meeting of the reservoirs sub-group was needed to discuss reservoir policy, which could be attended by any HoPs by Zoom.</p> <p>[REDACTED] advised that the Reservoirs Transfer of Functions Order was currently being worked on. An update on this could be provided to the sub-group.</p> <p>Angus thanked [REDACTED] for attending.</p>	<p>AP1</p> <p>AP2</p>
2.	<p>Minutes and action points from the previous meeting</p>	
2.1	<p>The minutes of the previous meeting were agreed.</p> <p>Apologies were received from Alistair Beggs, [REDACTED] [REDACTED] Susan is here for Alistair and [REDACTED]</p>	
2.2	<p>Angus provided a brief update on the action points from the previous meeting:</p> <ul style="list-style-type: none"> • Action point 1 – the issue of datasets on the planning portal was to be retained as an action and the Department to write to councils explaining what has been uploaded (now and in the future). We are continuing to engage with various stakeholders about providing amendments for both the current and the new IT systems. [REDACTED] expressed frustration at the delay in sorting out the industrial heritage and defence infrastructure datasets. Angus agreed to speak to the team following this meeting and report back as per AP1. • Action point 2 – Department to arrange a meeting with NIHE 	

	<p>etc. re housing. Meeting arranged for 6 October at 2pm. Councils were written to asking for nominees to attend the meeting but so far there have been no responses. ■■■ advised that she had just been told that the nominees are to be her, ■■■.</p> <ul style="list-style-type: none"> • Action point 3 – copy of letter to NIHE to be shared with councils. It was agreed that this issue could be discussed further at the meeting of 6 October. ■■■ mentioned that a policy on social and affordable housing was needed – how do you actually achieve this? • Action point 4 – a meeting has been arranged with Alistair, ■■■ to discuss the Equality Commission guidance on 24 Sept. • Action point 5 – ■■■ sent letter to Equality Commission which will be shared with the group. • Action point 6 - has been completed (action plan for Planning Forum sub-group sent out for councils to consider the key recommendations that can be taken forward). • Action point 7 – this will be dealt with later in the agenda. • Action point 8 - the Department to arrange a meeting of the reservoirs sub-group and invite ■■■ to attend. This meeting has been arranged for today instead. • Action point 9 - the Department has now issued letters to a number of councils, advising them to advise applicants before the development commences that hazardous substance consent may be necessary with regards to battery storage. • Action point 10 - this will be dealt with later in the agenda. • Action point 11 - HoPs were to consider how HRAs are made available to the public by different councils and advise the Department. This is to be brought back again by HoPs. • Action point 12 – Susan will cover BMAP later in the agenda. • Action point 13 – this referred to the issue of archaeological interest and permitted development with regards to pavement cafes. CC&G has written to the Minister and the Minister has responded on this issue. • Action points 14, 15 and 16 will all be dealt with later in the agenda. 	<p style="text-align: center;">AP3</p> <p style="text-align: center;">AP4</p>
<p>3.</p>	<p>Agenda item 3 – Departmental update</p>	
<p>3.1</p>	<p>Angus advised the following:</p> <p>Ministerial Advisory Panel on Infrastructure</p> <p>The Minister has established a Ministerial Advisory Panel on Infrastructure to consider how an Infrastructure Commission for Northern Ireland might support more effectively the long term planning and development of relevant infrastructure here, and how it might underpin her objective of delivering cleaner, greener, sustainable and inclusive infrastructure.</p>	

