



THE DELAY OF PLANNING PERMISSION APPLICATION OF TAHFIZ INSTITUTION IN SELANGOR

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Abstract

This paper investigates the delays in planning permission applications for Tahfiz institutions in Selangor. Malaysia experiences a significant number of illegal constructions that are built without the required planning licences, primarily due to insufficient monitoring and enforcement by local authorities. The absence of supervision results in unapproved constructions that can potentially endanger safety and hinder urban planning initiatives, and this includes the illegal construction of Tahfiz Institutions. There is no proper regulation on the development of Tahfiz Institution in terms of its Planning Permission until the year 2020. In 2021, the Selangor state has established a guideline on the Legalisation of Private Religious Schools (Tahfiz Institution) after the wake of the tragic incident of a deadly fire at Tahfiz Darul Quran Ittifaqiyah in September 2017. A purposive sampling method is chosen for expert interviews. Through interviews with two professional town planners responsible for preparing submissions, two town planning officers from the local authority involved in evaluating planning permissions, and an owner of a Tahfiz institution who has experienced the submission process, as well as a review of secondary data, several key factors were identified: regulatory complexity, a lack of awareness and understanding of technical requirements, inefficiencies in government initiatives, resource constraints, and extended timelines due to technical requirements. The study highlights the significant implications of these findings for the development and operation of Tahfiz institutions. Simplifying regulatory processes, enhancing awareness and educational efforts, improving implemented guidelines, providing financial support, and strengthening coordination among agencies are recommended to address these challenges. Correspondingly, the study acknowledges its limitations, including its focus on the planning permission process. By addressing the identified factors, policymakers can create a more supportive environment for the growth and sustainability of Tahfiz institutions in Malaysia.

Keywords: Urban planning, planning permission, one-stop centre, illegal construction, regulatory process

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INTRODUCTION

Development control is one of the crucial components of urban and regional planning as it helps to regulate and manage the land development and buildings in an area. In Malaysia, development control is submitted through a planning permission process at the respective local authority. It is a mechanism to maintain standards and processes laid down by legislation, which regulates the development of land and buildings (Ifediora, 2019; Marzukhi et.al., 2019). It is a legal procedure that has provided local authorities with the power of jurisdictions' responsibilities to access the ideas and policies and implement town planning concepts to actual development. The way authorities in Malaysia control development is through the Planning Permission application. Tasantab (2016) highlights that planning permission or construction permits are crucial for systematic urban development. Any development project or construction must first obtain planning permission and go through the whole process until it receives a Certificate of Completion and Compliance (CCC). This is done to verify that the premises are suitable and secure for the occupancy of people.

Tahfiz institutions in Malaysia have experienced extensive growth and development over the years, and they have played an invaluable part in the preservation and education of the Quran. Tahfiz schools are institutions that are accountable for educating students who can memorise and recite the whole Al-Quran (Hassan et. al., 2015). In recent years, the Malaysian government and private organisations have strengthened their support for these institutions, acknowledging their significance in the development of religious scholars and the promotion of Islamic education in the nation. Furthermore, the government and pertinent authorities have initiated the process of prioritising safety concerns in the construction of Tahfiz institution buildings to ensure a secure and conducive learning environment, especially in terms of safety measures.

In order to ensure the safety of Tahfiz institution buildings, all construction projects must undergo a comprehensive development procedure. The government is particularly concerned about the planning permission for Tahfiz institutions, especially in Selangor. PLANMalaysia@Selangor established a comprehensive guideline in 2021 to address the issue of illegally constructed Tahfiz schools in the state. The objective of this paper is i) to study the process and procedure of submission for planning permission for Tahfiz Institution, and ii) to investigate the delay factors in preparation of planning permission for Tahfiz Institutions, with the focus on ensuring compliance to safety established standards and regulations.

The outcome of this paper will identify different issues which may linked to the submission of planning permission such as the competency of submitting person, land ownership issues, related policies and requirements by authorities, financial challenges and other core issues that affect the owner of Tahfiz institution from submitting the planning permission.

