



Explanatory Notes on Applying for Planning Permission, Approval of Reserved Matters & other Planning Consents



An Agency within the Department of the

Environment

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Explanatory **Planning Permission,**
Notes on **Approval of Reserved Matters**
Applying for **& other**
Planning Consents



1. General

Please read these notes carefully before filling in your planning application forms, they may help you and avoid unnecessary delay. You may also find it helpful to call at your local Planning Office to discuss your proposals before you complete your application form (the office addresses are given at the end of this leaflet).

Remember it is better to make an appointment.

If your application does not include all the relevant information it will be returned to you as invalid and you will be asked to submit a **new** planning application.

This booklet is simply a guide and is not an exact statement of the law. If when you have read it you are still in doubt, you should contact your Divisional Planning Office where the staff will be happy to advise you.

Remember no works should commence on site until full planning permission has been granted.

2. How do I know if I need Planning Permission?

Certain types of development do not require planning permission. In addition the Planning (General Development) Order (NI) 1993 grants planning permission for certain types of development. In the case of householder development, the Agency's publication "**Your Home and Planning Permission**" may help you decide if you need to make a planning application. If you want the Planning Service to confirm if your proposal would be lawful i.e. it does not require planning permission, you may apply for a Certificate of Lawfulness for a Proposed Use or Development by submitting:

- 4 copies of Form LDC2;
- 4 copies of the appropriate drawings;
- supporting evidence as necessary; and
- the correct fee

to your Divisional Planning Office.

You may wish to refer to Information Leaflet 6 "Certificates of Lawful Use or Development", which is available from your local Divisional Planning office or the Planning Service website www.planningni.gov.uk

3. Who can make a Planning Application?

Anyone can apply for planning permission to develop land. However if you apply for planning permission your application must be accompanied by a Certificate stating the applicant's legal interest in the property or declaring that notice of the application has been given to those known to have such an interest (see Q23 of the Form P1).

If you are the owner occupier of the property you should complete Certificate A. If not, you should complete one of the remaining Certificates B, C or D, depending on your legal interest in the property.

Where you do not own all or part of the property complete Form P2A and serve it on the landowner.

Please note any person who knowingly or recklessly issues a certificate containing a statement which is false or misleading is guilty of an offence and liable on summary conviction to a fine.

Remember a Certificate is not required when applying for approval of Reserved Matters.

4. Which form do I fill in?

There may be different forms for different types of development or additional forms to complete in particular cases. The table at the end of these notes should also help and indicates the number of copies required.

Before any application can be decided there are various bodies which **must** be consulted and their views taken into account. This can include the Roads Service, the Environment and Heritage Service, the Environmental Health Office, and the Water Service. In addition a copy of the main application form and submitted drawings must, by law, be placed on the Planning Register (see Note 9).

As a result it is necessary for you to send to the Planning Service 7 copies of your application form (P1).

5. Can I renew a time-limited permission?

If you apply before the time limit expires, you can submit an application to renew your planning permission. It is recommended that you provide the necessary information by submitting the Form P1 and include with your application the correct fee and fresh copies of any plans previously submitted (see Note 6 and the table at the end of this booklet), and where appropriate an Environmental Statement (see Note 13).

Remember there is no automatic right to the renewal of a planning permission.

6. Can I submit a repeat application for the same site?

Planning Service may decline to determine an application for planning permission if the proposal is the same or substantially the same as a previous planning application, for the same site which, within a period of 2 years, has been refused under Article 31 of the Planning (NI) Order 1991, or has been dismissed on appeal to the Planning Appeals Commission.

7. What should I enclose with my application form?

The documents needed with your application will depend on the type of development. Please see the table at the end of these Notes.

Location Plans

- an accurate, up-to-date Ordnance Survey based site location plan of 1:1250 or 1:2500 scale clearly showing the sheet number and the boundary of the application site outlined in red. The site for an application for approval of Reserved Matters must not extend beyond that granted Outline planning permission. Any other adjoining land owned or controlled by the applicant should be outlined in blue.

