

# Development Management

## Practice Note

PRACTICE NOTE

13

### Notification and Call In of Applications

May 2016

Version 5



**DfI**

Department  
for Infrastructure  
[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

## Preamble

This Development Management Practice Note is designed to guide planning officers and relevant users through the legislation associated with notification and call in of Council applications to the Department and deals primarily with procedures as well as good practice. It forms part of a series of new practice notes stemming from the **Planning Act (Northern Ireland) 2011 (2011 Act)** and any related subordinate legislation. The emphasis is very much on advice but where explicit legislative requirements must be followed these will be made clear.

Where appropriate this practice note will therefore highlight:

- Relevant legislation;
- Procedural guidance;
- Definitions;
- Best practice examples / relevant case law;

This practice note is not intended to replace the need for judgement by planning officers and those making planning applications. Nor is it intended to be a source of definitive legal advice. Reference should be made to the actual legislation referred to in this document and if any discrepancy or conflict exists between the Practice Note and legislation the provisions of the legislation will prevail.

## 1.0 Introduction

1.1 Under the two tier planning system councils are the determining planning authority for the vast majority of planning applications. Those applications deemed to be of regional significance will be submitted directly to the Department under the provisions set out in **Section 26 of the Planning Act (Northern Ireland) 2011** (2011 Act). The Schedule to the **Planning (Development Management) Regulations (Northern Ireland) 2015** (DM Regulations) sets thresholds for what is considered to be regionally significant development. There is a general provision which allows for any application to be called in for determination by the Department, however, this will be by exception and councils will be required to notify applicants when this has occurred.

## 2.0 Legislative Context

2.1 **Section 29 (1)** of the 2011 Act allows the Department to direct that an individual application or applications be referred to the Department instead of being dealt with by a council. This provision allows the Department to call in any planning application for determination.

2.2 The Department's direction may be given under Section 29(2) (a) to an individual council or to councils in general and, under Section 29(2) (b), may relate to either a particular application or a specific use class.

2.3 **Section 56** of the 2011 Act allows the Department to make provision for a development order for regulating how a planning application is dealt with by the Department or council.

2.4 The provisions contained in Article 17, 18 and 19 of the **Planning (General Development Procedure) Order (Northern Ireland) 2015 (GDPO)** allow the Department to give directions to a council restricting the granting of consent, indefinitely or for a specified period. They can relate to a specific application to be called in to the Department or they

can require a council to notify the Department that it is processing a particular type of application. Councils can be directed to supply the Department with information regarding the application, including information regarding the manner in which the application has been dealt with. The Department can also through direction request that a council consider attaching a condition to an application before it has completed its determination.

2.5 Article 10 of the GDPO sets out the actions to be undertaken by a council when an application has been referred to the Department.

### 3.0 **Applications likely to be affected**

3.1 The provisions in the 2011 Act allow the Department to call in any application submitted to the council. In practice applications will be called in by exception, as the Department recognises the important role of councils in decision making on the future development of their areas.

3.2 There may be circumstances where the proposed development raises issues of such importance that they could be considered to have a significant regional impact, regardless of falling below the threshold for regionally significant development, or it may be considered the Department is a more appropriate authority to determine the application.

3.3 The call in system can only work when the Department is aware of all the planning applications submitted to councils which might meet the criteria for call-in. While individual applications can be brought to the attention of the Department by third parties, such an ad hoc system would result in the Department missing applications which could be of interest. The Department can therefore issue a direction requesting that councils notify the Department that they have receipt of certain types of application. These requirements to notify the Department will

cover major applications in certain instances and applications that councils make themselves or jointly with another party.

- 3.4 The Department must call in applications where the Secretary of State has certified under Section 235 (1) – (3) of the 2011 Act that the consideration of the application raises matters of national security, security of premises/ property owned by the Crown or a United Kingdom government department and security relating to premises or property used by the armed forces or Ministry of Defence Police. It must also be deemed that the disclosure of such matters would be contrary to the national interest. Similarly the Department must call in applications where the Department of Justice, under Section 235 (4) – (6), has certified that the consideration of the application raises matters relating to the security of premises/property within its remit and it is deemed that the disclosure of such matters would be contrary to the public interest.

