
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 39

The Planning General Regulations (Northern Ireland) 2015

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.

(2) 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 or the council so requests in writing, the Department shall afford each of them an opportunity” substitute the words “the interested council wishes, give it the opportunity”.

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(1) 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.

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.