Explanatory Notes on Applying for Planning Permission, Approval of Reserved Matters and Other types of Planning Consent.

Introduction
The purpose of this guidance is to help applicants understand the type and extent of the information that will be required from them when applying for planning permission or for other types of planning consent. It will also seek to ensure that all the relevant information needed to determine an application has been submitted from the outset.

It is important to note that this guidance is not an exact statement of the law. If, when you have read this note, you are still in doubt you should contact your local Council for further advice.

When is planning permission required?
Certain types of development do not require planning permission. In addition the Planning (General Permitted Development) Order (Northern Ireland) 2015 grants planning permission for certain small scale development\(^1\). If you wish to confirm whether your proposal requires permission you may apply for a Certificate of Lawfulness for a Proposed Use or Development. Application form LDC2 should be completed and the form provides further information on what is required for your application to be processed.

Who can make a planning application?
Anyone can apply for planning permission to develop land. You do not need to have any legal interest in the land to which the application relates when you apply for planning permission, nor do you require the consent of the owner. However, if you apply for planning permission your application must be accompanied by a Certificate of Ownership which states an applicant’s legal interest in the land. If you do not own

\(^1\) Further advice can be found in Development Management Practice Note 3, ‘Meaning of Development and the Requirement for Planning Permission.’
the land to which the application relates, you are legally required to give notice of the making of the planning application to the owner of the land.

**Which form should I complete?**

**For most types of applications for planning permission - Form P1**
Whilst not prescribed in legislation, this form can be used for making an application for most types of planning permission including:

- Outline Planning Permission;
- Full Planning Permission;
- Reserved Matters Applications;
- Renewal of Planning Permission and
- Applications for Mineral Workings

The P1 form provides information on certain supplementary forms that may be required with your application depending on your proposal.

**For applications for Householder development - Form PHD.**
This form should only be used for applications seeking full planning permission for works to alter/extend a dwelling or other development for domestic purposes within the curtilage of a dwelling.

**Permission to develop land without compliance with conditions previously attached - Form RVC1**
This form should be used for applications for planning permission (full) submitted under Section 54 of the Planning Act (Northern Ireland) 2011.
Other types of consent

You may need one or more of the following consents either without needing to apply for planning permission or in conjunction with a planning application.

Listed Building Consent - Form LBC 1
Listed building Consent is required before the carrying out of any work for demolition, alteration or extension of a listed building (including internal works or objects attached to the structure), which would affect its character as a building of special architectural or historical interest. It is important to note that you may also be required to apply for planning permission for external and substantial works.

Conservation Area Consent - Form PCAC 1
This form is to be used only for applications for consent to demolish, whether in whole or in part, unlisted buildings within a conservation area. ‘Building’ includes any structure or erection and any part of a building. This means items such as walls, fences, gates, railings, flights of steps are buildings for the purposes of Conservation Area Consent.

Advertising Consent - Form A1
Under the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 certain outdoor advertisements require consent before they can be displayed. Applicants should refer to the Regulations for details. It is a condition of the Regulations that before the advertisement to which the consent relates is displayed, the permission of the owner of the land or building or other person entitled to grant permission must be obtained.

Hazardous Substances Consent - HSC Form
Hazardous substances consent is required for the presence of a hazardous substance on, over or under land unless the aggregate quantity of the substance(s) present is less than the controlled quantity for that substance (Section 108 of the Planning Act (Northern Ireland) 2011). An application for consent must be accompanied by a completed HSC Form which is a declaration of land ownership.
Certificate of Lawful Use or Development Forms LDC 1 and LDC 2

These forms should be completed when an applicant is seeking a written determination that an existing or, a proposed use of land, operational development, or activity in breach of a planning condition is lawful.

