



2011 CHAPTER 25

PART 3

PLANNING CONTROL

Development management

Department's jurisdiction in relation to developments of regional significance

26.—(1) A person who proposes to apply for permission for any major development (except a development to which section 213 applies) which is prescribed in regulations made for the purposes of this subsection (“the prospective applicant”) must, before complying with section 27, enter into consultations with the Department.

(2) The Department may make regulations prescribing the procedure to be followed in relation to consultations under this section.

(3) Without prejudice to any regulations made under subsection (2), the prospective applicant must, for the purpose of consultations under that subsection, supply to the Department sufficient information in relation to the proposed development to enable the Department to assess the proposed development.

(4) Where, following consultations under this section, the Department is of the opinion that the proposed development would, if carried out—

- (a) be of significance to the whole or a substantial part of Northern Ireland or have significant effects outside Northern Ireland, or
- (b) involve a substantial departure from the local development plan for the area to which it relates,

it must serve a notice in writing on the prospective applicant stating that the development is development to which this section applies.

(5) An application for planning permission for development to which this section applies must be made to the Department.

(6) Where, following consultations under this section, the Department is of the opinion that the proposed development would not, if carried out—

- (a) be of significance to the whole or a substantial part of Northern Ireland or have significant effects outside Northern Ireland, or
- (b) involve a substantial departure from the local development plan for the area to which it relates,

it must serve a notice in writing on the prospective applicant stating—

- (i) that it is of that opinion; and
- (ii) that the prospective applicant's application for planning permission, if it is proceeded with, must be made to the appropriate council.

(7) No application for planning permission in respect of a development specified in regulations made for the purposes of subsection (1) may be made to a council unless or until a notice is served under subsection (6) in relation to the development.

(8) The Department must serve a copy of a notice under subsection (4) or (6), as the case may be, on the appropriate council.

(9) For the purpose of considering representations made in respect of an application for planning permission which is an application to which section 235 (national security) applies, the Department must, subject to any rules made under subsection (2) or (5) of that section, cause a public local inquiry to be held by—

- (a) the planning appeals commission; or
- (b) a person appointed by the Department for the purpose.

(10) For the purpose of considering representations made in respect of an application for planning permission made to it, other than an application mentioned in subsection (9), the Department may cause a public local inquiry to be held by—

- (a) the planning appeals commission; or
- (b) a person appointed by the Department for the purpose.

(11) Where a public local inquiry is not held under subsection (10), the Department must, before determining the application, serve a notice in writing on the applicant and the appropriate council indicating the decision which it proposes to make on the application; and if within such period as may be specified in that behalf in the notice (not being less than 28 days from the date of service of the notice), the applicant or the council so requests in writing, the

Department shall afford to each of them an opportunity of appearing before and being heard by—

- (a) the planning appeals commission; or
- (b) a person appointed by the Department for the purpose.

(12) In determining an application for planning permission made to it, the Department must, where any inquiry or hearing is held, take into account any report of the planning appeals commission or a person appointed by the Department for the purposes of the inquiry or hearing, as the case may be.

(13) The decision of the Department on an application for planning permission made to it shall be final.