



Department of the  
**Environment**  
[www.doeni.gov.uk](http://www.doeni.gov.uk)

**COMMENTING  
ON A  
PLANNING  
APPLICATION**  
(Revised August 2012)

**INFORMATION LEAFLET 3**

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## **Background**

This leaflet will give you advice on how to become involved in the development management planning process and to assist you in making a representation on a planning application. It also explains what we do with your comments. It is simply a guide and is not intended to be a formal legal document. If, when you have read it you are still in doubt, you should contact your local Area Planning Office where staff will be happy to give you any help you need.

The purpose of the planning system is to facilitate and manage development and the use of land in the public interest and to ensure that development takes place in ways which will contribute to a quality environment and meet economic and social aspirations.

Our aim is to help you become involved in the planning process, particularly the development management procedure. Publicity for planning applications, linked with opportunities for public comment and local Council consultation, are important parts in our decision making process.

## Publicity for planning applications

If you are affected by a development proposal, you will have a chance to consider what is proposed, and how it will affect you. You also have the opportunity to make your views known to us before we make a decision on the application.

To help you we will:

- advertise all applications in at least one local newspaper (consents to display advertisements are not advertised);
- write to people who occupy buildings on land adjoining the application site boundary and which are also within 90 metres of it;
- make the application and associated documentation, including consultation replies, representations made by interested people and the consideration being given to the application, available to view on the Public Access website via the Planning Web Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk))
- hold planning clinics in certain towns where you may inspect applications and associated plans, maps, drawings and environmental information on the Public Register (by appointment only);
- make the application file available to view by appointment at the Area Planning Office. The amount of information on the file will, of course, be dependent on the stage the application has reached;
- take account of all relevant representations we receive; and
- give reasons for our decision to those who make representations to us about the proposal.

## **What you should do if you are affected by a development proposal**

It is often the uncertainty about what is proposed that causes people to be concerned or to object.

If you are concerned about a development proposal, you should discuss the proposal informally with the person who is making the application (who may be a neighbour) to confirm the details of what they are proposing. You may also view the application, plans and other associated documents on the PublicAccess website via the Planning Web Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)). Alternatively you may visit the local Area Planning Office or make an appointment at a planning clinic to inspect the application and plans on the Public Register.

**An appointment will be required to visit a planning clinic or to view an open file in the local Area Planning Office. It is always advisable to make an appointment before any visit to the local office.**

If, after speaking to the applicant or inspecting the plans you still have concerns or points you want to make to us, you should submit your views to the Area Planning Office. Representations should normally reach us as soon as possible and certainly before Key Stage 2 (see section on **How do we make the decision?**) of the process in order to receive detailed consideration. You may wish to visit the Planning NI Web Portal for more information.

## Your comments

In an effort to improve the overall accessibility to the planning process, all interested parties, including any member of the public, may view the application plans and other associated documents on the PublicAccess website or request to view the application file and note progress. Representations, including letters of support or objection, will therefore be available for public scrutiny.

In giving your views you should concentrate on relevant planning matters. It is important to remember that when we take a decision on an application, we can only consider those comments that are planning matters. Any complaints regarding staff, application processing, enforcement proceedings or requests for information should be forwarded under separate cover. If such material is contained within the representation it will be removed and dealt with under the relevant procedures.

The main issue for us is whether the proposed development of the site is acceptable in planning terms and is in the public interest. We also have to consider relevant planning policy and the effect the proposal might have on others, and on other interests, such as amenity of residents, the countryside, road safety, buildings or places of historic or architectural importance, and a wide variety of other matters relating to the environment.

To give you some guidance the following are matters which the Department **cannot** take into account:

- issues covered by other regulations, for example, licensing and building control;
- private property rights, for example, disputes about boundaries (such as the encroachment of foundations onto a neighbours property;

overhanging of an extension etc...) or access (such as access through a neighbour's property during construction or for maintenance);

- the reasons why a developer is making the application or their activities elsewhere; and
- moral issues related to the proposal.

To help us deal with your comments, please quote the reference number of the planning application when making your comments and set out clearly those matters which you want us to consider when we make our decision.

## **What happens when you comment on an application?**

It is important that when you express a view, you explain clearly the reasons for your view.

It is also important to identify yourself when making representations as it may seriously affect the weight attached to your comments if you do not, particularly if they concern your own circumstances or your own property.

We will aim to acknowledge your representation within five working days of receiving them. The acknowledgement will confirm that we will consider your representation as part of the decision making process. It will also detail the key stages of the planning process and give an indication of the general timescale for the application to reach each key stage. These timescales are indicative as the actual time taken is dependant on the complexity of the application and the material issues raised, on a case by case basis.

Progress can be checked at any stage by logging onto the Planning Web Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)),

opening the link to the PublicAccess website and entering the planning application reference number. Alternatively you may also contact the Area Planning Office.

We will tell you about our decision when it is made and provide reasons for that decision.

If the person who is making the application appeals our decision to the Planning Appeals Commission (PAC) your representation on the application, which are already publicly available, will also be forwarded to the PAC for consideration by them, as part of the appeal process. The decision of the PAC on an appeal is final.

## **What do we do with your comments?**

We make decisions on planning applications taking account of:

- published planning policy documents including strategic, operational and local policies;
- the development plan for the area;
- any other relevant planning matters (see section on **Your comments** above); and
- representations we receive from neighbours, local people, other interested parties and elected representatives including the local Council.