#### 4.0 **Notification Direction for Major Applications**

- 4.1 Major applications can be broadly considered to be those prescribed by Regulations 2 and 3 of the DM Regulations and detailed in the Schedule to the Regulations. Councils will be required by the **Planning (Notification of Applications) (Northern Ireland) Direction 2015** to formally notify the Department where they are minded to grant planning permission for certain types of application. The direction issued restricts the grant of planning permission and requires a council to send information to the Department. A copy is attached in Annex A.
- 4.2 The schedule attached to the notification direction sets out the circumstances when the councils should notify the Department where:
- (i) a major development application which would significantly prejudice the implementation of the local development plan's objectives and policies;

- (ii) major development application which would not be in accordance with any appropriate marine plan adopted under the Marine Act (Northern Ireland) 2013; or
- (iii) a government department or statutory consultee has raised a significant objection to a major development application.

4.3 The schedule of the Notification Direction provides further detail on the circumstances which may constitute a significant objection. Broadly the direction considers major applications affecting the following to require notification when issues arise regarding:

- (i) Development affecting a road;
- (ii) Development in the vicinity of major hazards;
- (iii) Nature Conservation, Archaeology and Built Heritage;
- (iv) Flooding.

#### 5.0 **Notification Direction for Councils' own Applications**

5.1 **Regulation 3 of the Planning General Regulations (Northern Ireland) 2015 (General Regulations)** allows a council to determine applications that a council may make individually or in a joint arrangement, unless the application is referred to the Department for determination under the provisions of Section 29 of the 2011 Act.

5.2 Applications made by the council or by a council jointly with another person will also be subject to notification as set out in the **Planning (Notification of Councils' Own Applications) Direction 2015**, attached at Annex B. Councils will be required to notify the Department of planning applications for both major and local development in which the council has an interest and the proposal would be significantly contrary to the development plan for its district.

5.3 The Schedule attached to the notification direction sets out when a council should notify the Department when it is significantly contrary to the Local Development Plan. This is development:

- (i) For which district council is the applicant/developer;
- (ii) In respect of which the district council has a financial or other (e.g. partnership) interest; or
- (iii) To be located on land wholly or partly in the district council's ownership or in which it has an interest.

## 6.0 **The process for calling in applications from councils**

6.1 The Department may issue a direction for the call in of an application if it has been made aware that there are significant issues that may be better determined by the Department than the council. The applicant or any other interested party can write (e-mail is acceptable) to the Department to request that an application be called in detailing the reasons why the application should be called in. The Department may also have become aware of the application if the council have undertaken notification.

6.2 Applications can be called in by the Department at any point during a council's consideration of that application, up to the date at which the council formally issues a decision on the grant or refusal of planning permission. If the Department considers it is merited, it can issue a direction under Articles 17 (direction restricting the grant of planning permission) and 18 (direction requiring information) to councils restricting the grant of planning permission either indefinitely or for a specified period. The direction will also require the council to give the Department information relating to the planning application submitted to the council.

6.3 For applications that are subject to a notification direction, the direction will prohibit the granting of planning permission within 28 days of receipt by the Department of information which the council will be required to supply.

## 7.0 Information Required

7.1 A direction issued by the Department will specify the information required. This information, where applicable will usually include:

- (a) a copy of the application (including copies of any accompanying plans, drawings, statements, any assessments, pre-application material and any other supporting information;
- (b) a copy of the requisite notice (This refers to a notice in the appropriate form set out in Schedule 1 of the Planning (General Development Procedure) Order (Northern Ireland) 2015;
- (c) a copy of any representations made to the council in respect of the application; and
- (d) a copy of any report on the application prepared by the council.

7.2 The information required by a notification direction and one which is issued for a specific application will be similar. Notification directions will contain the information that the council will be required to supply to the Department as part of the council's formal notification to the Department. The council should denote why it is notifying the Department, making reference to the relevant parts of the direction.