Any **public** right of way within or adjoining the proposed development should be shown in green (see Note 15).

Other drawings

Additional drawings are normally required for most types of planning applications (for development in rural areas, refer to Q9).

Where drawings are needed, they must be not less than:

- | | |
|---|-------|
| • Site Layout/Block Plan | 1:500 |
| • All Existing and Proposed Floor Plans | 1:100 |
| • All Existing and Proposed Elevations | 1:100 |
| • Relevant Cross-sections | 1:200 |
| • Existing and Proposed Levels | 1:200 |

Plans and drawings are open to public inspection. They must be clear and show accurately:

- the existing features of the site including any existing buildings and car parking provision, trees and hedgerows and how they may be affected,
- the precise siting of proposed buildings (and any septic tank) within the site,
- proposed layout of the site including garaging, car parking and landscaping,
- the amount of floorspace to be used for different purposes,
- elevational details of what the development will look like,
- materials to be used in the external finish of walls and roofs and their colour,
- details of proposed boundary treatment,
- means of access to the site or alterations to the access, (See DCAN 15)
- new work, which must be distinctively coloured or hatched from existing works,
- the location of any protected species of which you are aware eg. a badger sett or a rare plant,
- any public right of way within or adjoining the site should be indicated in green.

If your application is for a change of use of part of the premises you must include:

- floor plans and / or site plans showing the extent of the existing and proposed uses.

If your application is for new residential development with the exception of proposals for single dwellings in the countryside, please refer to Planning Policy Statement 7 and 'Creating Places' Achieving Quality in Residential Developments. You must include a site appraisal/analysis and a resulting concept plan and statement placing the proposed development in its context and demonstrating how the design and layout have been conceived.

Remember all drawings must be in metric units (as specified in The Unit of Measurements Regulations 1995).

Street Layout

If your proposal includes laying out or construction of streets under the Private Streets (Amendment) (NI) Order 1992 then you should also include with your application:

- 1:500 scale drawings showing the layout of streets and footpaths, construction standards and details of proposed storm and foul drainage.

Street layouts should be designed in accordance with the guidance set in the DOE/DRD publication 'Creating Places' Achieving Quality in Residential Developments and is available from Publications Orderline, Corporate Document Services, Savile House, Trinity Arcade, Leeds, LS1 6QW, Tel: 0113 399 4040.

It is advisable to discuss your proposals with Roads Service prior to detailed submission, if approval is required under the Private Streets (Amendment) (NI) Order 1992.

Remember all plans submitted should have a title, a reference number, North point and scale. If plans are for illustrative purposes which you do not want to form part of the decision, you must make this clear by marking them “for information only”.

8. What is Neighbour Notification?

Your neighbours must be told about your application to give them the opportunity to make representations if they so wish.

Your failure to correctly identify notifiable neighbours is likely to delay consideration of your application.

To help the Planning Service to notify the correct people you must complete the neighbour notification section of the application Form P1 (Q24), giving the addresses of all occupiers of adjoining premises, provided they about the

application site.

Occupiers of buildings which would adjoin the boundary of your site but for an entry or a road less than 20 metres wide are also regarded as neighbours.

In deciding on the application the Planning Service will only consider those comments which have to do with planning matters and will not consider anything else. Non planning matters include:

- Issues covered by other regulations, for example licensing and building control;
- Private property rights, for example, disputes about boundaries or access;
- The reasons why a developer is making the application or their activities elsewhere;
- Moral issues related to the proposal.

Remember that applications cannot be considered until all the relevant information has been submitted.

9. Planning Register

The Planning Service is required by law, to place a copy of every application for planning permission, together with copies of any plans and drawings, environmental statements etc. associated with the application on the Planning Register.

The Register is available for **public inspection** during normal office hours at your Divisional Planning Office. As well as the Register being available for public inspection, you have the right to inspect the application file. The amount of information on the file will, of course, be dependent on the stage the application has reached. To inspect the file, you must make an appointment with the Open File Correspondence Unit at the relevant Divisional Planning Office.