	<p>The Panel invited Solace to engage with them as part of their stakeholder engagement process. Solace did not submit an online survey response indicating that, as a grouping of officers, their preference would be that engagement take place via a formal Solace meeting.</p> <p>There was some discussion around the short timescales for responding to the Panel. Angus undertook to keep the group posted on outcomes.</p> <p>Planning Engagement Partnership We are establishing a Planning Engagement Partnership, looking at how we can enhance the quality and depth of community engagement in the planning process at both the regional and local planning authority levels. This would be a task and finish group, working with Community Places.</p> <p>We will write to councils with more information about the project. Angus advised that we had a few nominees in mind from councils (possibly at SPTO level) and asked if HoPs were content for individual HoPs to be contacted directly. This was agreed.</p> <p>Review of the Planning Act The Department wrote to the Infrastructure Committee on 24 July indicating it intends to make the Planning Act 2011 (Review) Regulations (NI) 2020. The regulations set out the terms of the review and it is proposed that they will come into operation in October. Once the regulations are made, the aim is to publish the associated review report as soon as is practicably possible.</p> <p>Angus advised that the Minister was clear this was not a fundamental review of the Act. It will likely bring forward subordinate legislative changes. Councils will be consulted about proposed changes.</p> <p>SES funding SOLACE was written to on 24 July in relation to the pressure on SES following the increase in their volume of work. DfC has confirmed that it is not possible for the original transfer of functions grant to be adjusted.</p> <p>█ advised that some councils had already paid their share. Some councils have to make large budget cuts and so cannot afford this payment. It was agreed that HoPs need to take this away and discuss further.</p> <p>Planning Forum Very useful meeting of the Planning Forum on 8 September. Considering workshops to share best practice – initially with the statutory consultees and then joint ones with councils. The next</p>	
--	---	--

	<p>meeting will be held late October/November. After this, council reps can be added to the Forum.</p> <p>Planning Forum Sub-group Scott advised that the first meeting of the sub-group was held on Tuesday. A range of issues were discussed.</p> <p>Extension of time requests by statutory consultees Angus raised the issue of extension of time requests by statutory consultees. Scott advised that we are re-issuing guidance on updating the portal with extensions. Varied approach to this from councils and varying views – no consensus.</p> <p>Anonymous complaints There was some discussion around whether councils investigated anonymous complaints. There was a variety of responses as to how councils dealt with these. Consensus was that this was a matter for councils and the Department should not be involved.</p> <p>Permitted development rights PDR re telecoms, oil and gas, and EV charging. Angus advised that a package of changes should be brought to the Infrastructure Committee before the end of the month.</p> <p>Battery energy storage systems Scott advised that a Chief Planner's Update would be out in the next few weeks to clarify the position. [REDACTED] commented that this was a critical issue and pointed out that there may be implications for previous applications dealt with by councils.</p> <p>Meeting interrupted at this stage and to be re-scheduled.</p>	
--	--	--

**RESCHEDULED MEETING
THURSDAY 14 OCTOBER 2020 @ 2.30
by Zoom**

ATTENDEES:	
Angus Kerr	Chief Planner & Director, DfI Regional Planning Directorate
Alistair Beggs	Director, DfI Strategic Planning Directorate
██████████	Planning Manager, Lisburn & Castlereagh
██████████	Planning Manager, Antrim & Newtownabbey
██████████	Director of Planning & Building Control, Belfast City Council
██████████	Planning Manager, Derry City & Strabane
██████████	Planning Manager, Mid & East Antrim
██████████	Planning Manager, Ards & North Down
██████████	Planning Manager, Newry, Mourne & Down
██████████	Planning Manager, Fermanagh & Omagh
██████████	Director, Antrim & Newtownabbey
██████████	Planning Manager, Causeway Coast & Glens
In Attendance:	
Cathy Pringle	DfI Regional Planning Directorate (Minutes)

1.	Introduction	Actions
1.1	Angus welcomed those present. Apologies were received from Scott Symington, ██████████ ██████████	
2.	Action points	
2.1	Angus updated the group on the action points from the earlier meeting: Action point 1 - the Department to check what constraints are currently on Uniform with regards to flood mapping and climate change. Also to check datasets re industrial heritage and defence	

