
EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations make provision for the new development management processes for determining planning applications. The statutory rule puts in place the regulatory framework required to implement the development management provisions in Part 3 of the Planning Act (Northern Ireland) 2011 (“the 2011 Act”).

Regulation 2 prescribes the classes of major development.

Regulation 3 prescribes the classes of major development that are considered to potentially be developments of regional significance.

Regulation 4 makes provision regarding the content of the proposal of application notice required under section 27(4) of the 2011 Act.

Regulation 5 sets out the prescribed manner of pre-application community consultation which an applicant will have as a minimum to undertake. This requires the holding of a public event and publication of the proposed event in a local newspaper.

Regulation 6 prescribes the time period for requesting additional information where section 27 of the 2011 Act may not be complied with.

Regulation 7 prescribes the classes of development in respect of applications for which a council must hold a hearing before reaching a decision and provides who is to be given an opportunity to appear before the committee of the council.

Regulations 8-11 relate to schemes of delegation. Section 31 of the 2011 Act requires a council to prepare a scheme of delegation by which applications for planning permission for local development and for consent, agreement or approval required by a condition imposed on a grant of planning permission are to be determined by an appointed person. This person is defined in regulation 1 as the “appointed officer”. Regulation 8 makes provision in relation to the content of the scheme of delegation and prescribes the circumstances that prohibit an appointed officer from determining an application for planning permission. Regulation 9 requires the council to send a copy of the proposed scheme of delegation to the Department and it may not adopt the scheme until it has been approved by the Department. Regulation 10 sets out the manner of publication of the adopted scheme. Section 31(1)(a)(ii) of the 2011 Act requires a council to prepare a scheme of delegation at such intervals as may be provided for in regulations and regulation 11 sets this period at no greater than every 3 years.

Regulation 12 makes a transitional provision.

The Schedule to these Regulations prescribes the classes of development for the purposes of regulations 2 and 3.

A regulatory impact assessment has been prepared in relation to these Regulations. A copy may be obtained from the Department of the Environment, Causeway Exchange, 1-7 Bedford Street, Belfast, BT2 7EG or accessed at www.doeni.gov.uk

The Explanatory Memorandum is available alongside the Regulations on the government’s website www.legislation.gov.uk