10. Development in Rural areas

Rural Policy

If you are proposing to develop in a rural area you should consult the Planning Service publications:

“A Planning Strategy for Rural Northern Ireland”

“A Design Guide for Rural Northern Ireland”

which are available at any Divisional Planning Office and are also on the website www.planningni.gov.uk

In rural areas you are likely to be required to submit additional information such as:

- site layout drawing 1:200
- site analysis 1:500
- scheme design drawings
- photographs of the site from various vantage points.

In the case of replacement dwellings the dwelling to be replaced must be contained within the site outlined in red on the site location plan and be coloured green and clearly annotated “dwelling to be replaced”.

11. Protected Routes

The Department restricts the number of new accesses and controls the use of existing accesses on to Protected Routes.

Advice on which roads are in the protected routes network and are subject to this policy of access control is available from your local Divisional Planning Office.

N.B. A field gate is not an access for the purposes of this policy.

12. Other Considerations

When proposing to undertake a development there may be other statutory authorities to be contacted in addition to the Planning Service:

Archaeological Monuments, Listed Buildings & Designated Areas of Nature Conservation:

If your proposal would have an impact on any of these, you should contact the Environment & Heritage Service to discuss your ideas. It might for instance be necessary to undertake, under licence, some exploratory excavation to decide the worth of the archaeological remains before a decision can be taken on your planning application.

Building Regulations:

You may also need to apply for approval under the Building Regulations, on forms available from your District Council.

Water and Sewerage Service:

If you need a water supply and sewerage services, a separate application should be made to the local office of the Water Service. An application form can be obtained from any office of the Water Service. If your proposal involves a septic tank, a separate approval is required from the Environment and Heritage Service, Commonwealth House, 35 Castle Street, Belfast, BT1 1GU.

Effluent Disposal:

If the proposed development will result in a discharge of effluent to a waterway underground stratum or tidal waters, the approval of the Environment and Heritage Service is needed under the Water Act (NI) 1972. Application forms can be obtained from the Environment and Heritage Service, Commonwealth House, 35 Castle Street, Belfast BT1 1GU.

Watercourses:

It is an offence to alter or obstruct any watercourse including the piping of a watercourse without the approval of the Department of Agriculture.

Other Services:

If your proposal will need the provision of gas, electricity or telephone services, you should notify the appropriate service as soon as possible.

Protected Species:

Certain species are protected by law and it is illegal to interfere with their habitat without special permission. If you believe there may be protected species on the site you should contact the Environment and Heritage Service, Commonwealth House, Castle Street, Belfast, Tel. 028 90 546453.

Remember in all cases it is advisable to consult with the Water Service, District Council etc. on all relevant issues as early as possible.

13. Unauthorised Developments

Planning Permission should always be sought **before** commencing development, although it is possible to apply retrospectively.

Where development has already been carried out without planning permission and your application is to regularise the position, you must apply for Full Permission.

However, if the relevant time for enforcement action has expired, you may want the Planning Service to confirm if the works that have already taken place are lawful. You may apply for a Certificate of Lawfulness for an Existing Use or Development by submitting:

- 4 copies of Form LDC1;
- 4 copies of appropriate drawings;
- supporting evidence; and
- the correct fee

to your Divisional Planning Office.

For further information, refer to Information Leaflet 6 “Certificates of Lawful Use or Development”, which is available from your local Divisional Planning Office and the Planning Service website www.planningni.gov.uk

Remember if planning permission is refused this may result in the works having to be removed at your expense.

14. Do I need to submit an Environmental Statement?

Before making a decision on applications for certain types of developments, which have a significant effect on the environment because of their nature, size or location, the Planning Service must take into consideration environmental information.

The environmental information includes the Environmental Statement prepared by the applicant, and any further information requested by the Department, and any representations made about the likely environmental effects of the proposed development.

The Planning (Environmental Impact Assessment) Regulations (NI) 1999, specify in Schedule 1 those projects for which the submission of an Environmental Statement is mandatory and in Schedule 2 those projects for which an Environmental Statement is required if the proposal is likely to have significant environmental effects.