	<p>Meetings have been held with DAERA and SES. DAERA are looking at their approach and intend to include operational guidance in the wider ammonia strategy and will be going out to public consultation. █████ advised that there was no update on the 18 outstanding applications currently with DAERA. HoPs expressed their concern and disappointment with this situation.</p> <p>Planning conditions</p> <p>Alistair advised that the Department was currently considering the issue of who should monitor planning conditions set by the Department for RSD, called-in and legacy application and would welcome views. He advised that, across the water, all conditions fell to local councils but here there was often a different approach and this needed to be clarified. The view was expressed that LPAs did not always know why certain conditions had been imposed. While there was general acceptance that enforcement would fall to councils it was felt that monitoring and discharge of conditions should remain with the Department. █████ commented that old Article 40 agreements should be included also. █████ suggested that a paper should be prepared describing the extent of the issue and setting out options and a preferred approach for consideration at the next meeting. Alistair undertook to bring this paper back to the group.</p> <p>Development plans</p> <p>A paper is being prepared for the Minister about BMAP – Alistair apologised for the delay and indicated that we hope to be in a position to provide a substantive update at the next meeting. BCC’s independent examination will be starting soon. There was a discussion about making documents available to the public during the pandemic.</p> <p>█████ asked how minor/focused changes would be dealt with during the pandemic. Alistair undertook to discuss with the PAC and report back.</p> <p>█████ commented on the lack of guidance on how the process could work.</p>	<p>AP7</p> <p>AP8</p> <p>AP9</p>
<p>4.</p>	<p>Agenda item 4 – local government update</p>	
<p>4.1</p>	<p>█████ advised that he will be sending through the Issues Log and █████ will liaise about bringing it up to date.</p> <p>█████ asked about the inflationary fee uplift and charging for other services. Angus advised that the Minister had paused the uplift but that he would raise it again and report back at next meeting. Any fundamental changes to fees would probably require primary legislation and so would be more difficult to bring about. HoPs said they may write to the Minister on this issue and respond to the review of the Planning Act on it.</p>	<p>AP10</p> <p>AP11</p>

5.	Agenda item 9 – AOB	
5.1	<p>██████ raised the issue of GDPR and the portal system. The workaround that had been put in place to address the redaction issue was causing problems with third parties reviewing large plans. This has been raised by the SAOs. HoPs will report back if this is still a problem.</p> <p>██████ asked if there was any update on Brexit. Angus replied that DAERA were bringing forward border checkpoints and are taking the view they are PD.</p> <p>██████ mentioned that NIW sometimes bring forward conditions at RM stage which had not been mentioned at outline. Angus suggested this is an issue that HoPs could raise at the Forum meeting that they will be attending.</p> <p>██████ asked about the JR consultation that had come out. Angus is meeting Scott and Alistair to look at the questionnaire.</p>	
6.	Date of next meeting	
6.1	Next meeting scheduled for Thursday 17 December 2020.	

Summary of Action Points

No.	Detail	Action Owner
AP1	The Department to check what constraints are currently on Uniform with regards to flood mapping and climate change. Also to check datasets re industrial heritage and defence infrastructure. The Department to share the report from IT once it has been finalised.	Dfl
AP2	A further meeting of the reservoirs sub-group to be arranged. To include Zoom invite to all HoPs. This meeting to include an update on the Reservoirs Transfer of Functions Order. Completed – meeting arranged for 19 November.	Dfl
AP3	Letter from NILGA to Equality Commission to be shared with the group. Completed – letter sent 22/10/20.	Dfl
AP4	HoPs were to consider how HRAs are made available to the public by different councils and advise the Department. Once responses received from HoPs, the Department will report back at next SPG.	HoPs/Dfl
AP5	██████ to clarify the consultation process with SES. Completed – advice sent to members 22/10/20.	██████

AP6	Once Counsel advice is received re battery energy storage systems, the Department will issue a Chief Planner's Update.	Dfl
AP7	The Department to prepare a paper describing the issue re monitoring of planning conditions and setting out options and a preferred approach.	Dfl
AP8	The Department to provide a substantive update on BMAP at the next meeting.	Dfl
AP9	The Department to check how minor/focused changes would be dealt with during the pandemic.	Dfl
AP10	Issues Log to be updated and shared with the Department.	HoPs
AP11	Angus to raise the issue of an inflationary fee uplift again and report back at next meeting.	Dfl

STRATEGIC PLANNING GROUP

MINUTES OF MEETING THURSDAY 17 DECEMBER 2020 @ 10.30 by Zoom

ATTENDEES:	
Angus Kerr	Chief Planner & Director, DfI Regional Planning Directorate
Alistair Beggs	Director, DfI Strategic Planning Directorate
[REDACTED]	Planning Manager, Lisburn & Castlereagh
[REDACTED]	Planning Manager, Mid Ulster
[REDACTED]	Planning Manager, Antrim & Newtownabbey
[REDACTED]	CX, Fermanagh & Omagh
[REDACTED]	Planning Manager, Causeway Coast & Glens
[REDACTED]	Development Plan & Policy Manager, Belfast City Council
[REDACTED]	NILGA
[REDACTED]	Planning Manager, Derry City & Strabane
[REDACTED]	Planning Manager, Mid and East Antrim
[REDACTED]	Planning Manager, Ards & North Down
[REDACTED]	Planning Manager, Armagh, Banbridge & Craigavon
[REDACTED]	Planning Manager, Newry, Mourne and Down
[REDACTED]	Director, Antrim and Newtownabbey
[REDACTED]	Director, Armagh, Banbridge & Craigavon
In Attendance:	
Fiona McGrady	DfI Regional Planning Directorate
[REDACTED]	DfI Regional Planning Directorate (Minutes)

