Making a Complaint on a Planning Issue

Community Places

March 2012
Community Places

Not-for profit voluntary organisation providing:

- advice to disadvantaged communities and individuals on all planning issues;
- support for Community Planning;
- community consultation and research; and
- advice to community groups on their building projects.
What is a Complaint?

• A complaint is any oral or written expression of dissatisfaction.

• This could be:
  • how Planning NI handled your query or correspondence;
  • how Planning NI processed a planning application; or
  • the contact you had with Planning NI staff.

• If you are unhappy with a planning decision on your planning application there is a separate procedure for appealing to the Planning Appeals Commission.

Please note landownership disputes are a legal matter and not a planning matter for Planning NI.
How to make a Complaint

- A complaint should be made to the Manager of the Divisional Planning Office within **six months** of you first becoming aware of matters which the complaint is regarding.

- The six month limit may be waived if there is good reason that the complaint could not be made within that time.
Types of Complaints

(a) Informal Complaints

- Staff members in any Local Planning Office will be able to deal with most informal complaints by telephone.
- The timescale to respond to a verbal informal complaint is 3 working days.

(b) Formal Complaints

- This is a two stage process:
  - **Stage 1:**
    - The complaint should be put in writing to the Planning Manager of the local area office which the complaint relates to or the Strategic Division in Planning NI headquarters.
    - The complaint should include the nature of the complaint and how you think the staff could have handled the issue better.
    - The Planning Manager will look into the complaint and respond to you within 15 working days. The Planning Manager will provide you with contact details of the Director if you remain dissatisfied.
Types of Complaints

Formal Complaints

- **Stage 2:**
  - Following the response from the Planning Manager (Stage 1) you can write to the relevant director who will review your complaint and respond to you.
  
  - Procedures for formal complaints (Stages 1 and 2)
    - The complaint will be acknowledged in three working days of receipt;
    - A full response will be issued in 15 working days;
    - If there will be a delay in these timescales Planning NI will let you know the reason and when you should expect a reply.
Planning NI - Commitment to Complaints

- Planning NI states that it will:
  - Deal with your complaint promptly and investigate your complaint fully and fairly;
  - Provide a full explanation of the circumstances;
  - Seek an early resolution; and,
  - If Planning NI is at fault a full apology will be issued and steps to remedy the situation will be sought where appropriate.
What to do if you’re still not satisfied

• If you are still not happy with the way Planning NI has dealt with your complaint after receiving your response from the Director of Planning you can make a complaint to the Ombudsman.

• You must use the **formal** complaints procedure within Planning NI **before** making a complaint to the Ombudsman.

• Complaints to the Ombudsman must be referred to the Ombudsman through an MLA of your choice, this should be done in writing.
The Ombudsman will not deal with complaints if:

- The action took place more than 12 months before the complaint was made to the MLA;
- The complainant has the right of appeal to the Planning Appeals Commission or if the case if going to tribunal or court;
- If it is clear at the outset that Planning NI has done nothing wrong;
- The complaint is about a Government policy or legislation;
- If the Ombudsman believes the actions taken by Planning NI was reasonable.
What does the Ombudsman do?

• The Ombudsman can review the Planning process in terms of the administration’s actions and its interaction with you.

• The Ombudsman aims to satisfy himself that:
  • The correct advice by Planning NI was provided;
  • Planning NI followed the correct procedures, policy, legislation and guidance;
  • Planning NI had regard to all the information available;
  • There was no delay in processing the application;
  • The relevant information and decision making is documented.
What the Ombudsman cannot do

• Overturn a planning decision made by Planning NI.
• Challenge a discretionary decision that had been taken without maladministration - for example a decision to grant or refuse a planning application.
• Intervene in an ongoing process - for example a planning application or enforcement action which has not been decided.
• Influence a planning application.
• Intervene to prevent a development from proceeding, pending the outcome of an investigation.
• Challenge the commencement of work on site where planning permission has not been granted.
• Investigate complaints related to civil matters.
• Discipline Planning NI staff (this is a matter for Planning NI to deal with).
• Consider a complaint that is about wider public interests - for example the impact of a number of apartments developed in one area.
• Award damages or compensation (this should be dealt with by the Courts).
Contacting your Local Planning Office

**Antrim, Ballymena, Carrickfergus, Larne And Magherafelt**
Area Planning Office
County Hall
182 Galgorm Road
BALLYMENA BT42 1QF

**Belfast Castlereagh and Newtownabbey**
Area Planning Office
Bedford House
Bedford Street
BELFAST BT2 7FD

**Ards, Lisburn, North Down and Down**
Area Planning Office
Rathkeltair House
Market Street
DOWNPATRICK BT30 6EA

**Armagh, Banbridge, Craigavon and Newry and Mourne**
Area Planning Office
Marlborough House
Central Way
CRAIGAVON BT64 1AD
Contacting your Local Planning Office

**Cookstown, Dungannon and South Tyrone, Omagh and Strabane**
Area Planning Office
County Hall
Drumragh Avenue
OMAGH BT79 7AF

**Fermanagh**
Area Planning Office
County Buildings
15 East Bridge Street
ENNISKILLEN BT74 7BW

**Derry and Limavady**
Area Planning Office
Orchard House
40 Foyle Street
LONDONDERRY BT48 6AT

**Ballymoney, Coleraine and Moyle**
Area Planning Office
County Hall
Castlerock Road
COLERaine BT51 3HS
Contacting the Planning Director

Ms Fiona McCandless
Director of Local Planning Division
Millennium House
17-25 Great Victoria Street
BELFAST BT2 7BN

Personal Assistant: Julie Maroadi
Tel: 028 9025 6528
Contacting the Ombudsman

• Address: The Ombudsman
  Freepost Bel 14 78
  BELFAST BT1 6BR

• Telephone: 0800 343424 (Freephone) or 028 9023 3821
• Fax: 028 9023 4912
• Email: ombudsman@ni-ombudsman.org.uk
• Website: www.ni-ombudsman.org.uk

• Or by calling in person: The Ombudsman’s Office
  33 Wellington Place
  BELFAST BT1 6HN
For further information about making a complaint please contact us:

2 Downshire Place
Great Victoria Street
BELFAST BT2 7JQ

Website www.communityplaces.info
Phone 028 9023 9444
Fax 028 9023 1411
Email info@communityplaces.info