

*These notes refer to the Planning Act (Northern Ireland)
2011 (c.25) which received Royal Assent on 4 May 2011*

Planning Act (Northern Ireland) 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Planning Control.

Section 26: Development's jurisdiction in relation to developments of regional significance

This section allows the Department to make regulations as to which applications falling within the major developments category should be submitted directly to it. Where a proposed development exceeds specific thresholds set out in Regulations, the applicant must, before submitting an application for planning permission, consult with the Department to enable the Department decide if the proposed development will fall to be determined by the Department or the relevant council. If the Department considers that the application is regionally significant based on the criteria indicated at section 26(4), then it will deal with it itself. An exception is made for urgent development by the Crown where an application can be made directly to the Department. Applications under this section follow the process similar to that previously used for Article 31 applications under the Planning (Northern Ireland) Order 1991, with the option for a public inquiry to be held by the Planning Appeals Commission or a person appointed by the Department. Alternatively the Department may issue a notice of opinion to the applicant and appropriate council indicating the decision it proposes to make. If an application raises national security or security of premises issues, an inquiry must be held. The decision of the Department is final on these applications.