

2024 No. 176

PLANNING

**The Planning (General Development Procedure) (Amendment)
Order (Northern Ireland) 2024**

Made - - - -

1st October 2024

Coming into operation

1st April 2025

The Department for Infrastructure makes the following Order in exercise of the powers conferred by sections 32, 40(1), and 247(6) of the Planning Act (Northern Ireland) 2011(a) and now vested in it(b).

Citation and commencement

1. This Order may be cited as the Planning (General Development Procedure) (Amendment) Order (Northern Ireland) 2024 and shall come into operation on 1st April 2025.

Amendment of the Planning (General Development Procedure) Order (Northern Ireland) 2015

2.—(1) The Planning (General Development Procedure) Order (Northern Ireland) 2015(c) is amended in accordance with paragraphs (2) to (9).

(2) In Article 2(1) interpretation—

(a) after the definition of “the Department” insert—

““EIA application” has the meaning assigned to it by regulation 2 of the EIA Regulations”;

(b) for the definition of “outline planning permission” substitute—

““outline planning permission” means planning permission granted in accordance with the provisions of a development order, conditional on the subsequent approval by the council or, as the case may be, the Department of the particulars of the proposed development (referred to in this Order as reserved matters)”.

(3) In Article 3(3) (applications for planning permission)—

(a) in paragraph (3)(h) omit “and”;

(b) in paragraph (3)(i) after “Regulations” omit “.” and insert “; and”;

(c) after paragraph (3)(i) insert—

(a) 2011 c.25(N.I.)

(b) S.R. 2016 No. 76 – see Article 8 and Part 2 of Schedule 5 of the Departments (Transfer of Functions) Order (Northern Ireland) 2016

(c) S.R. 2015 No. 72

“(j) by such particulars and be verified by such evidence, as may be specified by a direction in writing given by a council made under this Order and published on its website.”.

(4) In Article 5 (application for approval of reserved matters)—

- (a) in paragraph (5)(b) after “permission;” omit “and”;
- (b) in paragraph (5)(c) after “required” omit “.” and insert “; and”;
- (c) after paragraph (5)(c) insert—

“(d) shall be accompanied by such particulars and be verified by such evidence, as may be specified by a direction in writing given by a council made under this Order and published on its website.”.

(5) After Article 5 insert—

“Validation particulars specified by direction

5A.—(1) Subject to paragraph 2 the council may specify by direction published on its website what particulars or verifying evidence shall accompany any application—

- (a) for planning permission; or
- (b) for approval of reserved matters.

(2) Paragraph (1) only applies if the direction is—

- (a) reasonable having regard, in particular, to the nature, scale and location of the proposed development;
- (b) about a matter which it is reasonable to think will be a material consideration in the determination of the application; and
- (c) published or reviewed and re-published by the council during the 3 year period immediately before the date on which the application is made.”

(6) After Article 12 (applications made under planning condition) insert—

“Notice confirming non-compliance with direction

12A.—(1) This Article applies where any application is made to the council—

- (a) for planning permission; or
- (b) for approval of reserved matters,

and the council has made a direction under this Order specifying the particulars, or such verifying evidence, which shall accompany the application.

(2) In the case of any application—

- (a) for planning permission mentioned in paragraph (1)(a); or
- (b) an application for approval of reserved matters mentioned in paragraph (1)(b),

the council shall give notice to the applicant if it considers the application has not been accompanied by such particulars, or verified by such evidence, as specified in the direction made under this Order.

(3) A notice given under paragraph (2) shall be in writing and set out the council’s reasons for issuing the notice and shall specify the particulars or evidence as are reasonable for the council to request.

(4) A notice given under paragraph (2) shall be deemed a refusal for an approval required under a development order under section 58(1) of the 2011 Act.

Appeal against a notice of non-compliance with direction

12B.—(1) If a council gives notice to an applicant under Article 12A(2) the applicant may by notice in writing stating the applicable grounds of appeal, appeal to the planning appeals commission.

(2) Any notice under this Article shall be served on the planning appeals commission and the council within 14 days from the date of the council's notice under Article 12A(2).

(3) The appeal may be brought on any of the following grounds—

- (a) the application was accompanied by such particulars, or was verified by such evidence, as specified in the direction;
- (b) the identified particular, or such evidence verifying the particular, which the council asserts did not accompany the application has not been specified in the direction;
- (c) the council's request specifying the particulars or evidence under the notice issued under Article 12A(2) is unreasonable; or
- (d) that the application is not one to which the direction applies.

(4) The planning appeals commission may—

- (a) allow the appeal;
- (b) dismiss the appeal; or
- (c) vary the notice issued under Article 12A(2) to give effect to its determination on the appeal.

(5) The planning appeals commission decision on the appeal is final."

(7) In Article 13(4)(b)(ii) for "28" substitute "30".

(8) In Article 15(2)(a) after "the period of 21 days" insert " , or 30 days in the case of an EIA application, in either case".

(9) In Article 20(3) (time periods for decisions)—

- (a) in paragraph (3)(b) omit "and";
- (b) in paragraph (3)(c) after "council" omit "." and insert "; and";
- (c) after paragraph (3)(c) insert—

"(d) any direction made by the council under this Order specifying the validation particulars or verifying evidence which shall accompany the application has been complied with."

Sealed with the Official Seal of the Department for Infrastructure on 1st October 2024.



Rosemary Daly
A senior officer of the Department for Infrastructure

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Planning (General Development Procedure) Order (Northern Ireland) 2015 (the 2015 Order), to enable local council planning authorities to prepare and publish planning application validation checklists.

Article 5A is inserted to enable councils to specify by direction validation particulars or verifying evidence that is required by the council to accompany an application for planning permission or for approval of reserved matters.

Article 12A is inserted requiring councils to issue a notice (notice of non-compliance with direction) to an applicant where an application does not comply with the specified information requirements in the direction.

Article 12B is inserted and sets out four grounds for appealing against a notice of non-compliance with direction. Appeals are to be to the Planning Appeals Commission.

This Order includes three technical amendments to the 2015 Order, namely amending the interpretation of ‘outline planning permission’ in Article 2 to align with the definition of ‘outline planning permission’ at section 62 of the Planning Act (Northern Ireland) 2011; and amending Articles 13 and 15 to allow statutory consultees 30 days to consider planning applications that are accompanied by an Environmental Statement. The latter technical amendments would align the 2015 Order with the timeframes currently required by the Environmental Impact Assessment Regulations (Northern Ireland) 2017.

The Explanatory Memorandum is available alongside the instrument on the Government’s legislation website: www.legislation.gov.uk

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