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STATUTORY INSTRUMENTS

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**2003 No. 430**

**The Planning (Amendment) (Northern Ireland) Order 2003**

*Control over development*

**Power of Department to decline to determine applications**

**20.**—(1) After Article 25 of the principal Order there is inserted—

**“Power of Department to decline to determine applications**

**25A.**—(1) The Department may decline to determine an application for planning permission for the development of any land if—

- (a) within the period of 2 years ending with the date on which the application is received—
  - (i) the Department has refused a similar application under Article 31; or
  - (ii) the planning appeals commission has dismissed an appeal against the refusal of a similar application; and
- (b) in the opinion of the Department there has been no significant change since the refusal or, as the case may be, dismissal mentioned in sub-paragraph (a) in the development plan, so far as material to the application, or in any other material considerations.

(2) For the purposes of this Article an application for planning permission for the development of any land shall only be taken to be similar to a later application if the development and the land to which the applications relate are in the opinion of the Department the same or substantially the same.

(3) The reference in paragraph (1)(a)(ii) to an appeal against the refusal of an application includes an appeal under Article 33 in respect of an application.”

(2) In Article 33 of that Order (right to appeal where Department has failed to take a decision on an application) after “applies,” there is inserted—

“or

- (c) gives notice to him that it has exercised its power under Article 25A to decline to determine the application,”