LITERATURE REVIEW

Development Control

Based on the Town & Country Planning Act 1976 (Act 172) “development” means the carrying out of any building, engineering, mining, industrial, or other similar operation in, on, over, or under land, the making of any material change in the use of any land or building or any part thereof, or the subdivision or amalgamation of lands; and “develop” shall be construed accordingly. Development encompasses any activities related to construction, engineering, mining, or industrial operations on land, as well as alterations in land or building use, and dividing or amalgamation of land. Development control is the process of controlling and regulating how land, buildings, and other physical structures are built and used so that the public interest is served and protected. The goal of development control is to ensure that new buildings fit in with the area around them and meet the standards needed to protect the health, safety, and the environment. Rabe (2011) stated that development control is a legal procedure that has provided local authorities with the jurisdiction and responsibility to translate ideas and policies of town and country planning into reality. The process includes preparing and implementing development plans such as the local plan and granting or objecting to planning permission in the area under its localities.

Planning Permission

Planning permission is a crucial step in the development control process, ensuring that new developments are in line with the intended purpose of the area. Planning permission is the written approval granted by a local government or planning authority to permit the development or use of land, buildings, or infrastructure in accordance with the provisions of local planning policies and regulations. Based on the Town and Country Planning Act 1976 (Act 172) as stated in section 19(1): “No person, other than a local authority, shall commence, undertake, or carry out any development unless planning permission in respect of the development has been granted to him under section 22 or extended under subsection 24(3)”. In the context of Malaysia, planning permission is a legal process which will be granted by local authorities where the process will be through the One Stop Centre (OSC) at each respective local authority (Marzukhi et al., 2019). The latest OSC 3.0 Plus manual (2019) has classified planning permissions into three categories which are small, medium, and large-scale planning permission. The categorisation of planning permission categories according to the level of intensity and risk associated with development is essential in establishing the approaches used in processing the planning permission approval. This includes the number of days needed by the local authority for processing and the list of necessary documents to be submitted with the application.

The classification of planning permission for a Tahfiz institution may be classified as either small or medium scale, depending on the size and scale of

the project. This is because a small-scale Tahfiz school may need the construction or conversion of a structure to accommodate a limited number of students. This aligns with the requirements for the small category, which includes residential projects of up to 4 units or the development of a single residential unit. An example of a small-scale project would be the creation of a Tahfiz centre in a residential area, which can accommodate less than 10 students and does not cause substantial changes to land use or infrastructure. In contrast, a medium-scale Tahfiz institution would include the construction of a more extensive complex with many buildings that can accommodate a greater number of students. This may also require incorporating public facilities and enhancements to the surrounding infrastructure. An example of this would be the construction of a Tahfiz school comprising dormitories, classrooms and recreational spaces on a land area of less than 100 hectares. This development would have a population effect of fewer than 10,000 and would need the approval of a layout plan. Consequently, it would fall within the medium category. A project of this type may also include vital public amenities and comply with the minimum plot ratio and density standards set by the local planning authority. The planning permission is the initial phase in the development process, which is preceded by the approval of building plans, engineering plans for roads and drainage, and landscape plans. This critical phase is to ensure that the proposed development adheres to all pertinent regulations and standards prior to the submission of more detailed and technical plans for review. The authority and technical agencies will give feedback during the approval process and the local authority has the right to approve, reject or postpone the decision.

One Stop Centre

In Malaysia, the process of obtaining planning permission for all types of developments or construction projects is streamlined through the latest One-Stop Centre 3.0 PLUS (OSC 3.0PLUS) system (Kamaruddin et. al., 2020). This system is managed by the Department of Local Government under the Ministry of Housing and Local Government (KPKT). The One-Stop Centre (OSC) system in Malaysia is a dynamic process that responds to current development situations and advancements in information technology which is continuously evolving. The objective of this development is to improve the efficacy and responsiveness of the planning permissions submission and approval processes. The transition from manual to entirely digital submissions, the reduction in approval periods, and the reduction in the number of agencies involved are all significant improvements. The Prime Minister announces improvements to one-stop centre procedures efforts to expedite the development approval period are believed to be able to indirectly improve the investment environment in addition to increasing the country's competitiveness (Bernama, 2023). The objective of these updates is to enhance the country's competitiveness and establish a more

favourable investment environment by expediting the approval process for development. Based on Manual 3.0 PLUS (2019) on 25 Processes and Procedure of Development and Implementation of OSC, there are six main processes, as shown in Figure 1.