What should I enclose with my application form?
The Planning Act (Northern Ireland) 2011 and the Planning (General Development Procedure) Order 2015, set out the statutory minimum information that must be provided. This includes:

- A written description of the development.
- The postal address of the land to be developed.
- The name and address of the applicant should be provided and where applicable the name and address of the agent.
- A plan sufficient to identify the land to which the application relates and that shows the land in relation to its surrounding locality, in particular neighbouring land.
- A plan identifying any neighbouring land owned by the applicant.
- A Certificate of Ownership (Section 42 of the 2011 Act). The purpose of this certificate is to inform all concerned who is in actual possession of the application site and without such information the application will not be processed further.
- 3 additional copies of the application forms / plans and the appropriate application fee.
- A pre-application community consultation report, an access statement and/or a design and access statement as appropriate.

Ideally plans identifying the site and/or neighbouring land should be Ordnance Survey based site location plans of 1:1250 or 1:2500 scale. Whilst not specified by legislation the convention for identifying the application site is to outline the site boundary in red ink and where the applicant owns neighbouring land standard practice is to outline this land in blue.
Plans Required
Whilst the above information sets out the statutory minimum information that must be submitted to accompany a planning application, often additional information will be required. Fully annotated detailed drawings to an appropriate scale will in most cases be necessary. These are often indicated on the relevant application form.

What is Neighbour Notification?
Notification of the proposed development to any identified neighbours on neighbouring land is now a statutory requirement. As such, it is a legal requirement to notify identified occupiers to give them an opportunity to make representations if they so wish. Failure to identify occupiers on the application form could result in considerable delay to the processing of the application.

The Planning (General Development Procedure) Order (NI) 2015 states that “any identified occupier on neighbouring land” must be notified of development proposals. The definition of ‘neighbouring land’ is: “land which directly adjoins the application site, or which would adjoin it but for an entry or road less than 20 metres in width and ‘identified occupier’ is defined as the ‘occupier of premises within a 90 metre radius of the boundary of the proposed application site’.

Once your application has been received and validated any identified occupiers will be notified of your proposal and invited to make representations.²

Pre-application Discussions and Processing Agreements
Pre-application discussions (PADs) are considered to be fundamental to ‘front loading’ the new development management system³. This front loading will help all parties, both to prepare an application to a high standard and to establish an agreed

² Further advice can be found in Development Management Practice Note 14 ‘Publicity and Neighbour Notification.’

³ Further advice can be found in Development Management Practice Note 10, ‘Pre Application Community Consultation (and Pre – Application Discussions)’. 
course and timetable for determining a development proposal. It is therefore often helpful to discuss your proposal with the council before formally submitting your application. Details of arrangements for doing so should be on your local council’s website.

To help create the conditions for a more efficient and high quality decision making process, performance agreements may be made available to developers proposing major developments where it is appropriate to do so. A processing agreement is essentially a framework for project managing a complex planning application. The pre-application stage is the most appropriate and effective point to conclude the terms of a processing agreement. Whilst not a statutory requirement, processing agreements will formalise communication between the planning authority and the developer and other partners to bring about early engagement on projects, more collaborative working, project leadership and community involvement.

Pre-application discussions should identify upfront the information to be required in support of an application and when it will be submitted and considered. Those involved should ensure any requirements for additional information are necessary, proportionate and are clearly scoped to avoid unnecessary costs to applicants and public bodies. Likewise, submissions should be focussed and fit for purpose.

**Major or Regionally Significant Developments**

The majority of major developments will be dealt with by the relevant council. However certain developments may be considered to be regionally significant, whereby the Department will be the planning authority who determines such applications.

**Proposal of Application Notice**

If your application is for a major or regionally significant development, as prescribed within the Schedule to The Planning (Development Management) Regulations (NI) 2015, you should submit a ‘Proposal of Application Notice’ (PAN) at least 12 weeks prior to submitting a planning application for the proposal. The PAN should set out
how an applicant proposes to engage and seek the views of the community on the proposed development.

