STATUTORY RULES OF NORTHERN IRELAND

2016 No. 115

PLANNING

The Planning (General Development Procedure) (Amendment) Order (Northern Ireland) 2016

Made - - - -	*2nd March 2016*
Coming into operation	*9th May 2016*

The Department of the Environment makes the following Order in exercise of the powers conferred by sections 32 and 56(1) of the Planning Act (Northern Ireland) 2011(**1**).

Citation and commencement

1. This Order may be cited as the Planning (General Development Procedure) (Amendment) Order (Northern Ireland) 2016 and shall come into operation on 9th May 2016.

Amendment of the Planning (General Development Procedure) Order (Northern Ireland) 2015

2. For Schedule 3 to the Planning (General Development Procedure) Order (Northern Ireland) 2015(**2**) substitute the Schedule 3 set out in the Schedule.

Sealed with the official Seal of the Department of the Environment on 2nd March 2016

L.S.

Angus Kerr
A senior officer of the
Department of the Environment

(**1**) 2011 c.25 (N.I)
(**2**) S.R. 2015 No. 72

SCHEDULE Article 2

SUBSTITUTION OF SCHEDULE 3 TO THE PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER (NORTHERN IRELAND) 2015

"SCHEDULE 3 Article 13

PART 1

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

Subject to Article 13, the council must before determining an application for planning permission for development consult a person, authority or body mentioned in a paragraph below in the circumstances specified in that paragraph.

1. The Department for Communities where a development proposal—
   (a) involves the demolition, in whole or part, or the material alteration of a listed building;
   (b) is likely to affect the site or setting of any historic monument as defined under Article 2 of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995(**3**) or an area which contains archaeological remains or the setting of a listed building or historic park, garden or demesne.

2. The Department of Agriculture, Environment and Rural Affairs where a development proposal —
   (a) is likely to have an adverse effect on a Northern Ireland priority habitat or priority species(**4**);
   (b) is in or likely to have an effect on an area of special scientific interest, a Natura 2000 site or a World Heritage Site;
   (c) involves fish farming;
   (d) involves the refining or storing of mineral oils and their derivatives;
   (e) 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;
   (f) relates to the use of land as a cemetery;
   (g) relates to mineral or hydrocarbon extraction or commercial peat extraction;
   (h) involves the development of land that may be affected by contamination and is causing or has potential to cause pollution of the water environment;
   (i) involves energy generation which is likely to have an effect on the environment;
   (j) relates to the use of land which may have an effect on the water environment including–
      (i) development adjacent to watercourses, lakes or estuaries,
      (ii) development involving the deep drilling of boreholes or an abstraction of groundwater or surface-water, or
      (iii) development that creates an impoundment, culvert, diversion or alteration of a waterway;

(**3**) S.I. 1995 No. 1625 (N.I.9)
(**4**) Section 3(1) of the Wildlife and Natural Environment Act (NI) 2011

(k) involves the use of land where mains sewerage may not be available or have capacity to service the development proposal;

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

(m) involves the use of land for industrial processes including the processing, storing or distribution of hazardous substances or intensive livestock activities; or

(n) involves the use of land likely to have an effect on the marine environment.

3. The Health and Safety Executive for Northern Ireland—

(a) where the development 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 inflammable substances and which are present and which involves the provision of—

(i) residential accommodation,

(ii) more than 250 square metres of retail floor space,

(iii) more than 500 square metres of office space, or

(iv) 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

(b) where the development—

(i) involves the siting of new establishments,

(ii) consists of the modification of existing establishments covered by Article 11 of Council Directive 2012/18/EU(**5**) of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances; or

(iii) involves new developments including transport routes, locations of public use and residential areas in the vicinity of establishments, where the siting or development may be the source of or increase the risk or consequences of a major accident(**6**).

4. The Department for Infrastructure where a development proposal—

(a) 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—

(i) entering or leaving a road,

(ii) using a level crossing over a railway, or

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

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

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

(d) involves power lines which cross a road;

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

(f) is a reserved matters application where an outline planning permission includes roads conditions;

(g) is likely to impact upon drainage and/or flood defence provisions;

(h) is—

(**5**) O.J. No. L197, 24.7.2012, p. 1

(**6**) The expressions used in paragraph 3(b) have the same meaning as in Council Directive 96/82/EC on the control of major accident hazards involving dangerous substances