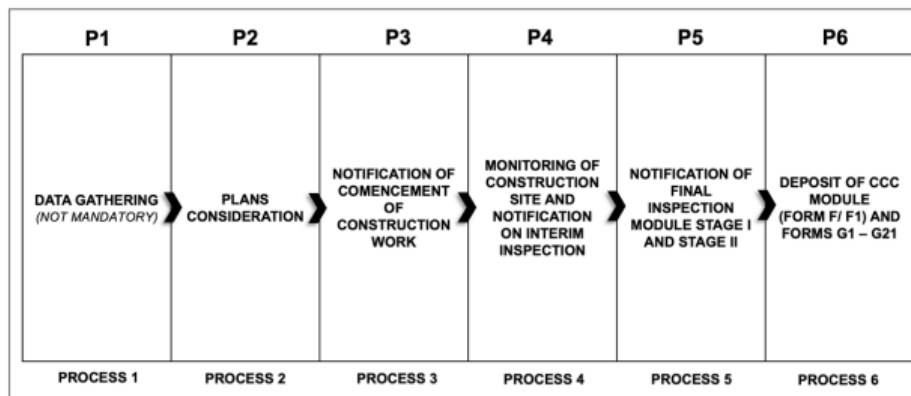


Figure 1: Six (6) main processes of OSC 3.0 PLUS Process
(Source: OSC 3.0 PLUS Manual, 2019).

Factors Influencing the Delay of the Planning Permission Process

Delay is the act of postponement or prolonging the expected timeframe for something to occur or to be completed. In line with Tariq and Gardezi (2023), delay is defined as the period of time that goes beyond the designated contract date. It refers to circumstances in which activities, processes, or events do not occur as planned, causing a delay or interruption. Delay in construction projects is one of the most recurring issues in construction projects worldwide where it can be defined as the lateness of completion, either exceeds the date specified in the contract or the date decided by the parties for delivery of the project (Tawfek & Bera, 2018). Delays may arise from a variety of variables including unexpected events, lack of resources, complicated procedures, or reliance on external factors.

Most researchers have highlighted several factors that can influence the delay, including financial difficulties, poor coordination between clients and consultants, incomplete submissions, and incompetence of consultants. The planning permission process is a critical component of urban development and infrastructure projects, as it serves as the gateway for the implementation of necessary initiatives. Based on past research, delays in the development that include in designing, planning and construction stages are common and can significantly hinder the progress of a project. To address this challenge, it is essential to identify the key factors that contribute to the delay in this stage. By identifying and addressing the key factors that contribute to the delay in the planning permission process, stakeholders can facilitate the timely implementation of necessary urban development and infrastructure projects,

ultimately supporting economic growth, community well-being, and environmental sustainability.

RESEARCH METHODOLOGY

This study conducts qualitative research, which involves an in-depth interview with the local authority's professional town planners and planning consultants. The interview is described as an information-gathering device that is normally conducted face-to-face or through a phone call interview. The interviewing mode can be defined as a conversation with the purpose of specifically gathering information (Berg, 2004). To get at the essence or basic underlying structure of the meaning of an experience, the narrative interview or people's story or experience is the primary method of data collection. Prior to interviewing those who have had direct experience with the process, the researcher usually explores his or her own experiences, in part to examine dimensions of the experience and in part to become aware of personal prejudices, viewpoints, and assumptions (Berg, 2004; Merriam, 2009). Therefore, the in-person interview is chosen to be one of the methods to collect data from the professional town planners who are experienced in the process of planning permission for Tahfiz Institution. The two primary types of interviews are structured and semi-structured, each with its unique characteristics and applications.

To ensure the integrity of all data and information during the interview session, voice recording and note-taking techniques are used. The two techniques are used to enhance the reliability of the data and to ensure that there is no missing data throughout the information-gathering session. The researcher used an interview method to obtain information about the factors that influenced the delay of planning permission application of Tahfiz institutions, to align with the study goals and objectives. Therefore, five interviewees who were involved in the planning permission application were selected, as well as the professional town planner who prepared the submission, the town planning officer at the local authority responsible for the evaluation of planning permission, and the principal or owner of Tahfiz institutions who went through the submission process. During the course of the interview session, several questions need to be modified in order to align with the interviewees' expertise and understanding.

For the data analysis, a thematic analytic technique is used to investigate the perspectives and experiences of different stakeholders. The aim is to understand the elements that impact the efficiency of planning approval. This paper aims to gain a comprehensive understanding of the perception and impact of the various parts of the planning permission process on its delay factors through a thorough analysis and identification of themes. This thematic analysis will provide in-depth and precise insights into the complexity of the planning permission process, emphasising important areas that should be improved and informing policy and practice. According to Kiger and Varpio (2020) the

thematic analysis process typically consists of six key steps, they are: 1) Familiarisation with Data; 2) Generating Initial Codes; 3) Searching for Themes; 4) Reviewing Themes; 5) Defining and Naming Themes; and 6) Producing the Report/ Manuscript.

