Changes to legislation: *The Planning (General Development Procedure) Order (Northern Ireland) 2015 is up to date with all changes known to be in force on or before 20 December 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

STATUTORY RULES OF NORTHERN IRELAND

2015 No. 72

PLANNING

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

Made - - - - 25th February 2015

Coming into operation 1st April 2015

The Department of the Environment makes the following Order in exercise of the powers conferred on it by sections 32, 40, 41 (and that section as it is applied by sections 58(7), 143(6) and 159(3)), 42(7), 45(2), 54(2) 56(1), 60, 67(5), 171, 185(3), 187(5), 191(4), 229, 242(1) and (2) and 247(6) of the Planning Act (Northern Ireland) 2011 [F1].

Annotations:

F1 2011 c.25 (N.I.)

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) (control of advertisements) of the 2011 Act.

Interpretation

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

"the 2011 Act" means the Planning Act (Northern Ireland) 2011;

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

"appropriate council" means the council for the district in which the land to which the application relates is situated;

"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 [F2];

"area of special scientific interest" means an area so designated under Article 28 of the Environment (Northern Ireland) Order 2002 [F3];

"conservation area" has the same meaning given in section 104(12) (conservation areas) of the 2011 Act;

"council" means a district council;

"the Department" means the Department of the Environment;

"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 [F4];

"Enterprise Order" means the Enterprise Zones (Northern Ireland) Order 1981 [F5];

"Fees Regulations" means the Planning (Fees) Regulations (Northern Ireland) 2015 [F6];

"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 [F7];

"identified occupier" means the occupier of premises within a 90 metre radius of the boundary of the application site;

"industrial process" means a process for or incidental to any of the following purposes—

(a) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);

(b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or

(c) 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 **[**[F8]Air Navigation Order 2016**]** ;

"major development" has the meaning assigned to that term in Regulation 2 the Planning (Development Management) Regulations (Northern Ireland) 2015 [F9];

"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 [F10];

"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" means a planning permission for the erection of a building which is granted subject to a condition (in addition to any other conditions which may be imposed) requiring subsequent approval to be obtained from the Department with respect to one or more reserved matters;

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

"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—

(a) siting;

(b) design;

(c) external appearance;

(d) means of access; or

(e) the landscaping of the site;

"road" is that which is defined by Article 2 of the Roads (Northern Ireland) Order 1993 [F11];

"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 [F12];

(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).

Annotations:

F2 S.I. 1985/170 (N.I.1)
F3 S.I. 2002/3153 (N.I.7)
F4 S.R. 2015 No.74
F5 S.I. 1981/607 (N.I.15)
F6 S.R. 2015 No.73
F7 S.R. 2015 No.61
F8 Words in art. 2(1) substituted (25.8.2016) by The Air Navigation Order 2016 (S.I. 2016/765), art. 1, **Sch. 14 para. 14** (with arts. 17-23, 274(2)-(4))
F9 S.R. 2015 No.71
F10 S.R. 1995 No.380
F11 1993 No. 3160 (N.I. 15)
F12 See Command Paper 9424

Applications for planning permission

3.—(1) An application for planning permission is to be made to the appropriate council or, as the case may be, the Department 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;

(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;

(b) under section 54 (permission to develop land without compliance with conditions previously attached) of the 2011 Act,

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—