EXPLANATORY MEMORANDUM TO

THE PLANNING (GENERAL DEVELOPMENT PROCEDURE) (AMENDMENT) ORDER (NORTHERN IRELAND) 2024

SR 2024 No. 176

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under sections 32, 40(1), and 247(6) of the Planning Act (Northern Ireland) 2011 and is subject to the negative resolution procedure.

2. Purpose

2.1. This Order amends The Planning (General Development Procedure) Order (Northern Ireland) 2015 (S.R. 2015 No. 72 as amended) (the 2015 Order) by introducing additional provisions which will provide councils with a statutory power to prepare and publish 'planning application validation checklists', (above the current minimum statutory requirements which would remain unchanged), setting out the additional supporting information / evidence which would be required to accompany different types of planning application e.g. specific to its location, nature, scale and type of development proposed. It is against this list that new planning applications will be assessed for their information requirements before being considered as valid applications.

2.2. The Statutory Rule also introduces an associated appeal mechanism in circumstances where an applicant disagrees with a council's decision not to validate an application, and will be conducted upon application, by the Planning Appeals Commission.

2.3. In addition, this Order also 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 (NI) 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 will align the 2015 Order with the timeframes currently required by the Environmental Impact Assessment Regulations (Northern Ireland) 2017. The Rule is due to come into operation on 01 April 2025.

3. Background

3.1. The main purpose of the 2015 Order is to set out the procedure for making and determining applications for planning permission.

3.2. The Department published its first report on the implementation of the Planning Act (NI) 2011, in January 2022. The report recommended that the Department will bring forward proposals to introduce statutory

planning application validation checklists, and would seek to advance policy development at the earliest opportunity.

4. Consultation

4.1. The Department issued a public consultation paper on proposed amendments to the 2015 Order to give effect to the introduction of planning application validation checklists in November 2022. The consultation ended on 6 January 2023 and attracted 39 responses from a range of stakeholders including all 11 local council planning authorities. All respondents agreed with the proposal to amend the Order to introduce planning application validation checklists, including agreement with the need to provide an associated appeal mechanism where an applicant disagrees with a council's decision not to validate an application.

5. Equality Impact

5.1. An Equality Impact Assessment screening carried out in respect of this proposal found no evidence of any differential impact on any of the section 75 categories.

6. Regulatory Impact

6.1. A preliminary Regulatory Impact Assessment was carried out along with the public consultation in November 2022. It acknowledged that while it is difficult to quantify the monetary benefits or effects of the introduction of validation checklists, it would enhance the quality of planning applications, front-loading the application process with the information deemed necessary to determine applications, resulting in better processing times, and consultee response times. This ultimately should also result in improved planning performance across all councils, with quicker planning decisions, giving greater certainty to applicants and other stakeholders.

7. Financial Implications

7.1. There will be some additional costs incurred by councils with the introduction of the new provisions within the 2015 Order, in preparing and publishing validation checklists. Wider potential financial benefits are in terms of quicker processing times for applications and, the consequential positive impact on economic development.

7.2. Applicants will still have to ensure their proposed development complies with any environmental and other consents that may be needed, including building regulations.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department considers that the legislation complies with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. This is not a parity or replicatory measure.

11. Additional Information

11.1. Not applicable.