The goal of analysing qualitative data from interview sessions is to identify patterns, themes, and relationships in the data that can help answer the research questions. The method that will be used to analyse the qualitative data from the interview session is content analysis which involves identifying the interview transcripts. This will be done using the computer-assisted qualitative data analysis software Nvivo, which will identify and categorise themes, and summarise the data to identify patterns and relationships.

ANALYSIS AND DISCUSSION

Planning permission is a critical step in the construction process, and delays in obtaining it can have significant consequences for the overall project timeline and budget. This chapter presents the findings from an expert interview with town planners at the local planning authority. These planners are responsible for preparing submissions, while others at the authority evaluate and investigate the factors that contribute to delays in obtaining planning permission. Five primary themes were identified, each consisting of subthemes that describe the elements that contribute to these delays. These main themes are summarised in Figure 2. The objective of this review was to understand specific components of the planning permission procedure that experts had identified as the cause of delays and to examine how these variables impacted the approval process for Tahfiz institutions. Additionally, a comprehensive qualitative commentary is included in the findings section.

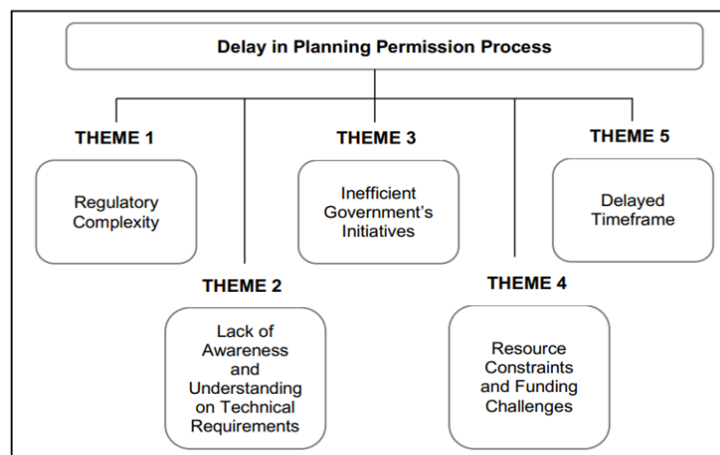


Figure 2: The illustration of the main theme of factors influencing delay in the planning permission process

Theme 1: The Regulatory Complexity

The subject matter explores the complex and extensive layers of legislation and administrative processes that are responsible for causing delays in obtaining planning permission for Tahfiz institutions. Applicants often face a hard environment due to the need to adhere to several requirements from various agencies, which often results in extended approval periods. Tahfiz institutions must navigate through an extensive number of processes, each with its own distinct needs and norms, due to the complex structure of the regulatory framework and process.

Theme 2: Lack of Awareness and Understanding of Technical Requirements

The efficient implementation of the Tahfiz submission procedure often faces significant challenges because of an extensive absence of knowledge and understanding among Tahfiz owners about technical requirements. Many of these owners, who are usually non-experts or are laymen with no experience in development processes, have challenges in understanding and dealing with the complex requirements and regulations of the authority. This challenge of lacking knowledge not only hinders their ability to adhere to fundamental requirements but also leads to delays and inefficiencies in the submission procedure.

Theme 3: Inefficient Government Initiative in the Legalisation of Tahfiz Institution

For the legalisation of the Tahfiz program in Selangor, there are two levels of involvement, they are the state government, which acts as the policy maker, and the local government, which serves as the implementer. The state government of Selangor has implemented specific guidelines through PLANMalaysia@Selangor to standardise Tahfiz institution submissions. These guidelines have been in place since 2021.

After the implementation of the guidelines, feedback from town planners- consultants and the local authorities, indicates that these rules have not been helpful, as the submission process still requires adherence to the same standards as other types of submissions. It can be said that the guidelines are too general, and most requirements are stated as being subject to the local authority. Relating to this, government initiatives should include the establishment of specific, clear guidelines to streamline the planning process, ensuring that all stakeholders have a transparent and consistent framework to follow, thereby reducing uncertainties and delays. Gallent et al. (2019) emphasised that identifying the key drivers of delays is crucial, as it would enable policymakers and stakeholders to implement targeted measures to enhance the planning system's efficiency and expedite project delivery.

Theme 4: Resource Constraints and Funding Challenges

Most Tahfiz institutions encounter significant financial challenges and resource constraints. These institutions frequently operate on very limited budgets, relying substantially on community support and donations. This financial instability could hinder their capacity to improve facilities, deal with very important consultants and professionals for compliance and submissions or meet regulatory requirements.

