



2011 CHAPTER 25

Part 3 **N.I.**

Planning control

Determination of planning applications

Power of council to decline to determine overlapping application **N.I.**

48.—(1) A council may decline to determine an application for planning permission for the development of any land which is—

- (a) made on the same day as a similar application; or
- (b) made at a time when any of the conditions in subsections (2) to (4) applies in relation to a similar application.

(2) The condition is that a similar application is under consideration by the council and the determination period for that application has not expired.

(3) The condition is that a similar application is under consideration by—

- (a) the Department; or
- (b) the planning appeals commission on an appeal under section 58 or 60,

and the Department or, as the case may be, the planning appeals commission, has not issued its decision.

(4) The condition is that a similar application—

- (a) has been granted by the council;
- (b) has been refused by the council; or
- (c) has not been determined by the council within the determination period,

Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 48. (See end of Document for details)

and the time within which an appeal could be made to the planning appeals commission under section 58 or 60 has not expired.

(5) A council may also decline to determine an application for planning permission for the development of any land which is made at a time when the condition in subsection (6) applies in relation to a similar application.

(6) The condition is that—

- (a) a similar application is under consideration by the planning appeals commission,
- (b) the similar application is an application deemed to have been made by section 145(5), and
- (c) the planning appeals commission has not issued its decision.

(7) An application for planning permission is similar to another application if (and only if) the council thinks that the development and the land to which the applications relate are the same or substantially the same.

(8) The determination period is—

- (a) the period specified by the development order for the determination of the application; or
- (b) such longer period as the applicant and the council have agreed for the determination of the application.

(9) If a council exercises its power under subsection (1)(a) to decline to determine an application made on the same day as a similar application, it may not also exercise that power to decline to determine the similar application.

Modifications etc. (not altering text)

- C1 Pt. 3 applied with modification(s) (1.4.2015) by [The Planning General Regulations \(Northern Ireland\) 2015 \(S.R. 2015/39\)](#), regs. 1(1), 2 (with regs. 3-10)

Commencement Information

- I1 S. 48 in operation at 1.2.2015 for specified purposes by [S.R. 2015/25](#), art. 2
- I2 S. 48 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/25](#), art. 3

Changes to legislation:

There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 48.