2015 No. 000

PLANNING

The Planning (General Development Procedure) Order (Northern Ireland) 2015

Made - - - - 20th March 2015
Coming into operation - 1st April 2015

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The Department of the Environment, in exercise of the powers conferred by sections 32, 40, 41, 42(7), 56(1), 60, 67(5), 171, 185(3), 187(5), 191(4), 229, 242 and 247(6) of the Planning Act 2011(a), makes the following Order:

Application, citation and commencement

1.—(1) This Order may be cited as the Planning (General Development Procedure) Order (Northern Ireland) 2015 and shall come into operation on 1st April 2015.

   (2) This Order applies to all land in Northern Ireland but where land is subject to a special development order, whether made before or after the commencement of this Order, this Order shall apply to that land only to such extent and subject to such modifications as may be specified in the special development order.

   (3) Nothing in this Order shall apply to any permission which is deemed to be granted under section 130(6) of the 2011 Act (control of advertisements).

Interpretation

2.—(1) In this Order unless the context otherwise requires—

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

   “affected occupier” means the occupier of premises within a 90 metre radius of the boundary of the application site;

   “appointed officer” means a person appointed by the council for the purposes of section 31(1)(a) of the 2011 Act;

   “area of outstanding natural beauty” means an area so designated under Article 14(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985(a);

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

   “redevelopment” means the renewal of the use or occupation of a building or part of a building for a substantially different purpose;

   “site” means an area of land within the boundaries of the application site.

(a) 2011/Ch.25
“area of special scientific interest” means an area so designated under Article 28 of the Environment (Northern Ireland) Order 2002(b);
“caravan” has the meaning assigned by the Caravans Act (Northern Ireland) 1963(c);
“conservation area” has the same meaning given in section 104(12) of the Planning Act (Northern Ireland) 2011;
“cubic content” means the cubic content of a building measured externally;
“designated area” means—
(a) a conservation area;
(b) an area of outstanding natural beauty;
(c) an area of special scientific interest;
(d) a National Park; or
(e) a World Heritage Site;
“EIA development” has the meaning assigned to it by regulation 2 of the EIA Regulations;
“EIA Regulations” means the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015(d);
“Enterprise Order” means the Enterprise Zones (Northern Ireland) Order 1981(e);
“Fees Regulations” means the Planning (Fees) Regulations (Northern Ireland) 2015(f);
“floor space” means the total floor space in a building or buildings;
“hazardous substance” has the meaning assigned to that term in regulation 3(1) of the Planning (Hazardous Substances) Regulations (Northern Ireland) 2015(g);
“industrial process” means a process for or incidental to any of the following purposes—
(f) the making of any Article or part of any article (including a ship or vessel, or a film, video or sound recording);
(g) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or
(h) the getting, dressing or treatment of minerals in the course of any trade or business other than agriculture, and other than a process carried out on land used as a mine or adjacent to and occupied together with a mine;
“landscaping” means the treatment of land (other than buildings) being a site or part of a site in respect of which an outline planning permission is granted, for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes screening by fences, walls or other means, the planting of trees, hedges, shrubs or grass, the formation of banks, terraces or other earthworks, the laying out of gardens or courts, and the provision of other amenity features;
“licensed aerodrome” has the same meaning as in the Civil Aviation The Air Navigation Order 2009(h);
“National Park” means an area so designated under Article 12(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;
“Natura 2000” has the same meaning as in the Conservation (Natural Habitats etc) Regulations (Northern Ireland) 1995(i);

(a) S.I. 1985/170 (N.I.1)
(b) S.I. 2002/3153 (N.I.7)
(c) 1963 c.17 (N.I.)
(d) S.R. 2015 No. ???
(e) S.I. 1981/607 (N.I.15)
(f) S.R. 2015 no. ???
(g) S.R. 2015 no. ????
(h) S.I. 2009/3015
(i) S.R. 1995 No. 380
“nature reserve” has the meaning assigned to it by Article 2(2) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;

“neighbouring land” means land which directly adjoins the application site or which would adjoin it but for an entry or a road less than 20 metres in width;

“outline planning permission” has the meaning given in section 62(1) of the 2011 Act;

“pre-application community consultation report” means a written report prepared in accordance with section 28 of the 2011 Act;

“Ramsar site” has the same meaning as in section 20(4)(d) of the Marine Act (Northern Ireland) 2013(a);

“reserved matters” in relation to an outline planning permission or an application for such permission, means any of the following matters in respect of which details have not been given in the application, namely—

(i) siting;

(j) design;

(k) external appearance;

(l) means of access; or

(m) the landscaping of the site;

“road” is that which is defined by Article 2 of The Roads (Northern Ireland) Order 1993;

“Sensitive Area” means any of the following—

(n) an area of special scientific interest, that is to say, land so declared under Article 28 of the Environment (Northern Ireland) Order 2002;

(o) an area of outstanding natural beauty, that is to say an area so designated under Article 14(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;

(p) a National Park, that is to say an area so designated under Article 12(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;

(q) a property appearing on the World Heritage List kept under Article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage;

(r) a scheduled monument within the meaning of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995(b); or

(s) a European site within the meaning of regulation 9 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995;

“Site of Community Importance” is that which is defined under Article 1 of EC Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna(c);

“Special Area of Conservation” means sites containing habitats listed in Annex 1 or species listed in Annex 2 of the EC Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna;

“Special Protection Area” means strictly protected sites classified in accordance with Article 4 of the EC Directive on the conservation of wild birds(d);

“Waste development” means any operational development designed to be used wholly or mainly for the purpose of, or material change of use to, treating, storing, processing or disposing of refuse or waste materials;

“World Heritage Site” means a property appearing on the World Heritage List kept under Article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage;

(a) 2013 ch. 10
(b) S.I. 1995/1625 (N.I.9)
(c) EC 92/43/EEC
(d) 2009/147/EC
(2) In this Order and in relation to the use of electronic communications or electronic storage for any purpose of this Order which is capable of being carried out electronically—

(a) the expression “address” includes any number or address used for the purpose of such communications or storage, except that where this Order imposes any obligation on any person to provide a name and address to any other person, the obligation shall not be fulfilled unless the person on whom it is imposed provides a postal address;

(b) references to applications, forms, maps, plans, drawings, certificates or other documents or to copies of such things include references to such documents or copies of them in electronic form.

(3) Paragraphs (4) to (7) apply where an electronic communication is used by a person for the following purposes—

(a) fulfilling any requirement in this Order to give or send any application, notice or other document to any other person (“the recipient”); or

(b) lodging an application, certificate or other document under Article 3(3) with the council or, as the case may be, the Department.

(4) The requirement shall not be taken to be fulfilled, or (as the case may be) the application or other document shall not be taken to have been lodged, unless the document transmitted by the electronic communication is—

(a) capable of being accessed by the recipient;

(b) legible in all material respects; and

(c) sufficiently permanent to be used for subsequent reference.

