

DIRECTION TO ALL DISTRICT COUNCILS

THE PLANNING (NOTIFICATION OF APPLICATIONS) DIRECTION 2017

The Department for Infrastructure makes the following Direction, in exercise of powers conferred on it by Articles 17 and 18 of the Planning (General Development Procedure) Order (Northern Ireland) 2015¹.

Commencement

1. This direction comes into operation on 1st December 2017.

Interpretation

2. In this Direction—

“the 2011 Act” means the Planning Act (Northern Ireland) 2011²;

“assessments” means any Flood Risk assessments, Environmental Impact assessments, Retail Impact assessments, Transport assessments or any other assessments that may be submitted with the application;

“council” means district council;

“the Department” means the Department for Infrastructure;

“Development Management Regulations” mean the Planning (Development Management) Regulations (Northern Ireland) 2015³;

“the GDPO” means the Planning (General Development Procedure) Order (Northern Ireland) 2015;

“local development plan” shall be construed in accordance with section 6(1) of the 2011 Act;

“major development application” means development which belongs to the category of major development as prescribed in regulation 2(1) of the Development Management Regulations;

“pre-application material” means any material submitted with the planning application as prescribed by section 27 of the 2011 Act and regulations 4 and 5 of the Development Management Regulations;

“requisite notice” means notice in the appropriate form set out in Schedule 1 to the GDPO or in a form substantially to the same effect;

¹ S.R. 2015 No.72

² 2011 c.25 (N.I.)

³ S.R. 2015 No.71

“road” is that which is defined by Article 2 of the Roads (Northern Ireland) Order 1993¹;

“significant objection” means an extensive or important challenge or disagreement;

“statutory consultee” means an authority or person with whom the council or Department must consult in accordance with Article 13 of the GDPO 2015;

Information to be given to the Department

3. — (1) Where the council proposes to grant planning permission for development falling within any of the descriptions of development listed in the Schedule to this Direction, it must send the Department the following information:

- (a) a copy of the application (including copies of any accompanying plans, drawings, statements, assessments, pre-application material and any other supporting information);
- (b) a copy of the requisite notice;
- (c) a copy of any representations made to the council in respect of the application;
- (d) a copy of any report on the application prepared by the council; and
- (e) a copy of a statement, setting out the councils reasons for proposing to grant planning permission, in cases where-
 - i. the application would significantly prejudice the implementation of the local development plan’s objectives and policies;
 - ii. the application would not be in accordance with any appropriate marine plan adopted under the Marine Act (Northern Ireland) 2013; and /or
 - iii. a significant objection has been received by a statutory consultee or Government Department.

(2) Where the council holds the information set out in sub-paragraphs (1)(a)–(e) on its website, it may comply with some or all of the requirements to provide this information to the Department by means of an e-mail to the Department containing a link, or a series of links, to the relevant pages on the council’s website.

¹ S.I. 1993/3160 (N.I. 15)

Restriction on grant of planning permission

4. The council must not grant planning permission for development falling within any of the descriptions of the development listed in the Schedule to this Direction before the expiry of a period of 28 days, beginning with the date notified to them by the Department as the date of receipt by the Department of the information specified in paragraph 3.
5. If, before the expiry of the 28 day period referred to in paragraph 4, the Department has notified the council that it does not intend to issue a direction under section 29(1) of the 2011 Act, in respect of that application, the council may proceed to determine the application.
6. The Planning (Notification of Applications) Direction 2015 dated 23 March 2015 shall cease to have effect from 1st December 2017.

Sealed with the Official Seal of the Department for Infrastructure on 10th November 2017.

(L/S)

ANGUS KERR
A senior officer of the Department for Infrastructure

SCHEDULE

DESCRIPTION OF MAJOR DEVELOPMENT FOR WHICH APPLICATIONS MUST BE NOTIFIED TO THE DEPARTMENT FOR INFRASTRUCTURE

1. A major development application which would significantly prejudice the implementation of the local development plan's objectives and policies.
2. A major development application which would not be in accordance with any appropriate marine plan adopted under the Marine Act (Northern Ireland) 2013¹.
3. Significant objection by a Government Department or Statutory Consultee to a major development application;
 - (i) Development Affecting a Road
Development which has been the subject of consultation with the Department under Article 13 of the GDPO where it has raised a significant objection against the granting of planning permission or has recommended conditions which the council does not propose to attach to the planning permission.
 - (ii) Development in vicinity of major hazards
Development which has been the subject of consultation with the Health and Safety Executive for Northern Ireland under Article 13 of the GDPO where the Health and Safety Executive has raised a significant objection against the granting of planning permission or has recommended conditions which the council does not propose to attach to the planning permission.
 - (iii) Nature Conservation, Archaeology and Built Heritage
Development which has the potential to:
 - (a) affect a marine conservation zone designated under the Marine Act (Northern Ireland) 2013;
 - (b) have an adverse effect on a Northern Ireland priority habitat or priority species²;
 - (c) have an effect on a Natura 2000 site as designated under the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995³;
 - (d) have an effect on an Area of Special Scientific Interest designated under Article 28 of the Environment (Northern Ireland) Order 2002⁴;
 - (e) have an effect on a World Heritage site appearing on the World Heritage List kept under the 1972 UNESCO Convention for the Protection of World Cultural and Natural Heritage⁵;

¹ 2013 c.10 (N.I.)

² Section 3(1) of the Wildlife and Natural Environment Act (NI) 2011

³ S.R. 1995 No. 380 relevant amendments are S.R. 2004 No. 435; S.R. 2007 No. 345; S.R. 2009 No. 8 and S.R. 2011 No. 216.

⁴ S.I. 2002 No. 3153 (N.I.7)

⁵ See Command Paper 9424

- (f) affect a site or setting of any historic monument as defined under Article 2 of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995¹ or an area which contains archaeological remains or historic park, garden or demense; or
- (g) affect a listed building as defined under section 80 of the 2011 Act,

where the relevant Department or Statutory Consultee on being consulted by the council under Article 13 of the GDPO has indicated that the development may adversely affect such a site and has raised a significant objection against the granting of planning permission, or has recommended conditions which the council does not propose to attach to the planning permission.

(iv) Flooding

Development which has been the subject of consultation with the Department of Agriculture, Environment and Rural Affairs (DAERA) under Article 13 of the GDPO where DAERA has raised a significant objection against the granting of planning permission or has recommended conditions which the council does not propose to attach to the planning permission.

¹ S.I. 1995 No. 1625 (N.I.9)