1.	Introduction	Actions
1.1	<p>Angus welcomed those present, including [REDACTED] from NI Fire and Rescue Service (NIFRS) who was present to talk about battery energy storage systems (BESS). It was agreed we would take [REDACTED] first.</p> <p>[REDACTED] advised the group the main concern for the NIFRS was in relation to safety issues. While there is no legislative requirement, it would be very helpful if NIFRS could be provided with early information on BESS (e.g. nature of hazards, quantities, modelling re loss of control, mitigation measures etc.). They are keen that these elements are taken into account at planning stage and would be happy to speak to any planning authority as necessary.</p> <p>[REDACTED] commented that a more formal response from the Department was needed, as well as guidance clarifying the issues.</p> <p>Angus advised that the advice from the Health and Safety Executive was that hazardous substance consents may not be required but that the Department is seeking legal advice on this. Angus agreed that a meeting between NIFRS, HSE, the Department and local government should be set up to discuss further. It was agreed [REDACTED] would be invited to represent LG in the first instance. HoPs will discuss further at their meeting 18 December and decide if [REDACTED] should invite any other HoP. He also noted the offer of the NIFRS to be contacted for advice at an early stage.</p> <p>Angus thanked [REDACTED] for attending.</p>	AP1
2.	Minutes and action points from the previous meeting	
2.1	<p>The minutes of the previous meeting were agreed.</p> <p>[REDACTED] commented that we needed to be careful that the minutes did not miss any action points.</p> <p>Apologies were received from Scott Symington, [REDACTED].</p>	
2.2	<p>Angus gave a brief update on the action points:</p> <ul style="list-style-type: none"> • Action point 1 – the issue of datasets on the planning portal will be dealt with later in the agenda. • Action point 2 – a further meeting of the reservoirs sub-group took place on 19 November. A note of the meeting was circulated to all heads of planning on 23 November. Positive updates in relation to the Transfer of Functions Order to enable DfI to proceed with full implementation of the Reservoirs Act and good progress on the Responsible Reservoir Managers 	

	<p>Status approach set out in DfI River's Technical Guidance Note 25.</p> <ul style="list-style-type: none"> • Action point 3 – copy of letter from NILGA to the Equality Commission was shared on 22 October. • Action point 4 – HoPs were to advise the Department how HRAs are made available. To date, only about 4 responses have been received. Angus requested that outstanding returns be made asap. • Action point 5 – [REDACTED] has now sent out clarification on the consultation process with SES. [REDACTED] advised that SES do not send assessments through the portal and it is up to each council to upload them. • Action points 6 – 9 will be dealt with later in the agenda. • Action point 10 – Issues Log to be updated and sent to the Department. [REDACTED] advised that he hoped to have this with the Department in January. • Action point 11 – Issue of an inflationary fee uplift. To be addressed at next meeting. 	
3.	Agenda item 3 – Departmental update	
3.1	<p>Angus advised the following:</p> <p>Constraint layers (action point 1 refers) A lot of work has been done on uploading constraint layers on the portal and DAERA and Rivers constraint layers are now available. An overview of the layers will be sent after the meeting.</p> <p>Ministerial Advisory Panel on Infrastructure The Ministerial Advisory Panel has now recommended an infrastructure commission for NI. The Minister is currently engaging with Executive colleagues in respect of the report to consider how they might best move forward to support the long term planning and delivery of infrastructure. We will keep you posted.</p> <p>Planning Engagement Partnership Now set up. Angus thanked those who had engaged. The Minister is fully behind this work, the first meeting of which took place on 21 October. This is a task and finish group, which will produce a report with recommendations and actions.</p> <p>Community Places are assisting the Department with delivery of this project. The next meeting is in January.</p> <p>Review of the Planning Act Department officials briefed the Infrastructure Committee on the Regulations on 30 September 2020. The Regulations were laid before the Assembly on 13 October and came into operation on 2 November. The aim is to complete the review and publish the associated review report as soon as is possible.</p>	AP2

Angus advised that a targeted stakeholder engagement exercise would be undertaken with regard to the review, to include councils, statutory consultees and other community, business and environmental representatives.