(5) In paragraph (4), “legible in all material respects” means that the information contained in the notice or document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(6) Where the electronic communication is received by the recipient outside the recipient’s business hours, it shall be taken to have been received on the next working day; and for this purpose “working day” means a day which is not a Saturday, Sunday or a public holiday.

(7) A requirement of this Order that any application, notice or other document should be in writing is fulfilled where the document meets the criteria in paragraph (4), and “written” and cognate expressions are to be construed accordingly.

Applications for planning permission

3.—(1) An application for planning permission is to be made in accordance with this Article.

(2) An application for planning permission shall contain—

(a) a written description of the development to which it relates;

(b) the postal address of the land to which the development relates or, if the land in question has no postal address, a description of the location of the land; and

(c) the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.

(3) The application must be accompanied—

(a) by a plan—

(i) sufficient to identify the land to which it relates; and

(ii) showing the situation of the land in relation to the locality and in particular in relation to neighbouring land;

(b) by such other plans and drawings as are necessary to describe the development to which it relates;

(c) where any neighbouring land is owned by the applicant, by a plan identifying that land;

(d) by one or other of the certificates required under Article 9;
(e) where the application relates to development belonging to the category of major development, by a pre-application community consultation report; and

(f) where required under Article 6, by an access statement or a design and access statement as appropriate.

(g) by 3 additional copies of the application, plans and drawings submitted with it, except where the council or, as the case may be, the Department indicates that a lesser number is required;

(h) where the application relates to Crown land by a statement that the application is made in respect of Crown land; and

(i) by any fee payable under the Fees Regulations.

(4) In the case of an application for outline planning permission, details need not be given of any proposed reserved matters.

(5) An application—

(a) for renewal of planning permission where—

(i) a planning permission was previously granted for development which has not yet begun, and

(ii) a time limit was imposed under section 61 (duration of planning permission) or section 62 (duration of outline planning permission) of the 2011 Act which has not yet expired; or

(b) under section 54 (application for variation of a condition subject to which the planning permission was granted) of the 2011 Act;

(c) shall be made in writing and give sufficient information to identify the previous grant of planning permission and any condition in question.

(6) The council or, as the case may be, the Department may by direction in writing addressed to the applicant require such further information as may be specified in the direction to enable it to determine any application.

Outline applications

4.—(1) Where an application is made to the council or, as the case may be, the Department for outline planning permission, the council or, as the case may be, the Department may grant permission subject to a condition specifying reserved matters for the council or, as the case may be, the Department’s subsequent approval.

(2) Where the council or, as the case may be, the Department is of the opinion that, in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters, the council or, as the case may be, the Department shall notify the applicant that it is unable to determine it unless further details are submitted, specifying the further details it requires.

Application for approval of reserved matters

5. An application for approval of reserved matters—

(a) shall give sufficient information to enable the council or, as the case may be, the Department to identify the outline planning permission in respect of which it is made;

(b) shall include such particulars, and be accompanied by such plans and drawings as are necessary to deal with the matters reserved in the outline permission; and

(c) shall be accompanied by 3 additional copies of the application, plans and drawings submitted with it, except where the council or, as the case may be, the Department indicates that a lesser number is required.
Design and access statements

6.—(1) Subject to paragraph (4), this Article applies to an application for planning permission which is for—

(a) development which is major development;
(b) where any part of the development is in a designated area, development consisting of—
   (i) the provision of one or more dwelling houses; or
   (ii) the provision of a building or buildings where the floor space created by the development is 100 square metres or more.

(2) An application for planning permission to which this Article applies shall be accompanied by a statement (“a design and access statement”) which provides details of—

(a) the design principles and concepts that have been applied to the development; and
(b) how issues relating to access to the development have been dealt with.

(3) A design and access statement shall—

(a) explain the design principles and concepts that have been applied to the development;
(b) demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account;
(c) explain the policy or approach adopted as to access, and in particular, how—
   (i) policies relating to access to, from and within the development have been taken into account;
   (ii) how policies relating to access in relevant local development documents have been taken into account; and
   (iii) any specific issues which might affect access to the development for disabled people have been addressed;
(d) describe how features which ensure access to the development for disabled people will be maintained;
(e) state what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation;
(f) explain how any specific issues which might affect access to the development have been addressed; and
(g) explain the design principles and concepts that have been applied to take into account environmental sustainability.

(4) This Article does not apply to an application for planning permission which is—

(a) for permission to develop land without compliance with conditions previously attached, made pursuant to section 54 of the Planning Act 2011, unless those conditions relate to design and access issues;
(b) for engineering or mining operations;
(c) for a material change in use of the land or buildings, provided that if the new use will necessitate access by an employee or involves the provision of services to the public or to a section of the public, with or without payment, then this Article applies to the application for access only; or
(d) for development which is waste development.

Application for non-material changes to planning permission

7. An application under section 67 (power to make non-material changes to planning permission) of the 2011 Act shall be made in writing giving a description of the non-material changes sought and sufficient information to identify the previous grant of planning permission.
Notice etc. of applications for planning permission

8.—(1) Subject to Article 3, where an application for planning permission is made to the council or, as the case may be, the Department, the council or, as the case may be, the Department—

(a) shall publish notice of the application in at least one newspaper circulating in the locality in which the land to which the application relates is situated;

(b) shall serve notice of the application to any affected occupier on neighbouring land in accordance with paragraph (2);

(c) shall, where it maintains a website for the purpose of advertisement of applications, publish the notice on that website; and

(d) shall not determine the application before the expiration of 14 days from the date:

(i) on which the notice is first published in a newspaper in pursuance of sub-paragraph (a);

(ii) stipulated on the notice to any affected occupier issued under sub-paragraph (b); or

(iii) on which the application is first published on the website in pursuance of sub-paragraph (c);

whichever date is the later or latest.

(2) The notice to be given in accordance with paragraph (1)(b) must—

(a) state the date on which the notice is sent;

(b) include the reference number given to the application by the council, or as the case may be, the Department;

(c) include a description of the development to which the application relates;

(d) include the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land;

(e) state how the application, plans or drawings relating to it and other documents submitted in connection with it may be inspected;

(f) state that representations may be made to the council or, as the case may be, the Department and include information as to how any representations may be made and by what date they must be made (being a date not earlier than 14 days after the date on which the notice is sent);

(g) include a statement as to how information explaining the manner in which applications for planning permission are handled and the procedures which are followed in relation to such applications can be obtained; and

(h) where the development to which the application relates is a class of development prescribed for the purposes of section 27 (pre-application community consultation) of the 2011 Act, include a statement that notwithstanding that comments may have been made to the applicant prior to the application being made, persons wishing to make representations in respect of the application should do so to the council or, as the case may be, the Department in the manner indicated in the notice.

Certificates and notices under section 42 of the 2011 Act

9. Certificates and notices issued for the purpose of section 42 (notification of applications to certain persons) of the 2011 Act shall be in the form set out in Schedule 1.