7.3 The Department will normally allow 28 days from the date of receipt of requested information under the direction for making its decision as to whether or not to call in the application. The Department will not seek to delay the consideration of any application longer than necessary and



will reply as soon as possible. If more time is considered necessary to determine if the application should be called in, the Department will issue a new direction to that effect. This direction will also prohibit the council from determining the application whilst the Department considers its position.

7.4 Major applications are often accompanied by substantive amounts of environmental information. Where a council holds the information on its website, it may comply with some or all of the requirements to provide this information to the Department by means of an e-mail to the Department containing a link, or a series of links, to the relevant pages on the website.

7.5 If the Department determines that the application should be called in then it will inform the council in writing within the specified time period given in the direction.

## 8.0 **Submission to the Department**

8.1 The Department's consideration of whether an application should be determined by the Department cannot commence until all necessary information has been provided to the Department as specified in the relevant direction.

8.2 Submissions should be made by e-mail to [planning@infrastructure-ni.gov.uk](mailto:planning@infrastructure-ni.gov.uk) or where it is necessary to send hard copies of some or all of the required documents that they should be sent to:

Department for Infrastructure  
Strategic Planning Division  
Causeway Exchange  
1-7 Bedford Street Town Parks  
Belfast  
BT2 7EG

## 9.0 **Department's Consideration**

9.1 The decision whether to call in an application is discretionary and the Department will only issue the direction once it has assessed the application and decided it is appropriate for referral. Whilst not an exhaustive list, the Department is likely to consider the following areas in its consideration of the application:

- The relevant development plan;
- Opinion of a statutory consultee;
- National importance of the proposal;
- Relationship with a Regionally Significant Application;
- Significance of application to whole or part of Northern Ireland;
- Significant effects outside of Northern Ireland.

9.2 It is regarded as good practice that where an application is to be referred to the Department that it is undertaken as soon as possible to minimise disruption to the processing of the application and potential delays to the determination of the application.

## 10.0 **Significant Objection/Departure from Area Plan**

10.1 In circumstances where an officer is unsure if the objection from a statutory consultee is significant, they should discuss the concerns about the proposal with the consultee. A significant objection can be one which means an extensive or important challenge or disagreement. A consultee may also indicate in their response the significance of their concerns.

10.2 In considering where a decision will significantly depart from a plan, judgement will be with the relevant council, but this may be where a

recommendation to approve would be contrary to the vision or wider spatial strategy of a plan.

10.3 In circumstances where there is a difference of opinion regarding the significance of a consultee's concerns or a departure from an area plan the council will have to consider that, if it has not notified the Department, the Department may seek to call in the application under its general power of call in. If the application is determined without notification being made, the council could face a challenge to its decision in the courts.

#### 11.0 **The processing of a call- in application by the Department**

11.1 There is no legal obligation for the council to notify the Department prior to the submission of an application. However, it is recommended that councils contact the Department prior to the lodging of an application that may be affected by Regulation 3, 4 or 9 of the General Regulations. This will help inform any pre-application discussion that may occur and make the applicant aware of the possible route for determination of their proposal.

11.2 To allow the Department sufficient time to reach a decision on whether or not to call in an application, a 28 day period shall apply from receipt of all the required information from the council. An acknowledgement will issue from the Department. This will provide both councils and the Department with the necessary safeguards and discretion to ensure adequate controls are put in place for dealing with councils own applications involving council owned land or land in which they have a financial interest.

#### 12.0 **Process**

12.1 The consideration of whether the department calls in an application will depend on the circumstances of the application. As stated Section 29

of the 2011 Act provides a general power of call in over all local and major planning applications. It is not envisaged that a local application is likely to be called in by the Department, however, it may be if associated with a regional application or if the Department is in a better position to determine the application. Major applications subject to notification are likely to be considered against the criteria set out in the relevant notification.