It shows that Tahfiz Institutions may have difficulty covering the expenses associated with the preparation of detailed plans and documents that are required by the authorities, which can result in delays in project implementation due to a lack of sufficient funding. Furthermore, the infrastructure and services that are offered by Tahfiz institutions may be compromised by resource constraints, which may impact their overall quality and sustainability. This shortage or insufficiency of resources can be related to financial challenges, which can delay the planning permission process. Toor and Ogunlana (2008) highlighted that delays in construction projects were primarily caused by shortages or insufficiencies in the industry's infrastructure, particularly in terms of resource supply. Financial challenges can impede various stages of a construction project, including the crucial planning permission process. When the Tahfiz owners face financial insufficiency, they may struggle to pay the consultant fees, and planning permission fees to the authority, and to comply with the regulatory requirements in ensuring safety standards.

Theme 5: Delayed Timeframe of Planning Permission

The timeline for the planning permission process is typically related to the category of the planning permission. As explained in the Manual OSC 3.0 PLUS, which was reviewed in the literature, planning permissions fall into three main categories- small scale, medium scale, and large scale. Each category is assigned a recommended timeframe for the duration of the procedure, starting with the submission of the application until its approval. Based on expert interviews, most Tahfiz institutions fall under the medium-scale category, which includes free-standing buildings such as bungalows on individual lots.

The timeline for obtaining planning permission for Tahfiz institutions varies greatly depending on multiple factors. In a seamless preparation process, when documentation is completed and the owner is prepared to engage and appoint professionals, plans and reports can be completed around two months. However, land ownership issues may greatly increase the timeframe of project approval. Additionally, the issues of right of way, such as passing through an Orang Asli village might cause the procedure to be delayed by up to a year. This is because the planners and Tahfiz owners need to coordinate with other agencies to resolve the land matters or legal right of way to the site.

The findings reveal several key factors contributing to the delay in planning permission applications for Tahfiz institutions. These factors are as follows: 1. The submission procedure is complicated by the extensive and complex regulatory framework, which includes several requirements and involves different technical agencies even though it has special guidelines on the legalisation of the Tahfiz programme. This complexity often leads to bureaucracy and delays in obtaining the necessary approvals; 2. Numerous Tahfiz owners and operators have insufficient knowledge and comprehension of technical requirements, resulting in delays in the preparation of documents for the submission of planning permissions. The lack of awareness emphasises the need for focused outreach efforts to provide Tahfiz owners with the necessary information regarding the planning permission process from preparation to endorsement of plans; 3. Despite efforts to streamline the legalisation process for Tahfiz institutions, the Tahfiz guidelines that are provided have not effectively simplified the submission process. Many requirements remain subject to local authority discretion, resulting in the typical submission of planning permission that causes further delays since Tahfiz cannot comply with the technical requirements; 4. Financial limitations and resource constraints also hinder Tahfiz institutions' ability to appoint professional consultants and meet regulatory requirements. These constraints contribute to delays as institutions struggle to allocate the necessary resources for compliance; 5. The timeline for planning permission approval is often extended due to technical requirements and development issues such as land ownership and the need for special additional permits. These delays are exacerbated by bureaucratic inefficiencies and a lack of coordination among the relevant agencies.

Furthermore, the findings have significant implications for the development and operation of Tahfiz institutions in Selangor. The regulatory complexity and lack of awareness among Tahfiz owners highlight the need for simplified processes and increased educational efforts to ensure compliance. The inefficiency of government initiatives suggests that clearer and more streamlined guidelines are necessary to facilitate the legalisation process. Resource constraints and funding challenges underscore the need for financial support and innovative funding mechanisms to help Tahfiz institutions meet regulatory requirements.

CONCLUSION

In conclusion, this paper has identified several factors contributing to delays in the planning permission process for Tahfiz institutions in Selangor. By addressing these factors through simplified regulations, increased awareness, clearer guidelines, financial support, and improved coordination, the development and operation of Tahfiz institutions can be significantly facilitated. However, this paper has several limitations. First, it focuses solely on the

planning permission process, excluding the post-approval stages. Second, the study relies on qualitative data from expert interviews, which may not fully represent the situation in other local authorities in Selangor. Thus, future research can explore the post-approval stages of the development process and expand the study to include local authorities to provide a more comprehensive understanding of the issues that are faced by Tahfiz institutions across Malaysia.

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