Notice of reference of applications to the Department

10. Where the Department has given a direction under section 29 (call in of applications, etc., to the Department) of the 2011 Act that an application for planning permission made to a council is to be referred to it to be dealt with rather than by the council, the council must serve on the applicant notice—

(a) of the terms of the direction;
(b) of any reasons given by the Department for requiring the application to be referred to it;
(c) that the application has been referred to the Department; and
(d) that the decision of the Department on the application will be final.

Certificate of lawfulness of existing use or development and certificate of lawfulness of proposed use or development

11.—(1) An application to the council for a certificate under sections 169 (certificate of lawfulness of existing use or development) or 170 (certificate of lawfulness of proposed use or development) of the 2011 Act shall be made on a form in line with Schedule 2 and shall, in addition to specifying the land and describing the use, operations or other matters in question in accordance with those sections, include the following information—

(a) the paragraph of section 169(1) or, as the case may be, section 170(1), under which the application is made;
(b) in the case of an application under section 169(1), the date on which the use, operations or other matter began or, in the case of operations carried out without planning permission, the date on which the operations were substantially completed;
(c) in the case of an application under section 169(1)(a), the name of any use class specified in an order under section 23 (meaning of “development”) of the 2011 Act which the applicant considers to be applicable to the use existing at the date of the application;
(d) in the case of an application under section 169(1)(c), sufficient details of the planning permission to enable it to be identified;
(e) in the case of an application under section 170(1)(a), the use of the land at the date of the application (or, when the land is not in use at that date, the purpose for which it was last used) and the name of any use class specified in an order under section 23(3)(e) of the 2011 Act which the applicant considers applicable to the proposed use;
(f) the applicant’s reasons, if any, for regarding the use, operations or other matter described in the application as lawful; and
(g) such other information as the applicant considers to be relevant to the application.

(2) An application to which paragraph (1) applies shall be accompanied by—

(a) a plan sufficient to identify the land to which the application relates;
(b) such evidence verifying the information included in the application as the applicant can provide; and
(c) a statement setting out the applicant’s estate in the land, the name and address of any other person known to the applicant to have an estate in the land and whether any such other person has been notified of the application.

(3) Where such an application specifies two or more uses, operations or other matters, the plan which accompanies the application shall indicate to which part of the land each such use, operation or other matter relates.

(4) The council may by notice in writing require the applicant to provide such further information as may be specified to enable it to deal with the application.

(5) Where an application is refused, in whole or in part, (including a case in which the council modifies the description of the use, operations or other matter in the application, or substitutes an alternative description for that description), the notice of decision shall state the council’s full reason for its decision and shall include a statement to the effect that if the applicant does not accept the council’s decision that person may appeal to the Planning Appeals Commission under section 173 (appeals against refusal or failure to give decision on application) of the 2011 Act.

(6) A certificate under section 169 or 170 of the 2011 Act shall be in a form set out in Schedule 2.

(7) Where the council proposes to revoke a certificate issued under section 169 or 170 of the 2011 Act in accordance with section 171(7) (certificates under sections 169 and 170:
supplementary provisions) of the 2011 Act, it shall, before it revokes the certificate, give notice of that proposal to—

(a) the owner of the land affected;
(b) the occupier of the land affected;
(c) any other person who will in its opinion be affected by the revocation; and
(d) in the case of a certificate issued under section 173 of the 2011 Act, the Planning Appeals Commission.

(8) A notice issued under paragraph (7) shall invite the person on whom the notice is served to make representations on the proposal to the council within 14 days of service of the notice and the council shall not revoke the certificate until all such periods allowed for making representations have expired.

(9) The council shall give written notice of any revocation under section 171 of the 2011 Act to every person on whom notice of the proposed revocation was served under paragraph (7).

Applications made under planning condition

12. Where an application has been made to the council or, as the case may be, the Department for any consent, agreement or approval required by a condition imposed on a grant of planning permission (other than an application for approval of reserved matters) the council or, as the case may be, the Department shall give notice to the applicant of its decision on the application within a period of 2 months from the date when the application was received by the council or, as the case may be, the Department or such longer period as may be agreed by the applicant and the council or, as the case may be, the Department in writing.

Consultations as to applications for planning permission

13.—(1) Before determining an application for planning permission which, in its opinion, falls within a category set out in Schedule 3, the council or, as the case may be, the Department shall consult the consultee mentioned in relation to that category, except where—

(a) the consultee so mentioned has advised the council or, as the case may be, the Department in writing that they do not wish to be consulted;
(b) the development is subject to any standing advice provided by the consultee to the council or, as the case may be, the Department in relation to the category of development; or
(c) the development is not EIA development and is the subject of an application to which Article 14 applies.

(2) The exception in paragraph 1(a) shall not apply where, in the opinion of the council or, as the case may be, the Department, development falls within Part 1, paragraph (b)(ii) or Part 2, paragraph (b)(ii) in Schedule 3.

(3) The exception in paragraph 1(b) shall not apply where—

(a) the development is EIA development; or
(b) the standing advice was issued more than 2 years before the date on which notification of the application was issued to the consultee and the guidance has not been amended or confirmed as being extant by the consultee in that period.

(4) Whereby, under this Article, the council or, as the case may be, the Department is required to consult one or more consultee before determining the application—

(a) it shall give notice of the application together with information specified under Article 15(4) to the consultee; and
(b) notwithstanding Article 8(1)(d) subject to paragraph (5), the council or, as the case may be, the Department shall not determine the application—

(i) before 21 days after the date on which notice is given under sub-paragraph (a); or
(ii) any other date agreed in writing between the consultee and the council or, as the case may be, the Department in accordance with Article 15(2)(b); whichever is the latest.

(5) Sub-paragraph (4)(b) does not apply if, before the end of the period referred to in that sub-paragraph the council or, as the case may be, the Department has received a substantive response required by virtue of paragraph (1) concerning the application from each consultee from whom a response was sought.

(6) The council or, as the case may be, the Department shall, in determining the application, take into account any response from a consultee required by virtue of paragraph (1).

Consultation before the grant of planning permission pursuant to section 54 of the 2011 Act

14.—(1) This Article applies in relation to an application made pursuant to section 54 (permission to develop land without compliance with conditions previously attached) of the 2011 Act.

(2) Before granting planning permission for such an application to which this Article applies, the council or, as the case may be, the Department must consult such consultees falling within a category set out in Schedule 3 as the council or, as the case may be, the Department considers appropriate.

Duty to respond to consultation

15.—(1) The requirements to consult which are prescribed for the purposes of section 229(2)(b) (duty to respond to consultation) of the 2011 Act are those contained in Articles 13, 14 and Schedule 3.

(2) The period prescribed for the purposes of section 229(3)(a) of the 2011 Act, is—

(a) the period of 21 days beginning with the day on which the council or, as the case may be, the Department is satisfied that it has supplied the statutory consultee with the information it believes necessary for the consultee to make a substantive response; or

(b) any other such period as may be agreed in writing between the consultee and the council or, as the case may be, the Department.