- 12.2 On determining that an application should be called in, the Department will write to the relevant council. The Department will then be responsible for determining the application. All further consultations or requests of information (if required) will be dealt with by the Department. After consideration the Department will present a recommendation to the Minister for consideration. Section 29 (6) empowers the Department to cause a public local inquiry to be held by the PAC or a person appointed by the Department. It is not mandatory to have a Public Inquiry (except when Section 235 of the Act 2011 applies and no exemption has been certified) and the Department will consider if such an inquiry is necessary when reaching its recommendation to the Minister.
- 12.3 Where an inquiry is not held, and before a final determination is made, Section 29 (7) requires a notice in writing to be served on the applicant and the appropriate council indicating the decision it proposes to make. The notice must specify that within a timeframe of not less than 28 days, the applicant or the council can request the opportunity to be heard by the PAC or a person appointed by the Department. In such circumstances the Department on receipt of a request will write to the PAC asking them to convene a hearing. The PAC will then write to all parties involved setting out the process and timetable for the inquiry.
- 12.4 If an inquiry or hearing is held then the Department must take into account any report submitted to it by either the PAC or appointed person before making a determination. The Department will issue a

decision notice to the applicant and inform the relevant council and third parties of the decision that has been made.

12.5 The decision of the Department is final and there is no right of appeal. It is open to an individual to apply for judicial review in the Courts if they do not agree with the decision of the Department. Judicial review is limited to legal or procedural aspects of the decision only.

### 13.0 **Informing an applicant**

13.1 Where the Department has issued a direction under Section 29 of the 2011 Act calling in an application, the council will no longer be responsible for processing or determining the application.

13.2 In these circumstances the council are required by Article 10 of the GDPO to inform an applicant in writing that their application is to be determined by the Department rather than the council. The council must serve a notice on the applicant setting out:

- (a) The terms of the direction;
- (b) 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;
- (d) that the decision of the Department is final.

13.3 If the Department decides not to call in an application, the council will be notified in writing of the Department's decision. The determination of the application will be then undertaken by the relevant council.

#### *Pre-determination Hearings*

13.4 Regulation 7 of the DM Regulations sets out a mandatory requirement for pre-determination hearings for those developments which have been subject to an Article 17 direction i.e. referred to the Department for call-in consideration, but that have been returned to a council. A

council will therefore have to hold a hearing prior to it being determined. Information on pre determination hearings can be found in Development Management Practice Note 17, Pre-determination Hearings. Once the hearing has been undertaken and recorded as necessary, the council can then determine the application. The decision of the council can be challenged under the appeal provisions contained in Sections 58, 59 and 60 of the 2011 Act.

#### 14.0 **Directions Requiring Consideration of Condition**

14.1 The Department does have an alternative to the call in of an application. Article 19 of the GDPO allows the Department to issue a direction requiring a council to consider attaching conditions when granting planning permission. This may have followed notification by the council to the Department or a third party and can be used where call in of an application would not be considered necessary if a condition that has not previously been considered were to be attached to the consent. The Directions must be considered before an application is determined. If a council accepts that they will attach the condition they can proceed to grant planning permission having first informed the Department that it intends to do so. This approach could minimise delay in the processing of the application without the Department having to call in the application.

14.2 Alternatively the provisions of Article 19(b) of the GDPO provide an opportunity for a council to write to the Department providing an explanation as to why it considers such a condition unnecessary. The council should not however determine the application while this consideration is taking place unless the date of the direction has expired. The Department should inform the council in writing whether it is content for it to proceed with or without the condition, or it may deem it necessary to call in the application.

## 15.0 **Appealing a Call in Decision**

15.1 There is no statutory right of appeal against a decision not to call in (or call in) an application.

## 16.0 **Altering a Direction/ Changing a Notification**

16.1 Notification directions may be altered or updated by the Department at any time. Care should be taken to ensure that the latest requirements are being implemented.

16.2 Section 246 of the 2011 Act empowers the Department to withdraw, vary or revoke using a subsequent direction. Any direction given under Articles 17 18 and 19 of the GDPO can be varied or cancelled by the issuing of a subsequent direction under Article 31 of the GDPO.

## 17.0 **Registry**

17.1 Details of all Orders and Directions received by a council from the Department must be placed on the register that councils are required to keep under the provisions of Section 242(b) of the 2011 Act, as such directions are relevant to the manner in which a planning application has been processed.

