STATUTORY RULES OF NORTHERN IRELAND

2015 No. 71

PLANNING

The Planning (Development Management) Regulations (Northern Ireland) 2015

Made - - - -	*25th February 2015*
Coming into operation	*1st April 2015*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by sections 25(2), 26(1), 27(4) and (5), 30(1), 31(1) and (3), 50(2) and 247(1) and (6) of the Planning Act (Northern Ireland) 2011 [F1].

F1 2011 c.25 (N.I.).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Planning (Development Management) Regulations (Northern Ireland) 2015 and come into operation on 1st April 2015.

(2) In these Regulations a reference to a section is a reference to a section of the Planning Act (Northern Ireland) 2011.

(3) In these Regulations—

"the GDPO" means the Planning (General Development Procedure) Order (Northern Ireland) 2015 [F2];

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

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

"council" means a district council;

"EIA development" has the same meaning as in regulation 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 [F3].

F2 SR 2015 No.72.
F3 SR 2015 No.74.

Hierarchy of Developments

2.—(1) For the purposes of section 25(1)(hierarchy of developments) the classes of development belonging to the category of major development are—

(a) development described in Column 1 of the table in the Schedule, where any applicable threshold or criterion in the corresponding entry in Column 2 of that table is met or exceeded; and

(b) any change to or extension of development of a class described in paragraphs 1 to 9 of Column 1 of the table in the Schedule where that change or extension itself meets or exceeds the threshold or criterion in the corresponding entry in Column 2 of that table.

(2) All other development belongs to the category of local development.

Department's jurisdiction in relation to developments of regional significance

3. The major development prescribed for the purposes of section 26(1) is—

(a) development described in Column 1 of the table in the Schedule, where any applicable threshold or criterion in the corresponding entry in Column 3 of that table is met or exceeded; and

(b) any change to or extension of development of a class described in paragraphs 1 to 5 of Column 1 of the table in the Schedule where that change or extension itself meets or exceeds the threshold or criterion in the corresponding entry in Column 3 of that table.

Content of proposal of application notice

4. A proposal of application notice must be in writing and must, in addition to those matters required by section 27(4), also contain—

(a) a copy (where applicable) of any determination made under regulation 7(1)(a) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 in relation to the development to which the proposal of application notice relates;

(b) a copy of any notice served by the Department under section 26(4) or (6); and

(c) an account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take.

Pre-application community consultation

5.—(1) Where the prospective applicant has been served with a notice under section 26(4), the Department must consult the appropriate council as respects a proposed application and in doing so, must give a copy of the proposal of application notice to that council.

(2) **[**[F4]Subject to regulation 5A,**]** the prospective applicant must—

(a) hold at least one public event in the locality in which the proposed development is situated where members of the public may make comments to the prospective applicant as regards the proposed development; and

(b) publish in a newspaper circulating in the locality in which the proposed development is situated a notice containing—

(i) a description of, and the location of, the proposed development,

(ii) details as to where further information may be obtained concerning the proposed development,

(iii) the date, time and place of the public event,

(iv) a statement explaining how, and by when, persons wishing to make comments to the prospective applicant relating to the proposal may do so, and

(v) a statement that comments made to the prospective applicant are not representations to the council or as the case may be the Department and if the prospective applicant submits an application there will be an opportunity to make representations on that application to the council or as the case may be the Department at a later stage.

(3) A public event held by the prospective applicant in accordance with paragraph (2)(a) must not be held earlier than 7 days after notification of the date, time and place of such event is given under paragraph (2)(b)(iii).

F4 Words in reg. 5(2) inserted (1.5.2020) by The Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020 (S.R. 2020/72), regs. 1, **2(2)**

[F5Temporary relaxation of pre-application community consultation requirements during Coronavirus emergency period

5A.—(1) This regulation applies in relation to an application for planning permission submitted—

(a) either—

(i) during the emergency period, or

(ii) within the period of 6 months immediately following the expiry of the emergency period, and

(b) in respect of which a proposal of application notice is given to the council or as the case may be the Department before, or during, the emergency period.

(2) Where this regulation applies in relation to an application for planning permission, regulation 5 applies in relation to that application—

(a) as if paragraphs (2)(a), (b)(iii) and (3) were omitted, and

(b) during the emergency period, as if in paragraph (2)(b)(ii) for "where" there were substituted "how (including by what electronic means)".

(3) For the purposes of this regulation, the "emergency period" begins on the date on which these Regulations come into operation and ends **[**F6**]**31st March 2022**]**.

F7(4) . . . . . .**]**

F5 Reg. 5A inserted (1.5.2020) by The Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020 (S.R. 2020/72), regs. 1, **2(3)**

F6 Words in reg. 5A(3) substituted (1.10.2021) by The Planning (Development Management) (Temporary Modifications) (Coronavirus) (Amendment No.2) Regulations (Northern Ireland) 2021 (S.R. 2021/270), regs. 1, **2(1)**

F7 Reg. 5A(4) omitted (1.10.2020) by virtue of The Planning (Development Management) (Temporary Modifications) (Coronavirus) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/208), regs. 1, **2(2)(b)**

Duty to decline to determine application where section 27 not complied with

6. The period prescribed for the purposes of section 50(2) is the period of 21 days beginning with the day on which the additional information referred to in that subsection was requested.

Pre-determination hearings

7.—(1) The classes of development prescribed for the purposes of section 30(1) are those developments to which a direction under Article 17 of the GDPO applies where the Department has notified the council that it does not intend to determine the application under section 29(1).

(2) The persons who submit representations to the council in respect of the application in accordance with paragraph (1) are prescribed for the purposes of section 30(1), as persons to whom the council are to give an opportunity of appearing before and being heard by a committee of the council.

Content of scheme of delegation

8.—(1) A scheme of delegation must—

(a) describe the classes of local development to which the scheme applies; and

(b) state with respect to every such class which of the applications mentioned in paragraph (2) are to be determined by an appointed officer and, if such application is only to be so determined in particular circumstances, specify those circumstances.

(2) The applications are—

(a) an application for planning permission; or

(b) an application for consent, agreement or approval required by a condition imposed on a grant of planning permission.

(3) A scheme of delegation must include provision that prohibits an appointed officer from determining an application for planning permission in the circumstances mentioned in paragraph (4).

(4) The circumstances are that—

(a) the application is made by the council or an elected member of the council; or

(b) the application relates to land in which the council has an estate.

Procedure for the preparation and adoption of scheme of delegation

9. The council must send a copy of the scheme of delegation to the Department and must not adopt the scheme until the scheme has been approved by the Department.

Publication of the scheme

10. On adoption of the scheme the council must—

(a) make a copy of the scheme of delegation available for inspection at an office of the council; and

(b) publish the scheme of delegation on the website of the council.

Subsequent schemes of delegation

11. The council must prepare a scheme of delegation at intervals of no greater than three years.

Transitional provision

12. Section 27 (pre-application community consultation) applies only to applications for planning permission made on or after 1st July 2015 and the requirement in Article 3(3)(e) of the GDPO shall not apply before that date.

Sealed with the Official Seal of the Department of the Environment on 25th February 2015

L.S.

Angus Kerr
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