(3) The periods specified in paragraph (2) begin from the day on which such information pursuant to section 229(4)(b) is provided to the consultee and where such information is provided over more than one day, the last day on which such information is provided.

(4) The information to be provided by the council or, as the case may be, the Department as pursuant to section 229(4)(b) is such information that the council or, as the case may be, the Department considers will enable the consultee to provide a substantive response.

(5) For the purposes of this Article, a substantive response pursuant to section 229(c) of the 2011 Act is one which—

(a) states that the consultee has no comment to make;

(b) states that, on the basis of the information available, the consultee is content with the development as proposed;

(c) refers the council or, as the case may be, the Department to current standing advice by the consultee on the subject of the consultation, subject to Article 13(3)(b); or

(d) provides advice to the council or, as the case may be, the Department to enable the determination of the application.

Duty to respond to consultation: annual reports

16.—(1) Each consultee who is, by virtue of section 229 of the 2011 Act and Article 13, under a duty to respond to a consultation request shall give to the Department, not later than 1st July in each year, a report as to that consultee’s compliance with section 229(3) of the 2011 Act.

(2) The report shall relate to the period of 12 months commencing on 1st April in the preceding year (“the report year”).
(3) The report shall contain, in respect of the report year—
(a) a statement as to the number of occasions on which the consultee was consulted by the council or, as the case may be, the Department pursuant to section 229 of the 2011 Act and Article 13;
(b) a statement as to the number of times a substantive response was given to the council or, as the case may be, the Department within the period referred to in Article 15(2)(a) and (b);
(c) in relation to occasions on which the consultee has given a substantive response outside any period referred to in Article 15(2)(a) and (b), a summary of the reasons why the consultee failed to comply with the duty to respond within those periods; and
(d) any other information as the Department may direct.

Directions restricting the grant of planning permission

17. Pursuant to Article 56(1)(a) of the 2011 Act, the Department may give directions to a council restricting the grant of planning permission by a council, either indefinitely or during such period as may be specified in the direction, in respect of any development or any class of development, as may be so specified.

Directions requiring information

18. Pursuant to Article 56(1)(g) the Department may give directions requiring a council to give to the Department, and to such other persons as may be specified in the direction, such information as may be so specified with respect to applications for planning permission made to the council, including information as to the manner in which any such application has been dealt with.

Directions requiring consideration of condition

19. Pursuant to Article 56(1)(b) the Department may by a direction given under this Article require a council, in respect of any such development, or in respect of development of any such class, as may be specified in the direction—
(a) to consider, where the council are minded to grant planning permission, imposing a condition specified in, or of a nature indicated in, the directions; and
(b) (unless the direction is withdrawn) not to grant planning permission without first satisfying the Department that such consideration has been given and that such a condition either will be imposed or need not be imposed.

Time periods for decisions

20.—(1) Where an application is made to the council under Articles 3, 4 or 5 the council shall within the period specified in paragraph (2) give the applicant notice of its decision or determination or referral of the application to the Department under section 29 of the 2011 Act.
(2) The period specified in this paragraph is—
(a) in the case of an application for planning permission for development within the category of major development, a period of 16 weeks beginning with the date when the application was received by the council; or
(b) in any other case, 8 weeks beginning with the date when the application was received by the council; or
(c) except where the applicant has already given notice of appeal to the Planning Appeals Commission under sections 58 and 60 of the 2011 Act (appeals and appeal against failure to take planning decision respectively), such extended period as may be agreed in writing between the applicant and the council.
(3) For the purposes of this Article, the date when the application was received shall be taken to be the date when each of the following events has occurred—

(a) the application in writing has been lodged with the council;
(b) any certificate or documents required by the 2011 Act has been lodged with the council; and
(c) any fee required to be paid in respect of the application has been paid to the council.

(4) Where a request has been made to the Secretary of State for a certificate in respect of section 235(1) (national security) of the 2011 Act or the Department of Justice in respect of section 235(4) of the 2011 Act, the period specified in paragraph (2) of this Article shall begin on the date that the council is notified of that decision.

Written notice of decision or determination relating to a planning application

21. The council or, as the case may be, the Department shall give notice of a decision or determination in writing, and on an application for planning permission or for approval of reserved matters, where a permission or approval is granted subject to conditions or the application is refused, the notice shall state the reasons for the refusal or for any condition imposed.

Schemes of delegation

22.—(1) Where an application is determined by an appointed officer, references to the council in the provisions specified in paragraph (2) are to be treated as references to that appointed officer.

(2) The provisions are—

(a) Article 10;
(b) Article 13;
(c) Articles 17 to 19;
(d) Articles 20 and 21; and
(e) Schedule 4.

Register of applications

23.—(1) Subject to paragraph (2), any register relating to matters referred to in section 242(1)(a) to (e) & (m) to (r) (planning register) of the 2011 Act shall contain the following information—

(a) a copy (which may be photographic) of each application together with copies of plans and drawings submitted in relation thereto and of any accompanying design and access statement provided in accordance with Article 6;
(b) the decision notice, if any, in respect of the application, including details of any conditions subject to which permission or consent was granted;
(c) the reference number, the date and effect of any decision of the planning appeals commission in respect of the application;
(d) brief details of any revocation or modification relating to any permission or consent, including date of issue.

(2) Information as to—

(a) national security or the measures taken or to be taken to ensure the security of any premises or property; and
(b) which relates to the consideration by the council or, as the case may be, the Department of an application to which section 235 of the 2011 Act applies,

shall not be included in the registers specified in paragraph (1).

(3) Where an application is made to the Department, pursuant to the Planning (Development management) Regulations (Northern Ireland) 2015, the Department shall, as soon as reasonably
practicable, send a copy of the application and of any accompanying plans, drawings and information to the council in whose district the land to which the application relates is situated.

Register of simplified planning zones and enterprise zones

24. The register of simplified planning zones and enterprise zones shall contain the following information—

(i) brief details of any action taken by the council or, as the case may be, the Department in accordance with sections 33 (simplified planning zones), 34 (making and alteration of simplified planning zone schemes), 35 (simplified planning zone schemes: conditions and limitations on planning permission), 36 (duration of simplified planning zone scheme), 37 (alteration of simplified planning zone scheme) and 38 (exclusion of certain descriptions of land or development) of the 2011 Act to make or alter any simplified planning zone scheme, including the date of adoption, the date on which the scheme or alteration becomes operative and the date on which it ceases to be operative;

(ii) a copy of any simplified planning zone scheme, or alteration to an existing scheme including any documents which have been made available for inspection under Schedule 1 of the 2011 Act as applied by section 33 of that Act;

(iii) a map showing the boundary of any operative or proposed simplified planning zone scheme including any alterations to an existing scheme where appropriate;

(iv) brief details of any action taken by the Department in accordance with Articles 3 to 5, 7, 8 and 10 to 13 of the Enterprise Order to designate or modify any areas as an enterprise zone including the date of adoption of any scheme or modification to a scheme prepared in relation to the development of that area;

(v) a copy of any scheme or modification to a scheme including documents which have been made available for inspection under Articles 3, 5, 8 and 10 of the Enterprise Order;

(vi) a map showing the boundary of any adopted or proposed scheme relating to an enterprise zone including modifications to an existing scheme where appropriate.