█████ asked what form this engagement will take. Angus responded that this would be more like a call for evidence to engender ideas. This should go out in the New Year, for possibly 8 weeks, subject to the Minister's agreement.

Angus agreed that it was important to engage with elected members on this work and would welcome any advice on the best way to achieve this.

Any recommendations flowing from the NIAO report will also be factored in, although the Minister does not wish to delay the review.

Planning Forum

Angus advised that since the sub-group meeting in September, he had met with ██████████ for a very useful meeting which highlighted some of the issues around performance.

A workshop was held 23 November with stat consultees, which looked at 2 topic areas flowing from the Planning Forum Action Plan - approach to case management and guidance/standing advice. Angus ran through some of the key points raised at the workshop.

Fiona advised that stat consultees were very keen to engage with councils and there was general agreement that training sessions by stat consultees would be very useful.

Angus suggested that one way to take these ideas forward is for stat consultees and councils to hold a joint workshop to hear council views on these areas. There was general agreement on that as a way forward.

The Planning Forum itself met on 24 November and it was agreed that 2-3 HoPs would be invited to join the Forum from its next meeting in February. It was agreed that HoPs would meet and provide names to the Department.

One of the key issues arising was how to agree what are priority applications. This needs further consideration.

Updated definition of flood plains in the SPPS

In relation to embedding 2080 epoch-based climate change

AP3

allowances in decision-taking, the Department is bringing forward an updated definition of flood plains in the SPPS. Officials will shortly seek the Minister's agreement to the preferred way forward, involving a targeted engagement with stakeholders, given the urgency to implement this measure.

DfE research

There has been a considerable rise in interest in this matter generally. The Minister has confirmed that her position on the SPPS policy is unchanged from that of her predecessors, which is, that it remains an appropriate and necessary precautionary approach.

DfE is reviewing its minerals and petroleum licencing policy and has commissioned research into the impacts of petroleum development in Northern Ireland. We are engaging with them.

Planning and housing sub-group meeting

As you will all be aware, a planning and housing sub-group met virtually on 6 October and a good discussion was had across all parties. A note of the meeting has been circulated and a follow-up meeting has been arranged for 20 January. The DfC Minister has announced the preparation of a new housing strategy and Angus advised that he has been nominated to represent DfI on the Strategy Project Board.

DfC and NIHE now appear to be content that they have worked through the procurement issues which were previously raised and DfC will shortly issue an amendment to their Housing Association Guide relating to social housing delivered via local development plans. NIHE will then move to issue an advice note on the delivery of affordable housing within a couple of weeks of the amendment being issued.

Permitted development

The Minister announced on 5 October her intention to bring forward changes to permitted development rights which will benefit businesses and the environment. The changes will allow upgrades on masts and antennae, enabling better coverage for mobiles and broadband; to allow shopkeepers to extend their property and loading bays; and expand recharging infrastructure for electric vehicles, without the need for planning permission.

The Minister also announced the removal of permitted development rights for oil and gas exploration.

The legislation has now been made and was laid in the Assembly on 30 November and will come into operation on 21 December.

Angus advised that a guidance note clarifying the Telecoms PD

AP4

process would be issued.

Telecoms PDR

The changes to telecoms primarily allow extensions to provide taller and wider existing masts and apparatus and antennae on buildings. New masts would still require the submission of a planning application.

The UK Government has published its latest guidance on 5G which addresses the concerns that have been raised around 5G and how it could affect people's health. This should help dispel misinformation about 5G.

Electric vehicle charging points PDR

These allow the installation of new charging points in off-street car parks; and replacement of existing, on-street charging points.

Extending the suspension of public events

The Regulations suspending the requirement to hold a public event as part of the pre-application community consultation process for major planning applications have been extended to 31 March 2021.

Battery energy storage systems (action point 6 refers)

Chief Planner's Update issued yesterday.