## 18.0 **Listed Building Consent (LBC)**

18.1 Section 88 of the 2011 Act permits the Department to issue directions to call in LBC applications to the Department. To facilitate this process a council will be required under Section 89 to notify the Department of any LBC application it has received if it intends to grant LBC. Furthermore, a council cannot grant consent unless a period of 28 calendar days has passed or the Department has informed the council that it does require the application to be referred to it. The provisions of Section 89 may not apply if the Department has issued a direction

under Section 90 where determination of certain LBC applications will fall to the council rather than the Department.

## 19.0 **Conservation Area Consent (CAC)**

19.1 Section 105 of the Act 2011 Act permits the Department to issue directions to call in CAC applications to the Department. To facilitate this process a council will be required under Section 89 to notify the Department of any CAC application it has received if it intends to grant CAC. Applications by a Council for CAC are required to be determined by the Department as per Section 105 (a) of the 2011 Act.

## 20.0 **Advertising Consent**

20.1 **Regulation 12 of the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015** requires a council to determine an application made by an interested council (whether solely or jointly with any other person) for consent, unless the application is referred to the Department under the provisions of Section 29 of the 2011 Act.

## 21.0 **Hazardous Substance Consent (HSC)**

21.1 Section 114 of the 2011 Act allows the Department to issue directions requiring applications for hazardous substance consent (HSC) to be referred to the Department rather than be processed by a council. The Secretary of State or The Department of Justice can also direct that an application should be determined by the Department under the provisions of Section 235 of the Act 2011 when issues pertaining to National Security arise. To ensure the Department is aware of applications for hazardous substance consent, the council, under the provisions of **Regulation 11 of The Planning (Hazardous Substances) Regulations (No 2) (Northern Ireland) 2015**, must consult with the Department of Agriculture, Environment and Rural



Affairs<sup>1</sup>, as well as the Health and Safety Executive and the Northern Ireland Fire and Rescue Service.

21.2 If an HSC is called in by the Department, councils under Regulation 15 of the Planning (Hazardous Substances) (No 2) Regulations (Northern Ireland) 2015 must serve notice on an applicant informing them that it has been called in, setting out the reasons given by the Department.

21.3 Applications by a council for HSC are required to be determined by the Department as per Regulation 16(1) of the Planning (Hazardous Substances) Regulations (No 2) (Northern Ireland) 2015.

## 22.0 **Transitional Arrangements**

22.1 Notification directions are effective from the 1<sup>st</sup> April 2015. They will need to be considered in relation to planning applications and consents submitted prior to the 1<sup>st</sup> April 2015, but not yet determined and those submitted after this date.

22.2 Applications declared under the provisions of Article 31 of the Planning (Northern Ireland) Order 1991 prior to the 1<sup>st</sup> April 2015 will continue to be processed by the Department.

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<sup>1</sup> The Planning (Hazardous Substances) (No.2) (Amendment) Regulations (Northern Ireland) 2016 transfers the consultation obligation from the Department of Environment to the Department of Agriculture and Rural Affairs as NIEA functions moved to this Department on 09/05/16.

## **Annex A – Major Applications Direction – Effective from 1<sup>st</sup> April 2015**

### **DIRECTION TO ALL DISTRICT COUNCILS**

#### **THE PLANNING (NOTIFICATION OF APPLICATIONS) DIRECTION 2015**

The Department of the Environment (“the Department”) makes the following Direction, in exercise of powers conferred on it by Articles 17 and 18 of the Planning (General Development Procedure) Order (Northern Ireland) 2015<sup>2</sup>.

#### **Commencement**

1. This direction comes into operation on 1st April 2015.

#### **Interpretation**

2. In this Direction—

“the 2011 Act” means the Planning Act (Northern Ireland) 2011<sup>3</sup>;

“assessments” means any Flood Risk assessments, Environmental Impact assessments, Retail Impact assessments, Transport assessments or any other assessments that may be submitted with the application;

“council” means district council;

“Development Management Regulations” mean the Planning (Development Management) Regulations (Northern Ireland) 2015<sup>4</sup>;

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<sup>2</sup> S.R. 2015 No.72

<sup>3</sup> 2011 c.25 (N.I.)