Register of enforcement notices, etc.

25. The register relating to matters referred to in section 242(1)(f), (g) and (k) of the 2011 Act shall contain the following information—

(a) the name and address of every person on whom notice is served in accordance with the relevant provisions of the 2011 Act, the address of the land to which the notice relates or a plan by reference to which its location can be ascertained;

(b) the date of issue of the notice;

(c) the date of service of copies of the notice and the date on which the notice is to take effect;

(d) a statement or summary of the breach of planning control or hazardous substances control alleged and the requirements of the notice, including the period within which any required steps are to be taken;

(e) the date of receipt of any appeal to the Planning Appeals Commission and the date of final determination or withdrawal of any appeal, the appeal decision and any conditions imposed;

(f) the date of service and, if applicable, of withdrawal of any stop notice referring to an enforcement notice, together with a statement or summary of the activity prohibited by any such stop notice;

(g) the date, if any, on which the council or, as the case may be, the Department is satisfied that steps required by the notice have been taken.
Register of orders and directions

26. The register relating to matters contained in section 242 (1)(h) and (j) shall contain brief details of those orders and directions including the date of issue, any variation and any revocation or expiry as the case may be.

Registers held using electronic storage

27. Where a council uses electronic storage to keep the registers referred to in Articles 23 to 26 it may make the registers available for inspection by the public on a website maintained by the council for that purpose.

Use of electronic communications

28.—(1) Paragraphs (2) to (4) apply where a person uses electronic communications for any of the following purposes—
   (a) making an application for planning permission under Article 3;
   (b) making an application for approval of reserved matters under Article 5;
   (c) making an application for a certificate of lawfulness of existing use or development or a certificate of lawfulness of proposed use or development under Article 11;
   (d) making a claim for compensation or serving a purchase notice under Article 29.

(2) In a case to which this paragraph applies, and except where a contrary intention appears, the person making the application or claim or serving notice shall be taken to have agreed—
   (a) to the use of electronic communications for all purposes relating to the application, claim or notice (as the case may be) which are capable of being effected using such communications;
   (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the application, claim or notice;
   (c) that the person’s deemed agreement under this paragraph shall subsist until he gives notice in writing that he wishes to revoke the agreement and such withdrawal or revocation shall be final and shall take effect on a date specified by him in the notice but not less than seven days after the date on which the notice is given.

(3) In Article 3—
   (a) the requirement of 3(3)(a) that an application for planning permission shall be accompanied by a plan which identifies the land to which it relates shall be satisfied where the applicant identifies the land on an electronic map provided to the council or, as the case may be, the Department and for this purpose a map is taken to be provided where the council or, as the case may be, the Department has published it on its website;
   (b) the requirement of 3(3)(g) to submit 3 additional copies of the application, plans and drawings shall not apply.

(4) In Article 5(c) the requirement to submit 3 additional copies of the form, plans and drawings shall not apply.

Claims for compensation and purchase notices

29.—(1) A claim for compensation made to the council or, as the case may be, the Department under section 185 (compensation for loss due to stop notice) or 187 (compensation for loss due to temporary stop notice) of the 2011 Act, or a purchase notice served on the council under section 191 (service of purchase notice) of the 2011 Act shall be in writing.

(2) Any such claim or notice shall be served within 6 months or such longer period as the council or, as the case may be, the Department may allow, from the date of the decision in respect of which the claim or notice is made or given.
Revocations

30. The provisions specified in Schedule 4 are hereby revoked.

Transitional arrangements

31. An application for planning permission submitted to the Department under a requirement set out in the Planning (General Development) Order (Northern Ireland) 1993(a) before the coming into operation of this Order shall be treated as if it had been submitted under this Order, and the council or, as the case may be, the Department, shall determine such application in accordance with the requirements of this Order subject to any necessary modifications.

Directions

32. Any power conferred by this Order to give a direction includes the power to cancel or vary the direction by a subsequent direction.

Sealed with the Official Seal of the Department of the Environment on 15th March 2015.

Angus Kerr
A senior officer of the Department

(a) S.R. 1993 No.278
SCHEDULE 1

PART I

PLANNING ACT (NORTHERN IRELAND) 2011

Certificates under section 42

Certificate A
I hereby certify that the accompanying application/appeal is made by or on behalf of (Name of applicant/appellant) who is in actual possession of every part of the land to which the said application/appeal relates and is entitled to a fee simple absolute/a fee tail/a life estate/tenancy of which at least 40 years remain unexpired in the land.

OR

Certificate B
I hereby certify that the accompanying application/appeal is made by or on behalf of (Name of applicant/appellant) who is the trustee of a trust or settlement which affects every part of the land to which the accompanying application/appeal relates and that at the date of the application/appeal-
(a) a beneficiary under the trust or settlement is in the actual possession of every part of the land; and
(b) no person other than a beneficiary under the trust or settlement is entitled to enter into the actual possession of any part of the said land within a period of 40 years.

OR

Certificate C
I hereby certify that the requisite notice of the accompanying application/appeal has been given by or on behalf of (Name of applicant/appellant) to any person who, at the beginning of the period of the 21 days ending with the date of the said application/appeal was, in relation to all or any part of the land affected by the application/appeal-
(a) a person then in actual possession;
(b) the trustee of a trust or settlement where a beneficiary under the trust or settlement was in actual possession and no person other than such a beneficiary was entitled to enter into actual possession within a period of 40 years;
(c) a person (not being a person falling within (a) or (b) entitled to enter into actual possession within a period of 40 years.

The persons upon whom notice was served are-

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>Interest</th>
<th>Date of Service of Notice</th>
</tr>
</thead>
</table>

DRAFT VERSION
Certificate D

I hereby certify that the person making the accompanying application/appeal-
(a) is unable to issue a certificate in accordance with either section 42(1)(a) or (b) of the 2011 Act;
(b) has made due enquiries and is of the opinion that he is unable to issue a certificate which
would satisfy the requirements of section 42(1)(c) of the said Order for the following reasons;
and
(c) has given the requisite notice of the said application/appeal to the under-mentioned persons
who, at the beginning of the period of 21 days ending with the date of the said application/appeal,
were in the actual possession of any part of the land to which the application/appeal relates,
namely-

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>Date of Service of Notice</th>
</tr>
</thead>
</table>

Notice of the application/appeal has been published in the (title of newspaper) on (date of
publishation) and a copy of the newspaper in which the notice appeared is enclosed.

Signature of Applicant or Agent
Date

DRAFT VERSION
PART II
PLANNING ACT (NORTHERN IRELAND) 2011

Planning Appeal: Notice under section 42

[Notice for service on individuals]

(a) Insert address or location of proposed development

Proposed developments at (a).................................................................