If in doubt you may ask the Planning Service for a determination as to the need for an Environmental Statement. The Planning Service will give you a determination within 4 weeks. You may also ask the Planning Service to give an opinion as to the information to be provided in the Environmental Statement i.e. to scope the Environmental Statement. Scoping will take place in 6 weeks.

For more information please refer to the Regulations and to Development Control Advice Note 10, which is available on the website www.planningni.gov.uk

15. Public Rights of Way

Where a **public** right of way exists within or adjoining the site of the proposed development this must be clearly identified in **green** on all location or site plans.

A **public** right of way is a highway which any member of the public may use but which is not a highway maintained by a government department.

It is usual to retain a **public** right of way and where appropriate, incorporate the path as an integral part of the proposed development.

Where however, it is proposed to divert or extinguish a **public** right of way, you should discuss this at an early stage with your District Council. Depending on the circumstances they may consider making an Order to divert or extinguish the right of way.

You should be aware that the Department also has powers to make Orders diverting or extinguishing rights of way to enable development to be carried out.

If you are in any doubt about the existence of a **public** right of way, or if you need further information, you should consult the District Council concerned.

16. How much will my application cost?

A fee is payable with most applications for planning permission. The amount varies depending on the type of development. Details of fees are set out in the leaflet “**Planning Fees - Explanatory Note for Applicants**” included in this pack or available from your local Planning Office and the website www.planningni.gov.uk

Please note that fees may change annually around April.

If the application relates to the carrying out of certain works to provide access or secure greater safety, health or comfort to an existing dwelling house for a disabled person to whom section 1 of the Chronically Sick & Disabled Persons (NI) Act 1978 applies, then the application may be exempt from any planning fee.

17. Before sending in your application ask yourself:

Do I need advice from the Planning Service about my proposal or on making the application?

Am I applying for the correct type of permission?

Have I completed the correct forms fully & accurately?

Have I enclosed **all** the correct documentation, number of copies and necessary detail?

Have I enclosed the correct fee?

Have I signed all the forms that should be signed?

Have I included **all** the addresses of neighbours to be notified?

Do I need to consult other bodies (see Note 12)?

It is your responsibility to ensure that you have submitted all the relevant information to allow your planning application to be considered.

Remember that failure to comply will result in your planning application being immediately returned to you.

18. Where do I send my completed application form?

Completed Application forms together with a fee and any necessary plans and drawings, should be sent to your Divisional Planning Office. The addresses are given at the end of this leaflet and on the back of the information pack.

Receipt of your application and fee will be acknowledged.

The Planning Service will either write directly to you or to your agent, if you have one.

19. How long will it take to reach a decision?

In considering your application, the Planning Service must follow certain procedures such as advertising, neighbour notification and consultation with statutory bodies. In addition the Planning Service must consult the local District Council and take its views into account before coming to a decision on any application.

Although the District Council is consulted, the final decision rests with the Planning Service.

The various processes can take up to two months or more depending on the complexity of the application. Nevertheless if you have not:

(a) received a decision on your application within two months or

(b) received notice that your application is considered to be of major importance to which special procedures apply (Article 31 of the Planning (NI) Order 1991),

you have the right within six months to appeal to the Planning Appeals Commission at the following address, which will decide the application.

Planning Appeals Commission
Park House
87-91 Great Victoria Street
Belfast, BT2 7AG.
Tel. (028) 9024 4710

Before exercising your right of appeal, you may wish to contact your Divisional Planning Office to check the current situation regarding your application.

20. What can I do if my application is refused or granted subject to conditions?

You may within 6 months of the date of your decision notice appeal in writing to the Planning Appeals Commission (PAC).

The decision of the PAC in appeals is final and binding on the Planning Service. Appeals may be dealt with by making written representations (with or without an accompanied site visit) or you may request a hearing (informal or formal) at which you or your representative can present your case.

Further information and a booklet “Procedures for Planning Appeals” is available from the Secretary to the PAC at the address given in Note 19.