<sup>4</sup> S.R. 2015 No.71

“the GDPO” means the Planning (General Development Procedure) Order (Northern Ireland) 2015;

“local development plan” shall be construed in accordance with section 6(1) of the 2011 Act;

“major development application” means development which belongs to the category of major development as prescribed in regulation 2(1) of the Development Management Regulations;

“pre-application material” means any material submitted with the planning application as prescribed by section 27 of the 2011 Act and regulations 4 and 5 of the Development Management Regulations;

“requisite notice” means notice in the appropriate form set out in Schedule 1 to the GDPO or in a form substantially to the same effect;

“road” is that which is defined by Article 2 of the Roads (Northern Ireland) Order 1993<sup>5</sup>;

“significant objection” means an extensive or important challenge or disagreement;

“statutory consultee” means an authority or person with whom the council or Department must consult in accordance with Article 13 of the GDPO 2015;

### **Information to be given to the Department**

3. — (1) Where the council proposes to grant planning permission for development falling within any of the descriptions of development listed in the Schedule to this Direction, it must send the Department the following information:
  - (a) a copy of the application (including copies of any accompanying plans, drawings, statements, assessments, pre-application material and any other supporting information);
  - (b) a copy of the requisite notice;

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<sup>5</sup> S.I. 1993/3160 (N.I. 15)

- (c) a copy of any representations made to the council in respect of the application; and
- (d) a copy of any report on the application prepared by the council.

(2) Where the council holds the information set out in sub-paragraphs (a) – (d) above on its website, it may comply with some or all of the requirements to provide this information to the Department by means of an e-mail to the Department containing a link, or a series of links, to the relevant pages on the council's website.

### **Restriction on grant of planning permission**

4. The council must not grant planning permission for development falling within any of the descriptions of the development listed in the Schedule to this Direction before the expiry of a period of 28 days, beginning with the date notified to them by the Department as the date of receipt by the Department of the information specified in paragraph 3.
5. If, before the expiry of the 28 day period referred to in paragraph 4, the Department has notified the council that they do not intend to issue a direction under section 29(1) of the 2011 Act, in respect of that application, the council may proceed to determine the application.

Sealed with the Official Seal of the Department of the Environment on 23 March 2015.

(L/S)

ANGUS KERR

A senior officer of the Department of the Environment

## SCHEDULE

### DESCRIPTION OF MAJOR DEVELOPMENT FOR WHICH APPLICATIONS MUST BE NOTIFIED TO THE DEPARTMENT OF THE ENVIRONMENT

1. A major development application which would significantly prejudice the implementation of the local development plan's objectives and policies.
2. A major development application which would not be in accordance with any appropriate marine plan adopted under the Marine Act (Northern Ireland) 2013<sup>6</sup>.
3. Significant objection by a Government Department or Statutory Consultee to a major development application;

(i) *Development Affecting a Road*

Development which has been the subject of consultation with the Department for Regional Development under Article 13 of the GDPO where it has raised a significant objection against the granting of planning permission or has recommended conditions which the council does not propose to attach to the planning permission.

(v) *Development in vicinity of major hazards*

Development which has been the subject of consultation with the Health and Safety Executive for Northern Ireland under Article 13 of the GDPO where the Health and Safety Executive has raised a significant objection against the granting of planning permission or has recommended conditions which the council does not propose to attach to the planning permission.

(iii) *Nature Conservation, Archaeology and Built Heritage*

Development which has the potential to:

- (a) affect a marine conservation zone designated under the Marine Act (Northern Ireland) 2013;
- (b) have an adverse effect on a Northern Ireland priority habitat or priority species<sup>7</sup>;
- (c) have an effect on a Natura 2000 site as designated under the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995<sup>8</sup>;

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<sup>6</sup> 2013 c.10 (N.I.)

<sup>7</sup> Section 3(1) of the Wildlife and Natural Environment Act (NI) 2011

- (d) have an effect on an Area of Special Scientific Interest designated under Article 28 of the Environment (Northern Ireland) Order 2002<sup>9</sup>;
- (e) have an effect on a World Heritage site appearing on the World Heritage List kept under the 1972 UNESCO Convention for the Protection of World Cultural and Natural Heritage<sup>10</sup>;
- (f) affect a site or setting of any historic monument as defined under Article 2 of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995<sup>11</sup> or an area which contains archaeological remains or historic park, garden or demense; or
- (h) affect a listed building as defined under section 80 of the 2011 Act,

where the Department on being consulted by the council under Article 13 of the GDPO has indicated that the development may adversely affect such a site and has raised a significant objection against the granting of planning permission, or has recommended conditions which the council does not propose to attach to the planning permission.