(b) Insert name of applicant

TAKE NOTICE that application under the Planning Act (Northern Ireland) 2011 is being made to the council or, as the case may be, the Department by (b).................................................................

(c) Insert description of proposed development

for permission to (c).................................................................

If you wish to make representations about the application, you should make them in writing to the council or, as the case may be, the Department within 14 days from the date of service of this notice.

Signature of Applicant or Agent
Date

Planning Appeal: Notice under section 42

[Notice for publication in local newspaper]

(a) Insert address or location of proposed development

Proposed developments at (a).................................................................

(b) Insert name of applicant

TAKE NOTICE that application under the Planning Act (Northern Ireland) 2011 is being made to the council or, as the case may be, the Department by (b).................................................................

(c) Insert description of proposed development

for permission to (c).................................................................

Any person having an interest in the land which entitles him to make representations about the proposed development may make such representations in writing to the council or, as the case may be, the Department within 14 days from the date of publication of this notice.
PART III
PLANNING ACT (NORTHERN IRELAND) 2011

Planning Appeal: Notice under section 42
[Notice for service on individuals]

(a) Insert address or location of proposed development
Proposed development at
(a)................................................................
....................................................................
....................................................................

(b) Insert name of appellant
TAKE NOTICE that an appeal under the Planning Act (Northern Ireland) 2011 is being made by
(b)................................................................
....................................................................
....................................................................

(c) Insert description of proposed development
for permission to (c).................................
....................................................................
....................................................................
....................................................................

If you wish to make representations about the appeal you should make them in writing to the Planning Appeals Commission within 14 days from the date of service of this notice.

Signature of Appellant or Agent
Date

Planning Appeal: Notice under section 42
[Notice for publication in local newspaper]

(a) Insert address or location of proposed development
Proposed developments at (a).................
....................................................................
....................................................................
....................................................................

(b) Insert name of appellant
Notice is hereby given that an appeal under the Planning Act (Northern Ireland) 2011 is being made by (b)..................
....................................................................
....................................................................
....................................................................

(c) Insert description of proposed development
Against the decision of the council or, as the case may be, the Department on an application for planning permission to (c)...
....................................................................
....................................................................
....................................................................

Any person having an interest in the land which entitles him to make representations about the appeal may make such representations in writing to the Planning Appeals Commission within 14 days from the date of publication of this notice.
SCHEDULE 2
PLANNING ACT (NORTHERN IRELAND) 2011: SECTIONS 169 AND 170
CERTIFICATE OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT*/CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT*

The council hereby certifies on (insert date of application).

the use*/operation*/matter* described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged*/hatched*/coloured* (specify colour).

on the plan attached to this certificate, was*/were*/would have been* lawful within the meaning of section 169*/170* of the Planning Act (Northern Ireland) 2011, for the following reason(s):

Signed
(Authorised Officer)
Date

FIRST SCHEDULE
(Insert full description of use, operations or other matter, if necessary, by reference to details in the application or submitted plans, including a reference to the use class, if any, specified in an order under section 23(3)(e) of the Planning Act (Northern Ireland) 2011, within which the certificated use falls.)

SECOND SCHEDULE
(Insert address or location of the site.)

Notes:

(1) This certificate is issued solely for the purpose of section 169*/170* of the Planning Act (Northern Ireland) 2011.
(2) It certifies that the use*/operations*/matter* specified in the First Schedule taking place on the land described in the Second Schedule was*/were*/would have been* lawful, on the specified date and, thus, was not*/were not*/would not have been* liable to enforcement action under section 138 or 139 of the Planning Act (northern Ireland) 2011 on that date.
(3) This certificate applies only to the extent of the use*/operations*/matter* described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use*/operations*/matter* which is*/are* materially different from that*/those* described or which relate*/s* to other land which may render the owner or occupier liable to enforcement action.
(4) The effect of the certificate is also qualified by the proviso in section 170(4) of the Planning Act (Northern Ireland) 2011, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

*delete where appropriate.
SCHEDULE 3

PART 1

Where an application for planning permission is to be determined by a council

The council shall consult—

(a) the Department of the Environment where a development proposal;

(i) involves the demolition, in whole or part, or the material alteration of a listed building;

(ii) is likely to affect the site of a scheduled/unscheduled monument or an area which contains archaeological remains or the setting of a listed building or historic garden and demesne;

(iii) is likely to affect priority habitats or priority species;

(iv) is likely to affect sites located within or adjacent to a designated area, a National Park, nature reserves, Natura 2000 sites or sites of community interest, as defined under the EC Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna, RAMSAR sites or sensitive areas, or that may threaten species of flora or fauna that are listed as being rare, vulnerable or species of conservation concern;

(v) involves fish farming, (unless included in Schedule 2 of the EIA regulations);

(vi) involves the refining or storing of mineral oils and their derivatives (unless included in Schedule 1 or 2 of the EIA regulations);

(vii) involves the use of land for the collection, storage, treatment and/or deposit of controlled waste materials and/or gaseous/solid outputs from the process (unless included in Schedule 1 or 2 of the EIA regulations);

(viii) relates to the use of land as a cemetery;

(ix) relates to mineral or hydrocarbon extraction;

(x) involves the development of land that may be affected by contamination and is causing or has potential to cause pollution of the water environment;

(xi) involves energy generation which is likely to have a significant effect on the environment;

(xii) relates to the use of land which may have a significant effect on the water environment including—

(aa) development adjacent to watercourses, lakes or estuaries;

(bb) development involving the deep drilling of boreholes or an abstraction of groundwater or surface-water; or

(cc) development that creates an impoundment, culvert, diversion or alteration of a waterway;

(xiii) involves the use of land where mains sewerage may not be available or have capacity to service the development proposal without having a significant effect upon the water environment;

(xiv) is likely to have a significant effect upon the availability or water quality of a private water supply;

(xv) involves the use of land for industrial processes including the processing, storing or distribution of hazardous substances; or

(xvi) involves the use of land likely to have a significant effect on the marine environment.

(b) the Health and Safety Executive for Northern Ireland where a development proposal;
(i) is within an area which has been notified to the Department by Health and Safety Executive for Northern Ireland for consultation because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances and which are present and which involves the provision of—
   (aa) residential accommodation;
   (bb) more than 250 square metres of retail floor space;
   (cc) more than 500 square metres of office space; or
   (dd) more than 500 square metres to be used for an industrial process,

or which is otherwise likely to result in a major increase in the number of persons working in or visiting the notified area; or

(ii) where the development—
   (aa) involves the siting of a new establishment; or
   (bb) consists of the modification of an existing establishment which could have significant repercussions on major accident hazards; or
   (cc) includes transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting or development is such as to increase the risk or consequence of a major accident(a).