Further enquiries are ongoing on the issue of batteries needing hazardous substance consent and any updates will be shared. It is still good practice to consider the need for HSC at an early stage and if HSC is needed to process both applications in parallel.

██████ asked about applications already approved. Angus replied that approvals are presumptively valid and that any issues that arise should be dealt with by councils.

In Scott's absence, Angus gave an update on:

Environmental governance

Rather than re-starting the training in February as was previously advised we worked with ██████ to translate the Core EIA training to on-line delivery and were able to deliver the training over 2 half days – 26 and 27 November.

As before, the participation from across councils was very positive with 10 councils represented. The on-line version of the training is also IEMA accredited if any council wishes to secure formal evidence of accreditation from IEMA.

Very positive meeting took place of the Environmental Officers'

<p>Forum on 1 December. Only a couple of council staff couldn't make it but it was a very productive meeting.</p> <p>The current focus is on reviewing the EIA screening template which we hope to align with the second element of EIA guidance to be produced in the early part of next year.</p> <p>The first element of guidance on unauthorised EIA development has been re-drafted and is going through a legal review.</p> <p>NIEA and ammonia</p> <p>The ammonia issue continues to present difficulties in dealing with agricultural applications given the variance between some assessments conducted by SES and DAERA's advice based on their outdated protocol.</p> <p>There was an Assembly debate on ammonia in the middle of November which was tabled by the Green Party who called for a moratorium on the grant of planning permission for any development that proposed an increase in current levels.</p> <p>While an amendment to the motion was voted through the general feeling was that the motion should have been directed at DAERA.</p> <p>On the basis of recent correspondence between the 2 departments, we understand that DAERA will complete its work on its proposed ammonia strategy, including a review of its protocol, by the end of the year and then go out to public consultation.</p> <p>Alistair gave the following update:</p> <p>Equality Commission update</p> <p>Alistair advised that he, ██████████ met in September to discuss to Equality Commission guidance and it was agreed that a meeting should be set up between them and the Commission to set out concerns with the aim of achieving a sensible proportionate way of looking at these things. Alistair agreed to set this up in the New Year.</p> <p>Conditions on planning applications (action point 7 refers)</p> <p>Work is still ongoing on the paper detailing the approach to imposing conditions on planning approvals issued by the Department.</p> <p>Local development plans</p> <p>The LDP programme continues to advance with some councils taking more time to consider their positions. Discussions at the recent development plan working group provided information into the working timetables and councils should be encouraged to talk to the Department's plan oversight team and TPMU in order to</p>	<p>AP5</p>
---	------------

	<p>assist with planning work programmes.</p> <p>The hearings on the BCC IE have commenced and will resume in January.</p> <p>█ expressed concern that the people in the Department who are making representations on LDPs will then be the same people who are clearing them for adoption. Alistair acknowledged the dual role of the Department but expressed himself satisfied that that the situation was being appropriately handled.</p> <p>DPPN11 – Adoption Work has commenced on DPPN 11 – Adoption - which is the next practice note in the series and we will feed back in due course.</p> <p>BMAP (action point 8 refers) A submission has been prepared for the Minister’s attention; however, we are awaiting some legal advice which we expect shortly.</p>	
4.	Agenda item 4 – local government update	
4.1	█ advised that she is looking at the DAERA document on environmental governance and will liaise with the Department on any read-across. Angus advised her to speak to Brian Gorman about the GB environment bill.	
5.	Agenda item 9 – AOB	
5.1	None raised	
6.	Date of next meeting	
6.1	Next meeting scheduled for Thursday 18 March 2021.	

Summary of Action Points

No.	Detail	Action Owner
AP1	The Department to set up a meeting between NIFRS, HSE, the Department and local government to discuss the BESS issues. It was agreed █ would be invited to represent LG in the first instance. HoPs will discuss further at their meeting on 18 December and decide if █ should invite any other HoP.	Dfl/HoPs
AP2	An overview of the constraint layers on the portal will be sent to attendees.	Dfl
AP3	HoPs to provide 2-3 names to join the Planning Forum from its next meeting in February.	HoPs

AP4	The Department to issue a guidance note clarifying Telecoms permitted development changes.	Dfi
AP5	Alistair to set up meeting with [REDACTED] and Equality Commission.	Dfi

DRAFT