As already indicated, comments which concern neighbour disputes or that are made for moral reason (often about bookmakers' shops, public houses and amusement arcades) are not relevant planning matters.

We cannot negotiate on your behalf with the person making the application. However, when we consider an application, we may need to suggest changes to the proposed development to make it acceptable in

planning terms, although we cannot insist that it should be changed. We must issue a decision on all planning applications as submitted or amended. Our decision can be either a refusal or a permission which can have conditions attached.

## **What if the application is amended?**

Sometimes the person applying may amend an application while we are considering it. When the amendment is significant we will tell neighbours and/or advertise the amendment. We will also notify anyone who has submitted representations so that they can consider the change and comment on the amended proposal.

## **What about the effect on my property?**

If you think a proposed development is going to affect the enjoyment of your property, we accept that this can be a very sensitive issue. We will take into account issues such as:

- loss of sun and daylight;
- the effect on your privacy;
- overbearing or crowding effect;
- noise, disturbance and smells.

This is not a definitive list.

In order to decide between public and private interests, the basic question we consider is whether the proposal would harm matters of public interest, such as residential amenity, road traffic safety or historic buildings, which should be protected in the public interest.

## **How do we make the decision?**

There are a number of stages in processing a planning application before it reaches a final decision. They are as follows:

### **Key Stage 1**

Validation, neighbour notification, advertisement and consultation with statutory agencies and, if necessary, other organisations. During this time there is very little material on the application file. The full details of the application including any plans, maps, drawings, environmental information etc which accompany the application will be made available to view on the PublicAccess website via the Planning NI Web Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)). Copies of all consultation replies and any representations or objections received will also be made available on the website upon their receipt.

### **Key Stage 2**

Discussion at an internal Development Management Group meeting, at which a preliminary opinion will be formed to present the application to the next meeting of the local Council's Planning Committee.

However, those applications considered of a straightforward non-contentious nature will be circulated to the Council on a weekly list of applications received under the Streamlined Application process. These applications can be determined without the need to formally place them on the monthly schedule to the Council provided the application is to be approved, there is no formal request from a Councillor to bring the application before the Council, the application has attracted no objections and the proposal meets all relevant planning policies and material considerations. Therefore Key Stages 3 and 4 do not apply to Streamlined Applications.

It is also possible that an opinion may not necessarily be formed on the application at the first available Development Management Group meeting as there may be information outstanding which is required to allow the group to form a preliminary opinion. In that instance the application will be discussed at subsequent meetings of the Group.

### **Key Stage 3**

Presentation of the application to the Council on a publicly available schedule or list of applications, including the Department's preliminary opinion. The schedule which will be produced two weeks in advance of the Council meeting will be made available for viewing on the Planning NI Web Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)). Streamlined Applications will not be included in the schedule.

### **Key Stage 4**

Local Council meeting to discuss the application and consider the Department's preliminary opinion.

### **Key Stage 5**

Post Council stage. If the Council agree with the Department's opinion, a decision should normally issue within 2 weeks. If the Council disagrees it can take longer, depending on whether or not the decision is deferred at the Council's request. This may mean further consultation and a repeat of Key Stages 2 – 4.

If we refuse planning permission, or if the applicant is unhappy with a condition attached to an approval, he or she may appeal to the Planning Appeals Commission (PAC), which is independent from the Department. If we have not made a decision on the application within 2 months the applicant may appeal directly to the PAC. The decision of the PAC on appeals is final.

If you object to a planning proposal there is no procedure within the current planning process to initiate a planning appeal against a decision to grant planning permission. However, if you are not satisfied with the procedures we have used to reach our decision, or with the standard of service you have received, you can:

- make a complaint (see our leaflet **Making a Complaint**);
- refer the matter to the Assembly Ombudsman where you believe there has been maladministration; or
- seek leave for a judicial review of the planning decision.

If you have made a representation on a proposal we will notify you about the decision and explain the reasons for taking that decision.

In the case of major developments which are dealt with using the special procedures in Article 31 of the Planning (NI) Order 1991, the nature of the proposal or of issues raised by representations may mean that we have to ask the PAC to hold a Public Local Inquiry. This means the PAC can consider all relevant issues, including all representations and objections submitted, and give us a report, which we carefully consider. The final decision is however for the Department. In most cases we will follow the recommendations in the PAC's report of the Inquiry, but there may be cases where we disagree with the recommendation. We will however give reasons for whatever decision we reach.

## **Our Commitment**

We are committed to giving a quality service to all interested parties involved in the development management planning application process. Everyone involved in the process will have the procedures

explained, including the key stages, and will have their representations, including objections, considered.

## **Other Information**

If you would like more information about any part of the development management process or the matters covered in this leaflet, please contact your local Area Planning Office. Contact details for each office and the district planning teams located in each are listed on the following webpage:

[http://www.planningni.gov.uk/index/about/local\\_area\\_planning\\_offices.htm](http://www.planningni.gov.uk/index/about/local_area_planning_offices.htm)

Remember an appointment must be made should you wish to see the planning application file. It is always best to make an appointment before you visit the local office.

## **Data Protection Privacy Statement**

The Department has a duty under the Data Protection Act to look after your personal information and to keep it safe at all times. Any representations you make on a planning application will be published to the website but we will not publish, or provide copies of, your personal telephone numbers, your email address or sensitive personal data which might be included in your representations. However, all contents of the file will be available to view at the Department's Area Planning Offices.