(c) the Department for Regional Development where a development proposal;
   (i) involves the formation, laying out or alteration of any means of access, or is likely to create or attract traffic which may result in a material increase in the volume of traffic—
      (aa) entering or leaving a road;
      (bb) using a level crossing over a railway; or
      (cc) which would result in an additional demand for car parking, or loss of or alteration to existing car parking;
   (ii) consists of or includes the laying out or construction of a new street;
   (iii) is likely to prejudice the improvement or construction of a road or proposed road;
   (iv) involves power lines which cross a road;
   (v) involves the installation of a structure over or under a road; or
   (vi) is a reserved matters application where an outline planning permission includes roads conditions.

(d) the Department for Regional Development or water undertaker as defined under Article 13 of the Water and Sewerage Services (Northern Ireland) Order 2006(b), shall be consulted where a development proposal;
   (i) is likely to significantly impact upon the availability of suitable water and sewerage infrastructure to service development proposals.

(e) licensed aerodromes where a development proposal;
   (i) is within an area identified as a potential hazard on an airport safeguarding map submitted by a licensed aerodrome; or
   (ii) is for wind turbine development within 30 kilometres of a licensed aerodrome.

(f) the Department for Agriculture and Rural Development where a development proposal;
   (i) is likely to impact upon drainage and/or flood defence provisions;
   (ii) is—

(a) The expressions used in paragraph (b)(ii) have the same meaning as in Council Directive 96/82/EC on the control of major accident hazards involving dangerous substances

(b) S.I.2006 No. 3336 (N.I.21)
(aa) on a riverine or coastal flood plain; or
(bb) beyond flood plains on land with a known history of flooding;
(iii) may affect a flood bank or other flood control structure;
(iv) is likely to involve the alteration or diversion of a watercourse;
(v) is of a size or nature that could significantly increase surface runoff; or
(vi) is where a reserved matters application which was made subject to an outline planning condition or informative applied following the consideration of a previous consultation response from the Department for Agriculture and Rural Development.

(g) the Department of Enterprise, Trade & Investment on all energy infrastructure applications classed as major development under regulation 2 the Planning (Development Management) Regulations (Northern Ireland) 2015.
Where an application for planning permission is to be determined by the Department

**Consultation Requirements**

The Department shall consult—

(h) the council in whose council area the proposed development is situated;

(i) the Health and Safety Executive for Northern Ireland where a development proposal;

   (i) is within an area which has been notified to the Department by the Health and Safety Executive for Northern Ireland for consultation because of the presence within the vicinity of toxic, highly reactive, explosive or flammable substances and which are present and which involves the provision of—

   (aa) residential accommodation;
   
   (bb) more than 250 square metres of retail floor space;
   
   (cc) more than 500 square metres of office space; or
   
   (dd) more than 500 square metres to be used for an industrial process,

   or which is otherwise likely to result in a major increase in the number of persons working in or visiting the notified area; or

(ii) where the development—

   (aa) involves the siting of a new establishment; or

   (bb) consists of the modification of an existing establishment which could have significant repercussions on major accident hazards; or

   (cc) includes transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting or development is such as to increase the risk or consequence of a major accident.

(j) the Department for Regional Development where a development proposal;

   (i) involves the formation, laying out or alteration of any means of access, or is likely to create or attract traffic which may result in a material increase in the volume of traffic

   (aa) entering or leaving a road;

   (bb) using a level crossing over a railway; or

   (cc) which would result in an additional demand for car parking, or loss of or alteration to existing car parking;

   (ii) consists of or includes the laying out or construction of a new street;

   (iii) is likely to prejudice the improvement or construction of a road or proposed road;

   (iv) involves power lines which cross a road;

   (v) involves the installation of a structure over or under a road; or

   (vi) is a reserved matters application where an outline planning permission includes roads conditions.

(k) the Department for Regional Development or water undertaker as defined under Article 13 of the Water and Sewerage Services (Northern Ireland) Order 2006, shall be consulted where a development proposal;

   is likely to significantly impact upon the availability of suitable water and sewerage infrastructure to service development proposals.

(l) licensed aerodromes where a development proposal;
(i) is within an area identified as a potential hazard on an airport safeguarding map submitted by a licensed aerodrome; or
(ii) is for wind turbine development within 30 kilometres of the licensed aerodrome.

(m) the Department for Agriculture and Rural Development where a development proposal;
   (i) is likely to impact upon drainage and/or flood defence provisions;
   (ii) is—
       (aa) on a riverine or coastal flood plain; or
       (bb) beyond flood plains on land with a known history of flooding;

   (iii) may affect a flood bank or other flood control structure;
   (iv) is likely to involve the alteration or diversion of a watercourse;
   (v) is of a size or nature that could significantly increase surface runoff; or
   (vi) is a reserved matters application was made subject to an outline planning condition or informative applied following the consideration of a previous consultation response from the Department for Agriculture and Rural Development.

(n) the Department of Enterprise, Trade & Investment on all energy infrastructure applications classed as major development under the Planning (Development Management) Regulations (Northern Ireland) 2015.
### SCHEDULE 4

Orders Revoked

**Table 1**

<table>
<thead>
<tr>
<th>Title</th>
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<tr>
<td>Planning (General Development) Order (Northern Ireland) 1993</td>
<td>S.R. 1993 No. 278</td>
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<td>Planning (General Development) (Amendment No. 2) Order (Northern</td>
<td>S.R. 1995 No. 424</td>
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<td>The Planning (Control of Major-Accident Hazards) Regulations (Northern</td>
<td>S.R. 2000 No. 101</td>
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<td>Planning (Application of Subordinate Legislation to the Crown) Order</td>
<td>S.R. 2006 No. 218</td>
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<td>Planning (Electronic Communications) Order (Northern Ireland) 2006</td>
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<td>Planning (General Development) (Amendment No. 2) Order 2006</td>
<td>S.R. 2006 No. 348</td>
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<td>Article 329 Planning (General Development) (Amendment) Order (</td>
<td>S.R. 2012 No. 329</td>
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<td>Planning (General Development) (Amendment) Order (Northern Ireland)</td>
<td>S.R. 2013 No. 96</td>
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<td>Planning (General Development) (Amendment No. 2) Order (Northern</td>
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EXPLANATORY NOTE
(This note is not part of the Order)

This Order revokes the Planning (General Development) Order (Northern Ireland) 1993 (“the 1993 Order”) and subsequent amendment orders. It also provides for transitional arrangements to allow those development functions made under the 1993 Order to continue to be proposed under this Order.

The main purpose of this Order is to permit the management of development within a new two tier planning system with both councils and the Department operating as planning authorities where appropriate.

Many of the development management functions from the 1993 Order are replicated in this Order, but there are also new provisions that relate to either the operation of the two tier system or that implement the reforms introduced by the Planning Act (Northern Ireland) 2011, (“the 2011 Act”).

This Order relates purely to development management, those provisions in the 1993 Order that dealt with permitted development have been moved and can now be found in a separate permitted development order.

