STATUTORY RULES OF NORTHERN IRELAND

2015 No. 39

PLANNING

The Planning General Regulations (Northern Ireland) 2015

Made - - - -	*9th February 2015*
Coming into operation	*1st April 2015*

The Department of the Environment makes the following Regulations in exercise of the powers conferred on it by sections 71(2), 79(1), (3), (4) and (5) and 247(1) of the Planning Act (Northern Ireland) 2011 [F1].

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

Citation, commencement and interpretation

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

(2) In these Regulations—

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

"planning permission", except in regulations 7 and 8, includes any consent of a council required under a development order; and a reference to a section is a reference to a section of the 2011 Act.

PART 1

Land of interested councils and development by them

Application of provisions of the 2011 Act

2. In relation to—

(a) land of an interested council; and

(b) development of any land by an interested council or such council jointly with any person,

the provisions of Parts 3, 4 (except chapters 1 and 2 of that part) and 5 (except sections 157 to 163) of the 2011 Act shall apply subject to regulations 3 to 10.

Applications for planning permission

3. Subject to regulation 4, an application for planning permission by an interested council to develop any land of that council, or for development of any land by an interested council or by an interested council jointly with any other person, shall be determined by the council, unless the application is referred to the Department under section 29 for determination by it.

4. Regulation 3 does not apply in the case of an application for planning permission to develop land of an interested council where the council does not intend to develop the land itself or jointly with any person.

Modifications and exceptions to Part 3 of the 2011 Act

5.—(1) In the case of applications for planning permission for development to which regulation 3 applies—

(a) sections 46 and 58 shall not apply;

(b) sections 64 and 65 shall not apply except to the extent that they apply to a completion notice served under section 66 by the Department; and

(c) the provisions of Part 3 of the 2011 Act listed in the first column of the Schedule to these Regulations shall have effect subject to the modifications in the second column of that Schedule.

If an application for planning permission for development to which regulation 3 applies is referred to the Department under section 29 for determination by it that section shall have effect subject to the modification that, in subsection (7), for the words "the applicant and the appropriate council" substitute "the interested council" and for the words "the applicant or the council so requests in writing, the Department shall afford each of them an opportunity" substitute the words "the interested council requests in writing, the Department shall give it the opportunity".**]**

Annotations:

F2 Reg. 5(2) substituted (15.4.2015) by The Planning General (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/176) , regs. 1(1) , **2**

6. In Part 3 of the 2011 Act any reference to "council", in relation to development to which regulation 3 applies, is a reference to the interested council concerned, and references to "the council" shall be construed accordingly.

Publicity

7.—(1) Any provision made by virtue of section 41, 42 or 45(2) to (4) or by a development order shall apply to applications for planning permission for development to which regulation 3 applies subject to the modifications prescribed in paragraph (2).

(2) Any reference in such a development order to "council" is a reference to the interested council concerned, and references to "the council" shall be construed accordingly.

Effect of planning permission

8. Any grant of planning permission by an interested council for development falling within regulation 3 shall have effect only for the benefit of the applicant interested council, except in the case of development of any land by an interested council jointly with any other person where that person is specified in the application for planning permission as a joint developer, in which case the permission shall have effect for the benefit of the applicant interested council and that other person.

Arrangements for discharge of functions

9. Notwithstanding anything in section 7 (arrangements for discharge of functions of council) of the Local Government Act (Northern Ireland) 2014 [F3] no application for planning permission for development to which regulation 3 applies may be determined—

(a) by a committee or sub-committee of the interested council concerned if that committee or sub-committee is responsible (wholly or partly) for the management of any land or buildings to which the application relates; or

(b) by an officer of the interested council concerned if that officer's responsibilities include any aspect of the management of any land or buildings to which the application relates.

Annotations:
F3 2014 c.8 (N.I.)

Other consents

10. Where an interested council is seeking a consent of a council under Parts 3, 4 (except chapters 1 and 2 of that Part) or 5 (except sections 157 to 163) of the 2011 Act other than planning permission to develop land or a consent to display an advertisement pursuant to regulations made under section 130 and that council is itself the council by whom such consent would be given, it shall make an application for such consent to the Department.

PART 2

General

Advertisement and notice of unopposed order revoking or modifying planning permission

11.—(1) Where an order has been made to which section 71(2) applies, a council shall—

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

(b) serve notice of the order to any identified occupier on neighbouring land in accordance with paragraph (2); and

(c) where it maintains a website for the purpose of advertisement of orders, publish the notice on that website.

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

(a) the date within which persons affected by the order may give notice to the Department that they wish for an opportunity of appearing before, and being heard by, the planning appeals commission (being a date not less than 28 days from the date of service of the notice); and