**Pre-Application Community Consultation.**

If an application is for a major or regionally significant development, applicants must submit a pre-application community consultation report together with their planning application. The purpose of the report is to provide details of the consultation that has been undertaken with the local community on the development proposal.

The report should provide a detailed account of the extent of consultation with the community on the proposed development. It should also detail how comments received from the community have been responded to indicating if any changes or mitigating measures have been included in the proposal.

Where a pre-application community consultation report is required, it is essential that a copy is submitted along with the planning application, as without it the application will not be considered.

**Design and Access Statement**

A design and access statement explains the design principles and concepts that have been applied to a proposal.

A Design and Access Statement will be required to be submitted along with an application for planning permission for:

(a) Development which is major development
(b) Where any part of the development is in a designated area\(^5\), development consisting of:
   (i) The provision of one or more dwelling houses or

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\(^4\) Further advice can be found in Development Management Practice Note 10 ‘Pre Application Community Consultation (and Pre – Application Discussions)’.

\(^5\) A designated area is defined as a World Heritage Site, an Area of Outstanding Natural Beauty, Conservation Area, or an Area of Townscape Character or Village Character.
(ii) The provision of a building or buildings where the floor space created by the development is 100 sq m or more.

A design and access statement\(^6\) is also required to accompany all Listed Building Consents (LBC) as per Regulation 4 of The Planning (Listed Building) Regulations (Northern Ireland) 2015.

**Environmental Impact Assessment**

The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 set out the circumstances when an Environmental Impact Assessment (EIA) may be required. You may also seek a ‘screening opinion’ as to whether or not an EIA is required. If an EIA is required, a further ‘scoping opinion’ may be sought from the planning authority to establish the scope of assessment required for inclusion in the Environmental Statement (ES).

**Other Information that may be required with your application**

There is a range of additional information that may be required in order to determine your application depending upon the nature of the proposal. Examples of additional information typically sought include;

- Archaeological Survey and Report
- Biodiversity Survey and report
- Flood risk assessment
- Land Contamination Assessment
- Landscaping details
- Noise Assessment
- Parking Provision
- Transport Assessment

\(^6\) Further advice can be found in Development Management Practice Note 12 ‘Design and Access Statements’.
This is not an exhaustive list. It only provides an indication of the broad range of additional information that may be sought depending on the complexity of the proposal and / or the particular circumstances of the site in question.

**What is taken into account in making a decision?**

Your proposals will be assessed in relation to the relevant planning policy and all other material considerations. Planning permission may be granted either with or without conditions attached.

Where proposals are found to be unacceptable, permission may be refused. However, when this is the case clear reasons for refusal must be provided.

You should check which planning policies are relevant to your proposal on the council or Department’s website. You may also wish to discuss your proposal before you submit your application by requesting a pre-application discussion with your local council or the Department where appropriate.

**Non-material Changes**

The 2011 Planning Act introduced a formal mechanism of dealing with non-material changes to approved schemes. The introduction of the non-material change procedure replaces the informal process previously used to respond to requests for minor amendments. An application for a non-material change removes the need for an entirely new planning application to be submitted where only a non-material change is sought\(^7\). This would not result in a new permission and the existing permission would continue to exist and be read in conjunction with the non-material change decision letter. Applications for non-material changes can be submitted on the Form NMC1.

\(^7\) Further advice can be found in Development Management Practice Note 25, ‘Non Material Changes’.
Fee
A fee is payable with most applications for planning permission. The amount varies depending on the type of development\(^8\).

Before sending in your application it is important to consider:

- Do I need advice about my proposal or on making the application?
- Am I applying for the correct type of permission?
- Have I completed the correct forms fully and 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 discuss my proposal with other bodies?

It is an applicant’s responsibility to ensure that all the relevant information has been submitted to allow the planning application to be processed and determined by the relevant planning authority in an efficient manner.

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\(^8\) Further advice can be found on the Planning Portal in Development Management Practice Note 11, “Planning Fees” and, “Planning Fees – Explanatory Notes for Applicants”.