The process to be followed when making an application for planning permission is established, setting out the form and content of the application. This is carried over from the 1993 Order, but now also requires the inclusion both a pre-application community consultation report and a design and access statement whenever either of these are deemed necessary. The form and content of applications for a renewal of a planning permission is also established (Article 3).

Applications for outline planning permission can be granted separately, pending future approval of reserved matters. However, a planning authority (a council or as the case may be the Department) may require that the application ought not to be considered separately from the application for reserved matters, depending on the circumstances of the case. In addition, a planning authority that is unable to determine an application unless further details are supplied, shall notify the applicant and specify the details required (Article 4).

The form and content of applications for reserved matters is established (Article 5).

Design and access statements: this new provision requires that such statements made under section 40 of the 2011 Act shall be required for certain specified development and specifies the issues that such statements must address. It also specifies those applications where such statements are not required (Article 6).

Non-material changes: this new provision prescribes the manner of an application for a non-material change to a previous grant of planning permission (Article 7).

Notice etc. of applications for planning permission: there is now a statutory requirement to send notices of planning applications to affected occupiers of premises on neighbouring land. Definitions of “affected occupiers” and “neighbouring land” are included in statute for the first time. The form and content of the notice is also specified. The existing requirements to publish notice of planning applications in at least one newspaper circulating in the locality of the proposed development or on a website (where one is maintained for this purpose) is carried over from the 1993 Order (article 8).

Certificates and notices under section 42 of the 2011 Act: this requires that such notices shall be in the form set out in Schedule 1. These notices satisfy a planning authority that the owner has consented to, or is aware of the development of their land (including land held on a tenancy) (Article 9).

Notice of reference of applications to the Department: this new provision requires a council to give notice to applicants of directions made by the Department when it calls in applications under section 29 of the 2011 Act (Article 10).
Certificate of lawfulness of existing use or development and certificate of lawfulness of proposed use or development: requires that an application for one of these certificates shall be on a form in line with that outlined in Schedule 2. WRONG THIS NEEDS CHANGED. The form and content of the application is also stipulated. Councils may request further information if necessary and an applicant has a right of appeal if a council declines the application (Article 11).

Applications made under planning conditions: this provision is carried over from the 1993 Order and requires that a planning authority shall give notice of its decision to the applicant on any approval required by a planning application condition within 2 months of it being made (Article 12).

Consultations as to applications for planning permission: this new provision requires a planning authority to consult a statutory consultee before determining an application for planning permission for any of the development types listed in Schedule 3. There is a prohibition on determining the application within 21 days, or such longer period as may be agreed between the planning authority and the consultee to allow the consultee time to make its response. This prohibition does not apply if the consultee makes a substantive response before these time limits have expired (Article 13).

Consultation before the grant of planning permission pursuant to section 54 of the 2011 Act: this new provision requires a planning authority to consult those statutory consultees it considers appropriate before determining a section 54 application. Section 54 allows an applicant who has already been granted planning permission, to apply to have its conditions changed or set aside; provided the time limits have not expired on this permission (Article 14).

Duty to respond to consultation: this new provision requires a statutory consultee to make a substantive response to a request from a planning authority within a specified time limit or a period agreed in writing between the consultee and the planning authority. The nature of a substantive response is also specified (Article 15).

Duty to respond to consultation: annual reports: this new provision allows the Department to give directions in relation to applications made to the council for planning permission, such information as may be specified (including the manner in which any such application was dealt with) to the Department or any other person specified in the direction (Article 18).

Directions requiring consideration of conditions: this new provision allows the Department to give directions to a council whereby the council is required to consider imposing any condition specified in the direction if the council is minded to grant planning permission and not to grant planning permission until it has satisfied the Department that such a condition has been considered (Article 19).

Time period for decision: this provision is carried over from the 1993 Order (though now an amendment makes it applicable to councils). This requires a council to give notice to an applicant that it has determined an application or that it has been referred to the Department within a specified timeframe. This timeframe is 8 weeks, or 16 weeks in the case of major developments. Alternatively a different timeframe can be agreed between a council and the applicant, except where the applicant has given notice of appeal to the Planning Appeals Commission. Allowance is also made for those cases where councils may have to wait for decisions to be made by the Secretary of State or the Department of Justice on cases that may involve national security or public interest implications (Article 20).

Written notice of decision or determination relating to a planning application: this provision is carried over from the 1993 Order and requires planning authorities to give notice in writing of decisions or determinations on applications for planning permission or approval of reserved matters. The notice shall give reasons for any application refused or permitted subject to conditions (Article 21).

Schemes of delegation: this new provision allows councils to enable the determination of specified local developments under section 31 of the 2011 Act by an appointed officer by ensuring that
references to a council within Articles 10, 13, 17 – 19, 20, 21 and Schedule 4 of the Order may also be treated as references to the appointed officer (Article 22).

Register of applications: this establishes the form and content of records to be kept by councils in their planning registers, pursuant to section 242 of the 2011 Act. The Department is also required to send copies of the specified documents to the relevant council whenever it determines a planning application so that they can be placed on the council’s register (Article 23).

Register of Simplified Planning Zones and Enterprise Zones: this provision is carried over from the 1993 Order and specifies the information to be recorded when a planning authority establishes a Simplified Planning Zone. It also includes the information that is to be recorded when the Department establishes an Enterprise Zone (Article 24).

Register of enforcement notices etc.: this provision is carried over from the 1993 Order and specifies the information to be recorded in connection with the service of enforcement notices (Article 25).

Register of Orders and Directions: requires the recording of discontinuance orders made under section 73 of the 2011 Act and directions made by the Department pursuant to section 105(4) (directions specifying that certain classes of building in a conservation area can omitted from the requirement that conservation consent is required prior to demolition), section 118 (that the presence of certain hazardous substances does not constitute a contravention of hazardous substances control in an emergency) and any provision included in a development order by virtue of section 32. The information to be recorded is specified (Article 26).

Registers held using electronic storage: this provision, carried over from the 1993 Order, requires that if a council uses electronic storage to keep the above registers, then it shall make them available to public inspection on a website maintained for that purpose (Article 27).

Use of electronic communications: this provision, carried over from the 1993 Order, applies to anyone using electronic communication to make an application for planning permission under Article 3, an approval for reserved matters under Article 5, for a certificate of lawfulness of existing (or proposed) use or development under Article 11 or a claim for compensation or serving a purchase notice under Article 29. In such cases it is deemed that the applicant shall be taken to have agreed to the use of electronic communication for all purposes relating to the application and the address for such communications shall be that which was associated with the application. This agreement can be revoked if the applicant gives such notice in writing.

Claims for compensation and purchase notices: this provision, carried over from the 1993 Order, requires that compensation claims to a planning authority under section 185 (compensation for loss due to stop notice) and section 187 (compensation for loss due to temporary stop notice) shall be made in writing and served within 6 months (or a longer period with the agreement of the planning authority) of the date of the decision that provoked the claim. The same stipulations also apply to the service of a purchase notice made under section 191 of the 2011 Act.