21. What can I do if I am dissatisfied with the service?

If you are not satisfied with the standard of service in your Divisional Planning Office you should, in the first instance, discuss this with the officer who has been dealing with you. If you remain dissatisfied you can write to the Divisional Planning Manager at the relevant office who will investigate your complaint.

A reply will be sent to you within 15 working days.

If you are still not satisfied you can write to the Chief Executive of the Planning Service at the following address. A reply will be issued within 15 working days.

Planning Service Headquarters
Clarence Court
10-18 Adelaide Street
Belfast,
BT2 8GB.

An information leaflet on the Planning Service's Complaints Procedure is available from Divisional Planning Offices.

**Forms and drawings / plans
to be included with your planning application**

O = Outline
F = Full

Type of application	Forms Needed	No of Copies	Drawings Needed	No of Copies
(a) Planning Application (general)	P1	7	Site location plan Floor plans Elevations Block/Site layout plan	7 O&F 7 F 7 F 7 F
(b) Householder	PHD	5	Site location plan Floor plans Elevations Block/Site layout plan	5 5 5 5
(c) Farm Dwelling (in a Green Belt)	As at (a) plus P1C	3	As at (a) Farm Boundary map Site analysis	7 O&F 4 O&F 4 F
(d) Hazardous Substances Consent	Separate guidance notes are available from the Planning Service Special Studies Unit (Tel: (028) 9025 2884).			
(e) Quarrying / Mineral Extraction	As at (a) plus P1B	3	Set out on form P1B	
(f) Advertisement Consent	A1	4	Site location plan Elevations Sign details	4 4 4
(g) Listed Building Consent	LB1 P2	4 1	Site location plan Floor plans Elevations	4 4 4
(h) Conservation Area Consent	PCAC1 P2	3 1	Site location plan Details	4 4
(i) Nursery Home/Creche	As at (a) plus P1D	2		

Processing a Planning Application

Application received

Planning fee received

Checked

Validated

Copies sent to statutory consultees
(Roads Service, Water Service etc.)

Advertisement placed in local press
and / or neighbours notified

Representations / objections received

Site inspected

Report prepared

Report considered by Development Control Group Meeting

Opinion on application formed

Schedule prepared for consultation with local District Council

District Council consulted

Decision taken

Decision Notice prepared and issued

Those who made representations / objections notified

Useful Publications

(available on the website www.planningni.gov.uk)

Planning Policy Statements (PPS)

- PPS 1 General Principles
- PPS 2 Planning and Nature Conservation
- PPS 3 Development Control: Roads Considerations
- PPS 3 Access, Movement and Parking (Draft)
- PPS 4 Industrial Development
- PPS 4 Industry, Business and Distribution (Draft)
- PPS 5 Retailing and Town Centres
- PPS 6 Planning Archaeology and Built Heritage
- PPS 7 Quality Residential Environments
- PPS 8 Open Space, Sport and Recreation (Draft)
- PPS 9 Enforcement of Planning Control
- PPS 10 Telecommunications
- PPS 11 Planning and Waste Management
- PPS 12 Housing in Settlements (Draft)
- PPS 13 Transportation and Land Use (Draft)

Development Control Advice Notes (DCAN's)

- DCAN 1 Amusement Centres
- DCAN 2 Multiple Occupancy
- DCAN 3 Bookmaking Offices
- DCAN 4 Restaurants, Cafés and Fast food Outlets
- DCAN 5 Taxi Offices
- DCAN 6 Unallocated
- DCAN 7 Public Houses
- DCAN 8 Housing in Existing Urban Areas
- DCAN 9 Residential and Nursing Homes
- DCAN 10 Environmental Impact Assessment (revised)
- DCAN 11 Access for people with disabilities
- DCAN 11 Designing for an Accessible Environment (Draft)
- DCAN 12 Planning Controls for Hazardous Substances
- DCAN 13 Creches, Day Nurseries and Pre-school Playgroups
- DCAN 14 Siting and Design of Radio Telecommunications Equipment (Draft)
- DCAN 15 Vehicular Access Standards 2nd Edition