(iv) Flooding

Development which has been the subject of consultation with the Department of Agriculture and Rural Development (DARD) under Article 13 of the GDPO where DARD has raised a significant objection against the granting of planning permission or has recommended conditions which the council does not propose to attach to the planning permission.

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<sup>8</sup> S.R. 1995 No. 380 relevant amendments are S.R. 2004 No. 435; S.R. 2007 No. 345; S.R. 2009 No. 8 and S.R. 2011 No. 216.

<sup>9</sup> S.I. 2002 No. 3153 (N.I.7)

<sup>10</sup> See Command Paper 9424

<sup>11</sup> S.I. 1995 No. 1625 (N.I.9)

## **Annex B - Council Direction - Effective from 1<sup>st</sup> April 2015**

### **DIRECTION TO ALL DISTRICT COUNCILS**

#### **THE PLANNING (GENERAL DEVELOPMENT PROCEDURE) (NORTHERN IRELAND) ORDER 2015**

#### **PLANNING (NOTIFICATION OF COUNCILS' OWN APPLICATIONS) DIRECTION 2015**

The Department of the Environment makes the following Direction in exercise of the powers conferred on it by Articles 17 and 18 of the Planning (General Development Procedure) Order (Northern Ireland) 2015(a).

#### **Citation and commencement**

1. This Direction may be cited as the Planning (Notification of Councils' Own Applications) Direction 2015 and comes into force on 1st April 2015.

#### **Information to be given to the Department**

2. —(1) Where a district council proposes to grant planning permission for development falling within any of the descriptions of development listed in the Schedule to this Direction, it shall send to the Department the following information:

(a) a copy of the planning application, accompanying plans and associated documentation (e.g. transport/retail assessment), together with the full address and post-code of the site to be developed;

(b) copies of all observations submitted by consultees and all representations and petitions received, together with a list of the names and addresses of those who have submitted observations/made representations (including details of any petition organiser if known). Where 'pro-forma' representations are received, only one copy example need be submitted, but all names and addresses must be provided. Copies of petitions should be submitted, but only the organiser or first named should be included in the list of names and addresses;

(c) the district council's comments on the consultees' observations and on representations received;

(d) the district council's reasons for proposing to grant planning permission, including, where relevant, a statement setting out the reasoning;

(i) behind the district council's decision to depart from the development plan;  
and/or

(ii) for taking the decision it has, in light of any objections received.

(2) Where the district council holds the information set out in sub-paragraphs (a) to (d) above on its website, it may comply with some or all of the requirement to provide this information to the Department by means of an e-mail to the Department containing a link, or a series of links, to the relevant pages on the council's website.

### **Restriction on grant of planning permission**

**3.** A district council must not grant planning permission for development falling within any of the descriptions of development listed in the Schedule to this Direction before the expiry of a period of 28 days beginning with the date notified to them by the Department as the date of receipt by the Department of the information which the district council is required to give to the Department under paragraph 2.

Sealed with the Official Seal of the Department of the Environment on 23 March 2015.

***Angus Kerr***

A senior officer of the Department of the Environment



## **SCHEDULE**

### **DESCRIPTIONS OF DEVELOPMENT FOR WHICH APPLICATIONS MUST BE NOTIFIED TO THE DEPARTMENT**

#### **1. Development in which district councils have an interest**

Development:

(a) for which the district council is the applicant/developer;

(b) in respect of which the district council has a financial or other (e.g. partnership) interest; or

(c) to be located on land wholly or partly in the district council's ownership or in which it has an interest;

in circumstances where the proposed development would be significantly contrary to the development plan for its district.



**DfI**

Department  
for Infrastructure  
[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

**Planning Guidance Team**

*Planning Policy Division  
Department for Infrastructure  
Causeway Exchange  
1-7 Bedford Street  
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